

# GENERAL SUBJECTS A

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## TABLE OF CONTENTS

<b>437-004-0001</b>	Application .....	A-1
<b>437-004-0002</b>	Scope.....	A-1
<b>437-004-0003</b>	Exclusive Coverage.....	A-2
<b>437-004-0005</b>	Access to Employee Exposure and Medical Records .....	A-2
<b>437-004-0099</b>	General Standards .....	A-3
<b>(1)</b>	Miscellaneous .....	A-3
<b>(2)</b>	Supervision and competency.....	A-3
<b>(3)</b>	Inspections .....	A-4
<b>(4)</b>	Investigations .....	A-4
<b>(5)</b>	Extraordinary hazards .....	A-4
<b>(6)</b>	Signals and signal systems.....	A-4



## 437-004-0001 Application.

Everything in this standard is the responsibility of the employer. It is the responsibility of the employer to assure that their workers, facilities and equipment comply with this standard.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).

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

**Hist:** OR-OSHA Admin. Order 4-1998, 1/8/28/98, ef. 10/1/98.

## 437-004-0002 Scope.

**Standard Industrial Classifications** – Division 004, Agriculture, applies only to employers with the following Standard Industrial Classifications (SIC) or North American Industrial Classification system (NAICS) codes.

**NOTE:** If you don't know your code, contact your Workers' Compensation Insurance carrier.

SIC	NAICS	
01	111	All Groups
02	112	All Groups
0711	115112	Soil Preparation Services
0721	115112	Crop Planting, Cultivating, and Protection
0722	115113	Crop Harvesting, Primarily by Machine
0723	115114	Crop Preparation Services for Market: Except Cotton Ginning Note: SIC 0723 (NAICS 115114), Division 4, Agriculture covers growers who: <ul style="list-style-type: none"><li>• Buy farm products for resale to the general public. These products may be cleaned, sorted, graded, dried whole, bagged or packaged, but are not processed. Examples of processing include cutting, canning, freezing, pasteurizing and homogenizing.</li><li>• Grow 51 percent or more of the sold crops themselves, but also buy farm products for resale to anyone other than the general public. These products may be cleaned, sorted, graded, dried whole, bagged, or packaged, but are not processed. Examples of processing include cutting, canning, freezing, pasteurizing and homogenizing.</li></ul>
0761	115115	Farm Labor Contractors and Crew Leaders
0762	115116	Farm Management Services
0811	111421	Christmas Tree Growing and Harvest
0831	113210	Forest Nurseries and Gathering of Forest Products Note: Division 4, Agriculture, covers forest nursery employers growing: <ul style="list-style-type: none"><li>• Seedlings for reforestation.</li><li>• Trees for purposes other than lumber, pulp, or other wood products.</li></ul>

# A

## SCOPE / EXCLUSIVE COVERAGE / ACCESS TO EMPLOYEE EXPOSURE & MEDICAL RECORDS

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Oregon Administrative Rules  
Oregon Occupational Safety  
and Health Division

Division 7, Forest Activities, covers employers:

- Growing trees for lumber, pulp, or other wood products.
- Gathering seeds, needles, bark, and other secondary forest products.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).

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

**Hist:** OR-OSHA Admin. Order 4-1998, f/8/28/98, ef. 10/1/98.  
OR-OSHA Admin. Order 9-2006, f. 9/22/06, ef. 9/22/06.  
OR-OSHA Admin. Order 4-2010, f. 7/8/10, ef. 1/1/11.

### 437-004-0003 Exclusive Coverage.

Division 4, Agriculture, and parts of Division 1, General Administrative Rules, are the only Oregon OSHA standards that apply to employers in 437-004-0002. Employers in 437-004-0002 will not be cited from standards in Division 2 or Division 3, Construction, unless Division 4 states they are applicable.

The following parts of Division 1 DO NOT apply to Agriculture. This division has language covering their subjects.

437-001-0760 Rules for all Workplaces. 437-004-0099 General Standards applies instead.

437-001-0765 Safety Committees and Safety Meetings. 437-004-0251 Safety Committees and Safety Meetings applies instead.

**NOTE:** ORS 654 (The Oregon Safe Employment Act) and specifically 654.010, commonly referred to as the General Duty Clause, applies to all places of employment in Oregon.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).

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

**Hist:** OR-OSHA Admin. Order 4-1998, f. 8/28/98, ef. 10/1/98.  
OR-OSHA Admin. Order 4-2010, f. 7/8/10, ef. 1/1/11.

### 437-004-0005 Access to Employee Exposure and Medical Records.

For agricultural employers, OAR 437-002-1910.1020 applies.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).

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

**Hist:** OR-OSHA Admin. Order 4-1998, f/8/28/98, ef. 10/1/98.

## **437-004-0099 General Standards.**

### **(1) Miscellaneous.**

- (a)** Conspicuously post warning signs, danger signs, warning flags, warning lights, or similar devices where hazards not otherwise adequately guarded warrant their use.
- (b)** Keep all safeguards or devices operating properly and fully effective at providing the protection originally intended.
- (c)** Erect protective barriers or suitable guards when covers over openings are removed or excavations made in places accessible to workers or vehicles.
- (d)** Do not allow the use of intoxicating liquor or drugs on the job. Do not allow anyone to work with impaired ability to work safely.
- (e)** Do not allow horseplay, scuffling, practical jokes or any other similar activity.

### **(2) Supervision and competency.**

- (a)** Require employees to demonstrate their ability to work safely.
- (b)** Provide enough supervision over employees to ensure and enforce compliance with safe operating procedures and practices.

**NOTE:** It is not the meaning of this rule to require a supervisor on every part of any operation, nor to prohibit workers from working alone.

#### **(c) Take all reasonable means to require employees:**

- (A)** To work and act in a safe and healthful manner;
  - (B)** To work in compliance with all applicable safety and health rules;
  - (C)** To use all means and methods, including but not limited to, ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, necessary to work safely where employees are exposed to a hazard;
  - (D)** Not to remove, displace, damage, destroy or carry off any safety device, guard, notice or warning provided for use in any employment or place of employment where safety and health rules require such use.
- (d)** Use a procedure, appropriate for the work, to check on the well-being of workers whose duties require them to work alone or in isolation. Instruct all workers about the procedure.

**NOTE:** A two-way system of signals, thoroughly understood by both parties or other form of two-way communication is acceptable. Motor noise is not acceptable as contact or as an indication of well-being.

# A GENERAL STANDARDS

(e) Employers must provide all health hazard control measures necessary to protect the employees' health from harmful or hazardous conditions and must maintain those control measures in good working order and assure their use.

(f) Employers must inform their employees about the known health hazards to which they are exposed, the measures taken for the prevention and control of those hazards, and the proper methods for using the control measures.

**(3) Inspections.** A competent person or persons must inspect every place of employment at least quarterly. OAR 437-004-0251 has other requirements related to these inspections.

## **(4) Investigations.**

(a) The employer must investigate every work-related lost time injury. The object of the investigation is to determine how to prevent recurrence. OAR 437-004-0251 has other requirements related to these investigations.

**NOTE:** As mentioned above, "lost time injury" is the same as the ORS 656.005(7)(c) definition of "disabling compensable injury." That is: an injury that entitles the worker to compensation for disability or death. To fall into this category the employee must miss three consecutive calendar days beginning with the day the worker first loses time or wages from work as a result of the compensable injury. This includes weekends and holidays when they might normally be off.

(b) At the request of authorized OR-OSHA representatives, you or your superintendents, supervisors and employees must furnish all evidence and names of known witnesses to an accident.

(c) Employees in charge of work are agents of the employer in the discharge of their authorized duties, and are always responsible for:

(A) The safe performance of the work under their supervision; and

(B) The safe conduct of the crew under their supervision; and

(C) The safety of all workers under their supervision.

**(5) Extraordinary hazards.** When conditions arise that cause unusual or extraordinary hazards to workers, take additional means and precautions to protect workers or to control the hazardous exposure. If you cannot make the operation reasonably safe, stop work while the abnormal conditions exist or until the work is safe.

## **(6) Signals and signal systems.**

(a) Give control signals by only one person at a time.

(A) When given, make signals clear and distinct.

(B) The person receiving the signals must understand their meaning before taking action.

**(b)** Act immediately on emergency stop signals from whatever source.

**(c)** Do not throw any type of material that can produce injury, such as rocks, wooden or metal objects, etc., as a signal.

**(d)** Do not give signals for the movement of materials or equipment until all persons who might be in danger by the movement are in the clear.

## Employment of Minors

**NOTE:** Information on current regulations about the employment of minors is available from the local office of the Oregon Bureau of Labor and Industries, or by writing to: Wage and Hour Division, Oregon Bureau of Labor, 800 NE Oregon Street, Suite 1045, Portland, OR 97232. Phone: 971-673-0761. Fax: 971-673-0769.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).

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

**Hist:** OR-OSHA Admin. Order 4-1998, f/8/28/98, ef. 10/1/98.  
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