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437-004-0100 Universal Definitions.

(1) Universal definitions. These are definitions applicable throughout Division 4, Agriculture, except that definitions in 40 CFR 170, Worker Protection Standard, apply to that standard instead of these.

Accepted – Something is “accepted” if a nationally recognized testing laboratory has inspected it and found it to conform to specified plans or to procedures of applicable codes.

Adequate – is sufficient for the required purpose.

Agricultural employer – means any person, corporation, association, or other legal entity that:

(A) Owns or operates an agricultural establishment;

(B) Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or

(C) Recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

Agricultural establishment – means any farm, ranch, nursery, or greenhouse.

Capacity – is the maximum load or severity of service determined by the manufacturer or a qualified engineer, that a tool, machine, equipment, structure, or material may withstand without failure, deformation, separation or fracture.

Certified – is something that (a) was tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or (b) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and (c) it bears a label, tag, or other record of certification.

Combustible liquid – is any liquid with a flashpoint at or more than 100 degrees F. (37.8 degrees C.) Combustible liquids are divided into two classes as follows:

(i) “**Class II liquids**” include those with flashpoints at or more than 100 degrees F. (37.8 degrees C.) and below 140 degrees F. (60 degrees C.), except any mixture with components with flashpoints of 200 degrees F. (93.3 degrees C.) or higher, the volume of which make up 99 percent or more of the total volume of the mixture.

(ii) “**Class III liquids**” – are those with flashpoints at or more than 140 degrees F. (60 degrees C.) Class III liquids are subdivided into two subclasses:

(a) “**Class IIIA liquids**” include those with flashpoints at or more than 140 degrees F. (60 degrees C.) and less than 200 degrees F. (93.3 degrees C.), except any mixture with components with flashpoints of 200 degrees F. (93.3 degrees C.), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(b) “**Class IIIB liquids**” include those with flashpoints at or more than 200 degrees F. (93.3 degrees C.). This section does not cover Class IIIB liquids. The term “Class III liquids” means only Class IIIA liquids.

(iii) When a combustible liquid is heated for use to within 30 degrees F. (16.7 degrees C.) of its flashpoint, handle it according to the requirements for the next lower class of liquids.

Competent person – is a person who, because of training and experience, can identify existing and predictable hazards in equipment, material, conditions or practices and who has the knowledge and authority to take corrective steps.

Farming – Is the agricultural production of field crops, fruits and nuts, horticultural specialties, livestock, and animal specialties of all types. “Farming” includes agricultural services such as soil preparation, planting, cultivating, crop production, harvesting and crop preparation for market. “Farming” includes farm labor and management services, landscaping and horticultural services, ornamental shrub and tree services, and green- house operations.

NOTE: Throughout this division, the term “farming,” “agriculture” and “production agriculture” are synonymous.

Flammable liquid – is any liquid with a flashpoint below 100 degrees F. (37.8 degrees C.), except any mixture with components with flashpoints of 100 degrees F. (37.8 degrees C.) or higher, the total of which make up 99 percent or more of the total volume of the mixture. Flammable liquids are known as Class I liquids. Class I liquids are divided into three classes as follows:

(i) Class IA includes liquids with flashpoints less than 73 degrees F. (22.8 degrees C.) and a boiling point below 100 degrees F. (37.8 degrees C.).

(ii) Class IB includes liquids with flashpoints less than 73 degrees F. (22.8 degrees C.) and a boiling point at or more than 100 degrees F. (37.8 degrees C.).

(iii) Class IC includes liquids with flashpoints at or more than 73 degrees F. (22.8 degrees C.) and less than 100 degrees F. (37.8 degrees C.).

Labeled – is something that has an attached label, symbol, or other identifying mark of a nationally recognized testing laboratory that, (a) makes periodic inspections of the production of such equipment, and (b) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

Listed – is something mentioned in a list that, (a) is published by a nationally recognized laboratory that makes periodic inspection of the production of such equipment, and (b) states such equipment meets nationally recognized standards or was tested and found safe for use in a specified manner.

Place of employment – is every place, fixed, movable or moving, where either temporarily or permanently an employee works or is intended to work. It includes every place where there is any activity related to an employer's business, including a labor camp.

NOTE: Place of employment does not include any place where the only employment involves non-subject workers employed in or about a private home.

Reasonable means – is what a prudent person, familiar with the circumstances of the industry would do to work in a safe and healthful manner.

Safeguard – Any form of safety device, equipment, personal protective equipment, guard, barricades, warning, danger sign, method or process prescribed or adopted for the protection of an employee.

Substantial – Constructed with sufficient strength or installed to provide ample support to withstand loads to which the structure or device may be subject.

Worker – is identical in every respect to employee as defined in ORS 654.005(4).

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.

437-004-0150 Standards Organizations.

Division 4 references various standards from these organizations. Get copies from:

National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611.

Factory Mutual Engineering Corp., PO Box 688, Norwood, MA 02062.

National Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, CA 90032.

American Society of Agricultural Engineers, 2950 Niles Road, PO Box 229, St. Joseph, MI 49085.

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American Society of Mechanical Engineers, Inc., United Engineering Center, 345 East 47th Street, New York, NY 10017.

American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, NY 10017.

Crane Manufacturers Association of America, Inc., 1 Thomas Circle NW, Washington, DC 20005.

Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York, NY 10017.

American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Arlington, VA 22207.

American Petroleum Institute, 1220 L Street NW, Washington, DC 20005.

American Welding Society, 550 NW LeJeune Road, PO Box 351040, Miami, FL 33135.

Rubber Manufacturers Association, 1400 K Street NW, Washington, DC 20005.

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.

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