

# Oregon OSHA's Proposed Changes Division 1, General Administrative Rules - June 2006

Proposed for deletion shown ~~[in brackets with strike-through]~~.

Proposed for addition shown **in bold and underscored**.

437-001-0002 Notice to Interested Persons of Rulemaking.

**(1)** Except when ~~[acting in an emergency to]~~ adopt**ing** a temporary rule, in accordance with ORS 183.335(5), the Director will give prior notice of the proposed adoption, amendment or repeal of an administrative rule **by**:

~~[(1) a] [By causing notice of the proposed action to be published once, in the Secretary of State's bulletin referred to in ORS 183.360, prior to the effective date of the adoption, amendment or repeal of the rule as provided in ORS 183.335.]~~ **Publishing notice of the proposed action in the Secretary of State's Oregon Bulletin at least 21 days prior to the effective date of the action.**

~~[(2) b] [By mailing a copy of Notice to persons on the Oregon Occupational Safety and Health Division's mailing list established pursuant to ORS 183.335(7).]~~ **Notifying interested persons and organizations on the Division's notification lists of proposed rulemaking actions under ORS 183.335. The same information is also posted on the OR-OSHA web site at [www.orosha.org](http://www.orosha.org) . The Division will send the notice to those on OR-OSHA's e-mail notification list, and mail paper copies to those on the hard-copy notification list. Both subscription methods are available on the web site listed above or call the Oregon OSHA Resource Center at 503-378-3272.**

~~[(3) By mailing or delivering a copy of the Notice to any person upon request; and]~~

~~[(4) By mailing copies of the Notice to persons that may have an interest in the subject matter of the proposal, and to organizations and publications that may provide notice to persons who may have an interest, such as the following, depending on the subject matter of the proposal:]~~

~~[(a) Workers' Compensation Insurers;]~~

~~[(b) Self-Insured Employers;]~~

~~[(c) News Organizations;]~~

~~[(d) Labor Unions;]~~

~~[(e) Employer Groups and Associations;]~~

~~[(f) Interested Parties;]~~

~~[(g) Employers and Employees.]~~

437-001-0015 Definitions.

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**North American Industry Classification System (NAICS) – A classification system developed by the Executive Office of the President/Office of Management and Budget, for use in classifying establishments by the type of activity in which they are engaged. Each establishment is assigned an industry code for its major activity. The 2002 edition of the NAICS manual is used for coding.**

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Violation

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(d) Grouped Violation – Multiple violations of different statutes, regulations, rules, standards or orders, within an establishment which have been combined as one violation[s]:

**(A)** to indicate an increase in the severity **or probability** of the violation, **or**

**(B)** **record keeping and posting requirements involving the same document, or**

**(C)** **the violations are so closely related as to constitute a single hazardous condition.**

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437-001-0057 Scheduling Inspections.

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(11) The Division will make reasonable efforts to notify, in writing, ~~[each employer whose accepted disabling claims rate is above the state average for its standard industrial classification and]~~ each employer whose [industry] **place of employment** is rated as one of the most unsafe [industries] **places of employment** in the state of the increased likelihood of inspection of [their places] **the employer's place** of employment and of the availability of consultative services.

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437-001-0270 Discretion ~~[If There is No Timely Appeal.]~~ **To Prevent a Manifest Injustice.**

~~[(1) The Director may refer a matter arising under this rule to the Hearings Division of the Board for a hearing before a referee, who will provide the Director with proposed findings and recommendations. Persons whose rights may be affected, including affected employees, shall be given reasonable notice of such a hearing and an opportunity to participate as parties.]~~

~~[(2)]~~ **(1)** To prevent a manifest injustice, the Administrator, at the Administrator's own discretion or upon request from the Division or an adversely affected person, may vacate or amend a Division citation, notice or order.

~~[(3)]~~ **(2)** If the Administrator proposes to vacate or amend a Division citation, notice or order, an opportunity to be heard will be given to persons, including affected employees, whose rights may be affected.

~~[(4)]~~ **(3)** All requests for reconsideration based on a manifest injustice shall contain a statement indicating the following:

- (a) The request has been posted as required by OAR 437-001-0275(2);
- (b) The request has been served on the authorized representative of affected employees, if appropriate;
- (c) The date the request was posted or service was made; and
- (d) All affected employees have been advised of their right to comment.

~~(5)~~(4) No decision shall be made on a manifest injustice request until 10 days after the date of posting or service.

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437-001-0700 Recordkeeping and Reporting.

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(6) Work-Related. An injury or illness is 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 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) If you are notified that an former employee has had a work related injury or illness, 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.**

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(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.**



(c) Overnight Hospitalization 24 hours after occurrence or employer knowledge of one or more employees.

**Overnight hospitalization is for medical treatment only. Hospitalization for observation is not reportable, nor is emergency room treatment. You must report injuries related to a heart attack or motor vehicle accident as well as other work related injuries.**

Report Overnight Hospitalizations to the nearest Oregon OSHA field office (Portland, Salem, Bend, Eugene or Medford).

~~NOTE: You must report a fatality caused by a heart attack at work. The local OR-OSHA field office safety or health manager will decide whether to investigate the incident, depending on the circumstances of the heart attack.~~

NOTE: Oregon OSHA Field Office locations, telephone and Fax numbers are:

Salem Central Office  
350 Winter Street NE, Room 430  
Salem OR 97301-3882  
(503) 378-3272  
Toll Free: (800) 922-2689  
Fax: (503) 947-7461

Eugene  
1140 Willagillespie, Suite 42  
Eugene OR 97401-2101  
(541) 686-7562  
Fax: (541) 686-7933

Medford  
1840 Barnett Road, Suite D  
Medford OR 97504-8250  
(541) 776-6030  
Fax: (541) 776-6246

Portland  
Fremont Place, Building I  
1750 NW Naito Parkway, Suite 112  
Portland OR 97209-2533  
(503) 229-5910  
Fax: (503) 229-6492

Bend  
Red Oaks Square  
1230 NE Third Street, Suite A-115  
Bend OR 97701-4374  
(541) 388-6066  
Fax: (541) 388-6203

Pendleton  
721 SE Third Street, Suite 306  
Pendleton OR 97801-3056  
(541) 276-9175  
Fax: (541) 276-6869

Salem  
DAS Building, 1st Floor  
1225 Ferry Street SE, Suite U110  
Salem OR 97301-4282  
(503) 378-3274  
Fax: (503) 378-4921

~~NOTE: Overnight hospitalization if for medical treatment only. Hospitalization for observation is not reportable, nor is emergency room treatment. See the definitions section for "catastrophe."~~

~~NOTE: Do not report injuries (including fatalities) resulting from motor vehicle accidents that happen on public streets, roads or highways unless it is in a construction work zone~~

NOTE: ~~Report a fatality only if it occurs within 30 days of the accident.~~

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437-001-0765 Rules for Workplace Safety Committees.

(1) Purpose. The purpose of a safety committee is to bring workers and management together in a nonadversarial, cooperative effort to promote safety and health in each workplace. A safety committee assists the employer and makes recommendations for change.

(2) General.

(a) Every public or private employer of 11 or more employees shall establish and administer a safety committee.

(b) Every public or private employer of 10 or fewer employees shall establish and administer a safety committee **if** the employer:

(A) Has a [~~Lost Workday Case Incidence Rate (LWDCIR)] **Days Away, Restricted, or Transferred (DART) rate**, in the top 10 percent of all rates for the employers in the same industry; or~~

(B) The employer is not an agricultural employer and the workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a premium rate in the top 25 percent of premium rates for all classes as approved by the Director pursuant to ORS 737.320(3).

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