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February 16, 2006

Proposed Changes - Construction

Oregon OSHA proposes to revoke a provision in the Structural Steel Assembly rule in Division 3/R, Construction/Steel Erection. Federal OSHA published in the January 18, 2006 Federal Register, the revocation of this paragraph and appendix. The specific provision is 1926.754(c)(3), Slip resistance of skeletal structural steel, and Appendix B that accompanies this rule. According to Federal OSHA documents, there has been no significant progress regarding the suitability of the test methods referenced in the provision for testing slip resistance or the availability of coatings that would meet the slip resistant requirements of the provision. Most significantly, there is a high probability that the test methods will not be validated by the effective date (July 18, 2006). As a result, employers will be unable to comply with the provision.

When does this happen: Adoption will tentatively be in April 2006.

To get a copy: Our web site - www.orosha.org
Telephone - 503-378-3272, OR-OSHA Resource Center

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

Comment period closes: **March 27, 2006**

OR-OSHA contact: **Mike Mitchell @ 503-947-7450, Central Office**

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

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

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

OAR 437
Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE Salem OR 97301-3882
Rules Coordinator Address

503-947-7449
Telephone

RULE CAPTION

Propose to adopt Federal OSHA Revocation of Slip Resistance of Skeletal Structure Steel in Construction
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

AMEND: OAR 437-003-0001

ORS 654.025(2) and 656.726(4)
Stat. Auth.

Other Authority

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

Oregon OSHA proposes to revoke a provision in the Structural Steel Assembly rule in Division 3/R, Construction/Steel Erection. Federal OSHA published in the January 18, 2006 Federal Register, the revocation of this paragraph and appendix. The specific provision is 1926.754(c)(3), Slip resistance of skeletal structural steel, and Appendix B that accompanies this rule. According to Federal OSHA documents, there has been no significant progress regarding the suitability of the test methods referenced in the provision for testing slip resistance or the availability of coatings that would meet the slip resistant requirements of the provision. Most significantly, there is a high probability that the test methods will not be validated by the effective date (July 18, 2006). As a result, employers will be unable to comply with the provision.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

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.

/s/ Marilyn K. Schuster
Signature

March 27, 2006

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Marilyn K. Schuster
Printed name

2/15/06
Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.
ARC 923-2005

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

OAR 437
Administrative Rules Chapter Number

In the Matter of: Amending OAR 437-003-0001

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

Propose to adopt Federal OSHA Revocation of Slip Resistance of Skeletal Structure Steel in Construction

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):

Oregon OSHA's standards must be at least as effective as Federal OSHA's, therefore we propose to adopt this revocation of a provision in the Structural Steel Assembly rule 1926.754, as it appears in the January 18, 2006 Federal Register. The paragraph revoked is 1926.754(c)(3) and Appendix B to Subpart R that accompanies that paragraph.

Documents Relied Upon, and where they are available:

OAR 437-003, Division 3/R, Construction/Steel Erection
Federal Register, 1/18/06, vol. 71, no. 11, p. 2879

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

No fiscal or economic impact is expected with this rulemaking. It revokes a provision in a standard that had not yet reached its start-up date.

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

Federal OSHA states that this revocation will not have a significant impact on a substantial number of small entities.

Administrative Rule Advisory Committee consulted?: No.

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

/s/ Marilyn K. Schuster
Authorized Signer

Marilyn K. Schuster
Printed name

2/15/06
Date

Oregon OSHA Proposed Changes to Division 3/R, Construction/Steel Erection February 2006

1926.754 Structural Steel Assembly.

...

(c) Walking/working surfaces.

...

~~[(3) Slip resistance of skeletal structural steel. Workers shall not be permitted to walk the top surface of any structural steel member installed after July 18, 2006 that has been coated with paint or similar material unless documentation or certification that the coating has achieved a minimum average slip resistance of .50 when measured with an English XL tribometer or equivalent tester on a wetted surface at a testing laboratory is provided. Such documentation or certification shall be based on the appropriate ASTM standard test method conducted by a laboratory capable of performing the test. The results shall be available at the site and to the steel erector. (Appendix B to this subpart references appropriate ASTM standard test methods that may be used to comply with this paragraph (c)(3)).]~~

...

Appendix B to Subpart R – **Reserved.** ~~[Acceptable Test Methods for Testing Slip-Resistance of Walking/Working Surfaces: Nonmandatory Guidelines for Complying With §1926.754(c)(3)]~~

~~[The following references provide acceptable test methods for complying with the requirements of §1926.754(c)(3).]~~

~~[Standard Test Method for Using a Portable Inclineable Articulated Strut Slip Tester (PIAST)(ASTM F1677-96)]~~

~~[Standard Test Method for Using a Variable Incidence Tribometer (VIT)(ASTM F1679-96)]~~