

February 6, 2012

**Oregon OSHA - Proposed Changes
Federal Corrections and Technical Amendments to
General Industry, Construction, and Shipyard Employment, and
Oregon-initiated Rule Reference Changes**

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA published in the December 27, 2011 Federal Register corrections of typographical errors and non-substantive technical amendments to a number of standards in general industry, construction, and shipyard employment. The technical amendments include updating or revising cross-references. These revisions do not affect the substantive requirements or coverage of those standards, do not modify or revoke existing rights or obligations, and do not establish new rights or obligations.

Oregon OSHA proposes to make these corrections and amendments to the standards Oregon has adopted previously to reflect federal OSHA's changes. We are also making rule reference changes in a number of standards to reflect the newly adopted OAR 437-002-0134 Personal Protective Equipment.

When does this happen: Adoption tentatively will be March 2012

To get a copy: Our web site – www.orosha.org Rules/Compliance, then Proposed Rules
Or call the Oregon 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
Fax – 503-947-7461

Comment period closes: February 24, 2012

OR-OSHA contact Tom Bozicevic, Central Office @ 503-947-7431;
or email at tom.bozicevic@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 OAR 437
Agency and Division Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE Salem OR 97301-3882 503-947-7449
Rules Coordinator Address Telephone

RULE CAPTION

Propose to adopt federal corrections and technical amendments to general industry, construction, and shipyard employment. 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

AMEND: OAR 437-002-0080, 437-002-0100, 437-002-0120, 437-002-0140, 437-002-0161, 437-002-0180, 437-002-0182, 437-002-0220, 437-002-0240, 437-002-0280, 437-002-0300, 437-002-0312, 437-002-0340, 437-002-0360, 437-002-0373, 437-003-0001, 437-003-0875, 437-005-0001.

ORS 654.025(2) and 656.726(4)
Stat. Auth. Other Authority

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA published in the December 27, 2011 Federal Register corrections of typographical errors and non-substantive technical amendments to a number of standards in general industry, construction, and shipyard employment. The technical amendments include updating or revising cross-references. These revisions do not affect the substantive requirements or coverage of those standards, do not modify or revoke existing rights or obligations, and do not establish new rights or obligations.

Oregon OSHA proposes to make these corrections and amendments to the standards Oregon has adopted previously to reflect federal OSHA's changes. We are also making rule reference changes in a number of standards to reflect the newly adopted OAR 437-002-0134 Personal Protective Equipment.

Please visit our web site 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/Michael D. Wood
Signature

February 24, 2012

Last Day for Public Comment
Last day to submit written comments to the Rules Coordinator

Michael D. Wood 1/11/2012
Printed name 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

Secretary of State
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/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of:

Amending OAR 437-002-0080, 437-002-0100, 437-002-0120, 437-002-0140, 437-002-0161, 437-002-0180, 437-002-0182, 437-002-0220, 437-002-0240, 437-002-0280, 437-002-0300, 437-002-0312, 437-002-0340, 437-002-0360, 437-002-0373, 437-003-0001, 437-003-0875, 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 corrections and technical amendments to general industry, construction, and shipyard employment.

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, therefore we propose to adopt these changes as they appear in the December 27, 2011 Federal Register affecting general industry, construction, and shipyard employment.

These changes include corrections of typographical errors and technical amendments to a number of standards. Oregon OSHA proposes to make these corrections and amendments to the standards Oregon has adopted previously to reflect federal OSHA's changes. We are also making rule reference changes in a number of standards to reflect the newly adopted OAR 437-002-0134 Personal Protective Equipment.

Documents Relied Upon, and where they are available:

Federal Register, December 27, 2011, vol. 76, no. 248:
http://www.osha.gov/FedReg_oshapdf/FED20111227.pdf

Oregon OSHA Division 2, General Industry:
http://www.orosha.org/standards/div_2.html

Oregon OSHA Division 3, Construction:
http://www.orosha.org/standards/div_3.html

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

There should be no cost to Oregonians with the adoption of these corrections and technical amendments. Oregon OSHA's own costs in administering the rules are limited to the rulemaking itself. All state agencies as well as units of local government are affected in the sense that they are employers under the Oregon Safe Employment Act.

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

This rulemaking will not have a significant impact on a substantial number of small entities.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: The nature of this rulemaking does not necessitate committee input at the state level.

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

1/11/2012
Date