



**Oregon**

Tina Kotek, Governor



Department of Consumer  
and Business Services

9/30/2024

## Request for Public Comment

### Petition to Amend 437-002-0041 Exits and Exit Routes

Oregon OSHA is requesting public comment regarding a petition for rulemaking received August 10, 2024. This petition was submitted by Carsten Jonas of Weston, MA to amend [437-002-0041 Exits and Exit Routes](#).

Oregon OSHA has attached the petition to this document. We encourage public commenters to review the petition prior to submitting comment. This rule is in Oregon OSHA's Division 2 that applies to General Industry.

Per Oregon Revised Statute 183.390(2), Oregon OSHA is soliciting public comment as required by statute regarding this petition. Specifically, Oregon OSHA is requesting public comment on the following:

- Whether there are options for achieving the substantive goals of the suggested rule amendments in a way that reduces the negative economic impact on businesses; and,
- Whether or not Oregon OSHA should initiate rulemaking to amend 437-002-0041 Exits and Exit Routes based on this petition.

Oregon OSHA will evaluate all comments received prior to responding to this petition.

**For more information:** Our web site has the petition posted as a PDF.  
<https://osha.oregon.gov/rules/advisory/Pages/default.aspx>  
For a printed copy, please call 503-947-7449.

**To comment:** Department of Consumer and Business Services/Oregon OSHA  
P.O. Box 14480  
Salem OR 97309  
E-mail – [osha.rulemaking@dcbs.oregon.gov](mailto:osha.rulemaking@dcbs.oregon.gov)  
Fax – 503-947-7461

***Comment period closes: November 1, 2024, 5:00 p.m.***

***Oregon OSHA contact: Dave McLaughlin, Central Office @ 503-947-7449  
or email at: [dave.mclaughlin@dcbs.oregon.gov](mailto:dave.mclaughlin@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.

August 10, 2024

I submit the following petition to make an amendment to the Oregon OSHA regulation OAR 437-002-0041.

**Petition submitted by (petition criteria item (1))**

Carsten Jonas

19 Gypsy Trail

Weston, MA 02493

[carstenmjonas@gmail.com](mailto:carstenmjonas@gmail.com)

**OAR 437-002-0041 "Exits and Exit Routes" with proposed amendment: underscore denotes added text, strikethrough denotes deleted text, other text is unchanged (petition criteria item (1)(a))**

(1) Application: This subpart does not apply to mobile workplaces, like vehicles or vessels.

(2) Definitions:

(a) Exit. The part of the exit route, that is a way out of the workplace (like a door, stairwell or vestibule).

(b) Exit Route. A continuous, unobstructed path from anywhere in a work area to the exit.

(3) General:

(a) There must be permanent, unobstructed exit routes to get out of work areas safely during emergencies.

(b) There must be two or more exit routes depending on the size and layout of the work area and the number of people involved. A single exit route is acceptable only if all workers can get out through it safely ~~during~~ during an emergency. Locate multiple exit routes apart from each other.

(4) Design:

(a) An exit must have enough openings to permit access to, or exit from, occupied areas. An interior opening into an exit must have a self-closing fire door that remains closed. Each fire door, its frame, and its hardware must be listed or approved by a nationally recognized testing laboratory.

Note to paragraph(a): 29 CFR 1910.155(c)(3)(iv)(A) defines "listed," 29 CFR 1910.7 defines a "nationally recognized testing laboratory," and 29 CFR 1910.155 (c)(3) defines "approved."

(b) Walls or partitions that separate an exit from other areas must have at least a 1-hour fire resistance rating if the exit connects three stories or less. Materials that separate an exit must have at least a 2-hour fire resistance rating if the exit connects four stories or more.

(c) Exits must open from the inside without keys, tools or special knowledge. Devices that lock only from the outside are acceptable. There must be nothing on an exit door that could hinder its use during an emergency.

NOTE: You may lock or block an exit door from the inside in a mental, penal, or correctional institution, if supervisory personnel are continuously on duty and a plan exists to remove occupants during an emergency.

(d) An exit must lead directly outside or to a street, walkway, refuge area, or to an open space with access to the outside.

(e) Exit stairs that continue beyond the floor of exit discharge must have doors, partitions, or other effective means at the floor of exit discharge to assure that the direction of exit travel is clear to employees.

(f) Use only a side-hinged exit door to connect any room to an exit route. The door must swing out if the room can hold more than 50 persons or has highly flammable or explosive materials in it.

(g) Each exit route must be able to handle the maximum-permitted occupant load for each floor served by it. The capacity of a path to the exit must not decrease as people move toward the exit.

(h) The exit route must be at least 6 feet, 8 inches high at all points.

(i) An exit route must be at least 28 inches wide at all points between handrails and wider if needed to handle the occupant load.

(j) Objects that project into the exit route must not reduce the minimum height and width of the exit route.

(k) Repair or replace damaged or altered fire retardant coatings to keep their original retardant effectiveness.

(5) Access:

(a) There must be unobstructed access to exit routes.

(b) Exit routes must not pass through or into lockable rooms or dead ends.

(c) Exit routes must be mostly level or have stairs or ramps.

(6) Outside and refuge areas:

(a) The street, walkway, refuge area, or open space to which an exit leads must be large enough to accommodate all building occupants likely to use that exit.

(b) A refuge area must be:

(A) A space along an exit route protected from the effects of fire either by separation from other spaces within the building or by its location; or

(B) A floor with at least two spaces separated by smoke-resistant partitions, in a building where each floor is protected by an automatic sprinkler system. Automatic sprinkler systems must comply with 29 CFR 1910.159.

(7) Outside Exit Routes:

(a) Outdoor exit routes must meet the requirements for indoor exit routes and these additional requirements:

(A) The exit route must have guardrails to protect unenclosed sides elevated above a lower surface;

(B) There must be a cover if accumulation of snow or ice is likely;

(C) The exit route must be reasonably straight, smooth, solid, substantially level; and

(D) The exit route must have no dead ends longer than 20 feet.

(8) Condition of Exit Routes and Exits:

(a) Exit routes must minimize danger to employees during emergencies.

(b) Exit routes must be free of highly flammable furnishings and decorations.

(c) An exit route must not require employees to travel toward materials that burn very quickly, emit poisonous fumes, or are explosive, unless those materials are effectively shielded from the exit route.

(d) Exit routes must have adequate lighting.

(e) ~~Each exit must be clearly visible and must have a distinctive sign reading "Exit."~~ Each exit must be clearly visible and must have a distinctive sign featuring the word "Exit", and/or the pictogram for an emergency exit as specified in Standard 7010 as published by the International Organization for Standardization. Install additional directional signs to exits where necessary.

(f) Exit doors must have no signs or decorations that obscure their visibility.

(g) The line-of-sight to an exit sign must be clear.

(h) If workers could mistake a "non-exit" for an exit, mark the non-exit, "Not an Exit" or mark it to indicate its real use.

(i) There must be enough reliable light on or from exit signs to allow them to be effective during emergencies.

(j) All safeguards to protect employees during an emergency (e.g., sprinkler systems, alarm systems, fire doors, exit lighting) must work properly.

(9) Exits During Construction and Repair:

(a) Employees must not occupy an area under construction until an adequate number of exit routes that comply with these rules are available.

(b) Employees must not occupy an area during repair or alteration unless all exits and existing fire protection remain as effective as before the work. Alternate fire protection must provide an equivalent level of safety.

(c) Flammable or explosive materials used during construction or repair must not expose employees to hazards not otherwise present or impede emergency escape.

(10) Alarm System. There must be an operable employee alarm system with a distinctive signal to warn employees of fire or other emergencies, unless employees can see or smell a fire or other hazard so that it would provide adequate warning to them. The employee alarm system must comply with the requirements of 29 CFR 1910.165.

(11) Special Circumstances — Counterweights and Cold Storage Facilities.

(a) There must be an enclosure or guard around counterweights that are near enough to passageways or work areas to cause a hazard. The guard or enclosure need only be sufficient to protect workers from contact with the counterweight when it moves.

(b) The doors on walk-in refrigerators, coolers and freezers must have latches or closer devices that open from the inside without a key or special knowledge or effort.

**Reason and effects of amendment (petition criteria item (1)(b))**

A pictogram (symbol) for exit signs is internationally-standardized and has been adopted in many countries around the world over the past several decades, including other English-speaking countries such as Canada, Australia, New Zealand, and the UK. Including the internationally-standardized pictogram makes exit signs easily understandable by anyone regardless of the language they speak. This would be particularly beneficial in buildings where there may be many people who don't speak English, such as a hotel or an international airport. In addition, when the internationally-standardized pictogram is used with a directional arrow, the arrow is much larger compared to the arrow on textual exit signs (see figure 1). This enhances safety by making it easier for occupants to find the exit, especially if it's a building that they're not familiar with.

Figure 1: an example of the internationally-standardized pictogram with a directional arrow.



**Propositions of law that I assert (petition criteria item (1)(c))**

Currently, OAR 437-002-0041, subsection (8)(e), only allows the word "Exit" to be used on exit signs.

Federal law (29 USC 655(c)(2)) does not require state OSHA regulations to be identical to their federal counterparts, it only requires them to be "at least as effective".

**Options for achieving the rule's goals while reducing negative economic impact (petition criteria item (2)(a))**

The option proposed herein is the option that avoids any potential negative economic impact, as it does not impose any new requirements – new and existing buildings that prefer to keep using the old "Exit" signs would still be permitted to do so.

Other options I considered were requiring the internationally-standardized pictogram on exit signs in new buildings. I decided against that option, as it would introduce negative economic and environmental impacts because existing "Exit" signs sitting in warehouses would no longer be able to be installed and would likely become electronic waste.

Another option would be repealing this rule outright and using the applicable federal OSHA rules instead. I decided against that option, for the reasons explained below.

#### **Continued need for the existing rule (petition criteria item (2)(b))**

If this rule were repealed, federal OSHA rules would apply as Oregon OSHA will default to enforcing federal OSHA rules when there is no corresponding state-specific rule. As explained below, using the federal OSHA rules would technically allow the internationally-standardized pictogram on exit signs, however the wording in the federal rules is much less clear, and employers in Oregon are familiar with OAR 437-002-0041 and Oregon OSHA's regulatory framework as a whole.

#### **Complexity of the existing rule (petition criteria item (2)(c))**

OAR 437-002-0041, as currently in existence, is straightforward and reasonably easy to comply with. This amendment should not affect the overall complexity and ease of compliance with the rule.

However, in subsection (3)(b), there is a typo where the rule says "dupring" which should probably say "during". This petition also corrects that typo.

#### **Overlaps/duplications/conflicts with other laws and regulations (petition criteria (2)(d))**

State: Exit signs are, in addition to being regulated by OAR 437-002-0041, also regulated by the Oregon Structural Specialty Code (OSSC), which is administered by the Building Codes Division (BCD), is updated every three years, and would also need to be amended in order to allow the internationally-standardized pictogram on exit signs. Earlier this year, I submitted a code amendment proposal to the BCD to make such an amendment for the 2025 OSSC. (If this Oregon OSHA petition is accepted and goes into effect prior to the 2025 OSSC, I will request BCD to approve a corresponding Statewide Alternate Method for the 2022 OSSC.)

Federal: Federal OSHA does not object to the use of the internationally-standardized pictogram on exit signs, to the extent that the state/local jurisdiction allows it. Despite what initially appears to be a conflicting requirement in 29 CFR 1910.37(b)(2), 29 CFR 1910.35 provides that compliance with applicable provisions of NFPA 101, 2009 edition, will be considered compliant with regards to applicable provisions of federal OSHA's means of egress requirements. Since its 2003 edition, NFPA 101 expressly allows the internationally-standardized pictogram on exit signs, including in lieu of the word "Exit", if allowed by the state/local jurisdiction, per sections 7.10.3.2 and A.7.10.3.2, the latter of which states: "Pictograms are permitted to be used in lieu of, or in addition to, signs with text." Therefore, this petition would make Oregon OSHA regulations more consistent with the federal OSHA regulations. (It should be noted that federal law does not require state OSHA regulations to be identical to their federal counterparts.)

Local: Oregon OSHA rules are applicable statewide in accordance with longstanding state law, so this change should not affect the balance of power between state and local government.

**Factors changed since the adoption of the existing rule (petition criteria item (2)(e))**

OAR 437-002-0041 was last revised in 2001. Since then, the world has continued to become more globalized, with a significant increase in the number of international travelers – and an increasing number of jurisdictions around the world have adopted the internationally-standardized pictogram as their standards for exit signs, such as Canada in the 2010's.

**Signature**

Carsten Jonas



---