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May 17, 2006

Proposed Changes - Roll-Over Protective Structures (ROPS) in Construction

Oregon OSHA proposes to adopt Federal OSHA amendments to Roll-Over Protective Structures (ROPS) in Construction as they appear in the Federal Registers dated December 29, 2005 and February 28, 2006. This rulemaking reinstates the original construction standards that had been replaced in 1996 with references to national consensus standards for testing ROPS.

The rule restores impact testing for protective frames on wheel-type tractors and an additional cold-temperature testing option under the construction standard. This rule also contains minor plain language revisions that will improve comprehension and compliance with the standards.

Note: Federal OSHA also included the amendments in agriculture. OR-OSHA proposed the changes to Division 4, Agriculture last month.

When does this happen: Adoption will tentatively be in July 2006, with a delayed effective date of January 2007.

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: **June 26, 2006**

OR-OSHA contact: **Mike Lulay @ 503-947-7431, 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's changes to Roll-Over Protective Structures (ROPS) 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.

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

Oregon OSHA proposes to adopt Federal OSHA amendments to Roll-Over Protective Structures (ROPS) in Construction as they appear in the Federal Registers dated December 29, 2005 and February 28, 2006. This rulemaking reinstates the original construction standards that had been replaced in 1996 with references to national consensus standards for testing ROPS.

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Note: Federal OSHA also included the amendments in agriculture. OR-OSHA already proposed the changes to Division 4, Agriculture last month.

Please visit our web site www.orosha.org Click 'Rules & Laws' in the left vertical column and view our proposed, adopted, and final rules.

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.

June 26, 2006

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Michael D. Wood

Printed name

May 15, 2006

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.

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's changes to Roll-Over Protective Structures (ROPS) 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, as it appears in the Federal Register.

Documents Relied Upon, and where they are available:

OAR 437-003, Division 3/W, Construction/Roll-Over Protective Structures, Overhead Protection

Federal Register, 12/29/05, vol. 70, no. 249, p. 76979

Federal Register, 2/28/06, vol. 71, no. 39, p. 9909

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

The reinstated standards in this rulemaking are both technologically and economically feasible and do not impose new compliance costs on equipment manufacturers or on the construction industry.

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

Federal OSHA states that this rulemaking 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.

Authorized Signer

Michael D. Wood
Printed name

May 15, 2006
Date