

February 26, 2007

## Proposed Changes - Respiratory Protection Standard In Agriculture

Oregon OSHA proposes to correct typographical errors and incorrect references, which will add clarity to the Respiratory Protection Standard in Division 4, Agriculture.

437-004-1041 Respiratory Protection.

.....

(7)(c)(F)(iii)

Equivalent means for rescue when there is no requirement for retrieval equipment under paragraph [~~(g)(3)(vi)(B)~~] **(7)(c)(F)(ii)**.

.....

(8)(b)(B)

In addition to the requirements of paragraph [~~(h)(2)(i)~~] **(8)(b)(A)**, keep emergency respirators:

.....

(8)(c)(C)

In addition to the requirements of paragraphs [~~(h)(3)(i) and (ii)~~] **(8)(c)(A) and (B)**, inspect self-contained breathing apparatus monthly. Keep air and oxygen fully charged and recharge them when the pressure falls to 90 percent of the manufacturer's recommended pressure level. Be certain the regulator and warning devices work properly.

.....

(11)(e)

An employer who can demonstrate that a new employee has training within the last 12 months that addresses the elements in paragraph [~~(k)(1)(i) through (vii)~~] **(11)(a)(A) through (G)** does not have to repeat that training if, the employee can demonstrate knowledge of those element(s). Previous training not repeated initially by the employer must be provided no later than 12 months from the date of the previous training.

.....

Appendix A Part I (C)(2)(b)(3)

You must [~~be~~] measure a reasonably stable test agent **concentration** in the test chamber prior to testing. For canopy or shower curtain types of test units, you may determine the test agent's stability after the test subject enters the test environment.

.....

Appendix A Part I (C)(4)

Controlled negative pressure (CNP) quantitative fit testing procedure.

... The CNP instrument manufacturer [~~Dynatech Nevada~~] **Occupational Health Dynamics of Birmingham, Alabama** also provides attachments (sampling manifolds) that replace the filter cartridges to permit fit testing in an employee's own respirator. . . .

.....

Appendix A Part I (C)(4)(a)(4)

Replace the respirator filter or cartridge with the CNP test manifold. Temporarily remove or prop open the inhalation valve downstream from the manifold [~~either needs~~].

.....

Appendix A Part I (C)(4)(a)(6)

The test subject must put on the test respirator without any assistance. **The respirator must not be adjusted once the fit-test exercises begin. Any adjustment voids the test, and the test subject must repeat the fit-test.**

.....

Appendix B-2 Part I (E)

... In addition, some disinfectants may cause deterioration of rubber or corrosion of metal parts **if not completely removed.**

***When does this happen:*** Adoption will be in April 2007.

***To get a copy:*** Our web site - [www.orosha.org](http://www.orosha.org) Rules/Compliance – Proposed Rules  
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](mailto:tech.web@state.or.us)  
Fax - 503-947-7461

Comment period closes: **March 30, 2007**

OR-OSHA contact: **Trena VanDeHey @ 503-947-7452, 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  
Rules Coordinator

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Address

503-947-7449  
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**RULE CAPTION**

Propose to adopt clarifications, corrections of typographical errors and incorrect references in Agriculture/Respiratory Protection.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**AMEND:** OAR 437-004-1041

**ORS** 654.025(2) and 656.726(4)

Stat. Auth.

\_\_\_\_\_  
Other Authority

**ORS** 654.001 through 654.295

Stats. Implemented

**RULE SUMMARY**

Oregon OSHA is correcting typographical errors and incorrect references, which will add clarity to the Respiratory Protection Standard in Division 4, Agriculture.

Please visit our web site [www.orosha.org](http://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.

/s/Michael D. Wood  
Signature

March 30, 2007

**Last Day for Public Comment**

Last day to submit written comments to the Rules Coordinator

Michael D. Wood  
Printed name

2/9/02  
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

**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 437-004-1041

Rule Caption: Propose to adopt clarifications, corrections of typographical errors and incorrect references in Agriculture/Respiratory Protection

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 is correcting typographical errors and incorrect references, which will add clarity to the Respiratory Protection Standard in Division 4, Agriculture.

Documents Relied Upon, and where they are available:

OAR 437-004, Division 4/I, Agriculture/Personal Protective Equipment

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

There is no anticipated fiscal impact associated with these rule changes.

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

Small business representation was through the Small Agriculture Employer Advisory Committee with the original rule changes, the corrections and reference changes were not.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: The original rulemaking for OAR 437-004-1041 was through and reviewed by the Small Agriculture Employer Advisory Committee. The nature of this rulemaking (to make corrections of typos and incorrect references) did not necessitate committee input.

/s/Michael D. Wood

Authorized Signer

Michael D. Wood

Printed name

2/9/07

Date