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June 30, 2006

REVISED – July 18, 2006

Oregon OSHA - Proposed Changes Occupational Exposure to Hexavalent Chromium, and Amend Silica in the Z Tables of Air Contaminants

Public Hearing Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
August 1, 2006	9:30 am	Oregon Dept. of Fish & Wildlife Bldg. First Floor – Commission Room 3406 Cherry Avenue NE Salem OR 97303

This rule adds new requirements for exposures to hexavalent chromium, including a lower airborne permissible exposure limit, an action level, airborne exposure assessments, regulated areas, change and washing facilities, medical surveillance, and training.

These changes are required to keep OR-OSHA standards as effective as Federal OSHA.

Oregon OSHA will not adopt the exception for pesticide use. Federal OSHA does not regulate the use of pesticides because the Environmental Protection Agency (EPA) regulates these exposures through the Worker Protection Standard (WPS). However, since Oregon OSHA enforces the WPS this exemption does not apply in Oregon.

Oregon OSHA proposes to change the permissible limit for airborne concentrations of respirable silica. The formula and footnote (e) for Silica in Table Z-3 in the Air Contaminants standards in general industry, construction, and agriculture will also be amended. Both of these changes reflect better scientific processes for determining airborne respirable exposures, and the calculation used to determine exposures continues to cause confusion. Based on historical monitoring data, OR-OSHA does not expect these changes to have a significant impact, as less than 3% of results would have been different with this proposal in place.

Oregon OSHA proposes to adopt these changes into general industry, construction, agriculture, and maritime.

When does this happen: Adoption tentatively will be August 2006

To get a copy: Our web site – www.orosha.org Rules & Laws, then Proposed Rules
Or call the OR-OSHA Resource Center at 503-947-7447

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem OR 97301-3882
E-mail – tech.web@state.or.us
Fax – 503-947-7461

Comment period closes: **August 8, 2006**

OR-OSHA contact: **Dave McLaughlin, Central Office @ 503-947-7457**

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
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/OR-OSHA
Agency and Division

OSHA 437
Administrative Rules Chapter Number

In the Matter of: Amending OAR 437-002-0360, 437-002-0382, 437-003-0001, 437-003-1000, 437-004-9000, 437-005-0001, 437-005-0002, 437-005-0003

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Propose to adopt Federal OSHA's standard on Hexavalent Chromium in General Industry, Construction, and Maritime

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

Other Authority:

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

This rule adds new requirements for exposures to hexavalent chromium, including a lower airborne permissible exposure limit, an action level, airborne exposure assessments, regulated areas, change and washing facilities, medical surveillance, and training,

These changes are required to keep OR-OSHA standards as effective as Federal OSHA.

Documents Relied Upon, and where they are available:

OAR 437-002, Division 2, General Occupational Safety and Health Rules
OAR 437-003, Division 3, Construction
OAR 437-004, Division 4, Agriculture
OAR 437-005, Division 5, Maritime Activities
Federal Register, 2/28/06, vol. 71, no. 39, p. 10100

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Federal OSHA's economic impact suggests that the average cost of compliance to be between \$200 and \$23,000. However, there may be higher costs for industries that use or manufacture chromium compounds, industries that manufacture automobiles, ship building and repair, aerospace and aircraft manufacturing, and chromium dye producers.

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

Federal OSHA included their Small Business Regulatory Enforcement Fairness Act panel in this rulemaking.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: Not necessary with this nature of rulemaking.

/s/Michael D. Wood 6/15/06
Authorized Signer

Michael D. Wood
Printed name

June 15, 2006
Date