

June 28, 2007

## **Oregon OSHA - Proposed Changes Division 2/S, General Industry/Electrical**

### ***Public Hearing Scheduled for:***

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Location</u></b>
July 26, 2007	1:30 pm	Oregon Dept. of Fish & Wildlife Bldg. First Floor – Commission Room 3406 Cherry Avenue NE Salem OR 97303

Oregon OSHA proposes to adopt the Federal OSHA changes as they appear in the February 14, 2007 Federal Register, into Division 2/S, Electrical, with reference changes in Division 2/A and 2/F. The changes focus on safety in the design and installation of electrical equipment in the workplace. The proposed changes provide the first update since 1981 for the design and installation requirements which were drawn heavily from the 2000 edition of the National Fire Protection Agency (NFPA), Standard for Electrical Safety in the Workplace (NFPA 70E), and the 2002 edition of the National Electrical Code (NEC).

In addition to the Federal OSHA changes, Oregon OSHA proposes to repeal OAR 437-002-0321, 437-002-0322, 437-002-0323, 437-002-0324; and proposes to adopt a new rule OAR 437-002-0047 which is identical language to the recently amended OAR 437-003-0047 Working Near Overhead High Voltage Lines and Equipment, in Division 3/K, Construction/Electrical, that restricts all unqualified employees from coming within 10 feet of overhead high voltage power lines. With these aforementioned changes and to avoid redundancy within this subdivision, OR-OSHA proposes to repeal 29 CFR 1910.333(c)(3) introductory text and 1910.333(c)(3)(i).

OR-OSHA also proposes repeal of OAR 437-002-0325 because of redundant language within Division 2 General Industry and rules administered by the Oregon Public Utility Commission relating to underground utility locates. We will place a note directing the reader to use the national telephone number 811, Call Before You Dig.

***When does this happen:*** Adoption tentatively will be mid-August 2007

***To get a copy:*** Our web site – [www.orosha.org](http://www.orosha.org) Rules/Compliance, then Proposed Rules  
Or call the OR-OSHA Resource Center at 503-947-7447

***To comment:*** Department of Consumer and Business Services/Oregon OSHA  
350 Winter Street NE  
Salem OR 97301-3882  
E-mail – [tech.web@state.or.us](mailto:tech.web@state.or.us)  
Fax – 503-947-7461

***Comment period closes:*** August 1, 2007

***OR-OSHA contact*** Ron Haverkost, Central Office @ 503-947-7421

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

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

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

           
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 changes to Division 2/S, General Industry/Electrical.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

Oregon Dept. of Fish & Wildlife Building  
3406 Cherry Avenue NE  
Commission Room – First Floor

July 26, 2007 1:30 PM  
Hearing Date Time

Salem OR 97303  
Location

Sue Joye  
Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**ADOPT:** OAR 437-002-0047.

**AMEND:** OAR 437-002-0320, 437-002-0005, 437-002-0060.

**REPEAL:** OAR 437-002-0321, 437-002-0322, 437-002-0323, 437-002-0324, 437-002-0325.

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 adopt the Federal OSHA changes as they appear in the February 14, 2007 Federal Register, into Division 2/S, Electrical. The changes focus on safety in the design and installation of electrical equipment in the workplace. The proposed changes provide the first update since 1981 for the design and installation requirements which were drawn heavily from the 2000 edition of the National Fire Protection Agency (NFPA), Standard for Electrical Safety in the Workplace (NFPA 70E), and the 2002 edition of the National Electrical Code (NEC).

In addition to the Federal OSHA changes, Oregon OSHA proposes to repeal OAR 437-002-0321, 437-002-0322, 437-002-0323, 437-002-0324; and proposes to adopt a new rule OAR 437-002-0047 which is identical language to the recently amended OAR 437-003-0047 Working Near Overhead High Voltage Lines and Equipment, in Division 3/K, Construction/Electrical, that restricts all unqualified employees from coming within 10 feet of overhead high voltage power lines. With these aforementioned changes and to avoid redundancy within this subdivision, OR-OSHA proposes to repeal 29 CFR 1910.333(c)(3) introductory text and 1910.333(c)(3)(i).



**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:** Adopting OAR 437-002-0047.  
Amending OAR 437-002-0320, 437-002-0005, 437-002-0060.  
Repealing OAR 437-002-0321, 437-002-0322, 437-002-0323, 437-002-0324, 437-002-0325.

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

Propose to adopt changes to Division 2/S, General Industry/Electrical.

**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, therefore we propose to adopt these changes as they appear in the February 14, 2007 Federal Register and wanted the standard to reflect the most current practices and technologies in the industry.

The OAR proposed changes also simplify and clarify requirements pertaining to working near overhead high voltage lines. The proposal for OAR 427-002-0047 makes the requirements in both Division 2 General Industry and Division 3 Construction the same.

**Documents Relied Upon, and where they are available:**

OAR 437-003-0047

OAR 437-002, Division 2/S, 2/A, 2/F.

Federal Register, February 14, 2007, pp 7135-7221

National Fire Protection Agency Standard for Electrical Safety in the Workplace (NFPA 70E)

National Electrical Code (NEC)

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

A high percentage of establishments covered by the final rule are currently adhering to the current NEC which demonstrates that the cost of the rule are extremely low and does not threaten the long term profitability of affected industries.

The overwhelming majority of costs approximately 84 percent, are associated with §1910.304, Ground-fault circuit interrupter protection for personnel during temporary wiring installations. The total cost for this requirement is based upon the following unit estimates and assumptions: GFCI power station or cord, initial cost = approximately \$55 the number of required units ranges from two for establishments with less than 100 employees, to 10 for establishments with 100 to 499 employees, to 50 for establishments with more than 500 employees;

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

OSHA followed Small Business Administration (SBA) criteria for each sector. For many of the affected industries, the SBA small business criteria are determined directly by the number of employees. But for those industries where the SBA small business criteria are not determined by the number of employees (but rather by annual sales), the sales-based criteria were converted to employment-based criteria. Specifically, an employment-based firm size standard was determined by first calculating an employment level, based on the industry average annual receipts per employee, which would be sufficient to produce a total sales amount per firm consistent with the SBA sales-based firm size standard.

The revised standard will be more flexible and efficient for stakeholders, including small businesses, while improving safety for employees.

**Administrative Rule Advisory Committee consulted?: Yes.**

**If not, why?:**

The Electrical Advisory Group formulated in conjunction with both the Oregon Utility Safety Committee Group and the Construction Advisory Group that have a long standing relationship/partnership with Oregon OSHA.

<i>/s/Michael D. Wood</i>	Michael D. Wood	6/13/07
Authorized Signer	Printed name	Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.  
ARC 925-2005