



May 30, 2024

[Text of proposed changes](#)

Proposed Adoption of Federal and Oregon OSHA Minor Corrections

Virtual Public Hearing Scheduled for:

<u>Hearing Date</u>	<u>Time</u>	<u>Location</u>	<u>Hearings Officer</u>
Thursday, June 20, 2024	3:00 p.m.	Virtual	OSHA Staff

Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_iPSmeYi5QXC1BtxI-eSfSQ

After registering, you will receive a confirmation email containing information about joining the webinar.

The hearing will close no earlier than 3:30 p.m. and may close at any point after 3:30 p.m. if all interested persons have had their opportunity to enter their comments into the record.

To submit comments on the proposed rule changes, please email the Rules Coordinator at OSHA.rulemaking@dcbs.oregon.gov. You may also send hardcopy written materials to: Rules Coordinator, PO Box 14480, Salem, OR 97309-0405.

Rulemaking Summary:

Oregon OSHA is proposing to adopt corrections to our administrative (recordkeeping), general industry, construction, agriculture, and maritime activity standards in response to federal OSHA's adoption of final rules published in the Federal Registers of December 17, 2019, and February 18, 2020. These changes are related to the correction of references and typographical errors, including extraneous or omitted materials and inaccurate graphics.

Oregon OSHA proposes to adopt most of the federal rule amendments, except for rules that we had previously eliminated or updated. Furthermore, Lead rules in Divisions 2, 3 and 4 are under current rulemaking by Oregon OSHA and therefore corrective amendments to the federal Lead standards are not included in this rulemaking.



In addition, Oregon OSHA includes minor corrections to its own state-initiated rules. These changes include clarifying language and correcting references, grammar, spelling, and editorial errors in Oregon’s administrative rules.

Overall, this rulemaking affects 19 rules with approximately 60 minor corrections. The purpose of the corrections is to increase clarity and reduce regulatory burdens by remedying inaccuracies and errors in text and graphics.

Please visit our website osha.oregon.gov/rules to view our proposed rules, or select other rule activity from this page.

When does this happen: Adoption of proposed changes will tentatively be in September 2024.

To get a copy: Our web site – osha.oregon.gov Rules and laws, then, Proposed rules.
Or call 503-947-7449

To comment: Department of Consumer and Business Services/
Oregon OSHA
PO BOX 14480
Salem OR 97309-0405
Email – OSHA.rulemaking@dcbs.oregon.gov
Fax – 503-947-7461

Comment period closes: Friday, June 28, 2024 at 5:00 p.m.

Oregon OSHA contact: Jennifer Stewart, Salem Central Office @ 503-378-3272, or email at Jennifer.Stewart2@dcbs.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

OAR 437

Agency and Division

Administrative Rules Chapter Number

Lisa Appel

350 Winter Street NE Salem OR 97301-3882

503-947-7449

Rules Coordinator

Address

Telephone

RULE CAPTION

Proposed Adoption of Federal and Oregon OSHA Minor Corrections

Oregon OSHA 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.

Virtual Public Hearing Scheduled for:

<u>Hearing Date</u>	<u>Time</u>	<u>Location</u>	<u>Hearings Officer</u>
Thursday, June 20, 2024,	3 p.m.	Virtual – Zoom Gov Webinar	OSHA staff.

Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_iPSmeYi5QXC1Btxl-eSfSQ

After registering, you will receive a confirmation email containing information about joining the webinar.

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To submit comments on the proposed rule changes, please email the Rules Coordinator at OSHA.rulemaking@dcbs.oregon.gov. You may also send hardcopy written materials to: Rules Coordinator, PO Box 14480, Salem, OR 97309-0405.

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

RULEMAKING ACTION

Amend: OAR 437-001-0142, 437-001-0170, 437-001-0171, 437-001-0180, 437-001-0201, 437-001-0203, 437-001-0700, 437-001-0765, 437-002-0005, 437-002-0020, 437-002-0120, 437-002-0134, 437-002-0360, 437-003-0001, 437-003-0134, 437-004-0380, 437-004-1041, 437-005-0001, 437-005-0003

ORS 654.025(2) & 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULEMAKING SUMMARY

Oregon OSHA is proposing to adopt corrections to our administrative (recordkeeping), general industry, construction, agriculture, and maritime activity standards in response to federal OSHA's adoption of final rules published in the Federal Registers of December 17, 2019, and February 18, 2020. These changes are related to the correction of references and typographical errors, including extraneous or omitted materials and inaccurate graphics.

Oregon OSHA proposes to adopt most of the federal rule amendments, except for rules that we had previously eliminated or updated. Furthermore, Lead rules in Divisions 2, 3 and 4 are under current rulemaking by Oregon OSHA and therefore corrective amendments to the federal Lead standards are not included in this rulemaking.

In addition, Oregon OSHA includes minor corrections to its own state-initiated rules. These changes include clarifying language and correcting references, grammar, spelling, and editorial errors in Oregon's administrative rules.

Overall, this rulemaking affects 19 rules with approximately 60 minor corrections. The purpose of the corrections is to increase clarity and reduce regulatory burdens by remedying inaccuracies and errors in text and graphics.

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)

437-001-0142(2)(c) – This change corrects a rule reference. The current reference is Table 2 in OAR 437-001-0145(2)(c), and the correct reference is Table 2 in OAR 437-001-0165(3).

437-001-0142(2)(f) – This change corrects rule references. The current reference is Table 2 in OAR 437-001-0165(2)(a), and the correct reference is Table 2 in OAR 437-001-0165(3). The second reference correction updates OAR 437-001-0175(3) to 437-001-0175(2).

437-001-0142(4) – Changes an OAR to ORS, as in "OAR 654.086" is corrected to be "ORS 654.086."

437-001-0142 Appendix A – Updates language used in the example Bulletin to align with terms used in the rules. The words "death of an employee" or "death of employee" are replaced with "work-related fatality."

437-001-0170 – Remove "serious-rated" from in front of the word "violation."

437-001-0171 – Remove "serious-rated" from in front of the word "violation."

437-001-0180 – Remove "serious-rated" from in front of the word "violation."

437-001-0201 – Remove "serious-rated" from in front of the word "violation."

437-001-0203(6) – Corrects capitalization; the "d" in "division 3" is in small case, and "Division" should be capitalized.

437-001-0700(3)(b) Table 1 Exempt Industries - Removes 3 NAICS codes in Table 1: 6111 Elementary and Secondary Schools, 6116 Other Schools and Instruction, and 6117 Educational Support Services to align with the changes from OSHA 5-2017, there was an editorial error after that administrative order in the recordkeeping rule that caused a discrepancy between the version on file at the Secretary of State and Oregon OSHA's published codebook on-line.

437-001-0700(24)(a) – Adds a clarifying sentence to (24)(a) indicating 3 NAICS codes (6111 Elementary and Secondary Schools, 6116 Other Schools and Instruction, and 6117 Educational Support Services) do not have to submit 300A log to the Federal OSHA ITA (electronic submission platform), this sentence resolves differences between OSHA 5-2017 and OSHA 4-2023 and adds clarity to reporting expectations.

437-001-0700(24)(h) – Corrects a typographical error by adding a comma and an "or" to a sentence that changed in the OSHA 4-2023 rulemaking.

437-001-0765 – Updates a reference due to changes from AO 4-2015 Rules for Firefighters rulemaking, which requires the subpart referenced in this rule to be changed from 437-002-0182(7) to 437-002-0182(8) (in the first paragraph of the rule). In two locations in the rule, uppercase "NOTE" is changed to lowercase "Note" for agency Codebook style consistency.

437-002-0005(5) – In 1910.5, the change corrects obsolete regulatory text, which, in addition to any state, the District of Columbia, and U.S. territories, applies standards to two territories that no longer exist: Trust Territory of the Pacific Islands and the Canal Zone. Now there is the Commonwealth of the Northern Mariana Islands and removes the reference to the Canal Zone.

437-002-0005(7) – In 1910.7 Appendix A, Changes the title of c. from "Terms and Conditions of Recognition" which is corrected to the same format as the A. and B. titles. Due to the change is heading, OSHA is renumbering current c. (1), (2), (3), and (4) to (1)(a), (b), (c), and (d). It also removes outdated paragraph c. (5), Temp. Recognition of Certain NRTL - as that ended in 1993 and the two cited NRTLs listed now have regular NRTL recognition.

437-002-0020(3) – Revising 1910.23(d)(4) to state that 42 inches is the minimum - not the exact measurement - for fixed ladder side rail extensions.

437-002-0020(5) – 1910.25(a), the change clarifies that all articulated stairs used in general industry, not just those serving floating roof tanks, remain excluded from coverage by 1910.25. In 1910.25(c), Figure at 1910.25(c) immediately after D-1 does not have a title even though it is referred to as Figure D-8 in 1910.25(c)(4). It was mistakenly left out in the last rulemaking; so, a missing title is added: "Figure D-8 - Dimensions of Standard Stairs".

437-002-0020(7) – In 1910.27, the change corrects a typographical error in 1910.27(b)(1)(i) in metric parenthetical from 268 kg to 2,268 kg.

437-002-0020(9) – In 1910.29, the change corrects Figure D-11 to include labels identifying top rail and end post in top diagram of the Figure, mistakenly omitted from the last fed OSHA rulemaking.

437-002-0120(9) – In 1910.140(c)(8), the language is corrected to be phrased as the originally intended requirement that the gate of snaphooks and carabiners be capable of withstanding a minimum load of 3,600 pounds without the gate separating from the nose of the snaphook or carabiner body by more than 0.125 inches.

437-002-0134(8)(g) – Corrects one spelling error in the rule: "incompliance" is changed to "in compliance."

437-002-0360(23) – The change removes 1910.1027(n)(6), which requires medical records to be transferred to NIOSH if employer goes out of business. This is not useful information to NIOSH, so fed OSHA removed transfer requirement in SIP-III in 18 standards but forgot to remove it from this standard. This action corrects that and removes the requirement.

437-003-0001(3)(a) – In 1926.20(c), corrects lists of territories which OSHA construction standards apply; it corrects obsolete regulatory text, which, in addition to any state, the District of Columbia, and U.S. territories, applies standards to two territories that no longer exist: Trust Territory of the Pacific Islands and the Canal

Zone. Now there is the Commonwealth of the Northern Mariana Islands and remove the reference to the Canal Zone.

437-003-0001(11)(f) – In 1926.405(g)(1)(iii)(C), this change corrects a misprinted reference, the correct reference is 1926.405(a)(2)(ii)(I), which allows flexible cords and cables through pinch points during construction work if protection is provided to avoid damage.

437-003-0001(12)(c) – In 1926.452(a)(3), this change corrects a pole scaffold metric conversion by replacing the inaccurate conversion of 50 pounds to 222 kilograms. The accurate conversion number is 22.7 kilograms. In 1926.452(w)(6)(ii), corrects a mobile scaffold reference by replacing existing misprinted reference to paragraph (x) (Repair brackets scaffolds) of 29 CFR part 1926 subpart L Appendix A. The correct reference is to paragraph 2. (w) (Mobile scaffolds of the same Appendix; and in 1926.452(w)(6)(ii), removes misprinted parenthetical phrase "(ANSI/SIA A92.5 and A92.6)". The A92.5 standard applies to boom-supported elevating work platforms, and A92.6 applies to self-propelled elevating work platforms.

437-003-0001(12)(j) – In (non-mandatory) appendix E of 29 CFR subpart L, fed OSHA is correcting text and graphic pages, which show maximum vertical tie spacing for scaffolds. The graphics being corrected are titled "Maximum Vertical Tie Spacing Wider than 3'-0" Bases" and "Maximum Vertical Tie Spacing 3'-0" and Narrower Bases." Both corrections depict guys, ties, and braces instead of just ties, and the revisions correct captions for attachment points, which be closest to the required height dimension, whether above or below the exact measurement. Also, the revisions correctly depict that connections must be where horizontal scaffold frame members connect inner and outer scaffold legs whether at or closest to the exact height measurement.

437-003-0001(13)(e) - In Example C and E, corrects these titles by centering and conforming the titles with the format used for titles in Examples A, B, and D and F of the appendix. This change also corrects notations in Examples C and E to show that a W symbol means a correct measurement and that a circled "w" symbol means an incorrect measurement. The corrections explain a symbol included on the graphics but not included in the explanatory text. The corrections clarify the graphics.

437-003-0001(13)(e) - Corrects "Non-mandatory Guidelines for Complying with 1926.501(b)(10)" by replacing the misprinted reference of 1910.501(b)(10) with the correct reference of 1926.501(b)(10).

437-003-0001(14)(c) - Replaces misprinted lowercase parenthetical italicized paragraph letters (a) through (e) in Personnel hoists with Capital parenthetical letters. Preexisting 1926.552(c)(17)(iv) includes paragraphs (a), (b), (c), (d), and (e), these are changed to (A), (B), (C), (D), and (E) to distinguish this list from permanent elevators used during construction activities.

437-003-0001(16)(d) – In paragraph (b) of appendix A to 1926, subpart P, Excavations, this change corrects the criteria for Type C soil case (v). The definition of case (v) contains a misprinted "or" which confuses how layered soil systems are interpreted to dip into excavations. The correction will use "on."

437-003-0001(18)(e) – This change corrects the Steel Erection standard by replacing the current misprinted reference of the (nonexistent) 1926.760(c)(8) to the correct reference of 1926.760(c)(7).

437-003-0001(18)(h) - OSHA is correcting Steel Erection joist Tables A and B in § 1926.757(c) by revising typographical footnote error that incorrectly limits an exemption from erection bridging requirements. The footnotes in Table A and B read "NM=diagonal bolted bridging not mandatory for joists under 40 feet." This incorrectly limits the exemption by joist length. There is no length limitation for the NM notation. It means not mandatory regardless of joist length.

437-003-0001(18)(l) – This change corrects misprinted fall protection training requirements, the correction replaces inadvertently removed paragraphs (b)(1) through (5).

437-003-0001(25)(a) – In 1926.1101(e)(4), this change corrects a typographical error in the Asbestos standard by replacing a reference to "(h)(2) of this section" with "(h)(3) of this section." 1926.1101(f)(3)(iii), the change

removes the redundant use of the word "respirator." In 1926.1101(g)(8)(v), corrects a misprinted reference to 1926.1101(g)(8)(iv)(A) through (D) with the correct reference to "1926.1101(g)(8)(i) through (iv)" of this section. 1926.1101(n)(2)(iii) and (n)(3)(i) and (iii), replaces misprinted references to 1910.33 with correct references to 1910.1020; 1926.1101(p)(1), correcting the Asbestos standard by deleting the reference to appendix C of 1926.1101 because the appendix no longer exists.

437-003-0001(25)(c) – In 1926.1127(d)(1)(i): corrects the outdated reference "Materials Safety Data Sheet (MSDS)" to current terminology "Safety Data Sheet (SDS)." In 1926.1127(n)(1)(iii) & (n)(3)(iii): revises references to 1926.33 to more directly refer to 1910.1020; section 1910.1020 is the Access to Employee Exposure and Medical Records regulation, and the 1926.33 is currently cross-referencing to 1910.1020, so the change is to make the reference more direct. In 1926.1127(n)(5): Removing (n)(5) which requires medical records be transferred to NIOSH.

437-003-0001(28)(a) – This change corrects the language to reflect the federal register adopted in the OSHA 3-2021 Cranes and Derricks in Construction: Railway Roadway Work rulemaking; adds a note to direct the reader to the appropriate Oregon OSHA reference, "Note: In 1926.1400(c)(4), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(i) - Adds notes to direct the reader to the appropriate Oregon OSHA references: "Note: In 1926.1408(b)(5), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part," and "Note: In 1926.1408(d)(2)(i), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(k) - Adds a note to direct the reader to the appropriate Oregon OSHA reference: "Note: In 1926.1410(d)(3), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(ff) - Adds a note to direct the reader to the appropriate Oregon OSHA reference: "Note: In 1926.1431(n), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(a) – Corrects the federal register reference to reflect the adopted changes from the OSHA 3-2021 Cranes and Derricks in Construction: Railway Roadway Work rulemaking.

437-003-0001(28)(a) – Federal OSHA is adding a particular work activity, routine employee access to an underground construction worksite via a shaft when hoisted by a crane or derrick, to the list of work activities exempt from an employer's infeasibility demonstration requirement before using equipment to hoist employees. The infeasibility for this requirement for this activity was removed by changes to 1926.800(t) "Hoisting unique to underground construction"(78 FR 23837(April 23, 2013)).

437-003-0001(28)(qq) – This change corrects the language used in the OSHA 3-2021 rulemaking in this adoption by reference rule from "Cranes and Derricks in Construction: Railroad Roadway Work" (rulemaking name) to "Railroad roadway maintenance machines" (federal standard name).

437-003-0001(28)(rr) – This change corrects the federal register reference to reflect the adopted changes from the OSHA 3-2021 Cranes and Derricks in Construction: Railway Roadway Work rulemaking.

437-003-0134 – Amends an editorial error from OSHA 4-2016 rulemaking that inadvertently used old language in the filing, this corrects language to what was intended from OSHA 1-2016 and corrects errors in references to federal standards.

437-004-0380 – Corrects a reference from 1910.29 to 1910.27.

437-004-1041 – Uppercase "NOTE" is changed to lowercase "Note" throughout. "EXCEPTION" is changed to "Exception. There are two spelling corrections: one is in (5)(c)(B) where an "s" is added to the word

"diagnostic," and the other is in (5)(d)(A) where an extra "t" is taken out of "representatives." In the Spanish version of Appendix C, there is an editorial correction to resolve a difference between English and Spanish versions in Appendix C questionnaires, Parte A. Seccion 2 in (8); specifically, provisions (a) through (e) are added.

437-005-0001 – In 1915.153, this change corrects format errors in Table I-1 - Filter Lenses for Protection Against Radiant Energy by reformatting the table so that the values for "Operations," "Electrode size," "Arc current," and "Minimum protective shade" correspond with each other correctly.

437-005-0003 – In Appendix V to Part 1918, in Basic Elements of a First-Aid Training Program (Non-Mandatory), Specific Program Elements (A)(3) Poisoning the text is corrected from "Materials Safety Data Sheet (MSDS)" to current terminology: "Safety Data Sheet (SDS)."

Friday, June 28, 2024, at 5 p.m.

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.

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:

Adopting:

Amending: OAR 437-001-0142, 437-001-0170, 437-001-0171, 437-001-0180, 437-001-0201, 437-001-0203, 437-001-0700, 437-001-0765, 437-002-0005, 437-002-0020, 437-002-0120, 437-002-0134, 437-002-0360, 437-003-0001, 437-003-0134, 437-004-0380, 437-004-1041, 437-005-0001, 437-005-0003

Repealing:

Rule Caption: Proposed Adoption of Federal and Oregon OSHA Minor Corrections

Statutory Authority: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

These minor corrections and technical amendments will clarify existing protections afforded employees while reducing the compliance burden and confusion for employers. In addition, adopting these corrections keeps Oregon OSHA aligned with Federal OSHA standards.

Documents Relied Upon, and where they are available:

Oregon OSHA's General Administrative (Division 1) rules available at:

<https://osha.oregon.gov/rules/final/Pages/division-1.aspx>

Oregon OSHA's General Industry (Division 2) rules, available at:

<https://osha.oregon.gov/rules/final/Pages/division-2.aspx>

Oregon OSHA's Construction (Division 3) rules, available at: <https://osha.oregon.gov/rules/final/Pages/division-3.aspx>

Oregon OSHA's Agriculture (Division 4) rules, available at: <https://osha.oregon.gov/rules/final/Pages/division-4.aspx>

Division 5, Maritime Activities, with links to the Federal OSHA website, available at:

<https://osha.oregon.gov/rules/final/Pages/division-5.aspx>

Federal Register/Vol. 84, No. 242/Tuesday, December 17, 2019, Walking-Working Surfaces, Personal Protective Equipment (Fall Protection Systems), and Special Industries (Electric Power Generation, Transmission, and Distribution); Corrections adopted by Occupational Safety and Health Administration (OSHA), Labor. Final rule; corrections to standards, available at:

<https://www.federalregister.gov/documents/2019/12/17/2019-27114/walking-working-surfaces-personal-protective-equipment-fall-protection-systems-and-special>

Federal Register/Vol. 85, No.32/Tuesday, February 18, 2020, OSHA Standards and Regulations.

Corrections adopted by Occupational Safety and Health Administration (OSHA), Labor. Final rule; correcting amendments, available at: <https://www.federalregister.gov/documents/2020/02/18/2020-00207/osha-standards-and-regulations-corrections>

Oregon Employment Department - A Snapshot of Oregon Firms by Size Class, 2023:
<https://www.qualityinfo.org/-/a-snapshot-of-oregon-firms-by-size-class-2023>

Statement Identifying How Adoption of Rule(s) Will Affect Racial Equity in This State:

The proposed rule changes are not expected to impact racial equity in the workplace for underrepresented communities, as the proposed rule changes apply to all workers covered under the Oregon Safe Employment Act (OSEAct).

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 (who may be cited and assessed penalties) or employees (who may benefit from inspection activity).

In relation to employers subject to the proposed rulemaking, it must first be noted that the proposed rule changes do not affect the cost of complying with existing Oregon OSHA rules nor do these proposed rule changes create any new compliance requirements for employers.

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:

According to the Oregon Employment Department, "A Snapshot of Oregon Firms by Size Class, 2023," (published November 3, 2023) there were 109,800 firms with fewer than 50 employees in Oregon in March 2023. These firms accounted for 96 percent of all firms statewide and 39% of employees in the state of Oregon.

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

Nothing in the proposed corrections represents a new or different expectation for employers. The proposed rulemaking does not induce changes to Oregon OSHA general recordkeeping or other administrative activities.

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

Nothing in the proposed corrections represents a new or different expectation for employers, therefore this rulemaking will not increase costs for equipment, supplies, labor, or increased administration required for compliance.

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

Small businesses and others were involved in the review of the proposed rule corrections prior to proposal insofar as their representatives were members of the Construction Advisory Committee, Forest Advisory Committee, Fire Service Advisory Committee and Ag Labor Housing Advisory Committee.

Administrative Rule Advisory Committee consulted?

Oregon OSHA requested members of other Rulemaking Advisory Committees including the Construction Advisory Committee, Forest Advisory Committee, Fire Service Advisory Committee and Ag Labor Housing Advisory Committee review and provide feedback of proposed rule changes.

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.

Renee Stapleton

Renee Stapleton

5/30/24

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

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:** X **HEARING DATE:** June 20, 2024 at 3 pm

ADDRESS: 350 Winter Street NE

CITY/STATE: Salem OR 97301-3882

TEMPORARY:

EFFECTIVE DATE:

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 Statement of Need and Fiscal Impact and Notice of Proposed Rulemaking.

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

See attached Statement of Need and Fiscal Impact and Notice of Proposed Rulemaking.

List of rules adopted or amended:

Amend: OAR 437-001-0142, 437-001-0170, 437-001-0171, 437-001-0180, 437-001-0201, 437-001-0203, 437-001-0700, 437-001-0765, 437-002-0005, 437-002-0020, 437-002-0120, 437-002-0134, 437-002-0360, 437-003-0001, 437-003-0134, 437-004-0380, 437-004-1041, 437-005-0001, 437-005-0003

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: Lisa Appel

EMAIL ADDRESS: Lisa.Appel@dcbs.oregon.gov



OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
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503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 437
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

FILED

05/30/2024 12:49 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposed Adoption of Federal and Oregon OSHA Minor Corrections

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/28/2024 5:00 PM

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

CONTACT: Lisa Appel

503-947-7449

OSHA.rulemaking@dcbs.oregon.gov

350 Winter St. NE

Salem, OR 97301

Filed By:

Lisa Appel

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/20/2024

TIME: 3:00 PM - 4:00 PM

OFFICER: Lisa Appel

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1605574937

SPECIAL INSTRUCTIONS:

After registering, you will receive a confirmation email containing information about joining the webinar.

The hearing will close no earlier than 3:30 p.m. and may close at any point after 3:30 p.m. if all interested persons have had their opportunity to enter their comments into the record.

To submit comments on the proposed rule changes, please email the Rules Coordinator at OSHA.rulemaking@dcbs.oregon.gov. You may also send hardcopy written materials to: Rules Coordinator, PO Box 14480, Salem, OR 97309-0405.

NEED FOR THE RULE(S)

These minor corrections and technical amendments will clarify existing protections afforded employees while reducing the compliance burden and confusion for employers. In addition, adopting these corrections keeps Oregon OSHA aligned with Federal OSHA standards.

RULEMAKING SUMMARY

Oregon OSHA is proposing to adopt corrections to our administrative (recordkeeping), general industry, construction, agriculture, and maritime activity standards in response to federal OSHA's adoption of final rules published in the Federal Registers of December 17, 2019, and February 18, 2020. These changes are related to the correction of references and typographical errors, including extraneous or omitted materials and inaccurate graphics.

Oregon OSHA proposes to adopt most of the federal rule amendments, except for rules that we had previously eliminated or updated. Furthermore, Lead rules in Divisions 2, 3 and 4 are under current rulemaking by Oregon OSHA and therefore corrective amendments to the federal Lead standards are not included in this rulemaking.

In addition, Oregon OSHA includes minor corrections to its own state-initiated rules. These changes include clarifying language and correcting references, grammar, spelling, and editorial errors in Oregon's administrative rules.

Overall, this rulemaking affects 19 rules with approximately 60 minor corrections. The purpose of the corrections is to increase clarity and reduce regulatory burdens by remedying inaccuracies and errors in text and graphics.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon OSHA's General Administrative (Division 1) rules available at:

<https://osha.oregon.gov/rules/final/Pages/division-1.aspx>

Oregon OSHA's General Industry (Division 2) rules, available at:

<https://osha.oregon.gov/rules/final/Pages/division-2.aspx>

Oregon OSHA's Construction (Division 3) rules, available at: <https://osha.oregon.gov/rules/final/Pages/division-3.aspx>

Oregon OSHA's Agriculture (Division 4) rules, available at: <https://osha.oregon.gov/rules/final/Pages/division-4.aspx>

Division 5, Maritime Activities, with links to the Federal OSHA website, available at:

<https://osha.oregon.gov/rules/final/Pages/division-5.aspx>

Federal Register/Vol. 84, No. 242/Tuesday, December 17, 2019, Walking-Working Surfaces, Personal Protective Equipment (Fall Protection Systems), and Special Industries (Electric Power Generation, Transmission, and Distribution); Corrections adopted by Occupational Safety and Health Administration (OSHA), Labor. Final rule; corrections to standards, available at: <https://www.federalregister.gov/documents/2019/12/17/2019-27114/walking-working-surfaces-personal-protective-equipment-fall-protection-systems-and-special>

Federal Register/Vol. 85, No.32/Tuesday, February 18, 2020, OSHA Standards and Regulations.

Corrections adopted by Occupational Safety and Health Administration (OSHA), Labor. Final rule; correcting amendments, available at: <https://www.federalregister.gov/documents/2020/02/18/2020-00207/osha-standards-and-regulations-corrections>

Oregon Employment Department - A Snapshot of Oregon Firms by Size Class, 2023:

<https://www.qualityinfo.org/-/a-snapshot-of-oregon-firms-by-size-class-2023>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rule changes are not expected to impact racial equity in the workplace for underrepresented communities, as the proposed rule changes apply to all workers covered under the Oregon Safe Employment Act

(OSEAct).

FISCAL AND ECONOMIC IMPACT:

See Statement of Cost of Compliance

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

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 (who may be cited and assessed penalties) or employees (who may benefit from inspection activity).

In relation to employers subject to the proposed rulemaking, it must first be noted that the proposed rule changes do not affect the cost of complying with existing Oregon OSHA rules nor do these proposed rule changes create any new compliance requirements for employers.

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:

According to the Oregon Employment Department, "A Snapshot of Oregon Firms by Size Class, 2023," (published November 3, 2023) there were 109,800 firms with fewer than 50 employees in Oregon in March 2023. These firms accounted for 96 percent of all firms statewide and 39% of employees in the state of Oregon.

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

Nothing in the proposed corrections represents a new or different expectation for employers. The proposed rulemaking does not induce changes to Oregon OSHA general recordkeeping or other administrative activities.

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

Nothing in the proposed corrections represents a new or different expectation for employers, therefore this rulemaking will not increase costs for equipment, supplies, labor, or increased administration required for compliance.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

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

Small businesses and others were involved in the review of the proposed rule corrections prior to proposal insofar as their representatives were members of the Construction Advisory Committee, Forest Advisory Committee, Fire Service Advisory Committee and Ag Labor Housing Advisory Committee.

Administrative Rule Advisory Committee consulted?

Oregon OSHA requested members of other Rulemaking Advisory Committees including the Construction Advisory

Committee, Forest Advisory Committee, Fire Service Advisory Committee and Ag Labor Housing Advisory Committee review and provide feedback of proposed rule changes.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING 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

ADDRESS: 350 Winter Street NE

CITY/STATE: Salem OR 97301-3882

PHONE: 503-947-7449

PERMANENT: X HEARING DATE: June 20, 2024, at 3 pm, see hearings information above to register.

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

Description of proposed change:

See attached Statement of Need and Fiscal Impact and Notice of Proposed Rulemaking.

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

See attached Statement of Need and Fiscal Impact and Notice of Proposed Rulemaking.

List of rules adopted or amended:

Amend: OAR 437-001-0142, 437-001-0170, 437-001-0171, 437-001-0180, 437-001-0201, 437-001-0203, 437-001-0700, 437-001-0765, 437-002-0005, 437-002-0020, 437-002-0120, 437-002-0134, 437-002-0360, 437-003-0001, 437-003-0134, 437-004-0380, 437-004-1041, 437-005-0001, 437-005-0003

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.

RULES PROPOSED:

437-001-0142, 437-001-0170, 437-001-0171, 437-001-0180, 437-001-0201, 437-001-0203, 437-001-0700, 437-001-0765, 437-002-0005, 437-002-0020, 437-002-0120, 437-002-0134, 437-002-0360, 437-003-0001, 437-003-0134, 437-004-0380, 437-004-1041, 437-005-0001, 437-005-0003

AMEND: 437-001-0142

RULE SUMMARY: 437-001-0142(2)(c) – This change corrects a rule reference. The current reference is Table 2 in OAR 437-001-0145(2)(c), and the correct reference is Table 2 in OAR 437-001-0165(3).

437-001-0142(2)(f) – This change corrects rule references. The current reference is Table 2 in OAR 437-001-0165(2)(a), and the correct reference is Table 2 in OAR 437-001-0165(3). The second reference correction updates OAR 437-001-0175(3) to 437-001-0175(2).

437-001-0142(4) – Changes an OAR to ORS, as in "OAR 654.086" is corrected to be "ORS 654.086."

437-001-0142 Appendix A – Updates language used in the example Bulletin to align with terms used in the rules. The words "death of an employee" or "death of employee" are replaced with "work-related fatality."

CHANGES TO RULE:

437-001-0142

Annual Adjustment of Civil Penalties

(1) Each year, the director will be responsible for publishing notice of Oregon OSHA's Annual Adjustments to Penalties Bulletin in the Oregon Bulletin or its successor. This bulletin will also be made available on the Division's website at <https://osha.oregon.gov/pages/topics/violations-and-penalties>, or its successor. This bulletin will notify the regulated community of annual adjustment in civil penalty amounts required by ORS 654.086(4) to account for the percentage change, if any, in the Consumer Price Index for All Urban Consumers, West Region, All Items (West Region CPI-U), from October to October of each year as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor or its successor. The annual adjustments will be effective January 1st of each calendar year.¶

(2) Annual adjustments must be applied to the following civil penalties:¶

(a) Other than serious-rated violation - maximum civil penalty amounts in OAR 437-001-0145(2)(a) and civil penalty amounts in Table 2 in OAR 437-001-0145(2)(g).¶

(b) Serious Physical Harm or Death-rated violation - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(b) and civil penalty amounts in Table 2 in OAR 437-001-0145(2)(g).¶

(c) Repeat Violation - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(c) and civil penalty amounts in Table 2 in OAR 437-001-0145(2)(e3).¶

(d) Willful Violations - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(d) and civil penalty amounts in Table 1 in OAR 437-001-0175(1).¶

(e) Violations that caused or contributed to a work-related fatality - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(e) and civil penalty amounts in Table 3 in OAR 437-001-0145(3).¶

(f) Willful and repeat violations that caused or contributed to a work-related fatality - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(f) and civil penalty amounts in Table 2 in OAR 437-001-0165(2)(a3) and Table 2 in OAR 437-001-0175(32).¶

(3) An annual adjustment must be applied to the penalty reduction in OAR 437-001-0150(2)(b).¶

(4) The civil penalty amounts adjusted under this rule will not be lower than the minimum or greater than the maximum that may be assessed under ORS 654.086 as a result of any reductions or multipliers applied. See Appendix A to OAR 437-001-0142 - Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin.¶
Note: Appendix A is an example of information that will be included in Oregon OSHA's Annual Adjustments to Penalties Bulletin.¶

[Insert Appendix A - Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin]
Statutory/Other Authority: ORS 654.025(2), 656.726(4)
Statutes/Other Implemented: ORS 654.001 - 654.295

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Filing Attachment for 437-001-0142, Annual Adjustment of Civil Penalties

Appendix A: Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin

Bulletin Number:

Published:

Effective:

Oregon OSHA's Annual Adjustments to Penalties Bulletin ORS 654.086(3), OAR 437-001-0142

To: All Interested Parties

Summary: This bulletin supersedes the civil penalties adopted by Administrative Order 3-2023. As provided for in ORS 654.086(3), Oregon OSHA shall adjust the amount of civil penalties to account for the percentage increase or decrease, if any, in the Consumer Price Index for All Urban Consumers, West Region, All Items (West Region CPI-U), as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor. On DATE, the BLS published a % increase.

West Region CPI-U:

BLS reference data location: <https://data.bls.gov/timeseries/CUUR0400SA0>

Date published BLS West Region CPI-U:

Month	Year	West Region CPI-U Index Data
October		
October		

Percentage Adjustment	
Annual Adjustment Factor	

Oregon OSHA is required to calculate the annual adjustment based on the West Region CPI-U. Annual inflation adjustments are based on the percent change between the West Region CPI-U in October of the preceding year and October of the current year. The percent change is the cost-of-living adjustment multiplier for the following year. In order to compute the annual adjustment, the Agency multiplied the most recent penalty amount for each applicable penalty by the multiplier and rounded to the nearest dollar.

More information about Oregon OSHA's violations and civil penalties can be found at:

<https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx>

The civil penalties in this bulletin apply to citations assessed under ORS 654.086 for inspections opened between January 1, through December 31,. See tables on the following pages.

Penalty Table – Penalty Range By Type and Classification of Violation		
Type	Minimum	Maximum
Other Than Serious		
Serious Physical Harm or Death		
Repeat		
Willful		
Serious that Caused or Contributed to [the Death of Employee] a Work-Related Fatality		
Repeat that Caused or Contributed to [the Death of Employee] a Work-Related Fatality		
Willful that Caused or Contributed to [the Death of Employee] a Work-Related Fatality		

First-instance violation: An employer’s first violation cited within the previous three years of a particular statute, regulation, rule, standard, or order.

Other Than Serious (OAR 437-001-0145)		
Probability	Low	High
Initial Penalty		

The civil penalty amount for an initial other than serious violation is not annually adjusted.

Serious Violation Types (OAR 437-001-0145)						
Severity Probability	Serious Physical Harm			Death		
	Low	Medium	High	Low	Medium	High
Initial Penalty						

Repeat violation: An employer’s second or subsequent violation involving a substantially similar violation as the earlier violation or violations, cited within the previous three years.

Repeat Violation Types (OAR 437-001-0165)			
Probability	Severity		
	Other than Serious		
	First	Second	Third
Civil Penalty			

Civil penalties for the 4th and greater repeat violations are assigned with the Administrator's discretion.

Repeat Violation Types (OAR 437-001-0165)						
Probability	Severity					
	Serious Physical Harm			Death		
	First	Second	Third	First	Second	Third
Low						
Medium						
High						

Repeat Size Reduction for 1-50 employees (OAR 437-001-0150)	
Type Reduction	Serious Violation Types

Willful violation: A violation committed knowingly by an employer or supervisory employee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disregards the requirements of a statute, regulation, rule, standard, or order.

Willful Violation Types (OAR 437-001-0175)				
Other than Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		High		

Caused or contributed to a work-related fatality violation: The workplace death of an employee that was attributed to a violation or in which the violation was a related factor, as determined by the compliance officer.

Serious that Caused or Contributed to [Death of Employee] a <u>Work-Related Fatality</u> Violation Types (OAR 437-001-0145)						
Severity	Serious Physical Harm			Death		
Probability	Low	Medium	High	Low	Medium	High
Civil Penalty						

Repeat that Caused or Contributed to [Death of Employee] a <u>Work-Related Fatality</u> Violation Types (OAR 437-001-0165)				
Other than Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		High		

Willful that Caused or Contributed [Death of Employee] a Work-Related Fatality Violation Types (OAR 437-001-0175)				
Other than Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		High		

If you have questions about this bulletin, call Oregon OSHA at 503-378-3272 or 800-922-2689.

(Administrator - Printed name)

(Administrator - Signature)

Date

AMEND: 437-001-0170

RULE SUMMARY: 437-001-0170 – Remove "serious-rated" from in front of the word "violation."

CHANGES TO RULE:

437-001-0170

Determination of Penalty - Failure to Report an Occupational Fatality, Catastrophe, or Accident ¶

If an employer fails to report an occupational fatality, catastrophe, or accident as provided in OAR 437-001-0704, a penalty of not less than \$250 and not greater than the maximum penalty for a ~~serious-rated~~ violation in accordance with OAR 437-001-0145(2), as adjusted annually in accordance with OAR 437-001-0142, shall be assessed.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 through 654.295

AMEND: 437-001-0171

RULE SUMMARY: 437-001-0171 – Remove "serious-rated" from in front of the word "violation."

CHANGES TO RULE:

437-001-0171

Determination of Penalty - Failure to Register a Farm Labor Camp/Facility ¶¶

If an operator, employer, or contractor fails to register a Farm Labor Camp or facility with Oregon OSHA as required in Division 4/J, OAR 437-004-1120(5)(b), a penalty of not less than \$250 and not greater than the maximum penalty for a ~~serious-rated~~ violation in accordance with OAR 437-001-0145(2), as adjusted annually in accordance with OAR 437-001-0142, shall be assessed.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 315.164, 658.750, 658.755, 658.780, 658.785, 658.805, 658.810, 658.825

AMEND: 437-001-0180

RULE SUMMARY: 437-001-0180 – Remove "serious-rated" from in front of the word "violation."

CHANGES TO RULE:

437-001-0180

Determination of Penalty - Relating to Red Warning Notice ¶¶

Any employer who violates or directs another to violate OAR 437-001-0096(3) or (4) shall be assessed a civil penalty of not less than \$250 and not more than maximum penalty for a ~~serious-rated~~ violation in accordance with OAR 437-001-0145(2), as adjusted annually in accordance with OAR 437-001-0142.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 through 654.295

AMEND: 437-001-0201

RULE SUMMARY: 437-001-0201 – Remove "serious-rated" from in front of the word "violation."

CHANGES TO RULE:

437-001-0201

Determination of Penalty - Relating to Field Sanitation ¶

The Administrator shall assess a minimum civil penalty of not less than \$250 and not greater than the maximum penalty for a ~~serious-rated~~ violation in accordance with OAR 437-001-0145(2), as adjusted annually in accordance with OAR 437-001-0142, to employers of workers who are engaged in field activities for the growing and harvesting of food crops intended for human consumption, who substantially fail to comply with OAR 437-004-1110 in Division 4, Agriculture.

Statutory/Other Authority: ORS 654.025(2), 656.726(3)

Statutes/Other Implemented: ORS 654.001 - 654.295

AMEND: 437-001-0203

RULE SUMMARY: 437-001-0203(6) – Corrects capitalization; the “d” in “division 3” is in small case, and “Division” should be capitalized.

CHANGES TO RULE:

437-001-0203

Determination of Penalty - Relating to Violations Which Have No Probability and Severity. ¶

(1) Safety and Health Protection on the Job Poster - If the employer has not displayed the poster, a minimum penalty of \$100 may be assessed.¶

(2) Annual Summary - If an employer fails to post the summary portion of the OSHA 300 Form no later than February 1 of the year following the year covered by the records and keep it posted until April 30 in accordance with 437-001-0700(17)(e), a minimum penalty of \$200 may be assessed.¶

(3) Citation - If an employer fails to post the citation after receipt, a minimum penalty of \$200 may be assessed.¶

(4) OSHA 300 and DCBS 801 Forms - If the employer does not maintain the Log and Summary of Occupational Injuries and Illnesses, OSHA 300 Form, and the Supplementary Record, DCBS Form 801 or equivalent, a minimum penalty of \$100 may be assessed for each OSHA form not maintained.¶

(5) Access to Records - If the employer fails upon request to provide records for inspection and copying by any authorized representative of Oregon OSHA or by any employee, former employee, or authorized representative of employees, a minimum penalty of \$100 may be assessed for each form not made available.¶

(6) Flush Toilets/Warm Water Hand Washing Facilities - If an employer fails to provide flush toilets or warm water hand washing facilities on a construction site according to OAR 437-003-0020 in 437, dDivision 3, Construction, a penalty of not less than \$200, nor more than the maximum other than serious civil penalty in accordance with OAR 437-001-0145(2), as adjusted annually in accordance with OAR 437-001-0142, shall be assessed.¶

Note: Forms referenced are available from the agency.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.086

AMEND: 437-001-0700

RULE SUMMARY: 437-001-0700(3)(b) Table 1 Exempt Industries - Removes 3 NAICS codes in Table 1: 6111 Elementary and Secondary Schools, 6116 Other Schools and Instruction, and 6117 Educational Support Services to align with the changes from OSHA 5-2017, there was an editorial error after that administrative order in the recordkeeping rule that caused a discrepancy between the version on file at the Secretary of State and Oregon OSHA's published codebook on-line.

437-001-0700(24)(a) – Adds a clarifying sentence to (24)(a) indicating 3 NAICS codes (6111 Elementary and Secondary Schools, 6116 Other Schools and Instruction, and 6117 Educational Support Services) do not have to submit 300A log to the Federal OSHA ITA (electronic submission platform), this sentence resolves differences between OSHA 5-2017 and OSHA 4-2023 and adds clarity to reporting expectations.

437-001-0700(24)(h) – Corrects a typographical error by adding a comma and an "or" to a sentence that changed in the OSHA 4-2023 rulemaking.

CHANGES TO RULE:

437-001-0700

Recording Workplace Injuries and Illnesses

(1) Purpose. This rule requires employers to record work-related fatalities, injuries, and illnesses.¶¶

Note: Recording a work-related injury, illness, or fatality does not assign fault to anybody, does not prove the violation of an OSHA rule, and does not establish the employee's eligibility for workers' compensation or other benefits.¶¶

(2) Scope. This standard covers all employers covered by the Oregon Safe Employment Act, except for the exemptions below.¶¶

(3) Exemptions.¶¶

(a) If your company never had more than ten (10) employees during the last calendar year, including temporary employees, you do not need to keep Oregon OSHA injury and illness records unless the Director informs you in writing that you must keep records. The exemption for size is based on the number of employees in the entire company within the state of Oregon.¶¶

(b) If your company had more than ten (10) employees at any time during the last calendar year, you must keep Oregon OSHA injury and illness records unless your business is in a specific low hazard retail, service, finance, insurance, or real estate industry in Table 1. If so, you do not need to keep Oregon OSHA injury and illness records unless the government asks you to keep the records under 437-001-0700(22).¶¶

(c) If one or more of your company's establishments are classified in a nonexempt industry, you must keep Oregon OSHA injury and illness records for all of such establishments unless your company is exempted because of size under 437-001-0700(3)(a). If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.¶¶

(4) Alternate or Duplicate Records. If you create records to comply with another government agency's injury and illness recordkeeping requirements, those records meet Oregon OSHA's recordkeeping requirements if Oregon OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as this standard requires you to record. Contact Oregon OSHA for help in determining if your records meet Oregon OSHA's requirements.¶¶

[Table 1 - Exempt Industries (attached)]¶¶

(5) Recording Criteria and Forms. Each employer required to keep records of fatalities, injuries, and illnesses must record each fatality, injury, and illness that:¶¶

(a) Is work-related; and¶¶

(b) Is a new case; and¶¶

(c) Meets one or more of the general recording criteria of OAR 437-001-0700(8) or the application to specific cases of OAR 437-001-0700(9) through (12), see Table 2.¶¶

Note: The decision tree for recording work-related injuries and illnesses below shows the steps involved in making this determination, see Figure 1.¶¶

[Insert Table 2 - Related Rules (attached)]¶¶

[Insert Figure 1 - Decision Tree (attached)]¶¶

(6) Work-Related. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. You must presume work-relatedness for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Table 3 specifically applies.¶

(a) Oregon OSHA defines the work environment as the establishment and other locations where one or more employees work or are present as a condition of their employment.¶

(b) If it is not obvious where the precipitating event occurred you must evaluate the employee's work duties and environment to decide whether events or exposures in the work environment either caused or contributed to the condition or significantly aggravated a pre-existing condition.¶

(c) A pre-existing injury or illness is significantly aggravated when an event or exposure in the work environment results in (A) through (D) below. Oregon OSHA considers an injury or illness to be a pre-existing if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.¶

(A) Death, provided that the pre-existing injury or illness would likely not have resulted in death but for the occupational event or exposure.¶

(B) Loss of consciousness, provided that the pre-existing injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.¶

(C) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.¶

(D) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.¶

(d) An injury or illness occurring in the work environment that falls under one of the following exceptions found in Table 3 is not work-related, and is not recordable.¶

[Insert Table 3 - Work environment exceptions (attached)]¶

(e) Travel. Injuries or illnesses occurring during travel are work-related if the employee was engaged in work activities in the interest of the employer and it is not one of the exceptions in Table 4 -- Travel status exemptions.¶

[Insert Table 4 -- Travel status exemptions (attached)]¶

(f) Work at home. Injuries and illnesses that occur while an employee works at home, including work in a home office, is work-related if the injury or illness relates directly to the work rather than to the general home environment or setting.¶

(g) Former employees. If you are notified that a former employee had a work related injury or illness when in your employment, record the date of the incident on the appropriate OSHA 300 log for the date of the injury. If the date is not known, use the last day of employment.¶

(7) New Cases. An injury or illness is a "new case" if:¶

(a) The employee has no previous recorded injury or illness of the same type that affects the same part of the body, or¶

(b) The employee previously had a recorded injury or illness of the same type that affected the same part of the body but recovered completely (all signs and symptoms disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.¶

(A) For occupational illnesses where the signs or symptoms may recur or continue in the absence of a workplace exposure, record the case only once when it is diagnosed. Examples include occupational cancer, asbestosis, byssinosis, and silicosis.¶

(B) You are not required to seek the advice of a physician or other licensed health care professional. If you do seek such advice, you must follow their recommendation about whether the case is a new case or a recurrence.¶

(8) General Recording Criteria. A work-related injury or illness is recordable if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must record a case if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.¶

Note: Oregon OSHA believes that most significant injuries and illnesses will result in one of the events listed below. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. Cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.¶

[Insert Table 5 - General recording criteria (attached)]¶

(a) Death. You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death.¶

Note: You must also report any work-related fatality to Oregon OSHA within 8 hours. See OAR 437-001-0704.¶

(b) Days Away from Work. When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.¶

(A) Begin counting days away on the day after the injury occurred or the illness began.¶

(B) End the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work. This applies regardless of whether the employee returns earlier or later than recommended. If there is no recommendation from the physician or licensed health care professional, enter the actual number of days the employee is off work.¶

(C) You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Include weekend days, holidays, vacation days or other days off in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.¶

(D) You may stop tracking of the number of calendar days away from work once the total reaches 180 days away from work and/or days of job transfer or restriction. Entering 180 in the total days away column is adequate.¶

(E) If the employee leaves your company for a reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the 300 Log.¶

(F) You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log that you prepare for the year in which the incident occurred. If the time off extends into a new year, estimate the number of days for that year and add that amount to the days from the year of occurrence. Do not split the days between years and enter amounts on the logs for two different years. Use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.¶

(c) Restricted Work or Job Transfer. When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column. Restricted work occurs when, as the result of a work-related injury or illness:¶

(A) You keep the employee from performing one or more of the routine functions of their job, or from working the full day that they would otherwise work; or¶

(B) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of their job, or not work the full workday that they would otherwise work.¶

Note: For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.¶

(C) A recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job.¶

(D) A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.¶

(E) Record job transfer and restricted work cases in the same box on the OSHA 300 Log.¶

(F) Count days of job transfer or restriction in the same way you count days away from work. The only difference is that, if you permanently assign the injured or ill employee to a job modified or permanently changed to eliminate the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is permanent. You must count at least 1-day of restricted work or job transfer for such cases.¶

(d) Medical Treatment. If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the OSHA 300 Log. If the employee received medical treatment but remained at work without transfer or restriction and the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for other recordable cases.¶

Note: You must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.¶

(A) "Medical treatment" is the management and care of a patient to combat disease or disorder. For this rule, medical treatment does not include:¶

(i) Visits to a physician or other licensed health care professional solely for observation or counseling;¶

(ii) The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications solely for diagnostic purposes (e.g., eye drops to dilate pupils); or¶

(iii) "First aid" as in (B) below.¶

(B) First aid is any of the conditions listed in Table 6. This is a complete list of all first aid treatments for this standard. These treatments are considered first aid regardless of the professional status of the person providing the treatment.¶

[Insert Table 6 - First aid treatment(attached)]¶

(e) Loss of Consciousness. You must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time they remain unconscious.¶

(f) Other Injuries and Illnesses. Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of occurrence.¶

(9) Needlestick and Sharps Injury Recording Criteria.¶

(a) When an injury is diagnosed later as an infectious bloodborne disease, you must update the classification on the 300 log to reflect the new status or classification.¶

(b) You must record all work-related needlestick injuries and cuts from sharp objects contaminated with another person's blood or other potentially infectious material (as defined by 1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, do not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in OAR 437-001-0700(14)).¶

Note: If you have an exposure incident that is not a needlestick, you must still record it if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or diagnosis of a significant injury or illness, such as HIV, hepatitis B, or hepatitis C.¶

(10) Medical Removal Recording Criteria. If another Oregon OSHA standard requires the medical removal of an employee, you must record the case on the OSHA 300 Log.¶

(a) You must enter each medical removal case on the OSHA 300 Log as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the medical removal requirement. If the medical removal is the result of a chemical exposure, you must enter the case on the OSHA 300 Log by checking the "poisoning" column.¶

(b) If the case involves voluntary medical removal before reaching the medical removal levels required by an Oregon OSHA standard, do not record the case on the OSHA 300 Log.¶

(11) Occupational Hearing Loss Recording Criteria.¶

(a) Hearing loss must be recorded on the OSHA 300 Log by checking the hearing loss column when:¶

(A) An annual audiogram reveals a Standard Threshold Shift (STS) in either or both ears; and¶

(B) The hearing level in the same ear is 25 dB above audiometric zero.¶

Note: For the ease of the reader the definitions for STS and audiometric zero are provided here. Standard Threshold Shift (STS) - A change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more in either ear. Audiometric Zero - The lowest sound pressure level that the average, young adult with normal hearing can hear.¶

(b) In determining whether an STS has occurred, you may correct for the age of the employee. Use the appropriate table in Appendix A to determine the age adjustment. If the STS is 10 dB or more after the age correction, it still meets the criteria for recordability. Employers may use the flowchart in Appendix B (non-mandatory) to determine if hearing loss is recordable on the OSHA 300 form.¶

(c) If you retest the employee's hearing within 30 days of the first test, and the retest does not confirm the recordable STS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the recordable STS, you must record the hearing loss case within 7 calendar days of the retest. If subsequent audiometric testing performed under the testing requirements of the noise standard (1910.95) indicates that an STS is not persistent, you may erase, delete, or line-out the recorded entry.¶

(d) If a physician or other licensed health care professional determines, following the rules set out in OAR 437-001-0700(6), that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, the case is not work-related. Do not record it on the OSHA 300 Log.¶

(12) Tuberculosis Reporting Criteria. If any of your employees has an occupational exposure to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the OSHA 300 Log by checking the "respiratory condition" column.¶

(a) Do not record a pre-employment positive skin test because the exposure was not in your workplace.¶

(b) Line out or erase a recorded case if you prove that:¶

(A) The worker lives in a household with a person diagnosed with active TB;¶

(B) The Public Health Department identifies the worker as a contact of an individual with a case of active TB unrelated to the workplace; or¶

(C) A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.¶

(13) Removed.¶

(14) Forms.¶

(a) You must use OSHA 300, 300A, and DCBS Form 801, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is the Log of Work-Related Injuries and Illnesses, the 300A is the Summary of Work-Related Injuries and Illnesses, and the DCBS Form 801 or equivalent is the Worker's and Employer's Report of Occupational Injury or Disease. The OSHA 300 and 300A Summary forms must be kept on a calendar year basis.¶

(A) Even if you are exempt from recordkeeping, you must have at each establishment, a copy of DCBS Form 801 or equivalent for each occupational injury or illness that may result in a compensable claim.¶

(B) You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300A Summary form at the end of the year.¶

(C) You must complete a DCBS Form 801 or equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.¶

(D) You must enter each recordable injury or illness on the OSHA 300 Log and DCBS Form 801 or equivalent within 7 calendar days of receiving information that a recordable injury or illness has occurred.¶

(E) An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the DCBS Form 801, or supplement an insurance form by adding any additional information required by OSHA.¶

(F) You may use a computer to keep your records if it can produce equivalent forms when needed.¶

(G) Privacy Concern Cases. If you have a "privacy concern case," do not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative has access to the OSHA 300 Log. You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.¶

(H) The following injuries or illnesses are privacy concern cases:¶

(i) An injury or illness to an intimate body part or the reproductive system;¶

(ii) An injury or illness resulting from a sexual assault;¶

(iii) Mental illnesses;¶

(iv) HIV infection, hepatitis, or tuberculosis;¶

(v) Needlestick injuries and cuts from sharp objects contaminated with another person's blood or other potentially infectious material; and¶

(vi) Other illnesses, if the employee voluntarily requests that his or her name not be entered on the log.¶

Note: This is a complete list of all injuries and illnesses that are privacy concern cases.¶

(I) If you reasonably believe that information describing the privacy concern case may be personally identifiable even though the employee's name is omitted, use discretion in describing the injury or illness on both the OSHA 300 and DCBS 801 Forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, describe a sexual assault case as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."¶

(J) If you voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives, you must remove or hide the employees' names and other personally identifying information, except for the following cases:¶

(i) To an auditor or consultant hired by the employer to evaluate the safety and health program;¶

(ii) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or¶

(iii) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR.164.512.¶

(b) In addition, health care employers as defined in ORS 654.412 must record assaults against employees on the Health Care Assault Log. See OAR 437-001-0706.¶

(15) Multiple Business Establishments. You must keep a separate OSHA 300 Log for each establishment that you expect to operate for 1-year or longer.¶

(a) You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.¶

(b) You may keep the records for an establishment at your headquarters or other central location if you can:¶

(A) Transmit information about the injuries and illnesses from the establishment to the central location within 7

calendar days of receiving information that a recordable injury or illness has occurred; and¶

(B) Produce and send the records from the central location to the establishment within the time frames required by OAR 437-001-0700(22) when you are required to provide records to a government representative, employees, former employees or employee representatives.¶

(c) You must link each employee with one of your establishments, for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short-term establishment.¶

(d) If the injury or illness occurs at one of your establishments, you must record the injury or illness on the OSHA 300 Log of the establishment where the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment where the employee normally works.¶

(16) Covered Employees. You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.¶

(a) Record the injuries and illnesses to workers from temporary help agencies or employee leasing services only if you supervise these employees on a day-to-day basis.¶

(b) If a contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.¶

(c) You and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).¶

(17) Annual Summary and Posting Requirements. At the end of each calendar year, you must:¶

(a) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified.¶

(b) Use the OSHA 300A Summary form to create an annual summary of injuries and illnesses recorded on the OSHA 300 Log:¶

(A) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and¶

(B) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.¶

(C) If you are using an equivalent form other than the OSHA 300A Summary form, the summary you use must also include the employee access and employer penalty statements found on the OSHA 300A Summary form.¶

(c) Sign or have a representative sign the 300A Summary to certify that the OSHA 300 Log is correct to the best of the signer's knowledge. If the summary is signed by a person other than a company executive, a company executive must also review the OSHA 300 Log in order to be generally familiar with its contents. A company executive is:¶

(A) An owner of the company when the company is a sole proprietorship or partnership;¶

(B) An officer of the corporation;¶

(C) The highest ranking company official working at the establishment; or¶

(D) The immediate supervisor of the highest ranking company official working at the establishment.¶

(d) Post a copy of the 300A Summary form in each establishment in a conspicuous place or places where notices to employees are customarily posted. Ensure that the posted annual summary is not altered, defaced or covered by other material.¶

(e) Post the 300A Summary no later than February 1 of the year following the year covered by the records and keep it posted until April 30.¶

(f) When you maintain records for all of your establishments at your headquarters or other central location, each 300A Summary form must be specific to each separate establishment.¶

(18) Paperwork Retention and Updating.¶

(a) You must save the OSHA 300 Log, the privacy case list (if any), the 300A Summary form, and the DCBS Form 801 or equivalent forms for 5 years following the end of the calendar year that they cover.¶

(b) During the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.¶

Note: For more information on retention of medical and exposure records, see 1910.1020.¶

(19) Change of Business Ownership. If your business changes ownership, you must record and report work-related injuries and illnesses only for the time you owned the establishment. You must transfer the records to the new owner. The new owner must save all records of the establishment kept by the prior owner, but need not update or correct the records of the prior owner.¶

(20) Prohibition against discrimination. Oregon Revised Statute 654.062(5) prohibits discrimination against an employee for reporting a work-related fatality, injury or illness. It also protects the employee who files a safety and health complaint, asks for access to this rule, records, or otherwise exercises any rights afforded by law or rule.¶

(21) Employee Involvement. You must involve your employees and their representatives in the recordkeeping system.¶

(a) You must establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness.¶

(b) You must inform each employee of your procedure for reporting work related injuries and illnesses and tell each employee how they are to report an injury or illness to you.¶

(c) You must inform employees that they have the right to report work-related injuries and illnesses; and that employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries and illnesses.¶

(d) You must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, do not record the employee's name on the OSHA 300 Log for certain "privacy concern cases."¶

(e) You must provide limited access to your injury and illness records for your employees and their representatives.¶

(A) Your employees, former employees, their personal representatives, and their authorized collective bargaining representatives have the right to access the OSHA injury and illness records, in accordance with (B) through (E) below.¶

Note: A personal representative is anybody designated in writing by the employee or former employee, as well as the legal representative of a deceased or legally incapacitated employee.¶

(B) When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.¶

(C) When an employee, former employee, or personal representative asks for a copy of the DCBS Form 801 or equivalent describing an injury or illness to that employee or former employee, you must give the requester a copy of the DCBS Form 801 or equivalent containing that information by the end of the next business day.¶

(D) When an authorized employee representative asks for copies of the DCBS Form 801 or equivalent for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the releasable part of the DCBS Form 801 indicated in the "Worker" section. You must remove all other information from the copy of the DCBS Form 801 or equivalent form that you give to the authorized employee representative.¶

(E) You may not charge for these copies the first time. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.¶

(22) Providing Records to Government Representatives. When an authorized government representative asks for the records you keep in compliance with this standard, you must provide copies of the records within 4 business hours. Authorized government representatives are:¶

(a) A representative of the Oregon Department of Consumer and Business Services.¶

(b) A representative of the Secretary of Labor conducting an inspection or investigation under the Act.¶

(c) A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health - NIOSH) conducting an investigation under Section 20(b) of the Act.¶

(23) Requests from the Bureau of Labor Statistics or DCBS. If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, or a request for data from the Oregon Department of Consumer and Business Services, you must promptly complete the form and return it following the instructions on the survey form.¶

(24) Electronic submission of injury and illness records to OSHA.¶

(a) If your establishment had 250 or more employees at any time during the previous calendar year, and you are required to maintain an OSHA 300 log, per section (2) of this rule, except 6111 Elementary and Secondary Schools, 6116 Other Schools and Instruction, and 6117 Educational Support Services, then you must electronically submit information from the OSHA Form 300A Summary of Work-Related Injuries and Illnesses to

OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in subsection (24)(h) of the year after the calendar year covered by the forms.¶

(b) If your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Table 7, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in subsection (24)(h) of the year after the calendar year covered by the form.¶

(c) If your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Table 8, then you must electronically submit information from OSHA Forms 300 and DCBS Form 801 to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in (24)(h) of this section of the year after the calendar year covered by the forms.¶

Note: If subsection (24)(c) applies then your establishment is also required to electronically submit the OSHA Form 300A summary in accord with either subsection (24)(a) or (24)(b) depending on the size of the establishment.¶

(d) For each establishment that is subject to these reporting requirements, you must provide the Employer Identification Number (EIN) used by the establishment and your legal company name.¶

Note: Each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.¶

(e) If you are required to submit information under subsection (24)(a), 24(b) or (24)(c), then you must submit the information once a year, by the date listed in paragraph (24)(h) of the year after the calendar year covered by the form or forms. If you are submitting information because OSHA notified you to submit information as part of an individual data collection under subsection (24)(h), then you must submit the information as often as specified in the notification.¶

(f) You must submit the information electronically. Federal OSHA will provide a secure website for the electronic submission of information.¶

(g) If your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under subsection (24)(a), 24(b) or (24)(c), then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).¶

(h) Reporting Dates. Beginning in 2020, establishments that are required to submit under subsection (24)(a), 24(b), or (24)(c) of this section will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms (for example, by March 2, 2020, for the forms covering 2019).¶

[Insert Table 7 - (24)(b) Designated Industries (attached)]¶

[Insert Table 8 - (24)(c) Designated Industries (attached)] ¶

[Insert Appendix A Age Related Hearing Loss (attached)] ¶

[Insert Appendix B Hearing Loss recordability Flowchart (attached)]

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295, 654.412 - 654.423, 654.750 - 780

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

**Filing Attachment for Proposed Amendments to OAR 437-001-0700 Recording
workplace injuries and illnesses, 5/30/2024**

Table 1 - Exempt industries

Employers do not need to keep Oregon OSHA injury and illness records for any establishment in the following 2007 North American Industry Classification System (NAICS) codes. Subsequent codes that are added with further revisions of the NAICS codes would apply to this exemption list, unless Oregon OSHA or the Department of Consumer and Business Services asks them in writing to keep these records.

NAICS Code	Industry Description	NAICS Code	Industry Description
4412	Other Motor Vehicle Dealers	5411	Legal Services
4431	Electronics and Appliance Stores	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
4461	Health and Personal Care Stores	5413	Architectural, Engineering, and Related Services
4471	Gasoline Stations	5414	Specialized Design Services
4481	Clothing Stores	5415	Computer Systems Design and Related Services
4482	Shoe Stores	5416	Management, Scientific, and Technical Consulting Services
4483	Jewelry, Luggage, and Leather Goods Stores	5417	Scientific Research and Development Services
4511	Sporting Goods, Hobby, and Musical Instrument Stores	5418	Advertising and Related Services
4512	Book, Periodical, and Music Stores	5511	Management of Companies and Enterprises
4531	Florists	5611	Office Administrative Services
4532	Office Supplies, Stationary, and Gift Stores	5614	Business Support Services
4812	Nonscheduled Air Transportation	6515	Travel Arrangement and Reservation Services
4861	Pipeline Transportation of Crude Oil	5616	Investigation and Security Services
4862	Pipeline Transportation of Natural Gas	6111	Elementary and Secondary Schools]
4869	Other Pipeline Transportation	6112	Junior Colleges
4879	Scenic and Sightseeing Transportation, Other	6113	Colleges, Universities, and Professional Schools
4885	Freight Transportation Arrangement	6114	Business Schools and Computer and Management Training
5111	Newspaper, Periodical, Book, and Directory Publishers	6115	Technical and Trade Schools
5112	Software Publishers	6116	Other Schools and Instruction]
5121	Motion Picture and Video Industries	6117	Educational Support Services]
5122	Sound Recording Industries	6211	Offices of Physicians
5151	Radio and Television Broadcasting	6212	Offices of Dentists
5172	Wireless Telecommunications Carriers (except Satellite)	6213	Offices of Other Health Practitioners
5173	Telecommunications Resellers	6214	Outpatient Care Centers
5179	Other Telecommunications	6215	Medical and Diagnostic Laboratories
5181	Internet Service Providers and Web Search Portals	6244	Child Day Care Services
5182	Data Processing, Hosting, and Related Services	7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
5191	Other Information Services	7115	Independent Artists, Writers, and Performers
5211	Monetary Authorities - Central Bank	7213	Rooming and Boarding Houses
5221	Depository Credit Intermediation	7221	Full-Service Restaurants
5222	Nondepository Credit Intermediation	7222	Limited-Service Eating Places
5223	Activities Related to Credit Intermediation	7224	Drinking Places (Alcoholic Beverages)
5231	Securities and Commodity Contracts Intermediation and Brokerage	8112	Electronic and Precision Equipment Repair and Maintenance
5232	Securities and Commodity Exchanges	8114	Personal and Household Goods Repair and Maintenance
5239	Other Financial Investment Activities	8121	Personal Care Services
5241	Insurance Carriers	8122	Death Care Services
5242	Agencies, Brokerages, and Other Insurance Related Activities	8131	Religious Organizations
5251	Insurance and Employee Benefit Funds	8132	Grantmaking and Giving Services
5259	Other Investment Pools and Funds	8133	Social Advocacy Organizations
5312	Offices of Real Estate Agents and Brokers	8134	Civic and Social Organizations
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	8139	Business, Professional, Labor, Political, and Similar Organizations

Table 2 - Related rules

This table indicates which sections of the rule address each topic.	
(i) Determination of work-relatedness.	See 437-001-0700(6)
(ii) Determination of a new case.	See 437-001-0700(7)
(iii) General recording criteria.	See 437-001-0700(8)
(iv) Additional criteria. (Needlestick and sharps injury cases, tuberculosis cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases)	See 437-001-0700(9) through (12)

Figure 1 – Decision tree

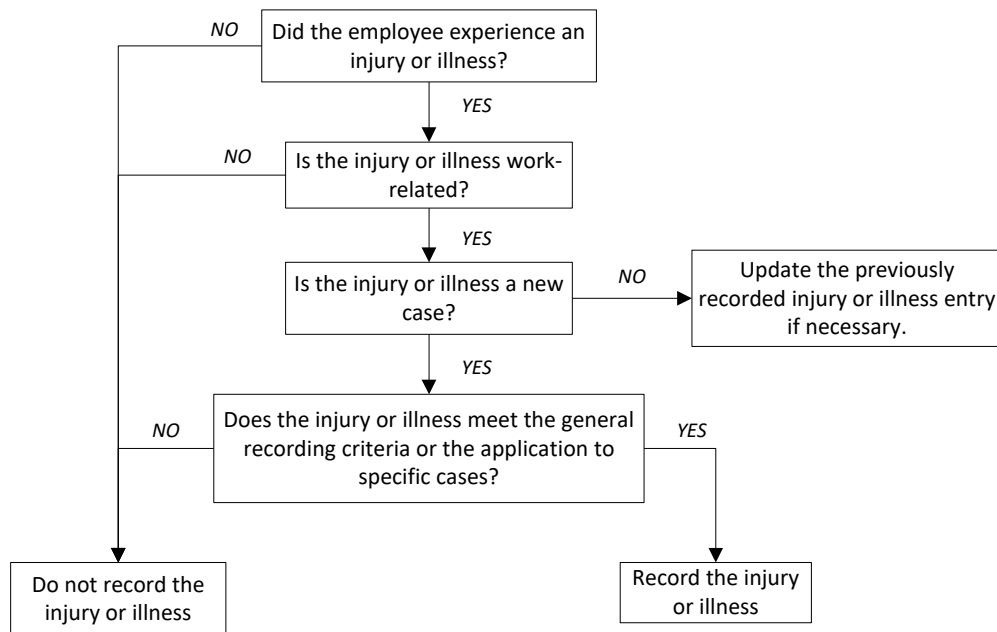


Table 3 - Work environment exceptions

Do not record injuries and illnesses if . . .
At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
The injury or illness involves signs or symptoms that surface at work but result solely from a nonwork-related event or exposure that occurs outside the work environment.
The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

Do not record injuries and illnesses if . . .

The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case is not work-related.

Note: If the employee becomes ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case is work-related.

The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

The injury or illness is solely the result of personal grooming, self-medication for a nonwork-related condition, or is intentionally self-inflicted.

The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are work-related if the employee is infected at work).

The illness is a mental illness. Mental illness is not work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a work-related mental illness.

Table 4 - Travel status exemptions

Do not record injuries or illnesses that occur when the employee is on travel status if they meet one of the exceptions listed below.

If the employee . . .	You may use the following to determine if an injury or illness is work-related.
checked into a hotel or motel for one or more days.	When a traveling employee checks into a hotel, motel, or other temporary residence, they establish a "home away from home." You must evaluate the employee's activities after they check into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, they have left the work environment. When the employee begins work each day, they re-enter the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
took a detour for personal reasons.	Injuries or illnesses are not work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., took a side trip for personal reasons).

Table 5 - General recording criteria

Record a work-related injury or illness if it results in one or more of the following:	
(i) Death,	See 437-001-0700(8)(a)
(ii) Days away from work,	See 437-001-0700(8)(b)
(iii) Restricted work or transfer to another job,	See 437-001-0700(8)(c)
(iv) Medical treatment beyond first aid,	See 437-001-0700(8)(d)
(v) Loss of consciousness,	See 437-001-0700(8)(e)
(vi) A significant injury or illness diagnosed by a physician or other licensed health care professional.	See 437-001-0700(8)(f)

Table 6 - First aid treatment

(A)	Using a nonprescription medication at nonprescription strength (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is medical treatment for recordkeeping purposes);	(H)	Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
(B)	Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, is medical treatment);	(I)	Using eye patches;
(C)	Cleaning, flushing or soaking wounds on the surface of the skin;	(J)	Removing foreign bodies from the eye using only irrigation or a cotton swab;
(D)	Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc. are medical treatment);	(K)	Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
(E)	Using hot or cold therapy;	(L)	Using finger guards;

(F)	Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are medical treatment for recordkeeping purposes);	(M)	Using massages (physical therapy or chiropractic treatment are medical treatment for recordkeeping purposes); or
(G)	Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.).	(N)	Drinking fluids for relief of heat stress.

This is a complete list of all first aid treatments for this standard. These treatments are considered first aid regardless of the professional status of the person providing the treatment.

Table 7 – (24)(b) Designated Industries

Annual Electronic Submission of OSHA Form 300A Summary of Work-Related Injuries and Illnesses by Establishments With 20-249 Employees in Designated Industries.

NAICS	Industry	NAICS	Industry
11	Agriculture, Forestry, Fishing and Hunting.	4882	Support Activities for Rail Transportation.
22	Utilities.	4883	Support Activities for Water Transportation.
23	Construction.	4884	Support Activities for Road Transportation.
31-33	Manufacturing.	4889	Other Support Activities for Transportation.
42	Wholesale Trade.	4911	Postal Service.
4413	Automotive Parts, Accessories, and Tire Stores.	4921	Couriers and Express Delivery Services.
4421	Furniture Stores.	4922	Local Messengers and Local Delivery.
4422	Home Furnishings Stores.	4931	Warehousing and Storage.
4441	Building Material and Supplies Dealers.	5152	Cable and Other Subscription Programming.
4442	Lawn and Garden Equipment and Supply Stores.	5311	Lessors of Real Estate.
4451	Grocery Stores.	5321	Automotive Equipment Rental and Leasing.
4452	Specialty Food Stores.	5322	Consumer Goods Rental.
4522	Department Stores.	5323	General Rental Centers.
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters.	5617	Services to Buildings and Dwellings.
4533	Used Merchandise Stores.	5621	Waste Collection.
4542	Vending Machine Operators.	5622	Waste Treatment and Disposal.
4543	Direct Selling Establishments.	5629	Remediation and Other Waste Management Services.
4811	Scheduled Air Transportation.	6219	Other Ambulatory Health Care Services.
4841	General Freight Trucking.	6221	General Medical and Surgical Hospitals.
4842	Specialized Freight Trucking.	6222	Psychiatric and Substance Abuse Hospitals.
4851	Urban Transit Systems.	6223	Specialty (except Psychiatric and Substance Abuse) Hospitals.
4852	Interurban and Rural Bus Transportation.	6231	Nursing Care Facilities (Skilled Nursing Facilities).
4853	Taxi and Limousine Service.	6232	Residential Intellectual and Developmental Disability, Mental Health and Substance Abuse Facilities.
4854	School and Employee Bus Transportation.		
4855	Charter Bus Industry.		
4859	Other Transit and Ground Passenger Transportation.		
4871	Scenic and Sightseeing Transportation, Land.		
4881	Support Activities for Air Transportation.		

NAICS	Industry
6233	Continuing Care Retirement Communities and Assisted Living Facilities, Facilities for the Elderly.
6239	Other Residential Care Facilities.
6242	Community Food and Housing, and Emergency and Other Relief Services.
6243	Vocational Rehabilitation Services.
7111	Performing Arts Companies.
7112	Spectator Sports.
7121	Museums, Historical Sites, and Similar Institutions.
7131	Amusement Parks and Arcades.

NAICS	Industry
7132	Gambling Industries.
7211	Traveler Accommodation.
7212	RV (Recreational Vehicle) Parks and Recreational Camps.
7223	Special Food Services.
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance.
8123	Drycleaning and Laundry Services.

Table 8 – (24)(c) Designated Industries

Designated Industries for Annual Electronic Submission of information from OSHA Form 300 Log of Work-Related Injuries and Illnesses and DCBS Form 801 by Establishments With 100 or More Employees in Designated Industries.

Note: If subsection (24)(c) applies then your establishment is also required to electronically submit the OSHA Form 300A summary in accord with either subsection (24)(a) or (24)(b) depending on the size of the establishment.

NAICS	Industry.	NAICS	Industry.
1111	Oilseed and Grain Farming.	3116	Animal Slaughtering and Processing.
1112	Vegetable and Melon Farming.	3117	Seafood Product Preparation and Packaging.
1113	Fruit and Tree Nut Farming.	3118	Bakeries and Tortilla Manufacturing.
1114	Greenhouse, Nursery, and Floriculture Production.	3119	Other Food Manufacturing.
1119	Other Crop Farming.	3121	Beverage Manufacturing.
1121	Cattle Ranching and Farming.	3161	Leather and Hide Tanning and Finishing.
1122	Hog and Pig Farming.	3162	Footwear Manufacturing.
1123	Poultry and Egg Production.	3211	Sawmills and Wood Preservation.
1129	Other Animal Production.	3212	Veneer, Plywood, and Engineered Wood Product Manufacturing.
1133	Logging.	3219	Other Wood Product Manufacturing.
1141	Fishing.	3261	Plastics Product Manufacturing.
1142	Hunting and Trapping.	3262	Rubber Product Manufacturing.
1151	Support Activities for Crop Production.	3271	Clay Product and Refractory Manufacturing.
1152	Support Activities for Animal Production.	3272	Glass and Glass Product Manufacturing.
1153	Support Activities for Forestry.	3273	Cement and Concrete Product Manufacturing.
2213	Water, Sewage and Other Systems.	3279	Other Nonmetallic Mineral Product Manufacturing.
2381	Foundation, Structure, and Building Exterior Contractors.	3312	Steel Product Manufacturing from Purchased Steel.
3111	Animal Food Manufacturing.		
3113	Sugar and Confectionery Product Manufacturing.		
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing.		
3115	Dairy Product Manufacturing.		

NAICS	Industry.
3314	Nonferrous Metal (except Aluminum) Production and Processing.
3315	Foundries.
3321	Forging and Stamping.
3323	Architectural and Structural Metals Manufacturing.
3324	Boiler, Tank, and Shipping Container Manufacturing.
3325	Hardware Manufacturing.
3326	Spring and Wire Product Manufacturing.
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing.
3328	Coating, Engraving, Heat Treating, and Allied Activities.
3331	Agriculture, Construction, and Mining Machinery Manufacturing.
3335	Metalworking Machinery Manufacturing.
3361	Motor Vehicle Manufacturing.
3362	Motor Vehicle Body and Trailer Manufacturing.
3363	Motor Vehicle Parts Manufacturing.
3366	Ship and Boat Building.
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing.
3372	Office Furniture (including Fixtures) Manufacturing.
3379	Other Furniture Related Product Manufacturing.
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers.
4233	Lumber and Other Construction Materials Merchant Wholesalers.
4235	Metal and Mineral Merchant Wholesalers.

NAICS	Industry.
4239	Miscellaneous Durable Goods Merchant Wholesalers.
4244	Grocery and Related Product Merchant Wholesalers.
4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers.
4413	Automotive Parts, Accessories, and Tire Stores.
4422	Home Furnishings Stores
4441	Building Material and Supplies Dealers.
4442	Lawn and Garden Equipment and Supplies Stores.
4451	Grocery Stores.
4522	Department Stores.
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533	Used Merchandise Stores.
4543	Direct Selling Establishments.
4811	Scheduled Air Transportation.
4841	General Freight Trucking.
4842	Specialized Freight Trucking.
4851	Urban Transit Systems.
4852	Interurban and Rural Bus Transportation.
4853	Taxi and Limousine Service.
4854	School and Employee Bus Transportation.
4859	Other Transit and Ground Passenger Transportation.
4871	Scenic and Sightseeing Transportation, Land.
4881	Support Activities for Air Transportation.
4883	Support Activities for Water Transportation.

NAICS	Industry.
4889	Other Support Activities for Transportation.
4911	Postal Service.
4921	Couriers and Express Delivery Services.
4931	Warehousing and Storage.
5322	Consumer Goods Rental.
5621	Waste Collection.
5622	Waste Treatment and Disposal.
6219	Other Ambulatory Health Care Services.
6221	General Medical and Surgical Hospitals.
6222	Psychiatric and Substance Abuse Hospitals.
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals.
6231	Nursing Care Facilities (Skilled Nursing Facilities).
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities.
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly.
6239	Other Residential Care Facilities.
6243	Vocational Rehabilitation Services.
7111	Performing Arts Companies.
7112	Spectator Sports.
7131	Amusement Parks and Arcades.
7211	Traveler Accommodation.
7212	RV (Recreational Vehicle) Parks and Recreational Camps.
7223	Special Food Services.

Appendix A (Nonmandatory) to 437-001-0700, Age Related Hearing Loss

You cannot use age correction for determining whether an employee has reached the 25 dB threshold above audiometric zero. You cannot age-correct an audiogram for determining a Standard Threshold Shift (STS) for purposes of OAR 437-002-1910.95, "Occupational Noise Exposure."

When determining whether you must record an STS on the OSHA 300 Log, you can allow for the contribution of aging by adjusting the current audiogram. If you choose to adjust the audiogram, follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard . . . Occupational Exposure to Noise," ((HSM)-11001).

For each ear;

(i) Determine from Table F-1 (for males) or F-2 (for females) the age correction values for the employee by:

(A) Finding the age at which the current audiogram was taken and recording the corresponding values of age corrections at 2000 Hz, 3000 Hz, and 4000 Hz;

(B) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 2000 Hz, 3000 Hz, and 4000 Hz.

(ii) Subtract the values in the baseline from the values in the current audiogram.

(iii) The calculated difference represents the portion of the change in hearing that may be due to aging.

(iv) An STS is a loss of 10 dB as an average of the 2000 Hz, 3000 Hz, and 4000 Hz between the baseline audiogram and the current audiogram. Once you have performed the age correction, add up the results of the age-corrected audiogram and divide by three. If the result is 10 or larger, then it is still an STS.

Example: Employee is a 32-year-old male. The audiometric history for his right ear is shown in decibels below.

Employee's age	Audiometric test frequency (hz)		
	2000	3000	4000
*27	0	0	5
28	0	0	10
29	0	5	15
30	5	10	20
31	10	20	15
*32	10	10	25

The audiogram at age 27 is considered the baseline since it was the initial audiogram. Asterisks have been used to identify the baseline and current audiogram. A threshold shift of 10 dB exists at both the 2000 Hz and 3000 Hz, and a 20 dB shift exists at 4000 Hz between the audiograms taken at ages 27 and 32.

(The threshold shift is computed by subtracting the hearing threshold at age 27, which was 0, 0, 5, from the hearing threshold at age 32, which is 10, 10, and 25). A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to Table F-1 and find the age correction values at age 27 and age 32.

	Frequency (Hz)		
	2000	3000	4000
Age 32	5	7	10
Age 27	4	6	7
Difference	1	1	3

The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the current audiogram. In this example, the difference at 2000 Hz is 1 dB, the difference at 3000 Hz is 1dB, and the difference at 4000 Hz is 3 dB. These values are subtracted from the respective hearing levels of the current audiogram.

Once you have done the age correction, compare the age-corrected audiogram to the baseline to determine the severity of the shift. There is no need to age-correct the baseline for this purpose because the calculation above already took that into consideration.

	Frequency (Hz)		
	2000	3000	4000
Age-corrected Current Audiogram	5	7	10
Baseline Audiogram	4	6	7
Difference	1	1	3

An STS is present when the difference between the current audiogram and the baseline audiogram is 10 dB averaged from the 2000 Hz, 3000 Hz, and 4000 Hz readings. In this instance, the average of 9 dB (from the 2000 Hz reading), 9 dB (from the 3000 Hz reading), and 17 dB (from the 4000 Hz reading) is 11.7 dB. This is an STS because the shift is more than 10 dB, even after the age correction.

Table F 1 - Age correction values in decibels for males

Years	Audiometric Test Frequency (Hz)			Years	Audiometric Test Frequency (Hz)		
	2000	3000	4000		2000	3000	4000
20 or younger	3	4	5	41	6	10	14
21	3	4	5	42	7	11	16
22	3	4	5	43	7	12	16
23	3	4	6	44	7	12	17

Years	Audiometric Test Frequency (Hz)			Years	Audiometric Test Frequency (Hz)		
	2000	3000	4000		2000	3000	4000
24	3	5	6	45	7	133	18
25	3	5	7	46	8	13	19
26	4	5	7	47	8	14	19
27	4	6	7	48	8	14	20
28	4	6	8	49	9	15	21
29	4	6	8	50	9	16	22
30	4	6	9	51	9	16	23
31	4	7	9	52	10	17	24
32	5	7	10	53	10	18	25
33	5	7	10	54	10	18	26
34	5	8	11	55	11	19	27
35	5	8	11	56	11	20	28
36	5	9	12	57	11	21	29
37	6	9	12	58	12	22	31
38	6	9	13	59	12	22	32
39	6	10	14	60 or older	13	23	33
40	6	10	14				

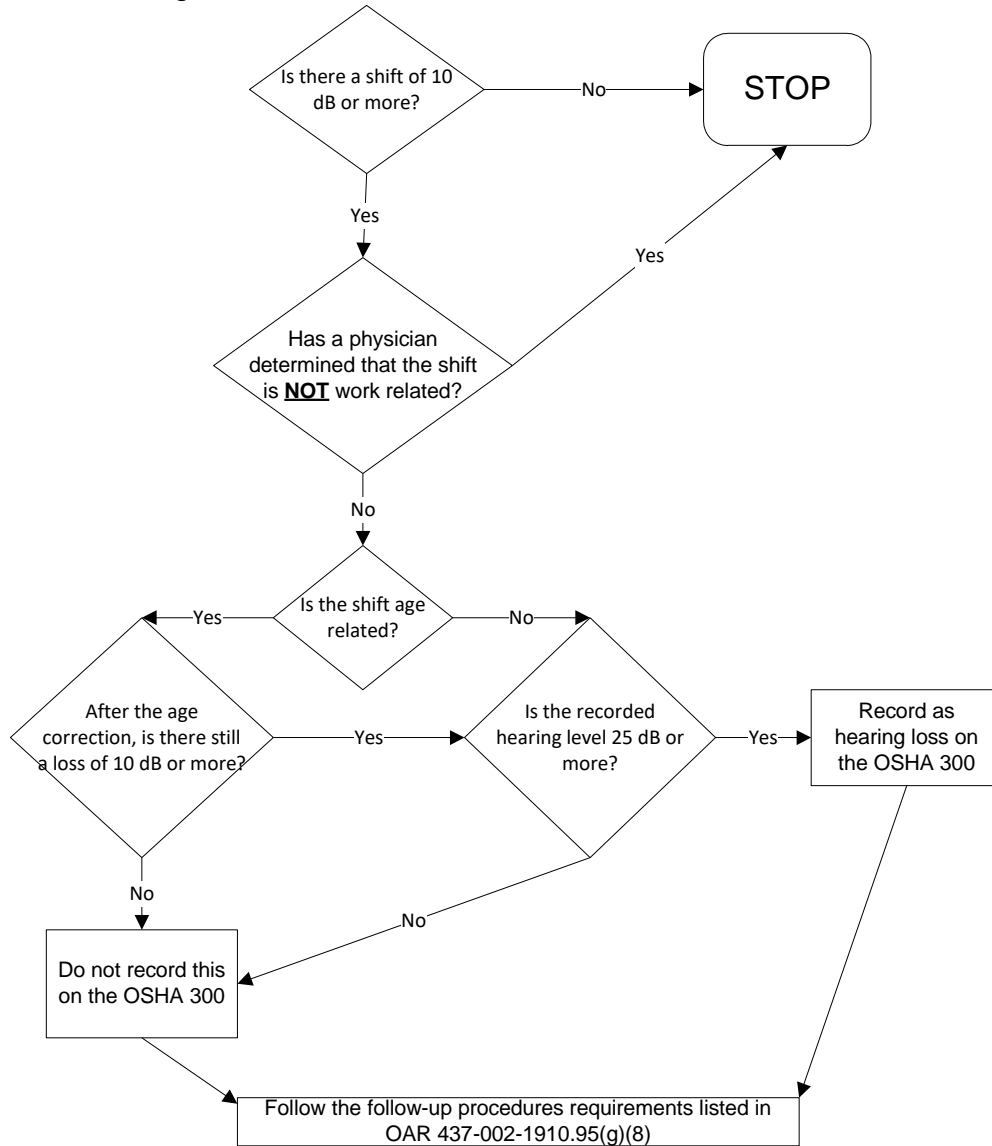
Table F 2 - Age correction values in decibels for females

Years	Audiometric Test Frequency (Hz)			Years	Audiometric Test Frequency (Hz)		
	2000	3000	4000		2000	3000	4000
20 or younger	4	3	3	41	8	8	8
21	4	4	3	42	8	9	9
22	4	4	4	43	8	9	9
23	5	4	4	44	8	9	9
24	5	4	4	45	8	10	10
25	5	4	4	46	9	10	10
26	5	5	4	47	9	10	11
27	5	5	5	48	9	11	11
28	5	5	5	49	9	11	11
29	5	5	5	50	10	11	12
30	6	5	5	51	10	12	12
31	6	6	5	52	10	12	13
32	6	6	6	53	10	13	13
33	6	6	6	54	11	13	14
34	6	6	6	55	11	14	14

Years	Audiometric Test Frequency (Hz)			Years	Audiometric Test Frequency (Hz)		
	2000	3000	4000		2000	3000	4000
35	6	7	7	56	11	14	15
36	6	7	7	57	11	15	15
37	7	7	7	58	12	15	16
38	7	7	7	59	12	16	16
39	7	8	8	60 or older	12	16	17
40	7	8	8				

Appendix B (Nonmandatory) to 437-001-0700, Hearing Loss Recordability Flowchart

All numbers referenced below are taken as an average of the 2K, 3K, and 4K Hz. levels of the audiogram.



* 29 CFR 1910.95 assumes that any shift is workplace-induced unless a physician determines otherwise.

AMEND: 437-001-0765

RULE SUMMARY: 437-001-0765 – Updates a reference due to changes from AO 4-2015 Rules for Firefighters rulemaking, which requires the subpart referenced in this rule to be changed from 437-002-0182(7) to 437-002-0182(8) (in the first paragraph of the rule). In two locations in the rule, uppercase "NOTE" is changed to lowercase "Note" for agency Codebook style consistency.

CHANGES TO RULE:

437-001-0765

Safety Committees and Safety Meetings: ¶¶

This rule requires employers to establish and administer a safety committee, or to hold safety meetings, to communicate and evaluate safety and health issues. Purpose: The purpose of safety committees and safety meetings is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health. Safety committees and safety meetings will assist you in making continuous improvement to your safety and health programs. Scope: This rule applies to public or private employers in Oregon subject to Oregon OSHA jurisdiction, except as listed below. You do not have to comply with this rule if you are: The sole owner and only employee of a corporation; A member of a board or commission and do not participate in the day-to-day activities of the company. You are not considered an employee for purposes of this rule. Engaged in agricultural activities covered by Division 4, Subdivision C. Engaged in forest activities covered by Division 7, Subdivisions B and C. Division 2, Subdivision L OAR 437-002-0182(7) requires employers engaged in fire service activities to establish a separate fire service safety committee or opt for safety meetings if they meet the criteria in the following table. You can choose a committee or meetings. ¶¶

(1) You must establish and administer an effective safety committee or hold effective safety meetings as defined by these rules: Table 1 (attached). Safety Committees ¶¶

(2) If you have 20 or fewer employees you must have at least 2 members. If you have more than 20 employees you must have at least 4 members. ¶¶

(3) You must have an equal number of employer-selected members and employee-elected or volunteer members. If both parties agree, the committee may have more employee-elected or volunteer members. ¶¶

NOTEote: Management can select a supervisor to represent them. Employees can elect a supervisor to represent them. ¶¶

(4) Your safety committee members must: Have a majority agree on a chairperson. Serve a minimum of one year, when possible. Be compensated at their regular rate of pay. Have training in the principles of accident and incident investigations for use in evaluating those events. Have training in hazard identification. Be provided with meeting minutes. Represent major activities of your business. ¶¶

(5) Your safety committee must meet on company time as follows: Quarterly in situations where employees do mostly office work. Monthly for all other situations (except the months when quarterly worksite inspections are performed). ¶¶

(6) You must keep written records of each safety committee meeting for three years that include: Names of attendees. Meeting date. All safety and health issues discussed, including tools, equipment, work environment, and work practice hazards. Recommendations for corrective action and a reasonable date by which management agrees to respond. Person responsible for follow up on any recommended corrective actions. All reports, evaluations, and recommendations made by the committee. ¶¶

(7) Your safety committee must establish procedures for conducting workplace safety and health inspections. Persons trained in hazard identification must conduct inspections as follows: Table 2 (attached). ¶¶

(8) In addition to the above requirements, your safety committee must: Work with management to establish, amend, or adopt accident investigation procedures that will identify and correct hazards. Have a system that allows employees an opportunity to report hazards and safety and health related suggestions. Establish procedures for reviewing inspection reports and for making recommendations to management. Evaluate all accident and incident investigations and make recommendations for ways to prevent similar events from occurring. Make safety committee meeting minutes available for all employees to review. Evaluate management's accountability system for safety and health, and recommend improvements. Examples include use of incentives, discipline, and evaluating success in controlling safety and health hazards. ¶¶

(9) If you have multiple locations, you may choose to have a centralized safety committee. A centralized safety committee must represent the safety and health concerns of all locations and meet the requirements for safety committees. If you rely on a centralized committee, you must also have a written safety and health policy that: Represents management commitment to the committee. Requires and describes effective employee involvement. Describes how the company will hold employees and managers accountable for safety and health. Explains

specific methods for identifying and correcting safety and health hazards at each location. Includes an annual written comprehensive review of the committees' activities to determine effectiveness. Safety Meetings¶

NOTEote: Two or more employers at a single location may combine resources to meet the intent of these rules.¶

(10) Safety meetings must: Include all available employees. Include at least one employer representative authorized to ensure correction of safety and health issues. Be held on company time and attendees paid at their regular rate of pay.¶

(11) Hold safety meetings with the following frequency if: Table 3 (attached).¶

(12) Safety meetings must include discussions of: Safety and health issues. Accident investigations, causes, and the suggested corrective measures.¶

(13) Employers in construction, utility work, and manufacturing must document, make available to all employees, and keep for three years a written record of each meeting that includes the following: Hazards related to tools, equipment, work environment, and unsafe work practices identified and discussed during the meeting. The date of the meeting. The names of those attending the meeting. All other employers do not need to keep these records if all employees attend the safety meeting.¶

(14) If you are a subcontractor on a multi-employer worksite, to meet the intent of (11) through (13), your employees may attend the prime contractor's safety meetings. You may keep the minutes from these meetings as a part of your records to meet the intent of (13). If you choose this option, you must still meet to discuss accidents involving your employees.¶

(15) Innovation. After you apply, Oregon OSHA may grant approval for safety committees or safety meetings that differ from the rule requirements yet meet the intent of these rules.¶

(16) Effective Dates. The effective date for compliance with this rule is January 1, 2009. For employers with 10 or fewer employees, other than those in construction, the effective date is September 19, 2009.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.176

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Filing Attachment for Proposed Amendments to OAR 437-001-0765 Safety Committees,
5/30/2024

Table 1

If	You can have a Safety Committee	You can have Safety Meetings
You have 10 or fewer employees more than half of the year (including seasonal and temporary)	Yes	Yes
More than half of your employees report to construction sites	Yes	Yes
More than half of your employees are mobile or move frequently between sites	Yes	Yes
Most employees do not regularly work outside an office environment	Yes	Yes
You have more than 10 employees at a location, and none of the above applies	Yes	No
You have satellite or auxiliary offices with 10 or fewer employees at each location	Yes	Yes

Table 2

Where	Who	When
Primary fixed locations	Employer and employee representatives	Quarterly
Office environments	Employer and employee representatives	Quarterly
Auxiliary and satellite locations	Employer and employee representatives	Quarterly
Mobile work locations, infrequently visited sites, and sites that do not lend themselves to quarterly inspections	Employer and employee representatives or a designated person	As often as the safety committee determines is necessary

Table 3

Nature of the Business	Frequency of Meetings
You employ construction workers	At least monthly and before the start of each job that lasts more than one week.
Your employees do mostly office work	At least quarterly
All other employers	At least monthly

AMEND: 437-002-0005

RULE SUMMARY: 437-002-0005(5) – In 1910.5, the change corrects obsolete regulatory text, which, in addition to any state, the District of Columbia, and U.S. territories, applies standards to two territories that no longer exist: Trust Territory of the Pacific Islands and the Canal Zone. Now there is the Commonwealth of the Northern Mariana Islands and removes the reference to the Canal Zone.

437-002-0005(7) – In 1910.7 Appendix A, Changes the title of c. from "Terms and Conditions of Recognition" which is corrected to the same format as the A. and B. titles. Due to the change is heading, OSHA is renumbering current c. (1), (2), (3), and (4) to (1)(a), (b), (c), and (d). It also removes outdated paragraph c. (5), Temp. Recognition of Certain NRTL - as that ended in 1993 and the two cited NRTLs listed now have regular NRTL recognition.

CHANGES TO RULE:

437-002-0005

Adoption by Reference ¶¶

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:¶¶

(1) 29 CFR 1910.1, Purpose and scope; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.¶¶

(2) 29 CFR 1910.2, Definitions; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.¶¶

(3) 29 CFR 1910.3, Petitions for the issuance, amendment, or repeal of a standard; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.¶¶

(4) 29 CFR 1910.4, Amendments to this part; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.¶¶

(5) 29 CFR 1910.5, Applicability of standards; published ~~6/30/93~~2/18/20, FR vol. ~~585~~, no. ~~12432~~, p. ~~35308~~8726-8746.¶¶

(6) 29 CFR 1910.6, Incorporation by reference; published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(7) 29 CFR 1910.7, Definition and requirements for a Nationally Recognized Testing Laboratory; published ~~52/11/888/20~~, FR vol. ~~853~~, no. ~~9132~~, p. ~~16838~~8726-8746.¶¶

(8) 29 CFR 1910.9, Compliance duties owed to each employee; published 12/12/08, Federal Register, vol. 73, no. 240, pp. 75568-75589.¶¶

These standards are on file at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

AMEND: 437-002-0020

RULE SUMMARY: 437-002-0020(3) – Revising 1910.23(d)(4) to state that 42 inches is the minimum - not the exact measurement - for fixed ladder side rail extensions.

437-002-0020(5) – 1910.25(a), the change clarifies that all articulated stairs used in general industry, not just those serving floating roof tanks, remain excluded from coverage by 1910.25. In 1910.25(c), Figure at 1910.25(c) immediately after D-1 does not have a title even though it is referred to as Figure D-8 in 1910.25(c)(4). It was mistakenly left out in the last rulemaking; so, a missing title is added: "Figure D-8 - Dimensions of Standard Stairs".

437-002-0020(7) – In 1910.27, the change corrects a typographical error in 1910.27(b)(1)(i) in metric parenthesis from 268 kg to 2,268 kg.

437-002-0020(9) – In 1910.29, the change corrects Figure D-11 to include labels identifying top rail and end post in top diagram of the Figure, mistakenly omitted from the last fed OSHA rulemaking.

CHANGES TO RULE:

437-002-0020

Adoption by Reference ¶¶

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:¶¶

(1) 29 CFR 1910.21 Scope and definitions, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶

(2) 29 CFR 1910.22 General Requirements, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶

(3) 29 CFR 1910.23 Ladders, published ~~11/18/16~~, Federal Register, vol. ~~81~~, no. ~~223~~, p. ~~82494~~~~68794-~~~~68797~~.¶¶

(4) 29 CFR 1910.24 Step bolts and manhole steps, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶

(5) 29 CFR 1910.25 Stairways, published ~~11/18/16~~, Federal Register, vol. ~~81~~, no. ~~223~~, p. ~~82494~~~~68794-~~~~68797~~.¶¶

(6) 29 CFR 1910.26 Dockboards, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶

(7) 29 CFR 1910.27 Scaffolds and rope descent systems, published ~~11/18/16~~, Federal Register, vol. ~~81~~, no. ~~223~~, p. ~~82494~~~~68794-~~~~68797~~.¶¶

(8) 29 CFR 1910.28 Duty to have fall protection and falling object protection, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶

(9) 29 CFR 1910.29 Fall protection systems and falling object protection - criteria and practices, published ~~11/18/16~~, Federal Register, vol. ~~81~~, no. ~~223~~, p. ~~82494~~~~68794-~~~~68797~~.¶¶

(10) 29 CFR 1910.30 Training requirements, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

AMEND: 437-002-0120

RULE SUMMARY: 437-002-0120(9) – In 1910.140(c)(8), the language is corrected to be phrased as the originally intended requirement that the gate of snaphooks and carabiners be capable of withstanding a minimum load of 3,600 pounds without the gate separating from the nose of the snaphook or carabiner body by more than 0.125 inches.

CHANGES TO RULE:

437-002-0120

Adoption by Reference ¶¶

In addition to, and not in lieu of, any other health and safety codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:¶¶

- (1) 29 CFR 1910.132 General requirements. Repealed with Oregon OSHA Admin. Order 4-2011, filed and effective 12/8/11. In Oregon, OAR 437-002-0134 applies.¶¶
 - (2) 29 CFR 1910.133 Eye and face protection. Repealed with Oregon OSHA Admin. Order 4-2011, filed and effective 12/8/11. In Oregon, OAR 437-002-0134 applies.¶¶
 - (3) 29 CFR 1910.134 Respiratory protection, published 9/26/19, FR vol. 84, no. 187, p. 50739.¶¶
 - (4) 29 CFR 1910.135 Occupational head protection. Repealed with Oregon OSHA Admin. Order 4-2011, filed and effective 12/8/11. In Oregon, OAR 437-002-0134 applies.¶¶
 - (5) 29 CFR 1910.136 Occupational foot protection. Repealed with Oregon OSHA Admin. Order 4-2011, filed and effective 12/8/11. In Oregon, OAR 437-002-0134 applies.¶¶
 - (6) 29 CFR 1910.137 Electrical protective equipment, published 4/11/14, FR vol. 79, no. 70, p. 20316.¶¶
 - (7) 29 CFR 1910.138 Hand Protection. Repealed with Oregon OSHA Admin. Order 4-2011, filed and effective 12/8/11. In Oregon, OAR 437-002-0134 applies.¶¶
 - (8) 29 CFR 1910.139 Reserved.¶¶
 - (9) 29 CFR 1910.140 Personal fall protection, published ~~142/187/169~~, Federal Register, vol. ~~814~~, no. ~~2423~~, p. ~~8249468794-68797~~.¶¶
 - (10) Appendices.¶¶
 - (a) Appendix A - References for further information (nonmandatory).¶¶
 - (b) Appendix B - Nonmandatory compliance guidelines for hazard assessment and personal protective equipment selection; amended with OR-OSHA Admin. Order 3-2015, f. 10/9/15, ef. 1/1/16.¶¶
 - (c) Appendix C to Subpart I of Part 1910 - Personal Fall Protection Systems Non-Mandatory Guidelines, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶
 - (d) Appendix D to Subpart I of Part 1910 - Test Methods and Procedures for Personal Fall Protection Systems Non-Mandatory Guidelines, published 11/18/16, Federal Register, vol. 81, no. 223, p. 82494.¶¶
- These standards are available from the Oregon Occupational Safety and Health Division (OR-OSHA), Department of Consumer and Business Services; and the United States Government Printing Office.
Statutory/Other Authority: ORS 654.025(2), 656.726(4)
Statutes/Other Implemented: ORS 654.001 - 654.295

AMEND: 437-002-0134

RULE SUMMARY: 437-002-0134(8)(g) – Corrects one spelling error in the rule: “incompliance” is changed to “in compliance.”

CHANGES TO RULE:

437-002-0134

Personal Protective Equipment ¶

Application. This rule applies to personal protective equipment and other protective equipment for the eyes, face, head, extremities and torso to include protective clothing, respiratory devices, and protective shields and barriers, wherever employees encounter hazardous processes or environments, chemical hazards, radiological hazards, or mechanical irritants that are capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.¶

Note: The assessment for eyes, face, head, hands, and feet are currently in effect. The torso and extremities (e.g. arms and legs) element of the body assessment will not be enforced until July 1, 2012.¶

(1) Hazard assessment and equipment selection.¶

(a) The employer must assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE) or other protective equipment. If such hazards are present, or likely to be present, the employer must:¶

(A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;¶

(i) All protective equipment must be of safe design and construction for the work to be performed.¶

(ii) Protective equipment must be worn and used in a manner which will make full use of its protective properties.¶

(B) Communicate selection decisions to each affected employee; and,¶

(C) Select PPE that properly fits each affected employee.¶

Note: Non-mandatory Appendix B contains an example of procedures that would comply with the requirement for a hazard assessment.¶

(b) The employer must verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.¶

(2) Equipment.¶

(a) Where employees provide their own protective equipment, the employer is responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.¶

(b) All personal protective equipment must be provided, used, and maintained in a sanitary and reliable condition.¶

(c) Defective or damaged personal protective equipment must not be used.¶

(d) Each employer must maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers.¶

(3) Training.¶

(a) The employer must provide training to each employee who is required by this section to use PPE and each employee that is provided training must know at least the following:¶

(A) When PPE is necessary;¶

(B) What PPE is necessary;¶

(C) How to properly don, doff, adjust, and wear PPE;¶

(D) The limitations of the PPE; and,¶

(E) The proper care, maintenance, useful life and disposal of the PPE.¶

(b) Each affected employee must demonstrate an understanding of the training specified in paragraph (3)(a) of this section, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.¶

(c) When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by paragraph (3)(b) of this section, the employer must retrain each such employee. Circumstances where retraining is required include, but are not limited to situations where:¶

(A) Changes in the workplace render previous training obsolete; or¶

(B) Changes in the types of PPE to be used render previous training obsolete; or¶

(C) Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.¶

(4) Payment for protective equipment.¶

(a) Except as provided by paragraphs (4)(b) through (4)(f) of this section, the protective equipment, including

personal protective equipment (PPE), used to comply with this part, must be provided by the employer at no cost to employees.¶

(b) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.¶

(c) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.¶

(d) The employer is not required to pay for:¶

(A) The logging boots required by OAR 437-007-0330 in Division 7.¶

(B) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or¶

(C) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.¶

(e) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.¶

(f) Where an employee provides adequate protective equipment he or she owns pursuant to paragraph (2)(a) of this section, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer must not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (4)(b) through (4)(e) of this section.¶

(5) Fall Protection.¶

(a) Motor and Rolling Stock Vehicles.¶

(A) All employees must be protected from fall hazards when working on motor and rolling stock vehicle surfaces more than 10 feet above a lower level or at any height above dangerous equipment.¶

(B) The employer must ensure that fall protection systems are provided, installed, and used according to the criteria in 1910.140 in this Subdivision.¶

Note to 437-002-0134(5)(a): The duty to provide fall protection for employees on walking-working surfaces other than motor and rolling stock vehicles is covered by 1910.28 (Duty to have fall protection and falling object protection) within 2/D. The criteria and practices for fall protection systems for walking-working surfaces other than motor and rolling stock vehicles is covered by 1910.29 within 2/D.¶

(b) Travel Restraint Systems. The employer must ensure each employee using a travel restraint system (personal fall restraint) is prevented from going over the edge by providing, installing and ensuring its use according to the criteria in 1910.140 in this Subdivision with the following exceptions to 1910.140:¶

(A) 1910.140(c)(13) does not apply when anchorages used solely for travel restraint are:¶

(i) Capable of supporting 3000 pounds (13.34 kN) per employee attached; or¶

(ii) Are designed, installed and used under the supervision of a qualified person, as part of a complete personal fall protection system that maintains a safety factor of at least two.¶

(B) 1910.140(c)(22) does not apply. The attachment point to the body belt or full body harness may be at the back, front or side D-ring.¶

(6) Work Clothing.¶

(a) Clothing must be worn which is appropriate to the work performed and conditions encountered.¶

(b) Appropriate high temperature protective clothing must be worn by workers who are exposed to possible contact with molten metals or other substances that can cause burns.¶

(c) Loose sleeves, ties, lapels, cuffs, or other loose clothing must not be worn near moving machinery.¶

(d) Clothing saturated or impregnated with flammable liquids, corrosive or toxic substances, irritants, or oxidizing agents must be removed immediately and not worn again until properly cleaned.¶

(e) Rings, wristwatches, earrings, bracelets, and other jewelry which might contact power driven machinery or electric circuitry, must not be worn.¶

(f) Allow employees to wear a face covering if they so choose, unless doing so creates or otherwise exposes the employee to a hazard. Employers must supply these items at no cost to employees when the employer requires their use.¶

Note: For purposes of this rule, employers are not required to allow voluntary use of respirators if an employee requests to use one in lieu of a face covering.¶

(7) High Visibility Garments. Employees exposed to hazards caused by on highway type moving vehicles in construction zones and street/highway traffic must wear highly visible upper body garments. The colors must contrast with other colors in the area sufficiently to make the worker stand out. Colors equivalent to strong red, strong orange, strong yellow, strong yellow-green or fluorescent versions of these colors are acceptable. During hours of darkness, the garments must also have reflective material visible from all sides for 1000 feet.¶

(8) Eye And Face Protection.¶

(a) The employer must ensure that each affected employee uses appropriate eye or face protection when exposed

to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.¶

(b) The employer must ensure that each affected employee uses eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g., clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable.¶

(c) The employer must ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or shall wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.¶

(d) Eye and face PPE must be distinctly marked to facilitate identification of the manufacturer.¶

(e) The employer must ensure that each affected employee uses equipment with filter lenses that have a shade number appropriate for the work being performed for protection from injurious light radiation. The following is a listing of appropriate shade numbers for various operations.¶

[Insert Table 2-I 1 and Table 2-I 2]¶

(f) Protective eye and face protection devices must comply with any of the following consensus standards¶

(A) ANSI/ISEA Z87.1-2010, Occupational and Educational Personal Eye and Face Protection Devices, incorporated by reference in 1910.6;¶

(B) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection, which is incorporated by reference in 1910.6; or¶

(C) ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection, which is incorporated by reference in 1910.6.¶

(g) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.¶

(h) Employees whose occupation or assignment requires exposure to laser beams shall be furnished laser safety goggles as required by Occupational Health Regulations which will protect for the specific wavelength of the laser and be of optical density adequate for the energy involved.¶

(9) Head Protection.¶

(a) The employer must ensure that each affected employee wears a protective helmet when working in areas where there is a potential for injury to the head from falling or flying objects.¶

(b) The employer must ensure that a protective helmet designed to reduce electrical shock hazard is worn by each such affected employee when near exposed electrical conductors which could contact the head.¶

(c) Head protection must comply with any of the following consensus standards:¶

(A) ANSI Z89.1-2009, American National Standard for Industrial Head Protection, which is incorporated by reference in 1910.6;¶

(B) ANSI Z89.1-2003, American National Standard for Industrial Head Protection, which is incorporated by reference in 1910.6; or¶

(C) ANSI Z89.1-1997, American National Standard for Industrial Head Protection, which is incorporated by reference in 1910.6.¶

(d) Head protection devices that the employer demonstrates are at least as effective as head protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.¶

(e) Employees who are exposed to power-driven machinery or to sources of ignition shall wear caps or other head covering which completely covers the hair.¶

(10) Foot Protection.¶

(a) The employer must ensure that each affected employee use protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards, such as static-discharge or electric-shock hazard, that remains after the employer takes other necessary protective measures.¶

(b) Protective footwear must comply with any of the following consensus standards:¶

(A) ASTM F-2412-2005, Standard Test Methods for Foot Protection, and ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear, which are incorporated by reference in 1910.6;¶

(B) ANSI Z41-1999, American National Standard for Personal Protection - Protective Footwear, which is incorporated by reference in 1910.6; or¶

(C) ANSI Z41-1991, American National Standard for Personal Protection - Protective Footwear, which is incorporated by reference in 1910.6.¶

(c) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the

requirements of this section.¶

(d) Special types or designs of shoes or foot guards are required where conditions exist that make their use necessary for the safety of workers.¶

(11) Leg protection¶

(a) Leggings or high boots of leather, rubber, or other suitable material must be worn by persons exposed to hot substances or dangerous chemical spills.¶

(b) Employees using chain saws must wear chaps or leg protectors that cover the leg from the upper thigh to mid-calf. The protector must be material designed to resist cuts from the chain saw. Employers must provide this protection at no cost to the employee.¶

Note to 437-002-0134(11)(b): Employees working in the tree and shrub services industry must follow rules on this subject in Subdivision 2/R instead of the above.¶

(12) Hand Protection.¶

(a) Employers must select and require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.¶

(b) Employers must base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified.¶

(c) Gloves must not be worn by persons whose hands are exposed to moving parts in which they could be caught.¶

(13) Skin protection. Where the need for their use is necessary, protective covering, ointments, gloves, or other effective protection must be provided for and used by persons exposed to materials which are hazardous to the skin.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Tables in 437-002-0134: Personal Protective Equipment

Under 437-002-0134 (8)(e) Eye And Face Protection.

Table 1 - Filter Lenses for Protection Against Radiant Energy

<i>Operations</i>	<i>Electrode Size 1/32 in.</i>	<i>Arc Current (amps)</i>	<i>Minimum* Protective Shade</i>
<i>Shielded metal arc welding</i>	<i>Less than 3</i>	<i>Less than 60</i>	<i>7</i>
	<i>3-5</i>	<i>60-160</i>	<i>8</i>
	<i>5-8</i>	<i>160-250</i>	<i>10</i>
	<i>More than 8</i>	<i>250-550</i>	<i>11</i>
<i>Gas metal arc welding and flux cored arc welding</i>		<i>Less than 60</i>	<i>7</i>
		<i>60-160</i>	<i>10</i>
		<i>160-250</i>	<i>10</i>
		<i>250-500</i>	<i>10</i>
<i>Gas Tungsten arc welding</i>		<i>Less than 50</i>	<i>8</i>
		<i>50-150</i>	<i>8</i>
		<i>150-500</i>	<i>10</i>
<i>Air carbon</i>	<i>(Light)</i>	<i>Less than 500</i>	<i>10</i>
<i>Arc cutting</i>	<i>(Heavy)</i>	<i>500-1000</i>	<i>11</i>
<i>Plasma arc welding</i>		<i>Less than 20</i>	<i>6</i>
		<i>20-100</i>	<i>8</i>
		<i>100-400</i>	<i>10</i>
		<i>400-800</i>	<i>11</i>
<i>Plasma arc cutting</i>	<i>(Light) **</i>	<i>Less than 300</i>	<i>8</i>
	<i>(Medium) **</i>	<i>300-400</i>	<i>9</i>
	<i>(Heavy) **</i>	<i>400-800</i>	<i>10</i>
<i>Torch brazing</i>		.....	<i>3</i>
<i>Torch soldering</i>		.....	<i>2</i>
<i>Carbon arc welding</i>		.....	<i>14</i>

** As a rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxy-fuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.*

*** These values apply where the actual arc is clearly seen. Experience has shown that lighter filters may be used when the arc is hidden by the workpiece.*

Table 2 - Filter Lenses for Protection Against Radiant Energy

<i>Operations</i>	<i>Plate thickness – inches</i>	<i>Plate thickness – mm</i>	<i>Minimum* Protective Shade</i>
<i>Gas Welding:</i>			
<i>Light</i>	<i>Under 1/8</i>	<i>Under 3.2</i>	<i>4</i>
<i>Medium</i>	<i>1/8 to 1/2</i>	<i>3.2 to 12.7</i>	<i>5</i>
<i>Heavy</i>	<i>Over 1/2</i>	<i>Over 12.7</i>	<i>6</i>
<i>Oxygen Cutting:</i>			
<i>Light</i>	<i>Under 1</i>	<i>Under 25</i>	<i>3</i>
<i>Medium</i>	<i>1 to 6</i>	<i>25 to 150</i>	<i>4</i>
<i>Heavy</i>	<i>Over 6</i>	<i>Over 150</i>	<i>5</i>

** As a rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxy-fuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.*

*** These values apply where the actual arc is clearly seen. Experience has shown that lighter filters may be used when the arc is hidden by the workpiece.*

AMEND: 437-002-0360

RULE SUMMARY: 437-002-0360(23) – The change removes 1910.1027(n)(6), which requires medical records to be transferred to NIOSH if employer goes out of business. This is not useful information to NIOSH, so fed OSHA removed transfer requirement in SIP-III in 18 standards but forgot to remove it from this standard. This action corrects that and removes the requirement.

CHANGES TO RULE:

437-002-0360

Adoption by Reference ¶¶

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:¶¶

(1) (Reserved) 29 CFR 1910.1000 Air contaminants.¶¶

NOTE: 29 CFR 1910.1000 was repealed on 11/15/93 by OR OSHA. In Oregon, OAR 437-002-0382 applies.¶¶

(2) 29 CFR 1910.1001 Asbestos, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(3) 29 CFR 1910.1002 Coal tar pitch volatiles, interpretation of term, published 1/21/83, Federal Register, vol. 43, p. 2768.¶¶

(4) 29 CFR 1910.1003 13 Carcinogens, published 3/26/12, FR vol. 77, no. 58, p. 17574.¶¶

(5) 29 CFR 1910.1004 See ¶1910.1003, 13 Carcinogens.¶¶

(6) Reserved for 29 CFR 1910.1005.¶¶

(7) 29 CFR 1910.1006 See ¶1910.1003, 13 Carcinogens.¶¶

(8) 29 CFR 1910.1007 See ¶1910.1003, 13 Carcinogens.¶¶

(9) 29 CFR 1910.1008 See ¶1910.1003, 13 Carcinogens.¶¶

(10) 29 CFR 1910.1009 See ¶1910.1003, 13 Carcinogens.¶¶

(11) 29 CFR 1910.1010 See ¶1910.1003, 13 Carcinogens.¶¶

(12) 29 CFR 1910.1011 See ¶1910.1003, 13 Carcinogens.¶¶

(13) 29 CFR 1910.1012 See ¶1910.1003, 13 Carcinogens.¶¶

(14) 29 CFR 1910.1013 See ¶1910.1003, 13 Carcinogens.¶¶

(15) 29 CFR 1910.1014 See ¶1910.1003, 13 Carcinogens.¶¶

(16) 29 CFR 1910.1015 See ¶1910.1003, 13 Carcinogens.¶¶

(17) 29 CFR 1910.1016 See ¶1910.1003, 13 Carcinogens.¶¶

(18) 29 CFR 1910.1017 Vinyl chloride, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(19) 29 CFR 1910.1018 Inorganic arsenic, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(20) 29 CFR 1910.1020 Access to Employee Exposure and Medical Records, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.¶¶

Appendix A: Sample Authorization Letter.¶¶

Appendix B: Availability of NIOSH RTECS.¶¶

(21) 29 CFR 1910.1025 Lead, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(22) 29 CFR 1910.1026 Chromium (VI), published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(23) 29 CFR 1910.1027 Cadmium, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(24) 29 CFR 1910.1028 Benzene, and Appendices A, B, C, D, and E, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(25) 29 CFR 1910.1029 Coke oven emissions, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(26) 29 CFR 1910.1030 Bloodborne pathogens, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(27) 29 CFR 1910.1043 Cotton dust, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(28) 29 CFR 1910.1044 1,2 dibromo-3 chloropropane, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(29) 29 CFR 1910.1045 Acrylonitrile, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(30) 29 CFR 1910.1047 Ethylene oxide, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(31) 29 CFR 1910.1048 Formaldehyde, and Appendices A, B, C, D and E, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(32) 29 CFR 1910.1050 Methylenedianiline (MDA), published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(33) 29 CFR 1910.1051 1,3-Butadiene, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

(34) 29 CFR 1910.1052 Methylene Chloride, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶¶

NOTE: 29 CFR 1910.1101 Asbestos, was repealed by Federal Register, vol. 57, no. 110, issued 6/8/92, p. 24330.¶¶

(35) 29 CFR 1910.1096 Ionizing radiation, published 6/20/96, FR vol. 61, no. 46, p. 31427.¶¶

(36) 29 CFR 1910.1200 Hazard communication, published 2/8/13, FR vol. 78, no. 27, p. 9311.¶
(37) 29 CFR 1910.1201 Retention of DOT Markings, Placards and Labels, published 7/19/94, Federal Register, vol. 59, p. 36700.¶
(38) 29 CFR 1910.1450 Occupational Exposure to Hazardous Chemicals in Laboratories, published 1/22/13, FR vol. 78, no. 14, p. 4324.¶
(39) 29 CFR 1910.1499 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.¶
(40) 29 CFR 1910.1500 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.¶
These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.
Statutory/Other Authority: ORS 654.025(2), 656.726(4)
Statutes/Other Implemented: ORS 654.001 - 654.295

AMEND: 437-003-0001

RULE SUMMARY: 437-003-0001(3)(a) – In 1926.20(c), corrects lists of territories which OSHA construction standards apply; it corrects obsolete regulatory text, which, in addition to any state, the District of Columbia, and U.S. territories, applies standards to two territories that no longer exist: Trust Territory of the Pacific Islands and the Canal Zone. Now there is the Commonwealth of the Northern Mariana Islands and remove the reference to the Canal Zone.

437-003-0001(11)(f) – In 1926.405(g)(1)(iii)(C), this change corrects a misprinted reference, the correct reference is 1926.405(a)(2)(ii)(I), which allows flexible cords and cables through pinch points during construction work if protection is provided to avoid damage.

437-003-0001(12)(c) – In 1926.452(a)(3), this change corrects a pole scaffold metric conversion by replacing the inaccurate conversion of 50 pounds to 222 kilograms. The accurate conversion number is 22.7 kilograms. In 1926.452(w)(6)(ii), corrects a mobile scaffold reference by replacing existing misprinted reference to paragraph (x) (Repair brackets scaffolds) of 29 CFR part 1926 subpart L Appendix A. The correct reference is to paragraph 2. (w) (Mobile scaffolds of the same Appendix; and in 1926.452(w)(6)(ii), removes misprinted parenthetical phrase "(ANSI/SIA A92.5 and A92.6)". The A92.5 standard applies to boom-supported elevating work platforms, and A92.6 applies to self-propelled elevating work platforms.

437-003-0001(12)(j) – In (non-mandatory) appendix E of 29 CFR subpart L, fed OSHA is correcting text and graphic pages, which show maximum vertical tie spacing for scaffolds. The graphics being corrected are titled "Maximum Vertical Tie Spacing Wider than 3'-0" Bases" and "Maximum Vertical Tie Spacing 3'-0" and Narrower Bases." Both corrections depict guys, ties, and braces instead of just ties, and the revisions correct captions for attachment points, which be closest to the required height dimension, whether above or below the exact measurement. Also, the revisions correctly depict that connections must be where horizontal scaffold frame members connect inner and outer scaffold legs whether at or closest to the exact height measurement.

437-003-0001(13)(e) - In Example C and E, corrects these titles by centering and conforming the titles with the format used for titles in Examples A, B, and D and F of the appendix. This change also corrects notations in Examples C and E to show that a W symbol means a correct measurement and that a circled "w" symbol means an incorrect measurement. The corrections explain a symbol included on the graphics but not included in the explanatory text. The corrections clarify the graphics.

437-003-0001(13)(e) - Corrects "Non-mandatory Guidelines for Complying with 1926.501(b)(10)" by replacing the misprinted reference of 1910.501(b)(10) with the correct reference of 1926.501(b)(10).

437-003-0001(14)(c) - Replaces misprinted lowercase parenthetical italicized paragraph letters (a) through (e) in Personnel hoists with Capital parenthetical letters. Preexisting 1926.552(c)(17)(iv) includes paragraphs (a), (b), (c), (d), and (e), these are changed to (A), (B), (C), (D), and (E) to distinguish this list from permanent elevators used during construction activities.

437-003-0001(16)(d) – In paragraph (b) of appendix A to 1926, subpart P, Excavations, this change corrects the criteria for Type C soil case (v). The definition of case (v) contains a misprinted "or" which confuses how layered soil systems are interpreted to dip into excavations. The correction will use "on."

437-003-0001(18)(e) – This change corrects the Steel Erection standard by replacing the current misprinted reference of the (nonexistent) 1926.760(c)(8) to the correct reference of 1926.760(c)(7).

437-003-0001(18)(h) - OSHA is correcting Steel Erection joist Tables A and B in § 1926.757(c) by revising typographical footnote error that incorrectly limits an exemption from erection bridging requirements. The footnotes in Table A and B read "NM=diagonal bolted bridging not mandatory for joists under 40 feet." This incorrectly limits the exemption by joist length. There is no length limitation for the NM notation. It means not mandatory regardless of joist length.

437-003-0001(18)(l) – This change corrects misprinted fall protection training requirements, the correction replaces inadvertently removed paragraphs (b)(1) through (5).

437-003-0001(25)(a) – In 1926.1101(e)(4), this change corrects a typographical error in the Asbestos standard by replacing a reference to "(h)(2) of this section" with "(h)(3) of this section." 1926.1101(f)(3)(iii), the change removes the redundant use of the word "respirator." In 1926.1101(g)(8)(v), corrects a misprinted reference to 1926.1101(g)(8)(iv)(A) through (D) with the correct reference to "1926.1101(g)(8)(i) through (iv)" of this section. 1926.1101(n)(2)(iii) and (n)(3)(i) and (iii), replaces misprinted references to 1910.33 with correct references to 1910.1020; 1926.1101(p)(1), correcting the Asbestos standard by deleting the reference to appendix C of 1926.1101 because the appendix no longer exists.

437-003-0001(25)(c) – In 1926.1127(d)(1)(i): corrects the outdated reference "Materials Safety Data Sheet (MSDS)" to current terminology "Safety Data Sheet (SDS)." In 1926.1127(n)(1)(iii) & (n)(3)(iii): revises references to 1926.33 to more directly refer to 1910.1020; section 1910.1020 is the Access to Employee Exposure and Medical Records regulation, and the 1926.33 is currently cross-referencing to 1910.1020, so the change is to make the reference more direct. In 1926.1127(n)(5): Removing (n)(5) which requires medical records be transferred to NIOSH.

437-003-0001(28)(a) – This change corrects the language to reflect the federal register adopted in the OSHA 3-2021 Cranes and Derricks in Construction: Railway Roadway Work rulemaking; adds a note to direct the reader to the appropriate Oregon OSHA reference, "Note: In 1926.1400(c)(4), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(i) - Adds notes to direct the reader to the appropriate Oregon OSHA references: "Note: In 1926.1408(b)(5), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part," and "Note: In 1926.1408(d)(2)(i), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(k) - Adds a note to direct the reader to the appropriate Oregon OSHA reference: "Note: In 1926.1410(d)(3), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(ff) - Adds a note to direct the reader to the appropriate Oregon OSHA reference: "Note: In 1926.1431(n), the Oregon OSHA reference is Division 2/RR instead of the federal OSHA reference of subpart V of this part."

437-003-0001(28)(a) – Corrects the federal register reference to reflect the adopted changes from the OSHA 3-2021 Cranes and Derricks in Construction: Railway Roadway Work rulemaking.

437-003-0001(28)(a) – Federal OSHA is adding a particular work activity, routine employee access to an underground construction worksite via a shaft when hoisted by a crane or derrick, to the list of work activities exempt from an employer's infeasibility demonstration requirement before using equipment to hoist employees. The infeasibility for this requirement for this activity was removed by changes to 1926.800(t) "Hoisting unique to underground

construction"(78 FR 23837(April 23, 2013)).

437-003-0001(28)(qq) – This change corrects the language used in the OSHA 3-2021 rulemaking in this adoption by reference rule from “Cranes and Derricks in Construction: Railroad Roadway Work” (rulemaking name) to “Railroad roadway maintenance machines” (federal standard name).

437-003-0001(28)(rr) – This change corrects the federal register reference to reflect the adopted changes from the OSHA 3-2021 Cranes and Derricks in Construction: Railway Roadway Work rulemaking.

CHANGES TO RULE:

437-003-0001

Adoption by Reference ¶¶

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, in the Federal Register:¶¶

(1) Subdivision A - GENERAL ¶¶

(a) 29 CFR 1926.1 Purpose and Scope, published 4/6/79, FR vol. 44, p. 20940.¶¶

(b) 29 CFR 1926.2 Variances from safety and health standards, published 4/6/79, FR vol. 44, p. 20940.¶¶

(c) 29 CFR 1926.3 Inspections - right of entry, published 4/6/79, FR vol. 44, p. 20940.¶¶

(d) 29 CFR 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards, published 4/6/79, FR vol. 44, p. 20940.¶¶

(e) 29 CFR 1926.6 Incorporation by reference, published 3/25/16, FR vol. 81, no. 58, p. 16085, amended 5/14/19, FR vol. 84, no. 93, p. 21457.¶¶

(2) Subdivision B - GENERAL INTERPRETATIONS ¶¶

(a) 29 CFR 1926.10 Scope of subpart, published 4/6/79, FR vol. 44, p. 20940.¶¶

(b) 29 CFR 1926.11 Coverage under section 103 of the act distinguished, published 4/6/79, FR vol. 44, p. 20940.¶¶

(c) 29 CFR 1926.12 Reorganization plan No. 14 of 1950, published 4/6/79, FR vol. 44, p. 20940.¶¶

(d) 29 CFR 1926.13 Interpretation of statutory terms, published 4/6/79, FR vol. 44, p. 20940.¶¶

(e) 29 CFR 1926.14 Federal contracts for mixed' types of performance, published 4/6/79, FR vol. 44, p. 20940.¶¶

(f) 29 CFR 1926.15 Relationship to the service contract act; Walsh-Healey Public Contracts Act, published 4/6/79, FR vol. 44, p. 20940.¶¶

(g) 29 CFR 1926.16 Rules of construction, published 4/6/79, FR vol. 44, p. 20940.¶¶

(3) Subdivision C - GENERAL SAFETY AND HEALTH PROVISIONS ¶¶

(a) 29 CFR 1926.20 General safety and health provisions, published ~~12/12/088/20~~, FR vol. ~~7385~~, no. ~~3240~~, pp. ~~75568-75589~~~~8726-8746~~.¶¶

(b) 29 CFR 1926.21 Safety training and education, published 4/6/79, FR vol. 44, p. 20940; amended with Oregon OSHA AO 6-2012, repealed (b)(6), f. 9/28/12, ef. 4/1/13.¶¶

(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved)¶¶

(d) 29 CFR 1926.23 First aid and medical attention, published 4/6/79, FR vol. 44, p. 20940.¶¶

(e) 29 CFR 1926.24 Fire protection and prevention, published 4/6/79, FR vol. 44, p. 20940.¶¶

(f) 29 CFR 1926.25 Housekeeping, published 4/6/79, FR vol. 44, p. 20940.¶¶

(g) 29 CFR 1926.26 Illumination, published 4/6/79, FR vol. 44, p. 20940.¶¶

(h) 29 CFR 1926.27 Sanitation, published 4/6/79, FR vol. 44, p. 20940.¶¶

(i) 29 CFR 1926.28 Personal protective equipment. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.¶¶

(j) 29 CFR 1926.29 Acceptable certifications, published 4/6/79, FR vol. 44, p. 20940.¶¶

(k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 3/7/96, FR vol. 61, no. 46, p. 9249.¶¶

(l) 29 CFR 1926.31 (Reserved).¶¶

(m) 29 CFR 1926.32 Definitions, published 6/30/93, FR vol. 58, no. 124, p. 35078.¶¶

(n) 29 CFR 1926.33 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, no. 46, p. 31427.¶¶

(o) 29 CFR 1926.34 Means of egress, published 6/30/93, Federal Register, vol. 58, no. 124, p. 35083.¶¶

(4) Subdivision D - OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS ¶¶

(a) 29 CFR 1926.50 Medical services and first aid, published 6/18/98, FR vol. 63, no. 117, p. 33469, amended

- 5/14/19, FR vol. 84, no. 93, p. 21576.¶
- (b) 29 CFR 1926.51 Sanitation, published 6/30/93, FR vol. 58, no. 124, p. 35084.¶
- (c) 29 CFR 1926.52 Occupational noise exposure, published 4/6/79, FR vol. 44, p. 20940.¶
- (d) 29 CFR 1926.53 Ionizing radiation, published 4/6/79, FR vol. 44, p. 20940.¶
- (e) 29 CFR 1926.54 Nonionizing radiation, published 4/6/79, FR vol. 44, p. 20940.¶
- (f) 29 CFR 1926.55 Gases, vapors, fumes, dusts, and mists, Note: Oregon OSHA did not adopt 1926.55. In Oregon, 437-003-1000 applies.¶
- (g) 29 CFR 1926.56 Illumination, published 4/6/79, FR vol. 44, p. 20940.¶
- (h) 29 CFR 1926.57 Ventilation, published 1/8/98, FR vol. 63, no. 5, p. 1295.¶
- (i) 29 CFR 1926.58 Reserved, ¶1926.58, Asbestos, tremolite, anthophyllite and actinolite is redesignated as 1926.1101, Asbestos, and 1926.58 is reserved (8/10/94, FR vol. 59, no. 153, pp. 41131-62).¶
- (j) 29 CFR 1926.59 Hazard Communication, published 6/20/96, FR vol. 61, p. 31427.¶
- (k) 29 CFR 1926.60 Methylenedianiline (MDA), published 5/14/19, FR vol. 84, no. 93, p. 21576.¶
- (l) 29 CFR 1926.61 Retention of DOT markings, placards and labels, published 6/20/96, FR vol. 61, p. 31427.¶
- (m) 29 CFR 1926.62 Lead, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶
- ~~NOTE~~ote: Cadmium has been redesignated as 1926.1127.¶
- (n) 29 CFR 1926.64, Process Safety Management of Highly Hazardous Chemicals¶
- ~~NOTE~~ote: Division 2/H, 1910.119, Process Safety Management of Highly Hazardous Chemicals, applies to Construction.¶
- (o) 29 CFR 1926.65 Hazardous Waste Operations and Emergency Response¶
- ~~NOTE~~ote: Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response, applies to Construction.¶
- (5) Subdivision E - PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT¶
- (a) 29 CFR 1926.95 Criteria for personal protective equipment. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.¶
- (b) 29 CFR 1926.97 Electrical protective equipment, published 4/11/14, FR vol. 79, no. 70, p. 20316.¶
- (c) 29 CFR 1926.100 Head protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.¶
- (d) 29 CFR 1926.101 Hearing protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.¶
- (e) 29 CFR 1926.102 Eye and face protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.¶
- (f) 29 CFR 1926.103 Respiratory protection, published 1/8/98, FR vol. 63, no. 5, p. 1297.¶
- ~~NOTE~~ote: 29 CFR 1926.104 Removed, 8/9/94, FR vol. 59, no. 152, p. 40729.¶
- (g) 29 CFR 1926.105 Reserved, 8/9/94, FR vol. 59, no. 152, p. 40729.¶
- (h) 29 CFR 1926.106 Working over or near water, published 4/6/79, FR vol. 44, p. 20940.¶
- (i) 29 CFR 1926.107 Definitions applicable to this subpart, published 8/9/94, FR vol. 59, no. 152, p. 40729.¶
- (6) Subdivision F - FIRE PROTECTION AND PREVENTION¶
- (a) 29 CFR 1926.150 Fire protection, published 4/6/79, FR vol. 44, p. 20940.¶
- (b) 29 CFR 1926.151 Fire prevention, published 7/11/86, FR vol. 51, p. 25318.¶
- (c) 29 CFR 1926.152 Flammable and combustible liquids, published 6/30/93, FR vol. 58, no. 124, p. 35162.¶
- (d) 29 CFR 1926.153 Liquefied petroleum gas (LP-Gas), published 6/30/93, FR vol. 58, no. 124, p. 35170.¶
- (e) 29 CFR 1926.154 Temporary heating devices, published 4/6/79, FR vol. 44, p. 20940.¶
- (f) 29 CFR 1926.155 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.¶
- (7) Subdivision G - SIGNS, SIGNALS, AND BARRICADES¶
- (a) 29 CFR 1926.200 Accident prevention signs and tags, published 6/13/13, FR vol. 78, no. 114, p. 35559; 11/6/13, FR vol. 78, no. 215, p. 66641, amended 5/14/19, FR vol. 84, no. 93, p. 21576.¶
- (b) 29 CFR 1926.201 Signaling, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.¶
- (c) 29 CFR 1926.202 Barricades, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.¶
- (d) 29 CFR 1926.203 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03, repealed 5/14/19, FR vol. 84, no. 93, p. 21576.¶
- (8) Subdivision H - MATERIALS HANDLING, STORAGE, USE AND DISPOSAL¶
- (a) 29 CFR 1926.250 General requirements for storage, published 6/30/93, FR vol. 58, no. 124, p. 35173, amended 5/14/19 FR vol. 84, no. 93, p. 21576.¶
- (b) 29 CFR 1926.251 Rigging equipment for material handling, published 4/18/12, FR vol. 77, no. 75, p. 23117.¶
- (c) 29 CFR 1926.252 Disposal of waste materials, published 4/6/79, FR vol. 44, p. 20940.¶
- (9) Subdivision I - TOOLS - HAND AND POWER¶
- (a) 29 CFR 1926.300 General requirements, published 3/7/96, FR vol. 61, no. 46, p. 9250.¶
- (b) 29 CFR 1926.301 Hand tools, published 4/6/79, FR vol. 44, p. 20940.¶

- (c) 29 CFR 1926.302 Power operated hand tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.¶
- (d) 29 CFR 1926.303 Abrasive wheels and tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.¶
- (e) 29 CFR 1926.304 Woodworking tools, published 3/7/96, FR vol. 61, no. 46, p. 9251.¶
- (f) 29 CFR 1926.305 Jacks - lever and ratchet, screw, and hydraulic, published Federal Register vol. 58, no. 124, p. 35176.¶
- (10) Subdivision J - WELDING AND CUTTING¶
- (a) 29 CFR 1926.350 Gas welding and cutting. Repealed. Oregon OSHA Admin. Order 6-2014, f. 10/28/14, ef. 5/1/15. In Oregon, OAR 437-002-2253 applies.¶
- (b) 29 CFR 1926.351 Arc welding and cutting, published 7/11/86, FR vol. 51, p. 25318.¶
- (c) 29 CFR 1926.352 Fire prevention, published 4/6/79, FR vol. 44, p. 20940.¶
- (d) 29 CFR 1926.353 Ventilation and protection in welding, cutting, and heating, published 6/30/93, FR vol. 58, no. 124, p. 35179.¶
- (e) 29 CFR 1926.354 Welding, cutting, and heating in way of preservative coatings, published 4/6/79, FR vol. 44, p. 20940.¶
- (11) Subdivision K - ELECTRICAL¶
- (a) 29 CFR 1926.400 Introduction, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (b) 29 CFR 1926.401 (Reserved)¶
- (c) 29 CFR 1926.402 Applicability, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (d) 29 CFR 1926.403 General requirements, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (e) 29 CFR 1926.404 Wiring design and protection, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; amended with AO 5-2002, repeal (b)(1), f. 6/28/02, ef. 10/1/03.¶
- (f) 29 CFR 1926.405 Wiring methods, components, and equipment for general use, published ~~7/11/86~~8/20, FR vol. ~~854~~, no. ~~1332~~, pp. ~~25294-25335~~8726-8746.¶
- (g) 29 CFR 1926.406 Specific purpose equipment and installations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (h) 29 CFR 1926.407 Hazardous (classified) locations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (i) 29 CFR 1926.408 Special systems, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (j) 29 CFR 1926.409 (Reserved)¶
- (k) 29 CFR 1926.415 (Reserved)¶
- (l) 29 CFR 1926.416 General requirements, published 8/12/96, FR vol. 61, no. 156, p. 41738.¶
- (m) 29 CFR 1926.417 Lockout and tagging of circuits, published 8/12/96, FR vol. 61, no. 156, p. 41739.¶
- (n) 29 CFR 1926.418 (Reserved)¶
- (o) 29 CFR 1926.430 (Reserved)¶
- (p) 29 CFR 1926.431 Maintenance of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (q) 29 CFR 1926.432 Environmental deterioration of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (r) 29 CFR 1926.433 - 29 CFR 1926.440 (Reserved)¶
- (s) 29 CFR 1926.441 Battery locations and battery charging, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (t) 29 CFR 1926.442 - 29 CFR 1926.448 (Reserved)¶
- (u) 29 CFR 1926.449 Definitions applicable to this subpart, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.¶
- (12) Subdivision L - SCAFFOLDING¶
- (a) 29 CFR 1926.450 Scope, application and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶
- (b) 29 CFR 1926.451 General requirements, published 11/25/96, FR vol. 61, no. 228, p. 59831.¶
- (c) 29 CFR 1926.452 Additional requirements applicable to specific types of scaffolds, published ~~8/30/96~~18/20, FR vol. ~~6185~~, no. ~~17032~~, p. ~~46113~~8726-8746.¶
- (d) 29 CFR 1926.453 Aerial lifts, published 11/25/96, FR vol. 61, no. 228, p. 59832.¶
- (e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.¶
- (f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.¶
- (g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.¶
- (h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.¶
- (i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.¶
- (j) Appendix E to Subpart L Drawing and illustrations, published ~~11/25/96~~18/20, FR vol. ~~6185~~, no. ~~3228~~, p. ~~59832~~8726-8746.¶

(13) Subdivision M - FALL PROTECTION¶¶

- (a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart, published 4/11/14, FR vol. 79, no. 70, p. 20316; amended with AO 1-2016, f. 3/1/16, ef. 1/1/17.¶¶
 - (b) 29 CFR 1926.501 Duty to have fall protection. REPEALED with AO 1-2016, f. 3/1/16, ef. 1/1/17. In Oregon, 437-003-1501 applies.¶¶
 - (c) 29 CFR 1926.502 Fall protection systems criteria and practices, published 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.¶¶
 - (d) 29 CFR 1926.503 Training requirements. REPEALED with AO 6-2002, f. and ef. 7/19/02, in Oregon, 437-003-0503 applies.¶¶
 - (e) Appendix A to Subpart M Determining Roof Widths, published ~~8/9/94~~2/18/20, FR vol. ~~59~~, no. ~~152~~, p. ~~40738-408726-87426~~.¶¶
 - (f) Appendix B to Subpart M Guardrail Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743.¶¶
 - (g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.¶¶
 - (h) Appendix D to Subpart M Positioning Device Systems, published 8/9/94, FR vol. 59, no. 152, p. 40746.¶¶
- (14) Subdivision N - HELICOPTERS, HOISTS, ELEVATORS, AND CONVEYORS¶¶

- (a) 29 CFR 1926.550 (Reserved).¶¶
- (b) 29 CFR 1926.551 Helicopters, published 4/6/79, FR vol. 44, p. 20940.¶¶
- (c) 29 CFR 1926.552 Material hoists, personnel hoists, and elevators, published ~~4/6/79~~2/18/20, FR vol. ~~44~~, p. ~~20940~~85, no. ~~32~~, p. ~~8726-8746~~.¶¶
- (d) 29 CFR 1926.553 Base-mounted drum hoist, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶¶
- (e) 29 CFR 1926.554 Overhead hoists, published 4/6/79, FR vol. 44, p. 20940.¶¶
- (f) 29 CFR 1926.555 Conveyors, published 4/6/79, FR vol. 44, p. 20940.¶¶

(15) Subdivision O - MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS¶¶

- (a) 29 CFR 1926.600 Equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶¶
- (b) 29 CFR 1926.601 Motor vehicles, REPEALED by OR-OSHA Admin. Order 6-2007, f. 9/26/07, ef. 9/26/07.¶¶
- (c) 29 CFR 1926.602 Material handling equipment, published 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.¶¶
- (d) 29 CFR 1926.603 Pile driving equipment, published 4/6/79, FR vol. 44, p. 20940.¶¶
- (e) 29 CFR 1926.604 Site clearing, published 7/22/77, FR vol. 42, p. 37674.¶¶
- (f) 29 CFR 1926.605 Marine operations and equipment, published 4/6/79, FR vol. 44, p. 20940.¶¶
- (g) 29 CFR 1926.606 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.¶¶

(16) Subdivision P - EXCAVATIONS¶¶

- (a) 29 CFR 1926.650 Scope, application, and definitions applicable to this subdivision, published 10/31/89, FR vol. 54, no. 209, pp. 45959-45961.¶¶
- (b) 29 CFR 1926.651 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.¶¶
- (c) 29 CFR 1926.652 Requirements for protective systems, published 10/31/89, FR vol. 54, no. 209, pp. 45961-45962.¶¶
- (d) Appendices A-F to Subdivision P, Excavations, published ~~10/31/89~~2/18/20, FR vol. ~~54~~, no. ~~209~~, pp. ~~45962-45994~~8726-8746.¶¶

(17) Subdivision Q - CONCRETE AND MASONRY CONSTRUCTION¶¶

- (a) 29 CFR 1926.700 Scope, application and definitions applicable to this subpart, published 10/18/90, FR vol. 55, no. 202, p. 42326.¶¶
- (b) 29 CFR 1926.701 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.¶¶
- (c) 29 CFR 1926.702 Requirements for equipment and tools, published 6/16/88, FR vol. 53, p. 22612.¶¶
- (d) 29 CFR 1926.703 Requirements for cast-in-place concrete, published 6/16/88, FR vol. 53, p. 22612.¶¶
- (e) 29 CFR 1926.704 Requirements for precast concrete, published 10/5/89, FR vol. 54, no. 192, p. 41088.¶¶
- (f) 29 CFR 1926.705 Requirements for lift-slab construction operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.¶¶
- (g) Appendix A to 1926.705 Lift-slab operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.¶¶
- (h) 29 CFR 1926.706 Requirements for masonry construction, published 6/16/88, FR vol. 53, p. 22612; amended with OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03.¶¶

(18) Subdivision R - STEEL ERECTION¶¶

- (a) 29 CFR 1926.750 Scope, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶¶
- (b) 29 CFR 1926.751 Definitions, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.¶¶
- (c) 29 CFR 1926.752 Site layout, site-specific erection plan and construction sequence, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶¶
- (d) 29 CFR 1926.753 Hoisting and rigging, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶¶

- (e) 29 CFR 1926.754 Structural steel assembly, published ~~4/3/06~~2/18/20, FR vol. ~~7185~~, no. 632, p. ~~166698726-8746~~.¶
- (f) 29 CFR 1926.755 Column anchorage, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (g) 29 CFR 1926.756 Beams and columns, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (h) 29 CFR 1926.757 Open web steel joists, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04, and amended with 2/18/20, FR vol. 85, no. 32, p. 8726-8746.¶
- (i) 29 CFR 1926.758 Systems-engineered metal buildings, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (j) 29 CFR 1926.759 Falling object protection, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (k) 29 CFR 1926.760 Fall protection, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.¶
- (l) 29 CFR 1926.761 Training, published ~~12/12/08~~2/18/20, FR vol. ~~7385~~, no. 3240, pp. ~~75568-75589~~8726-8746.¶
- (m) Appendix A to Subpart R Guidelines for establishing the components of a site-specific erection plan: Nonmandatory Guidelines for Complying with 1926.752(e), published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (n) Appendix B to Subpart R Reserved.¶
- (o) Appendix C to Subpart R Illustrations of bridging terminus points: Nonmandatory Guidelines for Complying with 1926.757(a)(10) and 1926.757(c)(5), published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (p) Appendix D to Subpart R Illustration of the use of control lines to demarcate controlled decking zones (CDZs): Nonmandatory Guidelines for Complying with 1926.760(c)(3), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.¶
- (q) Appendix E to Subpart R Training: Nonmandatory Guidelines for Complying with 1926.761, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (r) Appendix F to Subpart R Perimeter columns: Nonmandatory Guidelines for Complying with 1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface, published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (s) Appendix G to Subpart R Fall protection systems criteria and practices from 1926.502: Nonmandatory Guidelines for Complying with 1926.760(d), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.¶
- (t) Appendix H to Subpart R Double connections: Illustration of a clipped end connection and a staggered connection: Non-Mandatory Guidelines for Complying with 1926.756(c)(1), published 7/17/01, FR vol. 66, no. 137, p. 37137.¶
- (19) Subdivision S - UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS, AND COMPRESSED AIR¶
- (a) 29 CFR 1926.800 Underground construction, published 4/23/13, FR vol. 78, no. 78, p. 23837, amended 5/14/19, FR vol. 84, no. 93, p. 21576.¶
- (b) 29 CFR 1926.801 Caissons, published 4/6/79, FR vol. 44, p. 20940.¶
- (c) 29 CFR 1926.802 Cofferdams, published 4/6/79, FR vol. 44, p. 20940.¶
- (d) 29 CFR 1926.803 Compressed air, published 7/11/86, FR vol. 51, p. 25318.¶
- (e) 29 CFR 1926.804 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.¶
- (f) Appendix A to Subpart S Decompression Tables, published 4/6/79, FR vol. 44, p. 20940.¶
- (20) Subdivision T - DEMOLITION¶
- (a) 29 CFR 1926.850 Preparatory operations, published 4/6/79, FR vol. 44, p. 20940.¶
- (b) 29 CFR 1926.851 Stairs, passageways, and ladders, published 4/6/79, FR vol. 44, p. 20940.¶
- (c) 29 CFR 1926.852 Chutes, published 4/6/79, FR vol. 44, p. 20940.¶
- (d) 29 CFR 1926.853 Removal of materials through floor openings, published 4/6/79, FR vol. 44, p. 20940.¶
- (e) 29 CFR 1926.854 Removal of walls, masonry sections, and chimneys, published 4/6/79, FR vol. 44, p. 20940.¶
- (f) 29 CFR 1926.855 Manual removal of floors, published 4/6/79, FR vol. 44, p. 20940.¶
- (g) 29 CFR 1926.856 Removal of walls, floors, and materials with equipment, published 4/23/13, FR vol. 78, no. 78, p. 23837.¶
- (h) 29 CFR 1926.857 Storage, published 4/6/79, FR vol. 44, p. 20940.¶
- (i) 29 CFR 1926.858 Removal of steel construction, published 4/23/13, FR vol. 78, no. 78, p. 23837.¶
- (j) 29 CFR 1926.859 Mechanical demolition, published 4/6/79, FR vol. 44, p. 20940.¶
- (k) 29 CFR 1926.860 Selective demolition by explosives, published 4/6/79, FR vol. 44, p. 20940.¶
- (21) Subdivision U - BLASTING AND USE OF EXPLOSIVES¶
- (a) 29 CFR 1926.900 General provisions, published 4/6/79, FR vol. 44, p. 20940.¶
- (b) 29 CFR 1926.901 Blaster qualifications, published 4/6/79, FR vol. 44, p. 20940.¶
- (c) 29 CFR 1926.902 Surface transportation of explosives, published 6/30/93, FR vol. 58, no. 124, p. 35311.¶
- (d) 29 CFR 1926.903 Underground transportation of explosives, published 4/6/79, FR vol. 44, p. 20940.¶
- (e) 29 CFR 1926.904 Storage of explosives and blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35311.¶
- (f) 29 CFR 1926.905 Loading of explosives or blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35184.¶
- (g) 29 CFR 1926.906 Initiation of explosive charges - electric blasting, published 6/18/98, FR vol. 63, no. 117, p.

33469.¶

(h) 29 CFR 1926.907 Use of safety fuse, published 4/6/79, FR vol. 44, p. 20940.¶

(i) 29 CFR 1926.908 Use of detonating cord, published 4/6/79, FR vol. 44, p. 20940.¶

(j) 29 CFR 1926.909 Firing the blast, published 4/6/79, FR vol. 44, p. 20940.¶

(k) 29 CFR 1926.910 Inspection after blasting, published 4/6/79, FR vol. 44, p. 20940.¶

(l) 29 CFR 1926.911 Misfires, published 4/6/79, FR vol. 44, p. 20940.¶

(m) 29 CFR 1926.912 Underwater blasting, published 4/6/79, FR vol. 44, p. 20940.¶

(n) 29 CFR 1926.913 Blasting in excavation work under compressed air, published 4/6/79, FR vol. 44, p. 20940.¶

(o) 29 CFR 1926.914 Definitions applicable to this subpart, published 6/30/93, FR vol. 58, no. 124, p. 35184, 35311.¶

(22) Subdivision V - POWER TRANSMISSION AND DISTRIBUTION. 29 CFR 1926.950 through 1926.960 are repealed with Oregon OSHA Admin. Order 3-2015, f. 10/9/15, ef. 1/1/16. In Oregon, Division 2/RR applies.¶

(23) Subdivision W - ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION¶

(a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 4/6/79, FR vol. 44, p. 20940, amended 5/14/19, FR vol. 84, no. 93, p. 21576.¶

(b) 29 CFR 1926.1001 Minimum performance criteria for rollover protective structure for designated scrapers, loaders, dozers, graders, and crawler tractors, published 4/6/79, FR vol. 44, p. 20940, amended 5/14/19, FR vol. 84, no. 93, p. 21576.¶

(c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 7/20/06, FR vol. 71, no. 139, p. 41127, amended 5/14/19, FR vol. 84, no. 93, p. 21576.¶

(d) 29 CFR 1926.1003 Overhead protection for operators of agricultural and industrial tractors, published 2/28/06, FR vol. 71, no. 39, p. 9909, amended 5/14/19, FR vol. 84, no. 93, p. 21576.¶

(24) Subdivision X - STAIRWAYS AND LADDERS¶

(a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.¶

(c) 29 CFR 1926.1052 Stairways, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.¶

(d) 29 CFR 1926.1053 Ladders, published 4/11/14, FR vol. 79, no. 70, p. 20316.¶

(e) 29 CFR 1926.1054 (Reserved).¶

(f) 29 CFR 1926.1055 (Reserved).¶

(g) 29 CFR 1926.1056 (Reserved).¶

(h) 29 CFR 1926.1057 (Reserved).¶

(i) 29 CFR 1926.1058 (Reserved).¶

(j) 29 CFR 1926.1059 (Reserved).¶

(k) 29 CFR 1926.1060 Training requirements, published 11/14/90, FR vol. 55, no. 220, p. 47691.¶

(25) Subdivision Z - TOXIC AND HAZARDOUS SUBSTANCES¶

(a) 29 CFR 1926.1101 Asbestos, published 2/18/13~~20~~, FR vol. 78~~5~~, no. 32~~7~~, p. 9311, amended 5/14/19, FR vol. 84, no. 93, p. 21578~~726-8746~~.¶

(b) 29 CFR 1926.1126 Chromium (VI), published 3/17/10, FR vol. 75, no. 51, pp. 12681-12686, amended 5/14/19, FR vol. 84, no. 93, p. 21576.¶

(c) 29 CFR 1926.1127 Cadmium, published 12/12/08~~20~~, FR vol. 73~~85~~, no. 32~~40~~, pp. 75568-75589, amended 5/14/19, FR vol. 84, no. 93, p. 21578~~726-8746~~.¶

(d) 29 CFR 1926.1152 Methylene Chloride, published 12/18/97, FR vol. 62, no. 243, p. 66275.¶

(26) Subdivision AA - (Reserved).¶

(27) Subdivision BB - (Reserved).¶

(28) Subdivision CC - Cranes and Derricks in Construction.¶

(a) 29 CFR 1926.1400 Scope, published 4/11/14, FR vol. 79, no. 70, p. 20316; amended with Oregon OSHA AO 3-2015, f. 10/9/15, ef. 1/1/16, and amended with 9/15/20, FR vol. 85, no. 179, pp 57109-57122.¶

(b) 29 CFR 1926.1401 Definitions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(c) 29 CFR 1926.1402 Ground conditions, published 8/9/10, FR vol. 75, no. 152. Pp. 47906-48177.¶

(d) 29 CFR 1926.1403 Assembly/Disassembly - selection of manufacturer or employer procedures, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(e) 29 CFR 1926.1404 Assembly/Disassembly - general requirements (applies to all assembly and disassembly operations), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(f) 29 CFR 1926.1405 Disassembly - additional requirements for dismantling of booms and jibs (applies to both the use of manufacturer procedures and employer procedures), published 8/9/10, FR vol. 75, no. 152. Pp. 47906-48177.¶

(g) 29 CFR 1926.1406 Assembly/Disassembly - employer procedures - general requirements, published 8/9/10,

FR vol. 75, no. 152, pp. 47906-48177.¶

(h) 29 CFR 1926.1407 Power line safety (up to 350 kV) - assembly and disassembly, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(i) 29 CFR 1926.1408 Power line safety (up to 350 kV) - equipment operations, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(j) 29 CFR 1926.1409 Power line safety (over 35 kV), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(k) 29 CFR 1926.1410 Power line safety (all voltages) - equipment operations closer than the Table A zone, published 4/11/14, FR vol. 79, no. 70, pp. 20316.¶

(l) 29 CFR 1926.1411 Power line safety - while traveling, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(m) 29 CFR 1926.1412 Inspections, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(n) 29 CFR 1926.1413 Wire rope - inspection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(o) 29 CFR 1926.1414 Wire rope - selection and installation criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(p) 29 CFR 1926.1415 Safety devices, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(q) 29 CFR 1926.1416 Operational aids, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(r) 29 CFR 1926.1417 Operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(s) 29 CFR 1926.1418 Authority to stop operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(t) 29 CFR 1926.1419 Signals - general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(u) 29 CFR 1926.1420 Signals - radio, telephone or other electronic transmission of signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(v) 29 CFR 1926.1421 Signals - voice signals - additional requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(w) 29 CFR 1926.1422 Signals - hand signal chart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(x) 29 CFR 1926.1423 Fall protection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(y) 29 CFR 1926.1424 Work area control, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(z) 29 CFR 1926.1425 Keeping clear of the load, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(aa) 29 CFR 1926.1426 Free fall and controlled load lowering, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(bb) 29 CFR 1926.1427 Operator qualification and certification, published 11/9/18, FR vol. 83, no. 218, p. 56198.¶

(cc) 29 CFR 1926.1428 Signal person qualifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(dd) 29 CFR 1926.1429 Qualifications of maintenance & repair employees, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(ee) 29 CFR 1926.1430 Training, published 11/9/18, FR vol. 83, no. 218, p. 56198.¶

(ff) 29 CFR 1926.1431 Hoisting personnel, published ~~8/9/12/18/20~~, FR vol. ~~785~~, no. ~~1532~~, pp. ~~47906-48177~~~~8726-8746~~.¶

(gg) 29 CFR 1926.1432 Multiple-crane/derrick lifts - supplemental requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(hh) 29 CFR 1926.1433 Design, construction and testing, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(ii) 29 CFR 1926.1434 Equipment modifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(jj) 29 CFR 1926.1435 Tower cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(kk) 29 CFR 1926.1436 Derricks, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(ll) 29 CFR 1926.1437 Floating cranes/derricks and land cranes/derricks on barges, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(mm) 29 CFR 1926.1438 Overhead & gantry cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(nn) 29 CFR 1926.1439 Dedicated pile drivers, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(oo) 29 CFR 1926.1440 Sideboom cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(pp) 29 CFR 1926.1441 Equipment with a rated hoisting/lifting capacity of 2,000 pounds or less, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(qq) 29 CFR 1926.1442 ~~Cranes and Derricks in Construction: Railroad and Roadway Work~~, Crane and Derricks in Construction: Railroad and Roadway Work, maintenance machines, published 9/15/20, FR vol. 85, no. 179, pp 57109-57122.¶

(rr) 29 CFR 1926.1443 Severability, published ~~8/9/15/20~~, FR vol. ~~785~~, no. ~~15279~~, pp. ~~47906-48177~~ 57109-57122.¶

(ss) Appendix A to Subdivision CC of 1926 - Standard Hand Signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(tt) Appendix B to Subdivision CC of 1926 - Assembly/Disassembly - Sample Procedures for Minimizing the Risk of Unintended Dangerous Boom Movement, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶

(uu) Appendix C to Subdivision CC of 1926 - Operator Certification - Written Examination - Technical Knowledge Criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.¶
These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.
Statutory/Other Authority: ORS 654.025(2), 656.726(4)
Statutes/Other Implemented: ORS 654.001 - 654.295

RULE SUMMARY: 437-003-0134 – Amends an editorial error from OSHA 4-2016 rulemaking that inadvertently used old language in the filing, this corrects language to what was intended from OSHA 1-2016 and corrects errors in references to federal standards.

CHANGES TO RULE:

437-003-0134

Personal Protective Equipment ¶

Application. This rule applies to personal protective equipment and other protective equipment for the eyes, face, head, extremities and torso to include protective clothing, respiratory devices, and protective shields and barriers, wherever employees encounter hazardous processes or environments, chemical hazards, radiological hazards, or mechanical irritants that are capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.¶

(1) Hazard assessment and equipment selection. The employer must assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE) or other protective equipment. If such hazards are present, or likely to be present, the employer must:¶

(a) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;¶

(A) All protective equipment must be of safe design and construction for the work to be performed.¶

(B) Protective equipment must be worn and used in a manner which will make full use of its protective properties.¶

(b) Communicate selection decisions to each affected employee; and,¶

(c) Select PPE that properly fits each affected employee.¶

Note: Non-mandatory Appendix B to Subdivision 2/I, contains an example of procedures that would comply with the requirement for a hazard assessment.¶

(2) Equipment.¶

(a) Where employees provide their own protective equipment, the employer is responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.¶

(b) All personal protective equipment must be provided, used, and maintained in a sanitary and reliable condition.¶

(c) Defective or damaged personal protective equipment must not be used.¶

(d) Each employer must maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers.¶

(3) Training.¶

(a) The employer must provide training to each employee who is required by this section to use PPE and each employee that is provided training must know at least the following:¶

(A) When PPE is necessary;¶

(B) What PPE is necessary;¶

(C) How to properly don, doff, adjust, and wear PPE;¶

(D) The limitations of the PPE; and,¶

(E) The proper care, maintenance, useful life and disposal of the PPE.¶

(b) Each affected employee must demonstrate an understanding of the training specified in paragraph (3)(a) of this section, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.¶

(c) When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by paragraph (3)(b) of this section, the employer must retrain each such employee. Circumstances where retraining is required include, but are not limited to situations where:¶

(A) Changes in the workplace render previous training obsolete; or¶

(B) Changes in the types of PPE to be used render previous training obsolete; or¶

(C) Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.¶

(4) Payment for protective equipment.¶

(a) Except as provided by paragraphs (4)(b) through (4)(f) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, must be provided by the employer at no cost to employees.¶

(b) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items

to be worn off the job-site.¶

(c) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.¶

(d) The employer is not required to pay for:¶

(A) The logging boots required by OAR 437-007-0330 in Division 7.¶

(B) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or¶

(C) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.¶

(e) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.¶

(f) Where an employee provides adequate protective equipment he or she owns pursuant to paragraph (2)(a) of this section, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer must not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (4)(b) through (4)(e) of this section.¶

(5) Fall Protection.¶

~~(a) All employees must be protected from fall hazards when working on unguarded surfaces more than 10 feet above a lower level or at any height above dangerous equipment.¶~~

~~(b) ¶ When fall protection systems are required by another standard, the employer must ensure that fall protection systems are provided, installed, and implemented according to the criteria in 1926.502(d), 437-003-0502, 437-003-1502 and 437-003-02502 in Division 3/M, Construction/Fall Protection.¶~~

(6) Work Clothing.¶

(a) Clothing must be worn which is appropriate to the work performed and conditions encountered.¶

(b) Appropriate high temperature protective clothing must be worn by workers who are exposed to possible contact with molten metals or other substances that can cause burns.¶

(c) Loose sleeves, ties, lapels, cuffs, or other loose clothing must not be worn near moving machinery.¶

(d) Clothing saturated or impregnated with flammable liquids, corrosive or toxic substances, irritants, or oxidizing agents must be removed immediately and not worn again until properly cleaned.¶

(e) Rings, wristwatches, earrings, bracelets, and other jewelry which might contact power driven machinery or electric circuitry, must not be worn.¶

(f) Allow employees to wear a face covering if they so choose, unless doing so creates or otherwise exposes the employee to a hazard. Employers must supply these items at no cost to employees when the employer requires their use.¶

Note: For purposes of this rule, employers are not required to allow voluntary use of respirators if an employee requests to use one in lieu of a face covering.¶

(7) High Visibility Garments. Employees exposed to hazards caused by on highway type moving vehicles in construction zones and street/highway traffic must wear highly visible upper body garments. The colors must contrast with other colors in the area sufficiently to make the worker stand out. Colors equivalent to strong red, strong orange, strong yellow, strong yellow-green or fluorescent versions of these colors are acceptable. During hours of darkness, the garments must also have reflective material visible from all sides for 1000 feet.¶

(8) Eye And Face Protection.¶

(a) The employer must ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.¶

(b) The employer must ensure that each affected employee uses eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g., clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable.¶

(c) The employer must ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or shall wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.¶

(d) Eye and face PPE must be distinctly marked to facilitate identification of the manufacturer.¶

(e) The employer must ensure that each affected employee uses equipment with filter lenses that have a shade number appropriate for the work being performed for protection from injurious light radiation.¶

[Insert Table 1 and Table 2 for 437-003-0134(8)(e)]¶

(f) Protective eye and face protection devices must comply with any of the following consensus Standards.¶

(A) ANSI/ISEA Z87.1-2010, Occupational and Educational Personal Eye and Face Protection Devices, incorporated by reference in 1926.6;¶

(B) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face

Protection, which is incorporated by reference in 1926.6; or¶

(C) ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection, which is incorporated by reference in 1926.6.¶

(g) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.¶

(h) Employees whose occupation or assignment requires exposure to laser beams shall be furnished laser safety goggles as required by Occupational Health Regulations which will protect for the specific wavelength of the laser and be of optical density adequate for the energy involved.¶

(9) Head Protection.¶

(a) The employer must ensure that each affected employee wears a protective helmet when working in areas where there is a potential for injury to the head from falling or flying objects.¶

(b) The employer must ensure that a protective helmet designed to reduce electrical shock hazard is worn by each such affected employee when near exposed electrical conductors which could contact the head.¶

(c) Head protection must comply with any of the following consensus standards:¶

(A) ANSI Z89.1-2009, American National Standard for Industrial Head Protection, which is incorporated by reference in 1926.6;¶

(B) ANSI Z89.1-2003, American National Standard for Industrial Head Protection, which is incorporated by reference in 1926.6;¶

(C) ANSI Z89.1-1997, American National Standard for Industrial Head Protection, which is incorporated by reference in 1926.6; or¶

(d) Head protection devices that the employer demonstrates are at least as effective as head protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.¶

(e) Employees who are exposed to power-driven machinery or to sources of ignition shall wear caps or other head covering which completely covers the hair.¶

(10) Foot Protection.¶

(a) The employer must ensure that each affected employee use protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.¶

(b) Protective footwear must comply with any of the following consensus standards:¶

(A) ASTM F-2412-2005, Standard Test Methods for Foot Protection, and ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear, which are incorporated by reference in 1926.6;¶

(B) ANSI Z41-1999, American National Standard for Personal Protection -Protective Footwear, which is incorporated by reference in 1926.6; or¶

(C) ANSI Z41-1991, American National Standard for Personal Protection -Protective Footwear, which is incorporated by reference in 1926.6.¶

(c) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.¶

(d) Special types or designs of shoes or foot guards are required where conditions exist that make their use necessary for the safety of workers.¶

(11) Leg protection.¶

(a) Leggings or high boots of leather, rubber, or other suitable material must be worn by persons exposed to hot substances or dangerous chemical spills.¶

(b) Employees using chain saws must wear chaps or leg protectors that cover the leg from the upper thigh to mid-calf. The protector must be material designed to resist cuts from the chain saw. Employers must provide this protection at no cost to the employee.¶

(12) Hand Protection.¶

(a) Employers must select and require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.¶

(b) Employers must base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified.¶

(c) Gloves must not be worn by persons whose hands are exposed to moving parts in which they could be caught.¶

(13) Skin protection. Where the need for their use is necessary, protective covering, ointments, gloves, or other effective protection must be provided for and used by persons exposed to materials which are hazardous to the

skin.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Tables in 437-003-0134: Personal Protective Equipment

Under 437-003-0134 (8)(e) Eye And Face Protection.

Table 1 - Filter Lenses for Protection Against Radiant Energy

<i>Operations</i>	<i>Electrode Size 1/32 in.</i>	<i>Arc Current (amps)</i>	<i>Minimum* Protective Shade</i>
<i>Shielded metal arc welding</i>	<i>Less than 3</i>	<i>Less than 60</i>	<i>7</i>
	<i>3-5</i>	<i>60-160</i>	<i>8</i>
	<i>5-8</i>	<i>160-250</i>	<i>10</i>
	<i>More than 8</i>	<i>250-550</i>	<i>11</i>
<i>Gas metal arc welding and flux cored arc welding</i>		<i>Less than 60</i>	<i>7</i>
		<i>60-160</i>	<i>10</i>
		<i>160-250</i>	<i>10</i>
		<i>250-500</i>	<i>10</i>
<i>Gas Tungsten arc welding</i>		<i>Less than 50</i>	<i>8</i>
		<i>50-150</i>	<i>8</i>
		<i>150-500</i>	<i>10</i>
<i>Air carbon</i>	<i>(Light)</i>	<i>Less than 500</i>	<i>10</i>
<i>Arc cutting</i>	<i>(Heavy)</i>	<i>500-1000</i>	<i>11</i>
<i>Plasma arc welding</i>		<i>Less than 20</i>	<i>6</i>
		<i>20-100</i>	<i>8</i>
		<i>100-400</i>	<i>10</i>
		<i>400-800</i>	<i>11</i>
<i>Plasma arc cutting</i>	<i>(Light) **</i>	<i>Less than 300</i>	<i>8</i>
	<i>(Medium) **</i>	<i>300-400</i>	<i>9</i>
	<i>(Heavy) **</i>	<i>400-800</i>	<i>10</i>
<i>Torch brazing</i>		.....	<i>3</i>
<i>Torch soldering</i>		.....	<i>2</i>
<i>Carbon arc welding</i>		.....	<i>14</i>

** As a rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxy-fuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.*

*** These values apply where the actual arc is clearly seen. Experience has shown that lighter filters may be used when the arc is hidden by the workpiece.*

Table 2 - Filter Lenses for Protection Against Radiant Energy

<i>Operations</i>	<i>Plate thickness – inches</i>	<i>Plate thickness – mm</i>	<i>Minimum* Protective Shade</i>
<i>Gas Welding:</i>			
<i>Light</i>	<i>Under 1/8</i>	<i>Under 3.2</i>	<i>4</i>
<i>Medium</i>	<i>1/8 to 1/2</i>	<i>3.2 to 12.7</i>	<i>5</i>
<i>Heavy</i>	<i>Over 1/2</i>	<i>Over 12.7</i>	<i>6</i>
<i>Oxygen Cutting:</i>			
<i>Light</i>	<i>Under 1</i>	<i>Under 25</i>	<i>3</i>
<i>Medium</i>	<i>1 to 6</i>	<i>25 to 150</i>	<i>4</i>
<i>Heavy</i>	<i>Over 6</i>	<i>Over 150</i>	<i>5</i>

** As a rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxy-fuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.*

*** These values apply where the actual arc is clearly seen. Experience has shown that lighter filters may be used when the arc is hidden by the workpiece.*

AMEND: 437-004-0380

RULE SUMMARY: 437-004-0380 – Corrects a reference from 1910.29 to 1910.27.

CHANGES TO RULE:

437-004-0380

Manually Propelled Mobile Ladder Stands and Scaffolds (Towers) ¶

Standards for the use of mobile work platforms and scaffolds are found in division 2, subdivision D, ~~1910.29~~1910.27 which applies to agricultural places of employment.

Statutory/Other Authority: ORS 654.025(2), 656.726(3)

Statutes/Other Implemented: ORS 654.001 - 654.295

AMEND: 437-004-1041

RULE SUMMARY: 437-004-1041 – Uppercase "NOTE" is changed to lowercase "Note" throughout. "EXCEPTION" is changed to "Exception. There are two spelling corrections: one is in (5)(c)(B) where an "s" is added to the word "diagnostic," and the other is in (5)(d)(A) where an extra "t" is taken out of "representatives." In the Spanish version of Appendix C, there is an editorial correction to resolve a difference between English and Spanish versions in Appendix C questionnaires, Parte A. Seccion 2 in (8); specifically, provisions (a) through (e) are added.

CHANGES TO RULE:

437-004-1041

Respiratory Protection ¶¶

(1) Permissible practice.¶¶

(a) To control occupational diseases caused by breathing contaminated air, the best method is to prevent contamination with engineering controls. To the extent feasible, accepted engineering controls must be used. Examples of engineering controls include enclosing the source of contamination, providing general or local exhaust ventilation to remove the contaminated air from work areas, and substituting less toxic materials. When this approach is not feasible, or while engineering controls are being established, employers must provide appropriate respirators in compliance with this standard.¶¶

(b) You must provide a respirator to each employee when it is necessary to protect their health. Respirators must be appropriate for the hazard. You must also establish and maintain an effective respiratory protection program that includes at least the requirements outlined in paragraph (3) of this standard. The program must cover each employee required to use a respirator.¶¶

(2) Definitions. The following definitions apply to this standard. Air-purifying respirator is a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element. Assigned protection factor (APF) means the workplace level of respiratory protection that a respirator or class of respirators is expected to provide to employees when the employer implements a continuing, effective respiratory protection program as specified by this section. Atmosphere-supplying respirator is a respirator that supplies the user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units. Canister or cartridge is a container with a filter, sorbent, or catalyst, or combination of these items, that removes specific contaminants from the air passed through the container. Competent person is a person who, because of training and experience, can identify existing and predictable hazards in equipment, material, conditions or practices and who has the knowledge and authority to take corrective steps. Demand respirator is an atmosphere-supplying respirator that admits breathing air to the face piece only when inhalation creates a negative pressure inside the face piece. Elastomer (elastomeric) is an elastic substance like rubber or neoprene. Emergency situation is any event such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of an airborne contaminant. Employee exposure is exposure to a concentration of an airborne contaminant that would occur if the employee were not using respiratory protection. End-of-service-life indicator (ESLI) is a device, on the cartridge, that warns respirator users when their respirator is near the end of its ability to protect them. For example, an indicator on the cartridge will change to warn the user that the cartridge sorbent material is nearing saturation and is no longer effective. Engineering control measures are methods to eliminate or control employee exposure to the hazard; e.g., substitution of a less toxic material, general or local ventilation and enclosing the operation. Escape-only respirator is a respirator only for use during emergency exit. Filter or air purifying element is a respirator component (e.g., canister or cartridge) that removes solid or liquid aerosols from the inspired air. Filtering face piece (dust mask) is a tight fitting negative pressure particulate respirator with a filter as an integral part of the face piece or with the entire face piece made of the filtering medium. Fit factor is a quantitative estimate of the fit of a particular respirator to a specific person, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn. Instrumentation is used with ambient air as the "test agent" to quantify the respirator fit. See Appendix A. Fit test is the use of procedures in Appendix A to qualitatively or quantitatively evaluate the fit of a respirator on a person. (See also Qualitative fit test QLFT and Quantitative fit test QNFT.) Helmet is a rigid respirator covering that also provides head protection against impact and penetration. High efficiency particulate air (HEPA) filter is a filter that is at least 99.97 percent efficient in removing monodisperse particles of 0.3 micrometers in diameter. The equivalent NIOSH 42 CFR 84 particulate filters are the N100, R100, and P100 filters. Hood is a respirator covering that completely covers the head and neck and may also cover portions of the shoulders and torso. Immediately dangerous to life or health (IDLH) is an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape

from a dangerous atmosphere. Interior structural firefighting is the physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. Loose-fitting face piece is a respiratory covering that forms a partial seal with the face, e.g., hood. Maximum use concentration (MUC) means the maximum atmospheric concentration of a hazardous substance from which an employee can be expected to be protected when wearing a respirator, and is determined by the assigned protection factor of the respirator or class of respirators and the exposure limit of the hazardous substance. The MUC can be determined mathematically by multiplying the assigned protection factor specified for a respirator by the required OSHA permissible exposure limit, short-term exposure limit, or ceiling limit. When no OSHA exposure limit is available for a hazardous substance, an employer must determine an MUC on the basis of relevant available information and informed professional judgment. Negative pressure respirator (tight fitting) is a respirator in which the air pressure inside the face piece is negative during inhalation with respect to the ambient air pressure outside the respirator. Oxygen deficient atmosphere is an atmosphere with an oxygen content less than 19.5 percent by volume. Physician or other licensed health care professional (PLHCP) is a person whose legally permitted scope of practice (i.e., license, registration, or certification) allows them to independently provide, or be delegated to provide, some or all of the health care services required by this standard. Positive pressure respirator is a respirator in which the pressure inside the respiratory covering is higher than the air pressure outside the respirator. Powered air-purifying respirator (PAPR) is an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering. Pressure demand respirator is a positive pressure atmosphere-supplying respirator that admits breathing air to the face piece when inhalation reduces the positive pressure inside the face piece. Qualitative fit test (QLFT) is a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent. See Appendix A. Quantitative fit test (QNFT) is an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator. See Appendix A. Respirator covering is that part of a respirator that forms the protective barrier between the user's respiratory tract and an air-purifying device or breathing air source, or both. It may be a face piece, helmet, hood, suit, or a mouthpiece respirator with nose clamp. Self-contained breathing apparatus (SCBA) is an atmosphere-supplying respirator for which user carries the breathing air source. Service life is the period of time that a respirator, filter or sorbent, or other respiratory equipment adequately protects the wearer. Supplied-air respirator (SAR) or airline respirator is an atmosphere-supplying respirator for which the source of breathing air is not carried by the user. Tight-fitting face piece is a respirator covering that forms a complete seal with the face, e.g., half mask or full-face piece. User seal check is an action by the respirator user to determine if the respirator is properly seated to the face. See appendix B-1.¶

(3) Respiratory protection program.¶

(a) When respirators are necessary to protect the health of workers or when you require workers to wear them, you must have an effective, written respiratory protection program, managed by a knowledgeable person, with procedures specific to your work site. Keep the program updated to reflect changes in conditions that require the use of respirators. You must include at least these points, as applicable:¶

(A) Procedures for selecting respirators for use in the workplace;¶

(B) Procedures for the medical evaluations of employees required to use respirators;¶

(C) Fit testing procedures for tight-fitting respirators;¶

(D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;¶

(E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;¶

(F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;¶

(G) Procedures for training employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;¶

(H) Procedures for training employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and¶

(I) Procedures for regularly evaluating the effectiveness of the program.¶

(b) The employer must provide respirators, and all other program requirements including training, and medical evaluations at no cost to the employee.¶

(c) Where respirator use is voluntary:¶

(A) You may provide respirators to employees who request them or they may use their own respirators. If you allow this voluntary use;¶

(i) You must determine that it will not create a hazard to the user;¶

(ii) You must provide the voluntary user with the information in Appendix D, "Information for Employees Using Respirators When Not Required Under the Standard"; and¶

(B) You must have a limited written respiratory program for voluntary users. It must include those parts of the standard program necessary to ensure that:¶

- (i) The user is medically able to use the respirator without adverse health effects. Users of tight-fitting respirators other than dust masks must have a medical evaluation.¶
 - (ii) The user will properly clean, store and maintain the respirator.¶
 - (4) Selection of respirators. Identify and evaluate the respiratory hazard(s) including a reasonable estimate of employee exposures and an identification of the contaminant's chemical state and physical form. You must treat atmospheres with the potential for IDLH conditions as an IDLH hazard and provide appropriate respiratory protection.¶
 - (a) General requirements.¶
 - (A) You must evaluate respiratory hazards, conditions in the workplace and user factors, then select and provide the appropriate respirators.¶
 - (B) All respirators must have NIOSH certification and all use must conform to that certification.¶
 - (C) Respirators must correctly fit and be acceptable to the user.¶
 - (b) Respirators for IDLH atmospheres.¶
 - (A) Provide the following respirators for employee use in IDLH atmospheres:¶
 - (i) A full-face piece pressure demand SCBA certified by NIOSH for a minimum service life of 30 minutes, or¶
 - (ii) A combination full-face piece pressure demand supplied-air respirator (SAR) with auxiliary self-contained air supply.¶
 - (B) Respirators only for escape from IDLH atmospheres must have NIOSH certification for escape from the atmosphere of use.¶
 - (C) Treat all oxygen-deficient atmospheres as IDLH.¶
- ~~EXCEPTION~~exception to paragraph (4)(b)(C): If you can demonstrate that under all foreseeable conditions, the oxygen concentration will stay within the ranges in Table A for the appropriate altitudes set out in the table, then your selection of atmosphere-supplying respirators is not limited to the types listed in (4)(b)(A). ¶
- [Insert Table A]¶
- (c) Respirators for atmospheres that are not IDLH.¶
 - (A) Provide respirators adequate to protect the health of workers and ensure compliance with all other OR-OSHA requirements, under routine and reasonably foreseeable emergency situations.¶
 - (i) Assigned Protection Factors (APFs). Employers must use the assigned protection factors listed in Table B to select a respirator that meets or exceeds the required level of employee protection. When using a combination respirator (e.g., airline respirators with an air-purifying filter), employers must ensure that the assigned protection factor is appropriate to the mode of operation in which the respirator is being used.¶
- [Insert Table B.]¶
- (ii) Maximum Use Concentration (MUC).¶
 - (I) The employer must select a respirator for employee use that maintains the employee's exposure to the hazardous substance, when measured outside the respirator, at or below the MUC.¶
 - (II) Employers must not apply MUCs to conditions that are immediately dangerous to life or health (IDLH); instead, they must use respirators listed for IDLH conditions in paragraph (4)(b) of this standard.¶
 - (III) When the calculated MUC exceeds the IDLH level for a hazardous substance, or the performance limits of the cartridge or canister, then employers must set the maximum MUC at that lower limit.¶
 - (B) The respirator must be appropriate for the chemical state and physical form of the contaminant.¶
 - (C) For protection against gases and vapors, provide:¶
 - (i) An atmosphere-supplying respirator, or¶
 - (ii) An air-purifying respirator, if:¶
 - (I) It has an end-of-service-life indicator (ESLI) certified by NIOSH for the contaminant; or¶
 - (II) If there is no ESLI appropriate for your conditions, implement a change schedule for canisters and cartridges that is based on objective information or data that will ensure that canisters and cartridges are changed before the end of their service life. Describe in the respirator program the information and data relied on and the basis for the canister and cartridge change schedule and the basis for reliance on the data.¶
- ~~NOTE~~Note: The Worker Protection Standard contains criteria for specific change out schedules for respirator canisters and cartridges. See Division 4/W, 170.240.¶
- (D) For protection against particulates, provide:¶
 - (i) An atmosphere-supplying respirator; or¶
 - (ii) An air-purifying respirator with a filter certified by NIOSH under 30 CFR part 11 as a high efficiency particulate air (HEPA) filter, or an air-purifying respirator with a filter certified for particulates by NIOSH under 42 CFR part 84; or¶
 - (iii) For contaminants consisting primarily of particles with mass median aerodynamic diameters (MMAD) of at least 2 micrometers, an air-purifying respirator with any filter certified for particulates by NIOSH.¶
 - (5) Medical evaluation. Using a respirator may place a physiological burden on employees that depends on the type of respirator, the job and workplace conditions in which the respirator is used, and the medical status of the

employee.¶

(a) General. You must provide medical evaluations to determine each worker's ability to use a respirator without causing adverse health effects. Do this before the worker's fit test and before they perform any work requiring respirator use. The employer may discontinue an employee's medical evaluations when the employee no longer uses a respirator.¶

(b) Medical evaluation procedures. The employer must identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using a medical questionnaire or an initial examination that obtains the same information as the medical questionnaire. The medical evaluation must obtain the information requested by the questionnaire in Appendix C, Part A, Sections 1 and 2, of this standard.¶

NOTE: If the employee refuses the examination, they may not be permitted to work in jobs that require a tight-fitting respirator.¶

(c) Follow-up medical examination.¶

(A) The employer must ensure that a follow-up medical examination is provided for an employee if, in the opinion of the PLHCP, this is necessary.¶

NOTE: The PLHCP may require a follow-up examination for an employee who gives a positive response to any question among questions 1 through 9, or 10 through 15 in Appendix C, Part A, Section 2; or whose initial medical examination demonstrates the need for a follow-up medical examination.¶

(B) The follow-up medical examination must include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination.¶

(d) Administration of the medical questionnaire and examinations.¶

(A) You must allow the employee to complete the questionnaire in a way that protects the confidentiality of the information. Employers are not allowed to see the answers or to review the completed form. You must allow employees to complete the form during normal working hours or at a time and place convenient to them. If employees need help, allow them to ask your PLHCP or anybody other than their employer or representatives of their employer.¶

(B) The employer must provide the employee with an opportunity to discuss the questionnaire and examination results with the PLHCP.¶

(e) Supplemental information for the PLHCP.¶

(A) You must give the PLHCP the required supplemental information before they make any recommendation about a worker's ability to use a respirator. Use Appendix C, Part B, Section 2 of this standard, or an equivalent form to provide this information.¶

(i) The type and weight of the respirator the employee will use;¶

(ii) How long and how often the employee will use the respirator (including use for rescue and escape);¶

(iii) The expected physical work effort while using the respirator;¶

(iv) Additional protective clothing and equipment to be worn; and¶

(v) Temperature and humidity extremes that may exist during use.¶

(B) Supplemental information you provide for an employee's medical evaluation does not have to be provided again for later evaluations unless the information or the PLHCP changes.¶

(C) You must provide a copy of your written respiratory program and this standard to the PLHCP.¶

Note to Paragraph (5)(e): When the employer replaces a PLHCP, the employer must ensure that the new PLHCP has this information, either by providing the documents directly to the new PLHCP or by having the documents transferred from the former PLHCP to the new PLHCP. However, OR-OSHA does not expect employers to have employees medically reevaluated solely because there is a new PLHCP.¶

(f) Medical determination. In determining the employee's ability to use a respirator, the employer must:¶

(A) Obtain a written recommendation about the employee's ability to use the respirator from the PLHCP. The recommendation must provide only the following information:¶

(i) Any limitations on respirator use relating to the medical condition of the employee, or relating to the workplace conditions, including whether or not the employee is medically able to use the respirator;¶

(ii) The need, if any, for follow-up medical evaluations; and¶

(iii) A statement that the PLHCP gave a copy of the recommendation to the worker.¶

(B) If the respirator is a negative pressure respirator and the PLHCP finds that using it would increase the employee's health risk, the employer must provide a PAPR until a subsequent evaluation clears the employee for another type.¶

(g) Additional medical evaluations. At a minimum, the employer must provide additional medical evaluations that comply with this standard if:¶

(A) An employee reports medical signs or symptoms related to ability to use a respirator;¶

(B) A PLHCP, supervisor, or the knowledgeable person who manages the respiratory protection program informs the employer that an employee needs a reevaluation; or¶

(C) Information from the respiratory protection program, including observations made during fit testing and

program evaluation, indicates a need for employee reevaluation; or¶

(D) A change occurs in work conditions (such as physical work effort, protective clothing, and temperatures) that may result in a substantial increase in the physiological burden to the employee.¶

(6) Fit testing. You must:¶

(a) Ensure that employees using a tight-fitting face piece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT), using the same make, model, style and size respirator that they will use in the workplace.¶

(b) Ensure that each worker using a tight-fitting face piece respirator is fit-tested, before initial respirator use; whenever they change to another type, style, model, or make of respirator, and at least annually thereafter.¶

(c) Do a new fit test on a worker when you observe or the worker, a supervisor, the program administrator, or a PLCHP report any change in the worker's physical condition that could affect the respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.¶

(d) Give employees a reasonable opportunity to select a different respirator face piece and redo the fit test if, after passing a QLFT or QNFT, the employee notifies the employer, supervisor, or PLHCP that the fit of the respirator is unacceptable.¶

(e) Ensure that all fit tests comply with the accepted QLFT or QNFT protocols in Appendix A of this standard.¶

(f) Ensure that qualitative fit tests (QLFT) are used only to fit test negative pressure air-purifying respirators that must achieve an assigned protective factor of 50 or less.¶

(g) Ensure that quantitative fit tests (QNFT), using an accepted QNFT protocol, are only passed by achieving a fit factor of 100 or more for a tight fitting half face piece respirator, and a fit factor of 500 or more for a tight fitting full face piece respirator.¶

(h) Ensure that fit testing of tight-fitting atmosphere-supplying respirators and tight-fitting powered air-purifying respirators is only accomplished by performing quantitative or qualitative fit testing in the negative pressure mode, regardless of the mode of operation (negative or positive pressure) that is used for respiratory protection.¶

(A) Do qualitative fit testing of these respirators by temporarily converting the respirator user's actual face piece into a negative pressure respirator with appropriate filters, or by using an identical negative pressure air-purifying respirator face piece with the same sealing surfaces as a surrogate for the atmosphere-supplying or powered air-purifying respirator face piece.¶

(B) Do quantitative fit testing of these respirators by modifying the face piece to allow sampling inside the face piece in the breathing zone of the user, midway between the nose and mouth. Do this by installing a permanent sampling probe onto a surrogate face piece, or by using a sampling adapter designed to temporarily provide a way to sample air from inside the face piece.¶

(C) Before returning a face piece to normal use, completely remove any modifications done for fit testing, and restore the face piece to NIOSH-approved configuration.¶

(7) Use of respirators.¶

(a) Face piece seal protection.¶

(A) You must not permit workers to wear tight-fitting face pieces if they have:¶

(i) Facial hair that comes between the face-to-face piece sealing surface or that interferes with the respirator's valve function; or¶

(ii) Any other condition that interferes with the face-to-face piece seal or valve function.¶

(B) If an employee wears glasses or goggles or other personal protective equipment, the employer must ensure that it does not interfere with the seal of the face piece to the face of the user.¶

(C) Employers must ensure that workers who wear respirators perform a user seal check before every use, using the procedures in Appendix B-1 or, if equally effective, the recommendations of the respirator manufacturer.¶

(b) Continuing respirator effectiveness.¶

(A) You must reevaluate the effectiveness of a respirator when there is a change in work area conditions or degree of employee exposure or stress that may affect respirator effectiveness.¶

(B) You must ensure that employees leave the area where respirators are required:¶

(i) To wash their faces and respirator face pieces as necessary to prevent eye or skin irritation associated with respirator use; or¶

(ii) If they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of the face piece; or¶

(iii) To replace the respirator or the filter, cartridge, or canister elements.¶

(C) If the employee detects vapor or gas breakthrough, changes in breathing resistance, or leakage of the face piece, the employer or a competent person must replace or repair the respirator before allowing the employee to return to the work area.¶

(c) Procedures for IDLH atmospheres. For all IDLH atmospheres, the employer must ensure that:¶

(A) One employee or, when needed, more than one employee is stationed outside the IDLH atmosphere;¶

(B) Visual, voice, or line communication is continuous between the employee(s) in the IDLH atmosphere and the

employee(s) outside the IDLH atmosphere;¶

(C) The employee(s) outside the IDLH atmosphere have the training and equipment to provide effective emergency rescue;¶

(D) The employer or designee is notified before the employee(s) outside the IDLH atmosphere enter the IDLH atmosphere to provide emergency rescue;¶

(E) The employer or designee authorized to do so by the employer, once notified, provides necessary assistance appropriate to the situation;¶

(F) Employee(s) outside the IDLH atmospheres have:¶

(i) Pressure demand or other positive pressure SCBAs, or a pressure demand or other positive pressure supplied-air respirator with auxiliary SCBA; and either:¶

(ii) Appropriate retrieval equipment for removing the employee(s) who enter(s) these hazardous atmospheres where retrieval equipment would contribute to the rescue of the employee(s) and would not increase the overall risk resulting from entry; or¶

(iii) Equivalent means for rescue when there is no requirement for retrieval equipment under paragraph (7)(c)(F)(ii).¶

(d) Procedures for interior structural firefighting. If you require your workers to fight interior structural fires, paragraph (7)(c) applies. You must also do the following:¶

(A) At least two employees enter the IDLH atmosphere and remain in visual or voice contact with one another at all times; and¶

(B) At least two employees are located outside the IDLH atmosphere; and¶

(C) All employees engaged in interior structural firefighting use SCBA's.¶

~~NOTE~~ote 1 to paragraph (7)(d): One of the two individuals located outside the IDLH atmosphere may be assigned to an additional role, such as incident commander in charge of the emergency or safety officer, so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety of health of any firefighter working at the incident.¶

~~NOTE~~ote 2 to paragraph (7)(d): Nothing in this section is meant to preclude firefighters from performing emergency rescue activities before an entire team has assembled.¶

(8) Maintenance and care of respirators.¶

(a) Cleaning and disinfecting. You must provide each respirator user with a respirator that is clean, sanitary, and in good working order. You also must ensure that respirators are cleaned and disinfected using the procedures in Appendix B-2, or equally effective procedures recommended by the respirator manufacturer, at the following intervals:¶

(A) Clean and disinfect respirators used exclusively by one worker as often as necessary to keep them sanitary;¶

(B) Clean and disinfect respirators after each use, or before being worn by different individuals, if used by more than one worker;¶

(C) Clean and disinfect emergency use respirators after each use; and¶

(D) Clean and disinfect fit test and training respirators after each use.¶

(b) Storage. Ensure that respirators are stored as follows:¶

(A) Store all respirators to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, damaging chemicals, and to prevent deformation of the face piece and exhalation valve.¶

(B) In addition to the requirements of paragraph (8)(b)(A), keep emergency respirators:¶

(i) Accessible to the work area;¶

(ii) In compartments or in covers clearly marked as containing emergency respirators; and¶

(iii) In accordance with any applicable manufacturer instructions.¶

(c) Inspections.¶

(A) The employer must require respirator inspections as follows:¶

(i) Inspect all routine use respirators before each use and during cleaning;¶

(ii) Inspect emergency use respirators at least monthly and according to the manufacturer's recommendations. Check for proper function before and after each use; and¶

(iii) Inspect escape respirators before taking them into the workplace for use.¶

(B) The employer must ensure that respirator inspections include the following:¶

(i) A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the face piece, head straps, valves, connecting tube, and cartridges, canisters or filters; and¶

(ii) A check of elastomeric parts for pliability and signs of deterioration.¶

(C) In addition to the requirements of paragraphs (8)(c)(A) and (B), inspect self-contained breathing apparatus monthly. Keep air and oxygen fully charged and recharge them when the pressure falls to 90 percent of the manufacturer's recommended pressure level. Be certain the regulator and warning devices work properly.¶

(D) For emergency use respirators, the employer must:¶

(i) Certify the respirator by documenting the date of inspection, the name (or signature) of the inspector, the

- findings, required remedial action, and a serial number or other means of identifying the respirator; and¶
- (ii) Provide this information on a tag or label attached to the respirator storage compartment, or keep it with the respirator, or include it in paper or electronic inspection reports. Keep this information until the next report replaces it.¶
- (d) Repairs. Do not use respirators that fail an inspection or are otherwise defective. Either discard them or repair them according to these procedures:¶
- (A) Only people with appropriate training may repair or adjust respirators. They must use only the manufacturer's NIOSH-approved parts designed for the particular respirator;¶
- (B) Repairs must conform to the manufacturer's recommendations for the type of repair to be performed;¶
- (C) Only the manufacturer or a technician trained by the manufacturer may repair or adjust the reducing and admission valves, regulators and alarms.¶
- (9) Breathing air quality and use.¶
- (a) The employer must ensure or have their supplier certify that compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration meets the following specifications:¶
- (A) Compressed and liquid oxygen must meet the United States Pharmacopoeia requirements for medical or breathing oxygen; and¶
- (B) Compressed breathing air must meet at least the requirements for Grade D breathing air described in ANSI/Compressed Gas Association Commodity Specification for Air, G-7.1-1989, to include:¶
- (i) Oxygen content (v/v) between 19.5 and 23.5 percent;¶
- (ii) Hydrocarbon (condensed) content of no more than 5 milligrams per cubic meter of air;¶
- (iii) Carbon monoxide (CO) content of no more than 10 ppm;¶
- (iv) Carbon dioxide content of no more than 1,000 ppm; and¶
- (v) No noticeable odor.¶
- NOTE**ote: Do not fill your own air vessels unless they and the contents meet all the requirements of this standard.¶
- (b) Do not use compressed oxygen in atmosphere-supplied respirators that previously held compressed air.¶
- (c) The employer must ensure that oxygen concentrations more than 23.5 percent are used only in equipment designed for oxygen service or distribution.¶
- (d) The employer must ensure that cylinders to supply breathing air to respirators meet the following requirements:¶
- (A) Cylinders are tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR part 180);¶
- (B) Cylinders of purchased breathing air have a certificate of analysis from the supplier that the breathing air meets the requirements for Grade D breathing air; and¶
- (C) The moisture content in the cylinder does not exceed a dew point of -50 degrees F. (-45.6 degrees C.) at 1 atmosphere pressure.¶
- (e) The employer must ensure that compressors supplying breathing air to respirators are constructed and situated to:¶
- (A) Prevent entry of contaminated air into the air-supply system;¶
- (B) Minimize moisture content so that the dew point at 1 atmosphere pressure is 10 degrees F. (5.56 degrees C.) below the ambient temperature;¶
- (C) Have suitable in-line air-purifying sorbent beds and filters to further ensure breathing air quality. Maintain and replace sorbent beds and filters according to the manufacturer's instructions.¶
- (D) Have a tag at the compressor showing the most recent change date and the signature of the authorized person who did the change.¶
- (f) For compressors that are not oil-lubricated, ensure that carbon monoxide levels in the breathing air do not exceed 10 ppm.¶
- (g) For oil-lubricated compressors, use only a high-temperature or carbon monoxide alarm, or both, to monitor carbon monoxide levels. If you use only high-temperature alarms, monitor the air supply often enough to prevent carbon monoxide in the breathing air from exceeding 10 ppm.¶
- (h) The employer must ensure that breathing air couplings are incompatible with outlets for nonrespirable worksite air or other gas systems. Do not allow any asphyxiating substance to get into breathing airlines.¶
- (i) Use only the respirator manufacturer's NIOSH approved breathing gas containers marked and maintained in accordance with the Quality Assurance provisions of the NIOSH approval for the SCBA, as issued in accordance with the NIOSH respirator certification standard at 42 CFR part 84.¶
- (10) Identification of filters, cartridges, and canisters. The employer must ensure that all filters, cartridges and canisters have labels and color codes that comply with the NIOSH standards and that the label remains in place and legible.¶
- (11) Training and information.¶

- (a) The employer must ensure that each employee can demonstrate knowledge of at least the following:¶
 - (A) Why the respirator is necessary and how improper fit, use, or maintenance can compromise the protective effect of the respirator;¶
 - (B) What the limitations and capabilities of the respirator are;¶
 - (C) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;¶
 - (D) How to inspect, put on and remove, use, and check the seals of the respirator;¶
 - (E) What the procedures are for maintenance and storage of the respirator;¶
 - (F) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and¶
 - (G) The general requirements of this rule.¶
- (b) Training must be in a language or form that workers understand.¶
- (c) Training must be complete before workers use respirators.¶
- (d) Retrain respirator users annually and when these situations happen:¶
 - (A) Changes in the work or the type of respirator make previous training obsolete;¶
 - (B) Inadequacies in the employee's knowledge or use of the respirator indicate that they no longer have the basic understanding or skill; or¶
 - (C) Any other situation arises in which retraining appears necessary to ensure safe respirator use.¶
- (e) An employer who can demonstrate that a new employee has training within the last 12 months that addresses the elements in paragraph (11)(a)(A) through (G) does not have to repeat that training if, the employee can demonstrate knowledge of those element(s). Previous training not repeated initially by the employer must be provided no later than 12 months from the date of the previous training.¶
- (f) Provide every voluntary respirator user with the basic advisory information in Appendix D. Any written or oral format that the employee understands is acceptable.¶
- (12) Program evaluation.¶
 - (a) Evaluate the workplace as necessary to ensure effective implementation of the current written program.¶
 - (b) Regularly consult your respirator users to get their views on your program's effectiveness and to identify problems. Correct the problems identified. Things to assess include at least:¶
 - (A) Respirator fit (including the ability to use the respirator without interfering with effective workplace performance);¶
 - (B) Users have and use the correct respirator and components for their exposure hazards;¶
 - (C) Proper respirator use; and¶
 - (D) Proper respirator maintenance.¶
- (13) Recordkeeping.¶
 - (a) Medical evaluation. Retain and make available all medical evaluations required by this standard according to Division 2/Z, 1910.1020. (Division 4/A, 437-004-0005, Medical Records Access, stipulates that Division 2/Z, 1910.1020 applies to agricultural employers.)¶
 - (b) Fit testing.¶
 - (A) You must keep a record of qualitative and quantitative fit tests for each user including:¶
 - (i) The name or identification of the employee;¶
 - (ii) Type of fit test;¶
 - (iii) Specific make, model, style, and size of respirator tested;¶
 - (iv) Date of test; and¶
 - (v) The pass/fail results for QLFTs or the fit factor and strip chart recording or other recording of the test results for QNFTs.¶
 - (B) Keep fit test records until records of a new test replace them.¶
 - (c) You must keep a written copy of your current respirator program.¶
 - (d) On request, you must make written records required by this standard, available to the Oregon OSHA Administrator or their designee for examination or copying.¶
- (14) Appendices. Compliance with Appendix A, Appendix B-1, Appendix B-2, Appendix C, and Appendix D of this rule is mandatory.¶
- (15) Effective Date. OAR 437-004-1041, Respiratory Protection, is effective March 1, 2007. ¶
[Insert Appendices: A, B-1, B-2, C, and D]
 Statutory/Other Authority: ORS 654.025(2), 656.726(4).
 Statutes/Other Implemented: ORS 654.001 - 654.295.

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Filing Attachment for OAR 437-004-1041 Respiratory Protection Tables and Appendices

Table A	
Altitude (ft.)	Oxygen deficient Atmospheres (% O ₂) for which the employer may rely on atmosphere-supplying respirators
Less than 3,001	16.0-19.5
3,001-4,000	16.4-19.5
4,001-5,000	17.1-19.5
5,001-6,000	17.8-19.5
6,001-7,000	18.5-19.5
7,001-8,000 ¹	19.3-19.5

¹ This exception does not apply to altitudes above 8,000 feet. Oxygen-enriched breathing air must be supplied above 14,000 feet.

Table B. -- Assigned Protection Factors⁵

Type of respirator ^{1,2}	Quarter mask	Half mask	Full facepiece	Helmet/hood	Loose-fitting facepiece
1. Air-Purifying Respirator	5	³ 10	50	.....	.....
2. Powered Air-Purifying Respirator (PAPR)	.....	50	1,000	⁴ 25/1,000	25
3. Supplied-Air Respirator (SAR) or Airline Respirator					
• Demand mode	.....	10	50	.....	.....
• Continuous flow mode	.....	50	1,000	⁴ 25/1,000	25
• Pressure-demand or other positive-pressure mode	.....	50	1,000	.....	.....
4. Self-Contained Breathing Apparatus (SCBA)					
• Demand mode	.....	10	50	50	.....
• Pressure-demand or other positive-pressure mode (e.g., open/closed circuit)	.....	.....	10,000	10,000	.....

Notes:

- 1 Employers may select respirators assigned for use in higher workplace concentrations of a hazardous substance for use at lower concentrations of that substance, or when required respirator use is independent of concentration.
 - 2 The assigned protection factors in Table B are only effective when the employer implements a continuing, effective respirator program as required by this section (Division 4/I, 437-004-1041), including training, fit testing, maintenance, and use requirements.
 - 3 This APF category includes filtering facepieces, and half masks with elastomeric facepieces.
 - 4 The employer must have evidence provided by the respirator manufacturer that testing of these respirators demonstrates performance at a level of protection of 1,000 or greater to receive an APF of 1,000. This level of performance can best be demonstrated by performing a WPF or SWPF study or equivalent testing. Absent such testing, all other PAPRs and SARs with helmets/hoods are to be treated as loose-fitting facepiece respirators, and receive an APF of 25.
 - 5 These APFs do not apply to respirators used solely for escape. For escape respirators used in association with specific substances covered by Division 4/Z, employers must refer to the appropriate substance-specific standards in that subpart. Escape respirators for other IDLH atmospheres are specified by Division 4/I, 437-004-1041(4)(b)(B).
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Appendix A to 437-004-1041, Respiratory Protection – Fit Testing Procedures (Mandatory)

Part I. Acceptable Fit Test Procedures

- A. Fit Testing Procedures – General Requirements. These fit test procedures are mandatory and apply to both Qualitative Fit Tests (QLFT) and Quantitative Fit Tests (QNFT).
- (1) Provide enough respirators so the employee can choose an acceptable model that fits correctly. Be sure they understand that they must select a respirator that gives the best fit.
 - (2) Before the employee selects their respirator you must show them how to put on a respirator, how to position it on their face, how to set the strap tension and how to make sure the fit is acceptable. There must be a mirror for them to use when evaluating the position and fit. This instruction does not replace the required formal training.
 - (3) They must hold each face piece they choose up to their face to find the one with the best fit.
 - (4) Once they choose a mask, have them wear it for at least 5 minutes to evaluate the comfort level. Discuss the points in the following paragraph to assure the worker makes a good evaluation. If they are not familiar with using a particular respirator, have them put it on and take it off several times to assure they make the needed adjustments for a good fit.
 - (5) Assessment of comfort must include a review of the following points with the test subject and allowing the test subject enough time to determine the comfort of the respirator:
 - (a) Position of the mask on the nose

- (b) Room for eye protection
 - (c) Room to talk
 - (d) Position of mask on face and cheeks
- (6) Use the following criteria to help determine the adequacy of the respirator fit:
- (a) Chin properly placed;
 - (b) Adequate strap tension, not too tight;
 - (c) Fit across nose bridge;
 - (d) Respirator of proper size to span distance from nose to chin;
 - (e) Tendency of respirator to slip;
 - (f) Self-observation in mirror to evaluate fit and respirator position.
- (7) Have the employee do a user seal check according to Appendix B-1. Before they do the check have them seat the mask by moving their head from side to side and up and down slowly while taking a few deep breaths. If the test fails, have them select another mask.
- (8) Do not do the test if the employee has any hair (including beard stubble) between the skin and sealing surface. They must alter or remove any clothing or items that interfere with the fit.
- (9) If the testing employee shows signs of difficult breathing during the test, send them to a PLHCP to evaluate their ability to use a respirator.
- (10) If the employee finds the fit unacceptable, you must allow them to select another respirator and retest.
- (11) Exercises. Before beginning the fit test, give the worker a description of the test and advise them of their responsibilities during the test. The description must include the exercises. They must wear the respirator for 5 minutes before the start of the test.
- (12) During the test the employee must wear any other safety equipment normally required for their work, if it could interfere with the respirator fit.
- (13) Test Exercises.

- (a) Employers must perform the following test exercises for all fit testing methods prescribed in this appendix, except for the two modified ambient aerosol CNC quantitative fit testing protocols, the CNP quantitative fit testing protocol, and the CNP REDON quantitative fit testing protocol. For the modified ambient aerosol CNC quantitative fit testing protocols, employers shall ensure that the test subjects (i.e., employees) perform the exercise procedure specified in Part I.C.4(b) of this appendix for full-facepiece and half-mask elastomeric respirators, or the exercise procedure specified in Part I.C.5(b) for filtering facepiece respirators. Employers must ensure that the test subjects (i.e., employees) perform the exercise procedure described in Part I.C.6(b) of this appendix for the CNP quantitative fit testing protocol, or the exercise procedure described in Part I.C.7(b) of this appendix for the CNP REDON quantitative fit-testing protocol. For the remaining fit testing methods, employers shall ensure that the test exercises are performed in the appropriate test environment in the following manner:
- (1) Normal breathing. In a normal standing position, without talking, the subject must breathe normally.
 - (2) Deep breathing. In a normal standing position, the subject must breathe slowly and deeply, taking caution so as not to hyperventilate.
 - (3) Turning head side to side. Standing in place, the subject must slowly turn their head from side to side between the extreme positions on each side. The head must be held at each extreme momentarily so the subject can inhale at each side.
 - (4) Moving head up and down. Standing in place, the subject must slowly move their head up and down. Instruct the subject to inhale in the up position (i.e., when looking toward the ceiling).
 - (5) Talking. The subject must talk out loud slowly and loud enough to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from 100, or recite a memorized poem or song.

Rainbow Passage

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond reach, his friends say he is looking for the pot of gold at the end of the rainbow.

- (6) Grimace. The test subject must grimace by smiling or frowning. (This applies only to QNFT testing; it is not for QLFT.)
 - (7) Bending over. The test subject must bend at the waist as if they were to touch their toes. Substitute jogging in place for this exercise in those test environments such as shroud type QNFT or QLFT units that do not permit bending over at the waist.
 - (8) Normal breathing. Same as exercise (1).
- (b) Do each test exercise for 1-minute except for the grimace exercise which is only for 15 seconds. Ask the test subject about the comfort of the respirator upon completion of the procedure. If there are problems, try another respirator. Do not adjust the respirator after the fit test exercises begin. Any adjustment voids the test.

B. Qualitative Fit Test (QLFT) Procedures

(1) General

- (a) The employer must ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and ensure that test equipment works properly.
- (b) The employer must ensure that QLFT equipment is clean and well maintained so as to operate within its design parameters.

(2) Isoamyl Acetate Procedures

Note: This procedure is not appropriate to use for the fit testing of particulate respirators unless the particulate cartridges can be replaced with organic vapor cartridges for the duration of the test.

- (a) Odor Threshold Screening. Odor threshold screening, done without wearing a respirator, is to determine if the individual tested can detect the odor of isoamyl acetate at low levels.
 - (1) You'll need three 1 liter glass jars with metal lids.
 - (2) Use odor-free water (e.g., distilled or spring water) at approximately 25 degrees C. (77 degrees F.) for the solutions.
 - (3) Make the isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution by adding 1 ml of pure IAA to 800 ml of odor-free water in a 1-liter jar, closing the lid and shaking for 30 seconds. Make a new solution at least weekly.
 - (4) Do the screening test in a room separate from the room used for actual fit testing. Ventilate the two rooms to prevent the odor of IAA from becoming evident in the general room air where testing takes place.

- (5) Make the odor test solution in a second jar by placing 0.4 ml of the stock solution into 500 ml of odor-free water using a clean dropper or pipette. Shake the solution for 30 seconds and allow it to stand for 2 to 3 minutes so that the IAA concentration above the liquid may reach equilibrium. Use this solution for only 1-day.
 - (6) Make a test blank in a third jar by adding 500 cc of odor-free water.
 - (7) Label the odor test and test blank jar lids (e.g., 1 and 2) for jar identification. Place the labels on the lids so that they can be peeled off periodically and switched to maintain the integrity of the test.
 - (8) Type the following instruction on a card and place it on the table in front of the two test jars (i.e., 1 and 2): “The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also has a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil.”
 - (9) Make the mixtures for the IAA odor detection test in an area separate from where you do the test, in order to prevent olfactory fatigue in the subject.
 - (10) If the test subject cannot correctly identify the jar containing the odor test solution, do not do the IAA qualitative fit test.
 - (11) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.
- (b) Isoamyl Acetate Fit Test
- (1) The fit test chamber must be a clear 55-gallon drum liner suspended inverted over a 2-foot diameter frame so that the top of the chamber is about 6 inches above the test subject’s head. If no drum liner is available, make a similar chamber using plastic sheeting. The inside top center of the chamber must have a small hook attached.
 - (2) Each respirator for the fitting and fit testing must have organic vapor cartridges or offer protection against organic vapors.
 - (3) After selecting, donning, and properly adjusting a respirator, the test subject must wear it to the fit testing room. This room must be separate from the room used for odor threshold screening and respirator selection, and must be well-ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

- (4) Tape a copy of the test exercises and any prepared text from which the subject is to read to the inside of the test chamber.
- (5) Give the test subject a 6-inch by 5 inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 ml of pure IAA when they enter the test chamber. Have the test subject hang the wet towel on the hook at the top of the chamber. You may substitute an IAA test swab or ampule for the IAA wetted paper towel if the alternative IAA source will generate an IAA test atmosphere with a concentration equivalent to that generated by the paper towel method.
- (6) Allow 2 minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of their cooperation, and the purpose for the test exercises; or to demonstrate some of the exercises.
- (7) If at any time during the test, the subject detects the banana-like odor of IAA, the test is a failure. The subject must quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.
- (8) If the test fails, the subject must return to the selection room and remove the respirator. The test subject must repeat the odor sensitivity test, select and put on another respirator, return to the test area and again begin the fit test procedure in (b)(1) through (7) above. The process continues until they find a respirator that fits right. Should the odor sensitivity test fail, the subject must wait at least a few minutes before re-testing. Odor sensitivity will usually return by this time.
- (9) If the subject passes the test, demonstrate the efficiency of the test procedure by having the subject break the respirator face seal and take a breath before exiting the chamber.
- (10) When the test subject leaves the chamber, they must remove the saturated towel and return it to the person conducting the test, so that there is no significant IAA concentration build-up in the chamber during subsequent tests. Keep the used towels in a self-sealing plastic bag to prevent contamination of the test area.

(3) Saccharin Solution Aerosol Procedure

You must explain the entire screening and testing procedure to the test subject before starting the screening test.

- (a) Taste threshold screening. The saccharin taste threshold screening, done without wearing a respirator, is to determine if the individual being tested can detect the taste of saccharin.

- (1) During threshold screening as well as during fit testing, subjects must wear an enclosure about the head and shoulders that is approximately 12 inches in diameter by 14 inches tall with at least the front portion clear and that allows free movements of the head when wearing a respirator. An enclosure substantially similar to the 3M hood assembly, parts # FT 14 and # FT 15 combined, is adequate.
- (2) The test enclosure must have a 3/4-inch (1.9 cm) hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.
- (3) Have the test subject put on the test enclosure. Throughout the threshold screening test, the test subject must breathe through their slightly open mouth with tongue extended. Tell the subject to report when they detect a sweet taste.
- (4) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer or equivalent, the test conductor must spray the threshold check solution into the enclosure. Direct the nozzle away from the nose and mouth of the person. Clearly mark this nebulizer to distinguish it from the fit test solution nebulizer.
- (5) Make the threshold check solution by dissolving 0.83 gram of sodium saccharin USP in 100 ml of warm water. You can also put 1 ml of the fit test solution (see (b)(5) below) in 100 ml of distilled water.
- (6) To produce the aerosol, firmly squeeze the nebulizer bulb so that it collapses completely, then release and allow to fully expand.
- (7) Repeat ten squeezes rapidly and then ask the test subject if they can taste the saccharin. The test is over when the test subject reports tasting the sweet taste during the ten squeezes. Note the taste threshold as ten regardless of the number of squeezes actually done.
- (8) If the first response is negative, do ten more squeezes rapidly and ask the test subject if they taste the saccharin. If the test subject reports tasting the sweet taste during the second ten squeezes, the screening test is over. The taste threshold is twenty regardless of the number of squeezes actually done.
- (9) If the second response is negative, do ten more squeezes rapidly and ask the test subject again if they taste the saccharin. If the test subject reports tasting the sweet taste during the third set of ten squeezes, the screening test is over. The taste threshold is thirty regardless of the number of squeezes actually done.
- (10) The test conductor will take note of the number of squeezes required to solicit a taste response.

- (11) If the test subject cannot taste saccharin after 30 squeezes they may not perform the saccharin fit test.

Note to paragraph 3.(a): If the test subject eats or drinks something sweet before the screening test, they may be unable to taste the weak saccharin solution.

- (12) If the test subject gives a taste response, ask them to take note of the taste for reference in the fit test.
- (13) Correct use of the nebulizer uses approximately 1 ml of liquid at a time in the nebulizer body.
- (14) Thoroughly rinse the nebulizer in water, shake it dry, and refill it at least each morning and afternoon or at least every 4 hours.

(b) Saccharin solution aerosol fit test procedure.

- (1) The test subject may not eat, drink (except plain water), smoke, or chew gum for 15 minutes before the test.
- (2) The fit test uses the same enclosure as in 3.(a) above.
- (3) The test subject must put on the enclosure while wearing the respirator selected in section I.A.. They must properly adjust the respirator and it must have a particulate filter(s).
- (4) Use a second DeVilbiss Model 40 Inhalation Medication Nebulizer or equivalent to spray the fit test solution into the enclosure. Clearly mark this nebulizer to distinguish it from the screening test solution nebulizer.
- (5) Make the fit test solution by adding 83 grams of sodium saccharin to 100 ml of warm water.
- (6) As before, the test subject must breathe through the slightly open mouth with tongue extended, and report if they taste the sweet taste of saccharin.
- (7) Insert the nebulizer into the hole in the front of the enclosure and spray an initial concentration of saccharin fit test solution into the enclosure using the same number of squeezes (either 10, 20 or 30 squeezes) based on the number of squeezes required to elicit a taste response as noted during the screening test. The minimum is 10 squeezes.
- (8) After generating the aerosol, tell the test subject to perform the exercises in section I.A.13.
- (9) Replenish the aerosol concentration every 30 using one half the original number of squeezes used initially (e.g., 5, 10 or 15).

- (10) The test subject must indicate to the test conductor if at any time during the fit test they taste saccharin. If the test subject does not report tasting the saccharin, the test is successful.
- (11) If they taste the saccharin, the fit is unsatisfactory and a failure. Try a different respirator and repeat the entire test procedure (taste threshold screening and fit testing).
- (12) Since the nebulizer has a tendency to clog during use, the test operator must make periodic checks of the nebulizer to ensure that it is not clogged. If clogging is found at the end of the test session, the test is invalid.

(4) Bitrex™ (Denatonium Benzoate) Solution Aerosol Qualitative Fit Test Procedure

The Bitrex™ (Denatonium benzoate) solution aerosol QLFT procedure uses the published saccharin test procedure because that procedure is widely accepted. Bitrex is a taste aversion agent used in household liquids that children should not drink and is endorsed by the American Medical Association, the National Safety Council, and the American Association of Poison Control Centers. Explain the entire screening and testing procedure to the test subject before the screening test.

(a) Taste Threshold Screening.

The Bitrex taste threshold screening, done without wearing a respirator, is to determine if the person being tested can detect the taste of Bitrex.

- (1) During threshold screening as well as during fit testing, subjects must wear an enclosure about the head and shoulders that is approximately 12 inches (30.5 cm) in diameter by 14 inches (35.6 cm) tall. The front portion of the enclosure must be clear from the respirator and allow free movement of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts # FT 14 and # FT 15 combined, is adequate.
- (2) The test enclosure must have a 3/4-inch (1.9 cm) hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.
- (3) The test subject must put on the test enclosure. Throughout the threshold screening test, the test subject must breathe through his or her slightly open mouth with tongue extended. Tell the subject to report when they detect a bitter taste.
- (4) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer or equivalent, the spray the Threshold Check Solution into the enclosure. Clearly mark this Nebulizer to distinguish it from the fit test solution nebulizer.

- (5) Make the Threshold Check Solution by adding 13.5 milligrams of Bitrex to 100 ml of 5 percent salt (NaCl) solution in distilled water.
 - (6) To produce the aerosol, firmly squeeze the nebulizer bulb so that the bulb collapses completely, and then release it and allow it to fully expand.
 - (7) Repeat the initial ten squeezes rapidly and then ask the test subject if they taste the Bitrex. If the test subject tastes the bitter taste during the ten squeezes, the screening test is over. The taste threshold is ten regardless of the number of squeezes actually done.
 - (8) If the first response is negative, repeat ten more squeezes rapidly and ask the test subject if they taste the Bitrex. If the test subject tastes the bitter taste during the second ten squeezes, the screening test is over. The taste threshold is twenty regardless of the number of squeezes actually done.
 - (9) If the second response is negative, do ten more squeezes rapidly and ask the test subject if they taste the Bitrex. If the test subject tastes the bitter taste during the third set of ten squeezes, the screening test is over. The taste threshold is as thirty regardless of the number of squeezes actually done.
 - (10) The test conductor will take note of the number of squeezes required to solicit a taste response.
 - (11) If the subject does not taste the Bitrex after 30 squeezes (step 10), the test subject cannot taste Bitrex and may not do the Bitrex fit test.
 - (12) If they taste the Bitrex, ask the test subject to remember the taste for reference in the fit test.
 - (13) Correct use of the nebulizer is approximately 1 ml of liquid at a time in the nebulizer body.
 - (14) Thoroughly rinse the nebulizer in water, shake to dry, and refill at least each morning and afternoon or at least every 4 hours.
- (b) Bitrex Solution Aerosol Fit Test Procedure.
- (1) The test subject may not eat, drink (except plain water), smoke, or chew gum for 15 minutes before the test.
 - (2) The fit test uses the same enclosure as in 4.(a) above.
 - (3) The test subject must put on the enclosure while wearing the respirator selected according to section I.A. They must properly adjust the respirator and it must have any type particulate filter(s).

- (4) Use a second DeVilbiss Model 40 Inhalation Medication Nebulizer or equivalent to spray the fit test solution into the enclosure. Clearly mark this nebulizer to distinguish it from the screening test solution nebulizer.
- (5) Make the fit test solution by adding 337.5 mg of Bitrex to 200 ml of a 5 percent salt (NaCl) solution in warm water.
- (6) As before, the test subject must breathe through his or her slightly open mouth with tongue extended, and report if they taste the bitter taste of Bitrex.
- (7) Insert the nebulizer into the hole in the front of the enclosure and spray an initial concentration of the fit test solution into the enclosure using the same number of squeezes (either 10, 20 or 30 squeezes) based on the number of squeezes required to elicit a taste response as noted during the screening test.
- (8) After generating the aerosol, tell the test subject to do the exercises in section I.A.13.
- (9) Replenish the aerosol concentration every 30 seconds using one half the number of squeezes used initially (e.g., 5, 10 or 15).
- (10) The test subject must indicate to the test conductor if they taste the Bitrex during the test. If the test subject does not taste the Bitrex, the test passes.
- (11) If they taste the Bitrex, the fit is unsatisfactory and the test fails. They must try a different respirator and repeat the entire test procedure (taste threshold screening and fit testing).

(5) Irritant Smoke (Stannic Chloride) Procedure

This qualitative fit test uses a person's response to the irritating chemicals released in the "smoke" produced by a stannic chloride ventilation smoke tube to detect leakage into the respirator.

(a) General Requirements and Precautions

- (1) The test respirator must have high efficiency particulate air (HEPA) or P100 series filter(s).
- (2) Use only stannic chloride smoke tubes for this procedure.
- (3) Do not use any form of test enclosure or hood for the test subject.

- (4) The smoke can be irritating to the eyes, lungs, and nasal passages. The test conductor must take precautions to minimize the test subject's exposure to irritant smoke. Sensitivity varies, and certain individuals may respond to a greater degree to irritant smoke. Use only the smallest amount of smoke necessary to get a response when doing the sensitivity screening checks that determine if the test subject can detect irritant.
 - (5) Do the fit test in an area with adequate ventilation to prevent exposure of the person doing the fit test or the build-up of irritant smoke in the general area.
- (b) Sensitivity Screening Check. The person taking the test must demonstrate their ability to detect a weak concentration of the irritant smoke.
- (1) The test operator must break both ends of a ventilation smoke tube containing stannic chloride, and attach one end of the smoke tube to a low flow air pump set to deliver 200 milliliters per minute, or an aspirator squeeze bulb. The test operator must cover the other end of the smoke tube with a short piece of tubing to prevent potential injury from the jagged end of the smoke tube.
 - (2) The test operator must advise the test subject that the smoke can be irritating to the eyes, lungs, and nasal passages and instruct the subject to keep their eyes closed during the test.
 - (3) Allow the test subject to smell a weak concentration of the irritant smoke before putting the respirator on to become familiar with its irritating properties and to determine if they can detect the irritating properties of the smoke. Carefully direct a small amount of the irritant smoke in the test subject's direction to determine that they can detect it.
- (c) Irritant Smoke Fit Test Procedure
- (1) The person fit tested must put on the respirator without assistance, and do the required user seal check(s).
 - (2) Tell the test subject to keep their eyes closed.
 - (3) The test operator must direct the stream of irritant smoke from the smoke tube toward the face seal area of the test subject, using the low flow pump or the squeeze bulb. The test operator must begin at least 12 inches from the face piece and move the smoke stream around the whole perimeter of the mask. The operator must gradually make two more passes around the perimeter of the mask, moving to within 6 inches of the respirator.
 - (4) If the test subject has no involuntary response and/or does not detect the irritant smoke, proceed with the test exercises.

- (5) The test subject must do the exercises in section I.A.13. while the respirator seal is continually challenged by the smoke, directed around the perimeter of the respirator at a distance of 6 inches.
- (6) If the person detects the irritant smoke, the test fails. The person re-testing must repeat the entire sensitivity check and fit test procedure.
- (7) Give a second sensitivity screening check to each test subject passing the irritant smoke test without evidence of a response (involuntary cough, irritation), with the smoke from the same smoke tube used during the fit test, with the respirator off, to determine if they still reacts to the smoke. Failure to evoke a response voids the fit test.
- (8) If there is a response during this second sensitivity check, then the fit test passes.

C. Quantitative Fit Test (QNFT) Procedures. The following quantitative fit testing procedures are acceptable: Quantitative fit testing using a non-hazardous test aerosol (such as corn oil, polyethylene glycol 400 [PEG 400], di-2-ethyl hexyl sebacate [DEHS], or sodium chloride) generated in a test chamber, and using instrumentation to quantify the fit of the respirator; Quantitative fit testing using ambient aerosol as the test agent and appropriate instrumentation (condensation nuclei counter) to quantify the respirator fit; Quantitative fit testing using controlled negative pressure and appropriate instrumentation to measure the volumetric leak rate of a face piece to quantify the respirator fit.

(1) General

- (a) The employer must ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and ensure that test equipment is in proper working order.
- (b) The employer must ensure that QNFT equipment is clean, and maintained and calibrated according to the manufacturer's instructions so as to operate at its design parameters.

(2) Generated Aerosol Quantitative Fit Testing Procedure

(a) Apparatus.

- (1) Instrumentation. Use aerosol generation, dilution, and measurement systems using particulates (corn oil, polyethylene glycol 400 [PEG 400], di 2-ethyl hexyl sebacate [DEHS] or sodium chloride) as test aerosols.

- (2) Test chamber. The test chamber must be large enough to permit all test subjects to perform freely all required exercises without disturbing the test agent concentration or the measurement apparatus. The test chamber must effectively isolate the test agent from the outside air, yet allow its concentration to be uniform throughout the chamber.
- (3) When testing air-purifying respirators, replace the normal filter or cartridge element with a high efficiency particulate air (HEPA) or P100 series filter supplied by the same manufacturer.
- (4) The sampling instrument must make a computer record or strip chart record of the test showing the rise and fall of the test agent concentration with each inhale and exhale at fit factors of at least 2,000. Integrators or computers that integrate the amount of test agent penetration leakage into the respirator for each exercise are Ok if they make a record of the readings.
- (5) The combination of substitute air-purifying elements, test agent and test agent concentration must not expose the test subject in excess of an established exposure limit for the test agent at any time during the testing process.
- (6) The sampling port on the test specimen must not allow leaks around the port (e.g., where the respirator is probed). It must always allow a free airflow into the sampling line, and there must be no interference with the fit or performance of the respirator. The in-mask sampling device (probe) must draw the air sample from the breathing zone of the test subject, midway between the nose and mouth and with the probe extending into the face piece cavity at least 1/4-inch.
- (7) The test setup must permit the person administering the test to observe the test subject inside the chamber during the test.
- (8) The equipment generating the test atmosphere must keep the concentration of test agent constant to within a 10 percent variation for the duration of the test.
- (9) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) must be minimal. There must be a clear association between the occurrence of an event and its recording.
- (10) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port must be of equal diameter and of the same material. The length of the two lines must be equal.
- (11) The exhaust flow from the test chamber must pass through an appropriate filter (i.e., high efficiency particulate filter) before release.

- (12) When using sodium chloride aerosol, the relative humidity inside the test chamber must not exceed 50 percent.
 - (13) Take into account the limitations of instrument when determining the fit factor.
 - (14) Test respirators must work right. Inspect them regularly for deficiencies such as cracks or missing valves and gaskets.
- (b) Procedural Requirements.
- (1) When performing the initial user seal check using a positive or negative pressure check, crimp the sampling line closed to avoid air pressure leakage during either of these pressure checks.
 - (2) The use of an abbreviated screening QLFT test is optional. Such a test may quickly identify poor fitting respirators that passed the positive and/or negative pressure test and reduce the amount of QNFT time. The use of the CNC QNFT instrument in the count mode is another optional method to obtain a quick estimate of fit and eliminate poor fitting respirators before going on to perform a full QNFT.
 - (3) You must measure a reasonably stable test agent concentration in the test chamber prior to testing. For canopy or shower curtain types of test units, you may determine the test agent's stability after the test subject enters the test environment.
 - (4) Immediately after the subject enters the test chamber, measure the test agent concentration inside the respirator to ensure that the peak penetration does not exceed 5 percent for a half mask or 1 percent for a full-face piece respirator.
 - (5) You must have a stable test agent concentration before starting the test.
 - (6) Do not tighten the respirator restraining straps too much for testing. The wearer must adjust the straps without assistance to give a reasonably comfortable fit typical of normal use. Do not adjust the after the fit test exercises begin.
 - (7) Stop the test when any single peak penetration exceeds 5 percent for half masks and 1 percent for full-face piece respirators. The test subject must refit and retest.
 - (8) Calculation of fit factors.
 - (i) Determine the fit factor for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration measured inside the respirator for each test exercise except the grimace exercise.

- (ii) Calculate the average test chamber concentration as the arithmetic average of the concentration measured before and after each test (i.e., 7 exercises) or the arithmetic average of the concentration measured before and after each exercise or the true average measured continuously during the respirator sample.
- (iii) Use one of these methods to figure the concentration of the challenge agent inside the respirator:
 - (A) Average peak penetration method means the method of determining test agent penetration into the respirator using a strip chart recorder, integrator, or computer. The agent penetration is the average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers that calculate the actual test agent penetration into the respirator for each exercise meet the requirements of the average peak penetration method.
 - (B) Maximum peak penetration method means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is representative of average penetration into the respirator for that exercise.
 - (C) Integration by calculation of the area under the individual peak for each exercise except the grimace exercise. This includes computerized integration.
 - (D) The calculation of the overall fit factor using individual exercise fit factors involves first converting the exercise fit factors to penetration values, determining the average, and then converting that result back to a fit factor. This equation represents the procedure:

$$\text{Overall Fit Factor} = \frac{\text{Number of exercises}}{1/ff_1 + 1/ff_2 + 1/ff_3 + 1/ff_4 + 1/ff_5 + 1/ff_6 + 1/ff_7 + 1/ff_8}$$

Where $ff_1, ff_2, ff_3, \text{ etc.}$ are the fit factors for exercises 1, 2, 3, etc.

- (9) Do not allow the test subject to wear a half mask or quarter face piece respirator unless they have a minimum fit factor of 100, or a full face piece respirator unless they have a minimum fit factor of 500.
- (10) Replace filters used for quantitative fit testing when they cause increased breathing resistance, or when the test agent has altered the integrity of the filter media.

- (3) Quantitative fit testing (QNFT) procedures for the ambient aerosol condensation nuclei counter (CNC).

Ambient aerosol condensation nuclei counter (CNC) quantitative fit testing procedure.

The ambient aerosol condensation nuclei counter (CNC) quantitative fit testing (PortaCount®) procedure quantitatively fit tests respirators with the use of a probe. The probed respirator is only for use with quantitative fit tests. A probed respirator has a special sampling device, installed on the respirator, that allows the probe to sample the air from inside the mask. A probed respirator is required for each make, style, model, and size that the employer uses and is available from the respirator manufacturer or distributor. The primary CNC instrument manufacturer, TSI Incorporated, also provides probe attachments (TSI mask sampling adapters) that permit fit testing in an employee's own respirator. A minimum fit factor pass level of at least 100 is necessary for a half-mask respirator (elastomeric or filtering facepiece), and a minimum fit factor pass level of at least 500 is required for a full-facepiece elastomeric respirator. Explain the entire screening and testing procedure to the test subject before doing the screening test.

(a) PortaCount® Fit Test Requirements.

- (1) Check the respirator to make sure the sampling probe and line are properly attached to the face piece and that the respirator has a particulate filter capable of preventing significant penetration by the ambient particles used for the fit test (e.g., NIOSH 42 CFR 84 series 100, series 99, or series 95 particulate filter) per manufacturer's instruction.
- (2) Instruct the test employee to put on the respirator for 5 minutes before the fit test starts. This purges the ambient particles trapped inside the respirator and permits the wearer to make certain the respirator is comfortable. This person must have training on how to wear the respirator properly.
- (3) Check the following conditions for the adequacy of the respirator fit: Chin properly placed; Adequate strap tension, not overly tightened; Fit across nose bridge; Respirator of proper size to span distance from nose to chin; Tendency of the respirator to slip; Self-observation in a mirror to evaluate fit and respirator position.
- (4) Have the person wearing the respirator do a user seal check. If it leaks, determine the cause. If the leak is from a poorly fitting face piece, try another size of the same model respirator, or another model of respirator.
- (5) Follow the manufacturer's instructions for operating the PortaCount® and proceed with the test.
- (6) Instruct the test subject to perform the exercises in section I.A.13.

- (7) After the test exercises, question the test subject about the comfort of the respirator. If it has become unacceptable, try another model respirator.
- (b) PortaCount® Test Instrument.
- (1) The PortaCount® will automatically stop and calculate the overall fit factor for the entire set of exercises. The overall fit factor is what counts. The Pass or Fail message will indicate whether or not the test was successful. If the test was a Pass, the fit test is over.
 - (2) Since the pass or fail criterion of the PortaCount® is user programmable, the test operator must ensure that the pass or fail criterion meet the requirements for minimum respirator performance in this Appendix.
 - (3) Keep a record of the test, assuming the fit test was successful. The record must have the test subject's name; overall fit factor; make, model, style, and size of respirator; and date of the test.
 - (4) Modified ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol for full-facepiece and half-mask elastomeric respirators.
 - (a) When administering this protocol to test subjects, employers shall comply with the requirements specified in Part I.C.3 of this appendix (ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol), except they shall use the test exercises described below in paragraph (b) of this protocol instead of the test exercises specified in section I.C.3(a)(6) of this appendix.
 - (b) Employers shall ensure that each test subject being fit tested using this protocol follows the exercise and duration procedures, including the order of administration, described in Table A-1 of this Appendix.

Table A-1 - Modified Ambient Aerosol CNC Quantitative Fit Testing Protocol for Full Facepiece and Half-Mask Elastomeric Respirators

Exercises¹	Exercise procedure	Measurement procedure
Bending Over	The test subject shall bend at the waist, as if going to touch his/her toes for 50 seconds and inhale 2 times at the bottom ² .	A 20 second ambient sample, followed by a 30 second mask sample.
Jogging-in-Place	The test subject shall jog in place comfortably for 30 seconds	A 30 second mask sample.
Head Side-to-Side	The test subject shall stand in place, slowly turning his/her head from side to side for 30 seconds and inhale 2 times at each extreme ² .	A 30 second mask sample.
Head Up-and-Down	The test subject shall stand in place, slowly moving his/her head up and down for 39 seconds and inhale 2 times at each extreme ² .	A 30 second mask sample followed by a 9 second ambient sample.

¹Exercises are listed in the order in which they are to be administered.

²It is optional for test subjects to take additional breaths at other times during this exercise.

- (5) Modified ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol for filtering facepiece respirators.
 - (a) When administering this protocol to test subjects, employers shall comply with the requirements specified in Part I.C.3 of this appendix (ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol), except they shall use the test exercises described below in paragraph (b) of this protocol instead of the test exercises specified in section I.C.3(a)(6) of this appendix.
 - (b) Employers shall ensure that each test subject being fit tested using this protocol follows the exercise and duration procedures, including the order of administration, described in Table A-2 of this appendix.

Table A-2 - Modified Ambient Aerosol CNC Quantitative Fit Testing Protocol for Filtering Facepiece Respirators

Exercises¹	Exercise procedure	Measurement procedure
Bending Over	The test subject shall bend at the waist, as if going to touch his/her toes for 50 seconds and inhale 2 times at the bottom ² .	A 20 second ambient sample, followed by a 30 second mask sample.
Talking	The test subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor for 30 seconds. He/she will either read from a prepared text such as the Rainbow Passage, count backward from 100, or recite a memorized poem or song.	A 30 second mask sample.
Head Side-to-Side	The test subject shall stand in place, slowly turning his/her head from side to side for 30 seconds and inhale 2 times at each extreme ² .	A 30 second mask sample.
Head Up-and-Down	The test subject shall stand in place, slowly moving his/her head up and down for 39 seconds and inhale 2 times at each extreme ² .	A 30 second mask sample followed by a 9 second ambient sample.

¹Exercises are listed in the order in which they are to be administered.

²It is optional for test subjects to take additional breaths at other times during this exercise.

(6) Controlled negative pressure (CNP) quantitative fit testing procedure. The CNP procedure is an alternative to aerosol fit test methods. The CNP fit test method technology is based on exhausting air from a temporarily sealed respirator face piece to generate and then maintain a constant negative pressure inside the face piece. The rate of air exhaust is controlled so that there is a constant negative pressure in the respirator during the fit test. The level of pressure is selected to replicate the mean inhalation pressure that causes leakage into the respirator under normal use conditions. With pressure held constant, airflow out of the respirator is equal to air flow into the respirator. Therefore, measurement of the exhaust stream required to hold the pressure in the temporarily sealed respirator constant yields a direct measure of leakage airflow into the respirator. The CNP fit test method measures leak rates through the face piece as a method for determining the face piece fit for negative pressure respirators. The CNP instrument manufacturer Occupational Health Dynamics of Birmingham, Alabama also provides attachments (sampling manifolds) that replace the filter cartridges to permit fit testing in an employee's own respirator. To perform the test, the test subject closes his or her mouth and holds their breath, after which an air pump removes air from the respirator face piece at a pre-selected constant pressure. The face piece fit is expressed as the leak rate through the face piece, in milliliters per minute. The quality and validity of the CNP fit tests are determined by the degree to which the in-mask pressure tracks the test pressure during the system measurement time of approximately five seconds. Instantaneous feedback in the form of a real-time pressure trace of the in-mask pressure is provided and used to determine test validity and quality. A minimum fit factor pass level of 100 is necessary for a half-mask respirator and a minimum fit factor of at least 500 is required for a full-face piece respirator. Explain the entire screening and testing procedure to the test subject before doing the screening test.

(a) CNP Fit Test Requirements.

- (1) The instrument must have a nonadjustable test pressure of 15.0 mm water pressure.
- (2) The CNP system defaults selected for test pressure must be set at 15 mm of water (-0.58 inches of water) and the modeled inhalation flow rate must be 53.8 liters per minute for performing fit tests.

Note: CNP systems have built-in capability to conduct fit testing that is specific to unique work rate, mask, and gender situations that might apply in a specific workplace. Use of system default values, which were selected to represent respirator wear with medium cartridge resistance at a low-moderate work rate, will allow inter-test comparison of the respirator fit.

- (3) The individual who conducts the CNP fit testing must have adequate training to lead the test.
 - (4) Replace the respirator filter or cartridge with the CNP test manifold. Temporarily remove or prop open the inhalation valve downstream from the manifold.
 - (5) Train the test subject to hold his or her breath for at least 20 seconds.
 - (6) The test subject must put on the test respirator without any assistance. The respirator must not be adjusted once the fit-test exercises begin. Any adjustment voids the test, and the test subject must repeat the fit-test.
 - (7) Follow the QNFT procedure according to section I.C.1. with an exception for the CNP test exercises.
- (b) CNP Test Exercises.
- (1) Normal breathing. In a normal standing position, without talking, the subject must breathe normally for 1-minute. After the normal breathing exercise, the subject needs to hold their head straight ahead and hold their breath for 10 seconds during the test measurement.
 - (2) Deep breathing. In a normal standing position, the subject must breathe slowly and deeply for 1-minute, being careful not to hyperventilate. After the deep breathing exercise, the subject must hold their head straight ahead and hold their breath for 10 seconds during test measurement.
 - (3) Turning head side to side. Standing in place, the subject must slowly turn their head from side to side between the extreme positions on each side for 1 minute. The head must be held at each extreme momentarily so the subject can inhale at each side. After the turning head side to side exercise, the subject needs to hold their head full left and hold his or her breath for 10 seconds during test measurement. Next, the subject needs to hold their head full right and hold his or her breath for 10 seconds during test measurement.
 - (4) Moving head up and down. Standing in place, the subject must slowly move their head up and down for 1-minute. Instruct the subject to inhale in the up position (i.e., when looking toward the ceiling). After the moving head up and down exercise, the subject must hold their head full up and hold his or her breath for 10 seconds during test measurement. Next, the subject must hold their head full down and hold his or her breath for 10 seconds during test measurement.

- (5) Talking. The subject must talk out loud slowly and loud enough to be heard clearly by the test conductor. The subject can read from a prepared text like the Rainbow Passage, count backward from 100, or recite a memorized poem or song for 1-minute. After the talking exercise, the subject must hold their head straight ahead and hold their breath for 10 seconds during the test measurement.
 - (6) Grimace. The test subject must grimace by smiling or frowning for 15 seconds.
 - (7) Bending Over. The test subject must bend at the waist as if they were to touch their toes for 1-minute. Substitute jogging in place for this exercise in those test environments such as shroud-type QNFT units that prohibit bending at the waist. After the bending over exercise, the subject must hold their head straight ahead and hold their breath for 10 seconds during the test measurement.
 - (8) Normal Breathing. The test subject must remove and re-don the respirator within a 1-minute period. Then, in a normal standing position, without talking, the subject must breathe normally for 1-minute. After the normal breathing exercise, the subject must hold their head straight ahead and hold their breath for 10 seconds during the test measurement. After the test exercises, question the test about the comfort of the respirator after completion of the test. If it is unacceptable, try another model of respirator.
- (c) CNP Test Instrument.
- (1) The test instrument must have an effective audio warning device when the test subject fails to hold their breath during the test. Stop the test when the test subject fails to hold their breath. Refit and retest the test subject.
 - (2) Keep a record of the test, assuming the fit test was successful. The record must have the test subject's name; overall fit factor; make, model, style and size of respirator; and date of the test.
- (7) Controlled negative pressure (CNP) REDON quantitative fit testing protocol.
- (a) When administering this protocol to test subjects, employers must comply with the requirements specified in paragraphs (a) and (c) of Part I.C.6 of this Appendix ("Controlled negative pressure (CNP) quantitative fit testing protocol"), as well as use the test exercises described below in paragraph (b) of this protocol instead of the test exercises specified in paragraph (b) of Part I.C.6 of this Appendix.

- (b) Employers must ensure that each test subject being fit tested using this protocol follows the exercise and measurement procedures, including the order of administration, described below in Table A-3 of this Appendix.

Table A-3 - CNP REDON Quantitative Fit Testing Protocol

Exercises ¹	Exercise procedure	Measurement procedure
Facing Forward	Stand and breathe normally, without talking, for 30 seconds.	Face forward, while holding breath for 10 seconds.
Bending Over	Bend at the waist, as if going to touch his or her toes, for 30 seconds.	Face parallel to the floor, while holding breath for 10 seconds
Head Shaking	For about three seconds, shake head back and forth vigorously several times while shouting.	Face forward, while holding breath for 10 seconds.
Redon-1	Remove the respirator mask, loosen all facepiece straps, and then redon the respirator mask.	Face forward, while holding breath for 10 seconds.
Redon-2	Remove the respirator mask, loosen all facepiece straps, and then redon the respirator mask again.	Face forward, while holding breath for 10 seconds.

¹Exercises are listed in the order in which they are to be administered.

- (c) After completing the test exercises, the test administrator must question each test subject regarding the comfort of the respirator. When a test subject states that the respirator is unacceptable, the employer must ensure that the test administrator repeats the protocol using another respirator model.
- (d) Employers must determine the overall fit factor for each test subject by calculating the harmonic mean of the fit testing exercises as follows:

$$\text{Overall fit factor} = \frac{1}{[1/FF_1 + 1/FF_2 + \dots 1/FF_N]}$$

Where:

N = The number of exercises;

FF₁ = The fit factor for the first exercise;

FF₂ = The fit factor for the second exercise; and

FF_n = The fit factor for the nth exercise.

Part II. New Fit Test Procedures

Oregon OSHA will accept any new procedures that OSHA accepts. For more information of submitting new procedures for acceptance or other information about this subject, read the federal rules.

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

Statutes Implemented: ORS 654.001 through 654.295.

History: OR-OSHA Administrative Order 3-2006, filed 6/7/06, effective 3/1/07.

OR-OSHA Administrative Order 3-2007, filed 8/13/07, effective 8/13/07.

OR-OSHA Administrative Order 4-2012, filed 9/19/12, effective 1/1/13.

OR-OSHA Administrative Order 1-2020, filed 2/13/20, effective 2/13/20.

Appendix B-1 to 437-004-1041, Respiratory Protection – User Seal Check Procedures (Mandatory)

The user of a tight-fitting respirator must do a seal check every time they put on the respirator. They must use one of the two methods below or the manufacturer’s recommended method. (These tests do not substitute for qualitative or quantitative fit tests.)

- (I) Face piece Positive and/or Negative Pressure Checks
 - (A) Positive pressure check. Close off the exhalation valve and exhale gently into the face piece. The face fit is satisfactory if a slight positive pressure can be built up inside the face piece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.
 - (B) Negative pressure check. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the face piece collapses slightly, and hold the breath for ten seconds. The design of the inlet opening of some cartridges cannot be effectively covered with the palm of the hand. The test can be performed by covering the inlet opening of the cartridge with a thin latex or nitrile glove. If the face piece remains in its slightly collapsed condition and there is no sign of inward leakage of air, the tightness of the respirator is satisfactory.
- (II) Manufacturer’s Recommended User Seal Check Procedures. You may use the respirator manufacturer’s recommended procedures for performing a user seal check instead of the positive and/or negative pressure check procedures if you can demonstrate that the manufacturer’s procedures are equally effective.

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

Statutes Implemented: ORS 654.001 through 654.295.

History: OR-OSHA Administrative Order 3-2006, filed 6/7/06, effective 3/1/07.

OR-OSHA Administrative Order 4-2012, filed 9/19/12, effective 1/1/13.

Appendix B-2 to 437-004-1041, Respiratory Protection – Respirator Cleaning Procedures (Mandatory)

These are general procedures for cleaning respirators. You may also use the manufacturer's recommendations if they meet the objectives of these procedures to prevent harm to the user and/or damage to the respirator.

I. Procedures for Cleaning Respirators

- (A) Remove filters, cartridges, or canisters. Disassemble face pieces by removing speaking diaphragms, demand and pressure-demand valve assemblies, hoses, or any components recommended by the manufacturer. Discard or repair any defective parts.
- (B) Wash components in warm (43 degrees C. [110 degrees F.] maximum) water with a mild detergent or with a cleaner recommended by the manufacturer. A stiff bristle (not wire) brush may be used to facilitate the removal of dirt.
- (C) Rinse components thoroughly in clean, warm (43 degrees C. [110 degrees F.] maximum), preferably running water. Drain.
 - (1) When the cleaner does not contain a disinfecting agent, immerse respirator components for 2 minutes in one of the following:
 - (2) Hypochlorite solution (50 ppm of chlorine) of approximately one-milliliter of laundry bleach and one liter of water at 43 degrees C. (110 degrees F.); or,
 - (3) Aqueous solution of iodine (50 ppm iodine) of approximately 0.8 milliliters of tincture of iodine (6-8 grams ammonium and/or potassium iodide/100 cc of 45 percent alcohol) to one liter of water at 43 degrees C. (110 degrees F.); or,
- (D) Other commercially available cleansers of equivalent disinfectant quality, if the respirator manufacturer recommends their use.
- (E) Rinse components thoroughly in clean, warm (43 degrees C. [110 degrees F.] maximum), preferably running water. Drain. Thorough rinsing is extremely important. Detergents or disinfectants that dry on face pieces may cause dermatitis. In addition, some disinfectants may cause deterioration of rubber or corrosion of metal parts if not completely removed.
- (F) Components should be hand-dried with a clean lint-free cloth or air-dried.
- (G) Reassemble face piece, replacing filters, cartridges, and canisters where necessary.
- (H) Test the respirator to ensure that all components work properly.

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

Statutes Implemented ORS 654.001 through 654.295.

History: OR-OSHA Administrative Order 3-2006, filed 6/7/06, effective 3/1/07.

OR-OSHA Administrative Order 3-2007, filed 8/13/07, effective 8/13/07.

OR-OSHA Administrative Order 4-2012, filed 9/19/12, effective 1/1/13.

Appendix C to 437-004-1041, Respiratory Protection

Respirator Medical Evaluation Questionnaire (Mandatory)

EMPLOYEE: Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers. Your employer must tell you how to send or deliver this questionnaire to the health care professional who will review it.

Part A. Section 1. Every employee selected to use any type of respirator must provide the following information (please print).

Date: _____

Name: _____ Job Title: _____

Age: _____ Sex: M / F Height: _____ Weight: _____

Phone #: () _____ - _____

A phone number where the health care professional can reach you (include the Area Code):

() _____ - _____

The best time to phone you at this number: _____

Has your employer told you how to contact the health care professional who will review this questionnaire (circle one)? Yes / No

Check the type of respirator you will use (you can check more than one category):

- a. N, R, or P disposable respirator (filter-mask, non-cartridge type only).
- b. Other type (for example, half or full-face type, powered-air purifying, supplied-air, self-contained breathing apparatus).

Have you worn a respirator (circle one)? Yes / No

If "yes", what type(s): _____

Part A. Section 2. Every employee selected to use any type of respirator must answer questions 1 through 9 below (please circle "yes" or "no").

1. Do you currently smoke tobacco, or have you smoked tobacco in the last month? Yes / No

2. Have you ever had any of the following conditions?
 - a. Seizures (fits) Yes / No
 - b. Diabetes (sugar disease) Yes / No
 - c. Allergic reactions that interfere with your breathing Yes / No
 - d. Claustrophobia (fear of closed-in places) Yes / No
 - e. Trouble smelling odors Yes / No

3. Have you ever had any of the following pulmonary or lung problems?
 - a. Asbestosis Yes / No
 - b. Silicosis Yes / No
 - c. Asthma Yes / No
 - d. Pneumothorax (collapsed lung) Yes / No
 - e. Chronic bronchitis Yes / No
 - f. Lung cancer Yes / No
 - g. Emphysema Yes / No
 - h. Broken ribs Yes / No
 - i. Pneumonia Yes / No
 - j. Any chest injuries or surgeries Yes / No
 - k. Tuberculosis Yes / No
 - l. Any other lung problem that you have been told about Yes / No

4. Do you currently have any of the following symptoms of pulmonary or lung illness?
 - a. Shortness of breath Yes / No
 - b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline Yes / No
 - c. Shortness of breath when walking with other people at an ordinary pace on level ground Yes / No
 - d. Have to stop for breath when walking at your own pace on level ground Yes / No
 - e. Shortness of breath when washing or dressing yourself Yes / No
 - f. Shortness of breath that interferes with your job Yes / No
 - g. Coughing that produces phlegm (thick sputum) Yes / No
 - h. Coughing that wakes you early in the morning Yes / No

- | | | |
|----|---|----------|
| i. | Coughing that occurs mostly when you are lying down | Yes / No |
| j. | Coughing up blood in the last month | Yes / No |
| k. | Wheezing | Yes / No |
| l. | Wheezing that interferes with your job | Yes / No |
| m. | Chest pain when you breathe deeply | Yes / No |
| n. | Any other symptoms that you think may be related to lung problems | Yes / No |
| 5. | Have you ever had any of the following cardiovascular or heart problems? | |
| a. | Heart attack | Yes / No |
| b. | Stroke | Yes / No |
| c. | Angina | Yes / No |
| d. | Heart failure | Yes / No |
| e. | Swelling in your legs or feet (not caused by walking) | Yes / No |
| f. | Heart arrhythmia (heart beating irregularly) | Yes / No |
| g. | High blood pressure | Yes / No |
| h. | Any other heart problems that you have been told about | Yes / No |
| 6. | Have you ever had any of the following cardiovascular or heart symptoms? | |
| a. | Frequent pain or tightness in your chest | Yes / No |
| b. | Pain or tightness in your chest during physical activity | Yes / No |
| c. | Pain or tightness in your chest that interferes with your job | Yes / No |
| d. | In the past 2 years, have you noticed your heart skipping or missing a beat | Yes / No |
| e. | Heartburn or indigestion that is not related to eating | Yes / No |
| f. | Any other symptoms that you think may be related to heart or circulation problems | Yes / No |
| 7. | Do you currently take medication for any of the following problems? | |
| a. | Breathing or lung problems | Yes / No |
| b. | Heart trouble | Yes / No |
| c. | Blood pressure | Yes / No |
| d. | Seizures (fits) | Yes / No |

8. If you have used a respirator, have you ever had any of the following problems? (If you have never used a respirator continue to question 9)
- | | |
|--|----------|
| a. Eye irritation | Yes / No |
| b. Skin allergies or rashes | Yes / No |
| c. Anxiety | Yes / No |
| d. General weakness or fatigue | Yes / No |
| e. Any other problem that interferes with your use of a respirator | Yes / No |
9. Would you like to discuss your answers with the health care professional who will review this questionnaire? Yes / No

Employees who will use either a full-face respirator OR a self-contained breathing apparatus (SCBA) MUST answer Questions 10 through 15:

10. Have you ever lost vision in either eye temporarily or permanently? Yes / No
11. Do you currently have any of the following vision problems?
- | | |
|------------------------------------|----------|
| a. Wear contact lenses | Yes / No |
| b. Wear glasses | Yes / No |
| c. Color blind | Yes / No |
| d. Any other eye or vision problem | Yes / No |
12. Have you ever had an injury to your ears, including a broken ear drum? Yes / No
13. Do you currently have any of the following hearing problems?
- | | |
|-------------------------------------|----------|
| a. Difficulty hearing | Yes / No |
| b. Wear a hearing aid | Yes / No |
| c. Any other hearing or ear problem | Yes / No |
14. Have you ever had a back injury? Yes / No
15. Do you currently have any of the following musculoskeletal problems?
- | | |
|---|----------|
| a. Weakness in any of your arms, hands, legs, or feet | Yes / No |
| b. Back pain | Yes / No |
| c. Difficulty fully moving your arms and legs | Yes / No |
| d. Pain or stiffness when you lean forward or backward at the waist | Yes / No |
| e. Difficulty fully moving your head up or down | Yes / No |
| f. Difficulty fully moving your head side to side | Yes / No |

- g. Difficulty bending at your knees Yes / No
- h. Difficulty squatting to the ground Yes / No
- i. Climbing a flight of stairs or a ladder carrying more than 25 pounds Yes / No
- j. Any other muscle or skeletal problem that interferes with using a respirator Yes / No

Part B. Section 1. The health care professional who will review this questionnaire may – at their discretion – add these questions and any other questions pertinent to this evaluation.

1. In your present job are you working at high altitudes (over 5,000 feet) or in a place that has lower than normal amounts of oxygen? Yes / No
 If “Yes,” do you have feelings of dizziness, shortness of breath, pounding in your chest, or other symptoms when you are working under these condition? Yes / No
2. At work or at home, have you ever been exposed to hazardous solvents, hazardous airborne chemicals (e.g., gases, fumes, or dust), or have you come into skin contact with hazardous chemicals? Yes / No
 If “Yes,” name the chemicals if you know them: _____

3. Have you ever worked with any of the materials, or under any of the conditions listed below:
 - a. Asbestos Yes / No
 - b. Coal (for example, mining) Yes / No
 - c. Silica (e.g., sandblasting) Yes / No
 - d. Iron Yes / No
 - e. Tungsten/cobalt (grinding or welding this material) Yes / No
 - f. Tin Yes / No
 - g. Dusty environments Yes / No
 - h. Beryllium Yes / No
 - i. Any other hazardous exposures Yes / No
 - j. Aluminum Yes / No
 If “Yes,” describe these exposures: _____

4. List any second jobs or side businesses you have: _____

5. List your previous occupations: _____

6. List your current and previous hobbies: _____

7. Were you ever in the military services? Yes / No
 If “yes” were you exposed to biological or chemical agents
 (either in training or combat)? Yes / No
8. Have you ever worked on a HAZMAT team? Yes / No
9. Other than medications for breathing and lung problems, heart trouble,
 blood pressure, and seizures mentioned earlier in this questionnaire,
 are you taking any other medications for any reason (including
 over-the-counter medications)? Yes / No
 If “Yes,” name the medications if you know them: _____

Notes:

Part B. Section 2. The EMPLOYER must provide this supplemental information to the health care professional (PLHCP) who will review the employee’s medical questionnaire:

Employee’s Name: _____

Employee’s Job Title/Classification: _____

1. What type of respirator will this employee use?
 Check the type(s) below (you can check more than one category):
 ___ N-, R-, or P- filtering facepiece (disposable, “dust mask” type)
 ___ Tight-fitting, air-purifying half-mask,
 ___ Tight-fitting full-face mask
 ___ Air-purifying type ___ Supplied air type
 ___ Powered-air purifying respirator (PAPR)
 ___ Tight-fitting, full face mask ___ Loose-fitting helmet or hood

___ Self-Contained Breathing Apparatus (SCBA)

___ Escape (gas mask)

2. What is the approximate weight of the respirator and any tanks or air hoses? _____

3. Will the employee use any of the following items with these respirator(s)?
- a. HEPA filters Yes / No
 - b. Canisters (gas masks) Yes / No
 - c. Cartridges (air-purifying) Yes / No
4. How often will the employee use the respirator(s)? (circle "yes" or "no" for all answers that apply)
- a. Escape only (no rescue duties) Yes / No
 - b. Less than 2 hrs. per day Yes / No
 - c. Emergency rescue only Yes / No
 - d. 2 to 4 hrs. per day Yes / No
 - e. Less than 5 hrs. per week Yes / No
 - f. over 4 hrs. per day Yes / No
5. When the employee uses the respirator(s), is their work effort:
- a. Light (less than 200 kcal per hour) Yes / No
If "yes" how long does this period last during the average shift:
hrs. _____ mins. _____
Examples of light work effort are sitting while writing, typing, drafting, or performing light assembly work; or standing while controlling machines.
 - b. Moderate (200 to 350 kcal per hour): Yes / No
If "yes" how long does this period last during the average shift:
hrs. _____ mins. _____
Examples of moderate work effort are sitting while nailing or filing; driving a truck, drilling, nailing performing assembly work, or transferring a moderate load (about 35 pounds) at trunk level; walking on a level surface about 2 mph or down a 5 degree grade about 3 mph; or pushing a wheelbarrow with a heavy load (about 100 pounds) on a level surface. (NOTE: A gallon of water weighs about 8 lbs.; so, a full, 3-gallon, backpack sprayer weights about 25 lbs.)
 - c. Heavy (above 350 kcal per hour): Yes / No

If "yes" how long does this period last during the average shift?

hrs. _____ mins. _____

Examples of heavy work are lifting a heavy load (about 50 pounds) from the floor to your waist or shoulder; working on a loading dock; shoveling; standing while bricklaying or chipping castings; walking up an 8 degree grade about 2 mph, climbing stairs with a heavy load (about 50 pounds).

6. Will the employee wear protective clothing and/or equipment (other than the respirator) when using their respirator? Yes / No

If "yes," describe this protective clothing and/or equipment: _____

7. Will they be working in hot conditions (temperature more than 77 degrees F)? Yes / No

8. Will they be working in humid conditions? Yes / No

9. Describe the work they will be doing while using their respirator(s): _____

10. Describe any special or hazardous conditions they might encounter when using a respiratory protection (for example, confined spaces, oxygen-deficient atmospheres, life threatening gases): _____

11. Provide the following information, if you know it, for each toxic substance that they will be exposed to when using their respirator(s):

Name of the first toxic substance: _____

Estimated maximum exposure level per shift: _____

Duration of exposure per shift: _____

Name of the second toxic substance: _____

Estimated maximum exposure level per shift: _____

Duration of exposure per shift: _____

Name of the third toxic substance: _____

Estimated maximum exposure level per shift: _____

Duration of exposure per shift: _____

Name of any other toxic substances that they will be exposed to while using a respirator: _____

12. Describe any special responsibilities they will have while using their respirator(s) that may affect the safety and well-being of others (i.e., rescue, security): _____

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

Statutes Implemented: ORS 654.001 through 654.295.

History: OR-OSHA Administrative Order 3-2006, filed 6/7/06, effective 3/1/07.

OR-OSHA Administrative Order 4-2012, filed 9/19/12, effective 1/1/13.

Apéndice C de OAR 437-004-1041, Protección de la Respiración

CUESTIONARIO PARA EVALUACION MEDICA RESPIRATORIA (OBLIGATORIO)

TRABAJADOR: Su empleador debe permitirle contestar estas preguntas durante horas normales de trabajo o durante un tiempo y lugar que le sea conveniente a usted. Para mantener su confidencialidad, su empleador o supervisor no debe ver o revisar sus respuestas. Su empleador deberá decirle como enviar o entregar este cuestionario al profesional de cuidado de la salud que lo revisará.

Parte A. Sección 1 - Cada trabajador elegido para usar cualquier tipo de respirador debe proporcionar la siguiente información (use letra de molde).

Fecha: _____

Nombre: _____ Ocupación, título o tipo de trabajo: _____

Edad: _____ Género: M / F Estatura: _____ Peso: _____

Número de Teléfono: () - _____

Dé un número de teléfono donde el profesional de salud que revisará este cuestionario pueda comunicarse con usted (incluya el Código de Área) _____

La mejor hora de hablarle ha este teléfono: _____

¿Su patrón le explicó como comunicarse con el profesional de salud que revisará este cuestionario? (circule uno) Sí / No

Marque el tipo de respirador que usará (puede marcar más de una categoría):

a. ____ N, R, o P respirador desechable (máscara de filtro solamente sin cartucho).

b. ____ Otro tipo (por ejemplo, máscara de media cara o cara completa, purificadores motorizados, de suministro de aire, equipo autónomo de respiración).

¿Ha usado usted un respirador antes? (circule uno) _____ Sí / No

Si "afirmativo", ¿qué tipo(s): _____

Parte A. Sección 2 - Cualquier trabajador elegido ha usar cualquier tipo de respirador debe contestar las preguntas del 1 al 9 (circule sí o no).

1. Do you currently smoke tobacco, or have you smoked tobacco in the last month? Yes / No

2. ¿Ha padecido usted de lo siguiente?

- | | | |
|----|---|---------|
| a. | Convulsiones | Si / No |
| b. | Diabetes (azúcar en la sangre) | Si / No |
| c. | Reacciones alérgicas que interfieren con su respiración | Si / No |
| d. | Claustrofobia (temor a espacios cerrados) | Si / No |
| e. | Problemas del olfato | Si / No |
| 3. | ¿Ha padecido en cualquier tiempo usted de los siguientes problemas pulmonares? | |
| a. | Asbestosis | Si / No |
| b. | Silicosis | Si / No |
| c. | Asma | Si / No |
| d. | Neumotorax (desinfe del pulmón) | Si / No |
| e. | Bronquitis crónica | Si / No |
| f. | Cáncer del pulmón | Si / No |
| g. | Enfisema | Si / No |
| h. | Fracturas de las costillas | Si / No |
| i. | Neumonía | Si / No |
| j. | Cualquier lesión o cirugía del pecho | Si / No |
| k. | Tuberculosis | Si / No |
| l. | Cualquier otro problema del pulmón del cual se le ha informado | Si / No |
| 4. | ¿Actualmente tiene usted alguno de los siguientes síntomas pulmonares o enfermedades del pulmón? | |
| a. | Falta de aire | Si / No |
| b. | Falta de aire cuando camina rápido sobre una superficie plana o una cuesta leve o una inclinación | Si / No |
| c. | Falta de aire cuando camina con otras personas a un ritmo normal sobre una superficie plana | Si / No |
| d. | Tener que detenerse a coger aire cuando camina a su propio paso sobre superficie plana | Sí / No |
| e. | Falta de aire cuando usted se lava o se viste | Sí / No |
| f. | Falta de aire que interfiere con su trabajo | Sí / No |
| g. | Tos que produce flema espesa | Sí / No |
| h. | Tos que lo despierta temprano por la mañana | Sí / No |

- | | | |
|----|---|---------|
| i. | Tos que se pasa más cuando esta acostado | Sí / No |
| j. | Tos con sangre (durante el último mes) | Sí / No |
| k. | Respiración jadeante | Sí / No |
| l. | Respiración jadeante, que interfiere con su trabajo | Sí / No |
| m. | Dolor en el pecho cuando respira profundamente | Sí / No |
| n. | Cualquier otro síntoma que usted cree que puede estar relacionado con problemas del pulmón | Sí / No |
| 5. | ¿Ha padecido en cualquier tiempo alguno de los siguientes problemas cardiovasculares o del corazón? | |
| a. | Ataque al corazón | Sí / No |
| b. | Derrame cerebral o Embolia | Sí / No |
| c. | Angina | Sí / No |
| d. | Falla del corazón | Sí / No |
| e. | Hinchazón de las piernas o pies (no causado por el andar) | Sí / No |
| f. | Arritmias del corazón (palpitación irregular) | Sí / No |
| g. | Presión alta de la sangre | Sí / No |
| h. | Otros problemas del corazón del cual se le ha informado | Sí / No |
| 6. | ¿Ha padecido cualquier tiempo los siguientes síntomas cardiovasculares o del corazón? | |
| a. | Dolor o presión frecuente del pecho | Sí / No |
| b. | Dolor o presión en el pecho durante actividad física | Sí / No |
| c. | Dolor o presión en el pecho que interfiere con su trabajo | Sí / No |
| d. | En los últimos dos años ha notado que le salta o le falta un latido al corazón | Sí / No |
| e. | Agrura o indigestión, no ocasionada por la comida | Sí / No |
| f. | Otros síntomas los cuales usted cree están relacionados a problemas del corazón o la circulación | Sí / No |
| 7. | ¿ Actualmente toma usted medicamentos para algunos de los siguientes problemas? | |
| a. | Problemas de la respiración o de los pulmones | Sí / No |
| b. | Problemas del corazón | Sí / No |
| c. | Presión | Sí / No |
| d. | Convulsiones | Sí / No |

8. Si usted ha usado un respirador, ¿ha tenido en alguna ocasión alguno de los siguientes problemas? (Si nunca ha usado un respirador por favor salte a la pregunta 9).

a. Irritación ocular Sí / No

-
b. Alergias o erupciones cutáneas Sí / No

-
c. Ansiedad Sí / No

-
d. Debilidad general o fatiga Sí / No

-
e. Cualquier otro problema que interfiera con el uso del respirador Sí / No

9. Quiere hablar de sus respuestas con el profesional de salud que revisará su cuestionario? Sí / No

Trabajadores que usarán un respirador de cara completa O Equipo Autónomo de Respiración (SCBA) DEBERÁN contestar las preguntas del 10 al 15:

10. ¿Ha perdido la visión temporalmente o permanentemente en uno o ambos ojos? Sí / No

11. ¿Actualmente tiene alguno de los siguientes problemas de la vista?

a. Usa lentes de contacto Sí / No

b. Usa anteojos Sí / No

c. Dificultad para distinguir los colores Sí / No

d. Otros problemas con los ojos o la visión Sí / No

12. ¿Ha tenido cualquier tiempo una lesión en los oídos, incluyendo daño al tímpano? Si / No

13. ¿ Actualmente tiene alguno de los siguientes problemas con los oídos?

a. Dificultad al oír Sí / No

b. Usa prótesis en el oído Sí / No

c. Cualquier otro problema con la audición o el oído Sí / No

14. ¿ Se ha lesionado la espalda? Si / No

15. ¿ Actualmente tiene alguno de los siguientes problemas músculo esqueléticos?

a. Debilidad en cualquiera de los brazos, manos, piernas, o pies Sí / No

b. Dolor de la espalda Sí / No

- | | | |
|----|---|---------|
| c. | Dificultad para mover completamente los brazos y piernas | Sí / No |
| d. | Dolor o entumecimiento al inclinarse hacia delante o atrás desde la cintura | Sí / No |
| e. | Dificultad en mover la cabeza completamente hacia arriba o abajo | Sí / No |
| f. | Dificultad en mover la cabeza completamente de un lado a otro | Sí / No |
| g. | Dificultad en doblar las rodillas | Sí / No |
| h. | Dificultad en ponerse de cuclillas | Sí / No |
| i. | Subiendo escalones o una escalera cargando más de 25 libras | Sí / No |
| j. | Cualquier otro problema del esqueleto o de los músculos que pueda interferir con usar un respirador | Sí / No |

Parte B. Sección 1 - El profesional de la salud que revisará este cuestionario puede añadir a su discreción las siguientes preguntas y cualquier otra pregunta no listada.

1. ¿En su presente trabajo, trabaja en alturas elevadas (a más de 5,000 pies) o en lugares con niveles de oxígeno más bajas de lo normal? Sí / No
 ¿Si “afirmativo”, tiene mareos, falta de aire, presión en el pecho, u otros síntomas cuando está trabajando bajo estas condiciones? Sí / No

2. ¿En el trabajo o su casa, ha sido usted expuesto a solventes peligrosos, químicos peligrosos transportados por el aire, (gases, humos, o polvos), o ha entrado su piel en contacto con químicos peligrosos? Sí / No
 Si es afirmativo, nombre del (los) químico(s): _____

3. ¿Ha trabajado usted con los siguientes materiales, o bajo alguna de las siguientes condiciones?

a.	Asbesto	Sí / No
b.	Carbón (por ejemplo, en minas)	Sí / No
c.	Sílice (por ejemplo con chorro de arena)	Sí / No
d.	Hierro	Sí / No
e.	Tungsteno/cobalto (limando o soldando este material)	Sí / No
f.	Estaño	Sí / No
g.	Ambientes polvorosos	Sí / No
h.	Berilio	Sí / No

- i. Cualquier otras exposiciones peligrosas Sí / No
- j. Aluminio Sí / No

Si es afirmativo, describa la(s) exposición(es): _____

4. Liste segundos trabajos o negocios paralelos que usted tiene: _____

5. Liste sus ocupaciones anteriores: _____

6. Liste pasatiempos presentes y pasados: _____

7. ¿Estuvo en el servicio militar? Sí / No
Si "afirmativo", ¿estuvo expuesto a agentes biológicos o químicos
(durante entrenamiento o combate)? Sí / No

8. ¿ Ha trabajado en un equipo de limpieza de materiales peligrosos
(HAZMAT)? Sí / No

9. ¿Fuera de medicinas para la respiración, los pulmones, problemas
del corazón, presión, y convulsiones mencionadas anteriormente en
este cuestionario, está usted tomando otras medicinas por cualquier
razón (incluyendo medicinas sin receta médica)? Sí / No
Si "afirmativo", nombre las medicinas: _____

Apuntes:

Parte B. Sección 2. El EMPLEADOR deberá proporcionar esta información suplementaria al profesional de cuidado de la salud (PLHCP) que revisará el cuestionario médico del trabajador:

Nombre del Trabajador: _____

Posición del Trabajador: _____

1. ¿Qué tipo de respirador usará este trabajador?

Marque el (los) tipo(s) que siguen (puede marcar más de una categoría):

N-, R-, o P- máscara filtrante (desechable, tipo “máscara de polvo”).

De ajuste apretado de purificación de media cara

De ajuste apretado de cara completa

De tipo de purificación de aire De tipo de línea

Respirador purificador de aire motorizado (PAPR)

De ajuste apretado, de cara completa De ajuste apretado de casco o capucha

Equipo Autónomo de Respiración (SCBA)

Escape (máscara de gas)

2. ¿Cuál es el peso aproximado del respirador, y cualquier tanque o mangueras? _____

3. ¿El trabajador va a utilizar alguno de los siguientes artículos con su(s) respirador(es)?

a. Filtros HEPA Sí / No

b. Cánisters (máscaras para gas) Sí / No

c. Cartuchos (purificación de aire) Sí / No

4. ¿Con que frecuencia usará el trabajador el respirador?
(circule sí o no a toda las preguntas que apliquen)

a. Solamente para escape (sin deberes de rescate) Sí / No

b. Menos de 2 horas por día Sí / No

c. Rescate de emergencia solamente Sí / No

d. 2 a 4 horas por día Sí / No

e. Menos de 5 horas por semana Sí / No

f. Más de 4 horas por día Sí / No

5. ¿Durante el período que el trabajador usa el respirador, el esfuerzo de trabajo es?

a. Liviano (menos de 200 Kcal por hora) Sí / No

Ejemplos de trabajo liviano es estar sentado al escribir, computación, haciendo planos, o realizando ensamble ligero, o de pie operando máquinas.

Si “afirmativo”, cuanto tiempo dura esto en un turno promedio:

horas _____ minutos _____

b. Moderado (200 a 350 Kcal por hora) Sí / No

Ejemplos de trabajo moderado son: estar sentado martillando o limando, manejado un camión, perforando, o ensamble, moviendo cargas moderadas (aproximadamente 25 – 35 libras) a nivel de la cintura caminando en superficie planas a 2 millas por hora o bajando un nivel de terreno de 5 grados a 3 millas por hora, o empujando una carretilla con carga pesada (aproximadamente 100 libras) en superficie plana. (NOTA: Un galón de agua peso aproximadamente 8 libras, o sea, un rociadora de mochila llena con 3 galones pesa aproximadamente 25 libras.)

Si “afirmativo”, cuanto tiempo dura esto en un turno promedio:

horas _____ minutos _____

c. Pesado (más de 350 Kcal por hora) Sí / No

Ejemplos de trabajo pesado son: levantar cargas pesadas(aproximadamente 50 libras) del suelo a la altura de la cintura u hombros, trabajando en un plataformas de carga, trabajo con pala, albañilería de pie, desbarbando piezas de fundición, subiendo niveles de terreno de 8 grados aproximadamente a 2 millas por hora, subiendo escalones con cargas pesadas (aproximadamente 50 libras)

Si “afirmativo”, cuanto tiempo dura esto en un turno promedio:

horas _____ minutos _____

6. ¿El trabajador va a utilizar ropa o equipo protector aparte del respirador? Sí / No

Si “afirmativo” describa el equipo que va a usar: _____

7. ¿El trabajador va a trabajar en temperaturas altas (temperaturas más de 77 F)? Sí / No

8. ¿El trabajador va a trabajar en condiciones húmedas? Sí / No

9. Describa el trabajo que hará el trabajador mientras usa su respirador(es): _____

10. Describa algunas condiciones especiales o condiciones peligrosas las cuales el trabajador puede enfrentar cuando usa el respirador (por ejemplo, espacios confinados, atmósferas deficientes en oxígeno, gases fulminantes): _____

11. Proporcione la siguiente información si lo sabe, para cada sustancia tóxica a que el trabajador puede ser expuesto cuando usa el respirador(es):

Nombre de la primera sustancia tóxica: _____

Nivel máximo de exposición por turno de trabajo: _____

Tiempo de exposición por turno de trabajo: _____

Nombre de la segunda sustancia tóxica: _____

Nivel máximo de exposición por turno de trabajo: _____

Tiempo de exposición por turno de trabajo: _____

Nombre de la tercera sustancia tóxica: _____

Nivel máximo de exposición por turno de trabajo: _____

Tiempo de exposición por turno de trabajo: _____

Nombre(s) de cualquier otra sustancia(s) tóxica(s) a la cual el trabajador pueda ser expuesto mientras usa un respirador: _____

12. Describa otras responsabilidades especiales que tendrán durante el tiempo que estarán usando respiradores y que puedan afectar la seguridad y bienestar de otras personas (por ejemplo, rescate, seguridad): _____

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

Statutes Implemented: ORS 654.001 through 654.295.

History: OR-OSHA Administrative Order 3-2006, filed 6/7/06, effective 3/1/07.

OR-OSHA Administrative Order 4-2012, filed 9/19/12, effective 1/1/13.

OR-OSHA Administrative Order X-XXXX, filed X/X/XX, effective X/X/XX.

Appendix D to OAR 437-004-1041 – Information for Employees Voluntarily Using Respirators (Mandatory)

Respirators are an effective method of protection against designated hazards when properly selected and worn. Oregon OSHA encourages respirator use, even when exposures are below the exposure limit, to provide an additional level of comfort and protection for workers. However, if you improperly use a respirator or do not keep it clean, the respirator itself can become a hazard. Sometimes, workers may wear respirators to avoid exposures to hazards, even if the amount of hazardous substance does not exceed the limits set by Oregon OSHA standards. If your employer provides respirators for your voluntary use, or if you provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

1. Read and follow all instructions from the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator into atmospheres with contaminants that it is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors, or very small solid particles of fumes or smoke.
4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.

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

Statutes Implemented: ORS 654.001 through 654.295.

History: OR-OSHA Administrative Order 3-2006, filed 6/7/06, effective 3/1/07.

OR-OSHA Administrative Order 4-2012, filed 9/19/12, effective 1/1/13.

Apéndice D de OAR 437-004-1041 – Información para Trabajadores que Usan Respiradores Voluntariamente (Obligatorio)

Los respiradores que son seleccionados y usados correctamente son un método de protección efectivo contra peligros designados. Oregon OSHA promueve el uso de respiradores, aunque la exposición sea menor al límite permitido de exposición, para proveer un mejor nivel de comodidad y protección a los trabajadores. Sin embargo, si usted usa su respirador de manera incorrecta o si la limpieza adecuada no es mantenida, el respirador mismo podría convertirse en un peligro. Los trabajadores pueden usar los respiradores para evitar la exposición a peligros aunque la cantidad de sustancias peligrosas no exceda los límites establecidos bajo las reglas de Oregon OSHA. Si su empleador provee respiradores para uso voluntario, o si usted provee su propio respirador, necesita tomar ciertas precauciones para asegurarse de que el respirador no presenta ningún peligro.

Usted debería hacer lo siguiente:

1. Lea y siga todas las instrucciones del fabricante acerca del uso, mantenimiento, limpieza y cuidado. También siga las instrucciones acerca de las advertencias en cuanto a las limitaciones del respirador.
2. Elija respiradores que sean certificados para ser usados en la clase de atmósfera contaminada, específica a su situación. El Instituto Nacional para Salud y Seguridad Ocupacional del Departamento de Salud y Servicios Humanos (NIOSH por sus siglas en inglés) certifica respiradores. Una certificación o declaración que debe aparecer en el respirador o paquete del respirador le dirá para qué clase de uso el respirador está diseñado y la capacidad de protección que éste ofrece.
3. No use su respirador en atmósferas que contengan contaminantes si éste no está diseñado para protegerlo en esos ambientes. Por ejemplo, un respirador que está diseñado para filtrar partículas de polvo, no lo protegerá contra gases, vapores o partículas sólidas muy pequeñas de humo.
4. Marque su respirador claramente para que por error usted no use el respirador de otra persona.

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

Statutes Implemented: ORS 654.001 through 654.295.

History: OR-OSHA Administrative Order 3-2006, filed 6/7/06, effective 3/1/07.

OR-OSHA Administrative Order 4-2012, filed 9/19/12, effective 1/1/13.

AMEND: 437-005-0001

RULE SUMMARY: 437-005-0001 – In 1915.153, this change corrects format errors in Table I-1 - Filter Lenses for Protection Against Radiant Energy by reformatting the table so that the values for "Operations," "Electrode size," "Arc current," and "Minimum protective shade" correspond with each other correctly.

CHANGES TO RULE:

437-005-0001

Adoption by Reference ¶¶

In addition to, and not in lieu of, any other safety and health codes contained in OAR chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1915, in the Federal Register:¶¶

(1) Subdivision A¶¶

(a) 29 CFR 1915.1. Purpose and authority, published 4/20/82, Federal Register (FR) vol. 47, p. 16984.¶¶

(b) 29 CFR 1915.2. Scope and application, published 4/20/82, FR vol. 47, p. 16984.¶¶

(c) 29 CFR 1915.3. Responsibility, published 4/20/82, FR vol. 47, p. 16984.¶¶

(d) 29 CFR 1915.4. Definitions, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(e) 29 CFR 1915.5. Incorporation by reference, published 5/14/19, Federal Register vol. 84, no. 93, p. 21416.¶¶

(f) 29 CFR 1915.6. Commercial diving operations, published 4/20/82, FR vol. 47, p. 16984.¶¶

(g) 29 CFR 1915.7. Competent person, published 7/25/94, FR vol. 59, p. 37856.¶¶

(h) 29 CFR 1915.9. Compliance duties owed to each employee, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.¶¶

(2) Subdivision B¶¶

(a) 29 CFR 1915.11. Scope, application and definitions applicable to this Subpart, published 7/25/94, FR vol. 59, p. 37857.¶¶

(b) 29 CFR 1915.12. Precautions before entering confined and enclosed spaces and other dangerous atmospheres, published 3/16/95, FR vol. 60, no. 51, p. 14218.¶¶

(c) 29 CFR 1915.13. Cleaning and other cold work, published 7/25/94, FR vol. 59, p. 37859.¶¶

(d) 29 CFR 1915.14. Hot work, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(e) 29 CFR 1915.15. Maintenance of safe conditions, published 6/22/12, FR vol. 77, no. 121, p. 37587.¶¶

(f) 29 CFR 1915.16. Warning signs and labels, published 7/25/94, FR vol. 59, p. 37861.¶¶

(A) Appendix A to Subpart B published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.¶¶

(B) Appendix B to Subpart B published 7/25/94, FR vol. 59, p. 37816.¶¶

(3) Subdivision C¶¶

(a) 29 CFR 1915.31. Scope & application of subdivision, published 4/20/82, FR vol. 47, p. 16984.¶¶

(b) 29 CFR 1915.32. Toxic cleaning solvents, published 5/24/96, FR vol. 61, no. 102, p. 26351.¶¶

(c) 29 CFR 1915.33. Chemical paint & preservative remover, published 5/24/96, FR vol. 61, no. 102, p. 26351.¶¶

(d) 29 CFR 1915.34. Mechanical paint removers, published 5/24/96, FR vol. 61, no. 102, p. 26351.¶¶

(e) 29 CFR 1915.35. Painting, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(f) 29 CFR 1915.36. Flammable liquids, published 4/20/82, FR vol. 47, p. 16984.¶¶

(4) Subdivision D¶¶

(a) 29 CFR 1915.51. Ventilation & protection in welding, cutting and heating, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(b) 29 CFR 1915.52. Fire prevention. REMOVED 9/15/04, FR vol. 69, p. 55667.¶¶

(c) 29 CFR 1915.53. Welding, cutting and heating of hollow metal containers & structure not covered by 1915.12, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(d) 29 CFR 1915.55. Gas welding & cutting, published 4/20/82, FR vol. 47, p. 16984.¶¶

(e) 29 CFR 1915.56. Arc welding and cutting, published 4/20/82, FR vol. 47, p. 16984.¶¶

(f) 29 CFR 1915.57. Uses of fissionable material in ship repairing and shipbuilding, published 4/20/82, FR vol. 47, p. 16984.¶¶

(5) Subdivision E¶¶

(a) 29 CFR 1915.71. Scaffolds or staging, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(b) 29 CFR 1915.72. Ladders, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(c) 29 CFR 1915.73. Guarding of deck openings and edges, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(d) 29 CFR 1915.74. Access to vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

(e) 29 CFR 1915.75. Access to and guarding of dry docks and marine railways, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶¶

- (f) 29 CFR 1915.76. Access to cargo spaces and confined spaces, published 4/20/82, FR vol. 47, p. 16984.¶
- (g) 29 CFR 1915.77. Working surfaces, published amended 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (6) Subdivision F¶
- (a) 29 CFR 1915.80 Scope, application, definitions and effective dates, published 5/14/19, Federal Register vol. 84, no. 93, p. 21416.¶
- (b) 29 CFR 1915.81 Housekeeping, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (c) 29 CFR 1915.82 Lighting, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (d) 29 CFR 1915.83 Utilities, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (e) 29 CFR 1915.84 Working alone, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (f) 29 CFR 1915.85 Vessel radar and communication systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (g) 29 CFR 1915.86 Lifeboats, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (h) 29 CFR 1915.87 Medical services and first aid, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (i) 29 CFR 1915.88 Sanitation, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (j) 29 CFR 1915.89 Control of hazardous energy (lockout/tagout), published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (k) 29 CFR 1915.90 Safety color code for marking physical hazards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (l) 29 CFR 1915.91. Accident prevention signs and tags, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (m) 29 CFR 1915.92. Retention of DOT markings, placards, and labels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (n) 29 CFR 1915.93. Motor vehicle safety equipment, operation, and maintenance, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (o) 29 CFR 1915.94. Servicing of multi-piece and single-piece rim wheels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (7) Subdivision G¶
- (a) 29 CFR 1915.111. Inspection, published 4/20/ 82, FR vol. 47, p. 16984.¶
- (b) 29 CFR 1915.112. Ropes, chains and slings, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.¶
- (c) 29 CFR 1915.113. Shackles and hooks, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.¶
- (d) 29 CFR 1915.114. Chain falls and pull lifts, published 4/20/82, FR vol. 47, p. 16984.¶
- (e) 29 CFR 1915.115. Hoisting and hauling equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (f) 29 CFR 1915.116. Use of gear, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (g) 29 CFR 1915.117. Qualifications of operators, published 4/20/82, FR vol. 47, p. 16984.¶
- (h) 29 CFR 1915.118. Tables, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (8) Subdivision H¶
- (a) 29 CFR 1915.131. General precautions, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (b) 29 CFR 1915.132. Portable electric tools, published 4/20/82, FR vol. 47, p. 16984.¶
- (c) 29 CFR 1915.133. Hand tools, published 4/20/ 82, FR vol. 47, p. 16984.¶
- (d) 29 CFR 1915.134. Abrasive wheels, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (e) 29 CFR 1915.135. Powder actuated fastening tools, published 5/24/96, FR vol. 61, no. 102, p. 26351.¶
- (f) 29 CFR 1915.136. Internal combustion engines other than ship's equipment, published 4/20/82, FR vol. 47, p. 16984.¶
- (9) Subdivision I¶
- (a) 29 CFR 1915.151. Scope, application and definitions, published 5/24/96, FR vol. 61, no. 102, p. 26352.¶
- (b) 29 CFR 1915.152. General requirements, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.¶
- (c) 29 CFR 1915.153. Eye and face protection, published ~~3/25/16~~2/18/20, FR vol. ~~81~~5, no. ~~58~~32, p. ~~46085~~8726-
8746.¶
- (d) 29 CFR 1915.154. Respiratory protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.¶
- (e) 29 CFR 1915.155. Head protection, published 6/22/12, FR vol. 77, no. 121, p. 37587.¶
- (f) 29 CFR 1915.156. Foot protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.¶
- (g) 29 CFR 1915.157. Hand and body protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.¶
- (h) 29 CFR 1915.158. Lifesaving equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (i) 29 CFR 1915.159. Personal fall arrest systems (PFAS), published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (j) 29 CFR 1915.160. Positioning device systems, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (A) Appendix A to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (B) Appendix B to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (10) Subdivision J¶
- (a) 29 CFR 1915.161. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.¶

- (b) 29 CFR 1915.162. Ship's boilers, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (c) 29 CFR 1915.163. Ship's piping systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (d) 29 CFR 1915.164. Ship's propulsion machinery, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (e) 29 CFR 1915.165. Ship's decking machinery, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (11) Subdivision K¶
- (a) 29 CFR 1915.171. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.¶
- (b) 29 CFR 1915.172. Portable air receiver and other unfired pressure vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.¶
- (c) 29 CFR 1915.173. Drums and containers, published 4/20/82, FR vol. 47, p. 16984.¶
- (12) Subdivision L¶
- (a) 29 CFR 1915.181. Electrical circuits and distribution boards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.¶
- (13) Subdivisions M O (Reserved)¶
- (14) Subdivision P¶
- (a) 29 CFR 1915.501. General provisions, published 9/15/04, FR vol. 69, p. 55667.¶
- (b) 29 CFR 1915.502. Fire safety plan, published 9/15/04, FR vol. 69, p. 55667.¶
- (c) 29 CFR 1915.503. Precautions for hot work, published 9/15/04, FR vol. 69, p. 55667.¶
- (d) 29 CFR 1915.504. Fire watches, published 9/15/04, FR vol. 69, p. 55667.¶
- (e) 29 CFR 1915.505. Fire response, published 10/17/06, FR vol. 71, no. 200, p. 60843.¶
- (f) 29 CFR 1915.506. Hazards of fixed extinguishing systems on board vessels and vessel sections, published 9/15/04, FR vol. 69, p. 55667.¶
- (g) 29 CFR 1915.507. Land-side fire protection systems, published 10/17/06, FR vol. 71, no. 200, p. 60843.¶
- (h) 29 CFR 1915.508. Training, published 9/15/04, FR vol. 69, p. 55667.¶
- (i) 29 CFR 1915.509. Definitions applicable to this subpart, published 9/15/04, FR vol. 69, p. 55667. Appendix A to Subpart P, published 9/15/04, FR vol. 69, p. 55667.¶
- (15) Subdivision Q-Y (Reserved)¶
- (16) Subdivision Z¶
- (a) 29 CFR 1915.1000. Air Contaminants, published 1/9/17, FR vol. 82, no. 5, p. 2735.¶
- (b) 29 CFR 1915.1001. Asbestos, published 5/14/19, FR vol. 84, no. 93, p. 21416.¶
- (A) Appendix A to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.¶
- (B) Appendix B to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.¶
- (C) Appendix C to 1915.1001, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.¶
- (D) Appendix D to 1915.1001, published 5/14/19, Federal Register, vol. 84, no. 93, p. 21416.¶
- (E) Appendix E to 1915.1001, published 5/14/19, Federal Register, vol. 84, no. 93, p. 21416.¶
- (F) Appendix F to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.¶
- (G) Appendix G to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.¶
- (H) Appendix H to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.¶
- (I) Appendix I to 1915.1001, published 5/14/19, Federal Register, vol. 84, no. 93, p. 21416.¶
- (J) Appendix J to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.¶
- (K) Appendix K to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.¶
- (L) Appendix L to 1915.1001, published 8/23/96, FR vol. 61, p. 43454.¶
- (c) 29 CFR 1915.1002. Coal tar pitch volatiles; interpretation of term, published 6/20/96, FR vol. 61, p. 31427.¶
- (d) 29 CFR 1915.1003. 13 Carcinogens (4 Nitrobiphenyl, etc.), published 6/20/96, FR vol. 61, p. 31427.¶
- (e) 29 CFR 1915.1004. alpha Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.¶
- (f) 29 CFR 1915.1005. (Reserved)¶
- (g) 29 CFR 1915.1006. Methyl chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.¶
- (h) 29 CFR 1915.1007. 3,3'Dichlorobenzidene (and its salts), published 6/20/96, FR vol. 61, p. 31427.¶
- (i) 29 CFR 1915.1008. bis Chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.¶
- (j) 29 CFR 1915.1009. beta Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.¶
- (k) 29 CFR 1915.1010. Benzidine, published 6/20/96, FR vol. 61, p. 31427.¶
- (l) 29 CFR 1915.1011. 4 Aminodiphenyl, published 6/20/96, FR vol. 61, p. 31427.¶
- (m) 29 CFR 1915.1012. Ethyleneimine, published 6/20/96, FR vol. 61, p. 31427.¶
- (n) 29 CFR 1915.1013. beta Propiolactone, published 6/20/96, FR vol. 61, p. 31427.¶
- (o) 29 CFR 1915.1014. 2 Acetylaminofluorene, published 6/20/96, FR vol. 61, p. 31427.¶
- (p) 29 CFR 1915.1015. 4 Dimethylaminoazobenzene, published 6/20/96, FR vol. 61, p. 31427.¶
- (q) 29 CFR 1915.1016. N Nitrosodimethylamine, published 6/20/96, FR vol. 61, p. 31427.¶
- (r) 29 CFR 1915.1017. Vinyl chloride, published 6/20/96, FR vol. 61, p. 31427.¶
- (s) 29 CFR 1915.1018. Inorganic arsenic, published 6/20/96, FR vol. 61, p. 31427.¶
- (t) 29 CFR 1915.1020 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, p.

31427.¶

(u) 29 CFR 1915.1024 Beryllium, published 1/9/17, FR vol. 82, no. 5, p. 2735.¶

(v) 29 CFR 1915.1025. Lead, published 6/20/96, FR vol. 61, p. 31427.¶

(w) 29 CFR 1915.1026 Chromium (VI), published 5/14/19, FR vol. 84, no. 93, p. 21416.¶

(x) 29 CFR 1915.1027. Cadmium, published 6/20/96, FR vol. 61, p. 31427.¶

(y) 29 CFR 1915.1028. Benzene, published 6/20/96, FR vol. 61, p. 31427.¶

(z) 29 CFR 1915.1030. Bloodborne pathogens, published 6/20/96, FR vol. 61, p. 31427.¶

(aa) 29 CFR 1915.1044. 1,2 dibromo 3 chloropropane, published 6/20/96, FR vol. 61, p. 31427.¶

(bb) 29 CFR 1915.1045. Acrylonitrile, published 6/20/96, FR vol. 61, p. 31427.¶

(cc) 29 CFR 1915.1047. Ethylene oxide, published 6/20/96, FR vol. 61, p. 31427.¶

(dd) 29 CFR 1915.1048. Formaldehyde, published 6/20/96, FR vol. 61, p. 31427.¶

(ee) 29 CFR 1915.1050. Methylenedianiline, published 6/20/96, FR vol. 61, p. 31427.¶

(ff) 29 CFR 1915.1052 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619.¶

(gg) 29 CFR 1915.1053 Respirable Crystalline Silica, published 3/25/16, Federal Register, vol. 81, no. 58, p. 16286.¶

(hh) 29 CFR 1915.1120 Access to employee exposure and medical records has been redesignated to

¶1915.1020.¶

Note: 29 CFR 1915.99, Hazard Communication was redesignated as 1915.1200 on 7/1/93, FR vol. 58, no. 125, p. 35514.¶

(ii) 29 CFR 1915.1200. Hazard communication, published 6/20/96, FR vol. 61, p. 31427.¶

(jj) 29 CFR 1915.1450. Occupational exposure to hazardous chemicals in laboratories, published 6/20/96, FR vol. 61, p. 31427.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

AMEND: 437-005-0003

RULE SUMMARY: 437-005-0003 – In Appendix V to Part 1918, in Basic Elements of a First-Aid Training Program (Non-Mandatory), Specific Program Elements (A)(3) Poisoning the text is corrected from "Materials Safety Data Sheet (MSDS)" to current terminology: "Safety Data Sheet (SDS)."

CHANGES TO RULE:

437-005-0003

Adoption by Reference ¶¶

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1918, in the Federal Register:¶¶

(1) Subdivision A¶¶

(a) 29 CFR 1918.1 Scope and application, published 2/28/06, FR vol. 71, no. 39, p. 10100.¶¶

(b) 29 CFR 1918.2 Definitions, published 6/8/11, Federal Register, vol. 76, no. 110, 33590.¶¶

(c) 29 CFR 1918.3 Incorporation by reference, published 3/25/16, FR vol. 81, no. 58, p. 16085.¶¶

(d) 29 CFR 1918.5 Compliance duties owed to each employee, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.¶¶

(2) Subdivision B¶¶

~~(a)~~ 29 CFR 1918.11 Gear certification (see also ¶¶1918.2 and 1918.51), published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(3) Subdivision C¶¶

(a) 29 CFR 1918.21 General requirements, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(b) 29 CFR 1918.22 Gangways, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(c) 29 CFR 1918.23 Jacob's ladders, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(d) 29 CFR 1918.24 Fixed and portable ladders, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(e) 29 CFR 1918.25 Bridge plates and ramps (see also ¶1918.86), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(f) 29 CFR 1918.26 Access to barges and river towboats, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(4) Subdivision D¶¶

(a) 29 CFR 1918.31 Hatch coverings, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(b) 29 CFR 1918.32 Stowed cargo and temporary landing surfaces, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(c) 29 CFR 1918.33 Deck loads, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(d) 29 CFR 1918.34 Other decks, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(e) 29 CFR 1918.35 Open hatches, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(f) 29 CFR 1918.36 Weather deck rails, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(g) 29 CFR 1918.37 Barges, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(5) Subdivision E¶¶

(a) 29 CFR 1918.41 Coaming clearances, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(b) 29 CFR 1918.42 Hatch beam and pontoon bridles, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(c) 29 CFR 1918.43 Handling hatch beams and covers, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(6) Subdivision F¶¶

(a) 29 CFR 1918.51 General requirements (see also ¶1918.11 and Appendix III of this part), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(b) 29 CFR 1918.52 Specific requirements, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(c) 29 CFR 1918.53 Cargo winches, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(d) 29 CFR 1918.54 Rigging gear, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(e) 29 CFR 1918.55 Cranes (see also ¶1918.11), published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(7) Subdivision G¶¶

(a) 29 CFR 1918.61 General (see also Appendix IV of this part), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(b) 29 CFR 1918.62 Miscellaneous auxiliary gear, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(c) 29 CFR 1918.63 Chutes, gravity conveyors and rollers, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(d) 29 CFR 1918.64 Powered conveyors, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶¶

(e) 29 CFR 1918.65 Mechanically powered vehicles used aboard vessels, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶¶

(f) 29 CFR 1918.66 Cranes and derricks other than vessel's gear, published 6/30/00, FR vol. 65, no. 127, p.

40938.¶

(g) 29 CFR 1918.67 Notifying ship's officers before using certain equipment, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(h) 29 CFR 1918.68 Grounding, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(i) 29 CFR 1918.69 Tools, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(j) 29 CFR 1918.70 - 1918.80 (Reserved)¶

(8) Subdivision H¶

(a) 29 CFR 1918.81 Slinging, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(b) 29 CFR 1918.82 Building drafts, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(c) 29 CFR 1918.83 Stowed cargo, tiering and breaking down, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(d) 29 CFR 1918.84 Bulling cargo, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(e) 29 CFR 1918.85 Containerized cargo operations, published 12/10/08, FR vol. 73, no. 238, pp. 75246-75290.¶

(f) 29 CFR 1918.86 Roll-on roll-off (Ro-Ro) operations (see also ¶1918.25), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(g) 29 CFR 1918.87 Ship's cargo elevators, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(h) 29 CFR 1918.88 Log operations, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(i) 29 CFR 1918.89 Handling hazardous cargo (see also ¶¶1918.2 and 1918.99), published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(9) Subdivision I¶

(a) 29 CFR 1918.90 Hazard communication (see also ¶1918.1(b)(4)), published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(b) 29 CFR 1918.91 Housekeeping, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(c) 29 CFR 1918.92 Illumination, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(d) 29 CFR 1918.93 Hazardous atmospheres and substances (see also ¶1918.2(j)), published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(e) 29 CFR 1918.94 Ventilation and atmospheric conditions (see also ¶1918.2), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(f) 29 CFR 1918.95 Sanitation, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.¶

(g) 29 CFR 1918.96 Maintenance and repair work in the vicinity of longshoring operations, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(h) 29 CFR 1918.97 First aid and lifesaving facilities (see also Appendix V of this part), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(i) 29 CFR 1918.98 Qualifications of machinery operators and supervisory training, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(j) 29 CFR 1918.99 Retention of DOT markings, placards and labels, published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(k) 29 CFR 1918.100 Emergency action plans, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(10) Subdivision J¶

(a) 29 CFR 1918.101 Eye and face protection, published 3/25/16, FR vol. 81, no. 58, p. 16085.¶

(b) 29 CFR 1918.102 Respiratory protection, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(c) 29 CFR 1918.103 Head protection, published 6/22/12, FR vol. 77, no. 121, p. 37587.¶

(d) 29 CFR 1918.104 Foot protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.¶

(e) 29 CFR 1918.105 Other protective measures, published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(f) 29 CFR 1918.106 Payment for protective equipment, published 11/15/07, FR vol. 72, no. 220, p. 64342.¶

(11) Appendix I - Cargo Gear Register and Certificates (Non-Mandatory), published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(12) Appendix II - Tables for Selected Miscellaneous Auxiliary Gear (Mandatory), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(13) Appendix III - The Mechanics of Conventional Cargo Gear (Non-Mandatory), published 7/25/97, FR vol. 62, no. 143, p. 40202.¶

(14) Appendix IV - Special Cargo Gear (Mandatory), published 6/30/00, FR vol. 65, no. 127, p. 40938.¶

(15) Appendix V - Basic Elements of a First Aid Training Program (Non-Mandatory), published ~~7/25/97~~2/18/20, FR vol. ~~6285~~, no. ~~1432~~, p. ~~402028726-8746~~.¶

These standards are available at the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, and the United States Government Printing Office.

Statutory/Other Authority: ORS 654.025(2), 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295