

October 10, 2006

Proposed Changes to Respiratory Protection in General Industry, Construction, Agriculture, and Maritime

Oregon OSHA proposes to adopt the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also proposes to adopt these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

When does this happen: Adoption will tentatively be late November 2006.

To get a copy: Our web site - www.orosha.org
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Comment period closes: **November 21, 2006**

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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 437-002-0120, 437-002-0360, 437-003-0001, 437-004-1041, 437-004-9000, and 437-005-0001.

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

Propose to adopt Federal OSHA changes to Respiratory Protection in General Industry, Construction, Agriculture, and Maritime

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

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 these changes as they appear in the August 24, 2006, Federal Register.

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, 8/24/06, vol. 71, no. 164, p. 50122

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

Federal OSHA's economic impact estimates that this rule change will impact less than 1% of current respirator users, but the cost is estimated to be between \$100 to \$1000 per employer. However, this rulemaking also sets the criteria for use of a less-expensive "filtering facepiece" style respirator, and the expectation is that some employers may be able to choose this style instead of the more expensive elastomeric respirators.

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

Federal OSHA certified that this rulemaking would not create a significant impact on small businesses.

Administrative Rule Advisory Committee consulted?: No.

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

/s/Michael D. Wood

Authorized Signer

Michael D. Wood

Printed name

10/6/06

Date