

November 14, 2008

## **Oregon OSHA - Proposed Changes To Agriculture Labor Housing Rules in Division 4/J**

These changes are necessary to resolve issues expressed by Federal OSHA toward making our rules at least as effective as theirs. Removal of the heater language is to recognize new technology addressing a safety issue that existed with older heaters.

437-004-1120(16) Living Areas.

We will delete paragraph (c)(B) to reflect changes in heater technology. Paragraph (C) will become (B) and (D) will become (C). Paragraph (B) is adequate to address any hazards related to ribbon-type heaters as they now come with safety devices to shut them off if they overheat.

437-004-1120(16) Living Areas.

Wording added to paragraph (n) will close a gap in coverage pointed out by Federal OSHA. The result is that existing housing will be good until the 2018 change date unless it is remodeled. New construction and remodeled existing housing between this adoption and 2018 will have to meet the requirements in paragraph (n).

437-004-1120(18) Common use cooking and eating facilities and equipment.

Federal OSHA requires adding this language to be as effective as their rule. It requires these facilities be in enclosed, screened shelters.

437-004-1120(19) Dining Halls and equipment.

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***When does this happen:*** Adoption tentatively will be January 2009

***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:*** **December 23, 2008**

***OR-OSHA contact*** **Ron Preece, Central Office @ 503-947-7876;**  
**or email at [ron.c.preece@state.or.us](mailto:ron.c.preece@state.or.us)**

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\***  
A Statement of Need and Fiscal Impact accompanies this form.

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

OAR 437  
Administrative Rules Chapter

Sue Joye                      350 Winter Street NE Salem OR 97301-3882  
Rules Coordinator                      Address

503-947-7449  
Telephone

**RULE CAPTION**

Propose to adopt changes to Agriculture Labor Housing.

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

**RULEMAKING ACTION**

**AMEND:** OAR 437-004-1120

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

Stat. Auth.

Other Authority

**ORS** 654.001 through 654.295

Stats. Implemented

**RULE SUMMARY**

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Please visit our web site [www.orosha.org](http://www.orosha.org) Click 'Rules/Compliance' 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/Joan M. Fraser  
Signature

December 23, 2008

**Last Day for Public Comment**

Last day to submit written comments to the Rules Coordinator

Joan M. Fraser  
Printed name

11/12/2008  
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 437-004-1120.

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

Propose to adopt changes to Agriculture Labor Housing.

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

**Stats. Implemented:** ORS 654.001 through 654.295

**Need for the Rule(s):**

These changes are necessary to resolve issues expressed by Federal OSHA toward making our rules at least as effective as theirs. Removal of the heater language is to recognize new technology addressing a safety issue that existed with older heaters.

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

Letter from Federal OSHA dated October 3, 2008.

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

Operators will incur varying new expense if they elect to build new housing or remodel existing housing before 2018. This expense would be the same as if they wait until 2018.

Any non-compliant common use cooking facilities or dining halls will need modification. Increased expense will depend on the size of the facility and scope of the needed work.

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

The proposed changes were given to the Small Agriculture Advisory Group for comment.

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

**If not, why?:** The proposed changes were given to the Agriculture Labor Housing Rules Advisory Committee for comment.

/s/Joan M. Fraser

Authorized Signer

Joan M. Fraser

Printed name

11/12/2008

Date