



# Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Oregon Occupational Safety & Health Division (Oregon OSHA)

350 Winter Street NE, PO Box 14480, Salem, OR 97309-0405

Phone: 503-378-3272, Toll Free: 1-800-922-2689, Fax: 503-947-7461

[osha.oregon.gov](http://osha.oregon.gov)

April 25, 2019

[Text of changes](#)  
[Jan. 25, 2019 Federal Register](#)

## Oregon OSHA's Proposed Adoption of Federal OSHA Amendments: Improve Tracking of Workplace Injuries and Illnesses.

### ***Public Hearings Scheduled for:***

<u>Date</u>	<u>Time</u>	<u>Location</u>
May 21, 2019	9:00 am	Oregon OSHA Salem Field Office 1340 Tandem Ave NE Suite 160 Salem, OR 97301
May 31, 2019	10:00 am	Oregon OSHA Durham Plaza 16760 SW Upper Boones Ferry Rd Tigard, OR 97224

This rulemaking is to keep Oregon OSHA in harmony with recent changes to federal OSHA standards.

On January 25<sup>th</sup> 2019, federal OSHA adopted amendments to the rules titled "to improve tracking of workplace injuries and illnesses for employers" which OSHA originally adopted on May 12<sup>th</sup>, 2016. Due to the unique nature of the national recordkeeping program, state plan states must promulgate recordkeeping and recording requirements that are substantially identical to 29 CFR part 1904.

To protect worker privacy, Oregon OSHA proposes to follow federal OSHA rulemaking and rescind the requirement for establishments with 250 or more employees to electronically submit information from recordkeeping forms 300 and 801. These establishments will continue to be required to maintain those records on site and Oregon OSHA will continue to obtain them as needed through inspections and enforcement actions. Employers will still be required to submit information electronically from their form 300A. These changes do not affect the targeted employers with 20 or more employees in an establishment. Those employers must continue to submit their 300A summary data.

In addition, Oregon OSHA is amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission. Nothing in the final rule revokes an employer's duty to maintain forms 300, 300A, and 801 for Oregon OSHA inspection.

Please visit our web site [osha.oregon.gov](http://osha.oregon.gov) Click 'Rules and laws' in the Common resources column and view our proposed rules, or select other rule activity from this page.

***When does this happen:*** Adoption tentatively will be in July 2019.

***To get a copy:*** Our web site – [osha.oregon.gov](http://osha.oregon.gov) Rules and laws, then, Proposed rules  
Or call 503-947-7449

***To comment:*** Department of Consumer and Business Services/Oregon OSHA  
350 Winter Street NE  
Salem OR 97301-3882  
E-mail – [tech.web@oregon.gov](mailto:tech.web@oregon.gov)  
Fax – 503-947-7461

***Comment period closes:*** June 14, 2019

***Oregon OSHA contact:*** Jeff Wilson, Central Office @ 503-947-7421  
or email at [Jeffrey.r.wilson@oregon.gov](mailto:Jeffrey.r.wilson@oregon.gov)

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services/Oregon OSHA  
Agency and Division

OAR 437  
Administrative Rules Chapter Number

Heather Case  
Rules Coordinator

350 Winter Street NE Salem OR 97301-3882  
Address

503-947-7449  
Telephone

**RULE CAPTION**

Adopt federal OSHA amendments: Improve Tracking of Workplace Injuries and Illnesses.

May 21, 2019	9:00 am	Oregon OSHA Salem Field Office 1340 Tandem Ave NE Suite 160 Salem, OR 97301	Heather Case
May 31, 2019	10:00 am	Oregon OSHA Durham Plaza 16760 SW Upper Boones Ferry Rd Tigard, OR 97224	Heather Case

Hearing Date

Time

Location

Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**Amend:** OAR 437-001-0700

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

## RULEMAKING SUMMARY

This rulemaking is to keep Oregon OSHA in harmony with recent changes to federal OSHA standards.

On January 25<sup>th</sup> 2019, federal OSHA adopted amendments to the rules titled "to improve tracking of workplace injuries and illnesses for employers" which OSHA originally adopted on May 12<sup>th</sup>, 2016. Due to the unique nature of the national recordkeeping program, state plan states must promulgate recordkeeping and recording requirements that are substantially identical to 29 CFR part 1904.

To protect worker privacy, Oregon OSHA proposes to follow federal OSHA rulemaking and rescind the requirement for establishments with 250 or more employees to electronically submit information from recordkeeping forms 300 and 801. These establishments will continue to be required to maintain those records on site and Oregon OSHA will continue to obtain them as needed through inspections and enforcement actions. Employers will still be required to submit information electronically from their form 300A. These changes do not affect the targeted employers with 20 or more employees in an establishment. Those employers must continue to submit their 300A summary data.

In addition, Oregon OSHA is amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission. Nothing in the final rule revokes an employer's duty to maintain forms 300, 300A, and 801 for Oregon OSHA inspection.

### INDIVIDUAL RULE SUMMARY (By rule number)

Provide a brief summary of the rule (if new adoption), or a brief summary of changes made to the rule (if amending)

437-001-0700- Amend paragraph (24) to include amendments made as a result of changes to the electronic recordkeeping requirements. Delete Table 7 as obsolete, rename Table 8 to Table 7 and change references in the rule. Added requirement for employers to supply employer identification number with electronic submissions.

Please visit our web site [osha.oregon.gov](http://osha.oregon.gov) Click 'Rule changes' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

June 14, 2019

#### Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Printed name

Date

\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

ARC 920-2005

## STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/Oregon OSHA  
Agency and Division

OAR 437  
Administrative Rules Chapter Number

### In the Matter of:

**Amending:** OAR 437-001-0700

**Rule Caption:** Adopt federal OSHA amendments: Tracking of Workplace Injuries and Illnesses

**Statutory Authority:** ORS 654.025(2) and 656.726(4)

**Stats. Implemented:** ORS 654.001 through 654.295; 654.412 through 654.423; 654.760 through 654.780

### Need for the Rule(s):

This rulemaking is to keep Oregon OSHA in harmony with recent changes to federal OSHA standards.

On January 25<sup>th</sup> 2019, federal OSHA adopted amendments to the rules titled "to improve tracking of workplace injuries and illnesses for employers" which OSHA originally adopted on May 12<sup>th</sup>, 2016. Due to the unique nature of the national recordkeeping program, state plan states must promulgate recordkeeping and recording requirements that are substantially identical to 29 CFR part 1904.

To protect worker privacy, Oregon OSHA proposes to follow federal OSHA rulemaking and rescind the requirement for establishments with 250 or more employees to electronically submit information from recordkeeping forms 300 and 801. These establishments will continue to be required to maintain those records on site and Oregon OSHA will continue to obtain them as needed through inspections and enforcement actions. Employers will still be required to submit information electronically from their form 300A. These changes do not affect the targeted employers with 20 or more employees in an establishment. Those employers must continue to submit their 300A summary data.

In addition, Oregon OSHA is amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission. Nothing in the final rule revokes an employer's duty to maintain forms 300, 300A, and 801 for Oregon OSHA inspection.

### Documents Relied Upon, and where they are available:

Federal Register January 25<sup>th</sup>, 2019  
<https://www.osha.gov/laws-regs/federalregister/2019-01-25>

Division 1 General Administrative Rules OAR 437-001-0700 Recording Workplace Injuries and Illnesses  
<https://osha.oregon.gov/OSHArules/div1/437-001-0700.pdf>

### Fiscal and Economic Impact:

### Statement of Cost of Compliance:



1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

All state agencies and local government units are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct). The public as a whole will be affected only to the degree that members of the public are employers and employees.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Rulemaking that effected the same group of employers was conducted in 2016. At that time 52,147 were identified as employers in Oregon that would be impacted by this rule. It is anticipated that many of the establishments will not have the threshold level of 20 employees that would require electronic submission. Of those small employers in Oregon who have establishments with 20 or more employees the annual impact would be a matter of inputting the Employer Identification Number and therefore would result in a negligible cost.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

As a recordkeeping based rule, costs for small employers have been addressed in paragraph (a) listed above. Employers with establishments that have 250 or more employees will have a decreased recordkeeping cost as a result of this rule.

c. Equipment, supplies, labor and increased administration required for compliance:


Costs for administration and labor are addressed in paragraph (a) listed above.

**How were small businesses involved in the development of this rule?**

A Stakeholder meeting was held and several associations that represent small businesses were involved including: Associated General Contractors (AGC), Associated Oregon Loggers (AOL), Vigilant, and the Oregon Restaurant & Lodging Association (ORLA). A variety of standing Oregon OSHA stakeholder groups were informed about the rules, the impacts, and were invited to participate in the stakeholder group dedicated to this rulemaking. Federal OSHA, who promulgated this rule, involved stakeholders who represented small business owners as well.

**Administrative Rule Advisory Committee consulted?: Yes**

If not, why?:

  
Signature

Michael D. Wood 4/25/2019  
Printed name Date

## HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING  
A \*TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.  
(ORS 183.534)

### FOR ADMINISTRATIVE RULES

**AGENCY NAME:** DCBS/Oregon OSHA

**PERMANENT:** XX

**HEARING DATE:** May 21, 31, 2019

**ADDRESS:** 350 Winter Street NE

**CITY/STATE:** Salem OR 97301-3882

**TEMPORARY:**

**EFFECTIVE DATE:** June 28, 2019

**PHONE:** 503-947-7449

BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT  
FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.

IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

**Description of proposed change:** (Please attach any draft or permanent rule or ordinance)

See attached Notice of Proposed Rulemaking Hearing.

**Description of the need for, and objectives of the rule:**

See attached Notice of Proposed Rulemaking Hearing.

**List of rules adopted or amended:**

**AMEND:** OAR 437-001-0700

**Materials and labor costs increase or savings:**

None.

**Estimated administrative construction or other costs increase or savings:**

None.

**Land costs increase or savings:**

Oregon OSHA does not foresee any effect on land costs.

**Other costs increase or savings:**

Oregon OSHA does not foresee any additional costs.

\*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

**PREPARERS NAME:** Jeff Wilson

**EMAIL ADDRESS:** Jeffrey.r.wilson@oregon.gov