



*Between 1900 and 1910, location unknown. An early farm labor camp. Note the building on the right, behind the stump. Wonder what that was for?*

Oregon Historical Society, #OrHi 98618

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## 437-004-1105 Sanitation.

### (1) General.

**(a) Scope.** This applies to permanent agricultural places of employment under conditions not covered by other standards such as OAR 437-004-1110, Field Sanitation and OAR 437-004-9990, Worker Protection Standard.

### (b) Definitions applicable to this section.

**Non-water carriage toilet facility** is a toilet facility not connected to a sewer.

**Number of employees** is, unless otherwise stated, the maximum number of employees present at any one time on a regular shift.

**Potable water** is water meeting the bacteriological and chemical quality requirements in the OAR Chapter 333, Division 61, Public Water Systems, of the Oregon State Health Division.

**Sanitary** means free from agents harmful to health.

**Toilet facility** is a fixture in a toilet room for defecation, urination, or both.

**Toilet room** is a room with toilet facilities in or on any place of employment.

**Toxic material** is a material in concentration or amount that exceeds the applicable limit established by a standard, or, lacking an applicable standard, is so toxic as to be a recognized hazard that is causing or is likely to cause death or serious physical harm.

**Urinal** is a toilet facility in a toilet room for the sole purpose of urination.

**Water closet** is a toilet in a toilet room for both defecation and urination and flushed with water.

**Wet process** is any process or operation that normally results in employee walking or working surfaces becoming wet.

### (c) Housekeeping.

**(A)** Keep all work areas as clean as the work allows.

**(B)** Work area floors must be kept as dry as conditions allow. Where there are wet processes, there must be drainage or false floors, platforms, mats, or other dry standing places, where practicable. Otherwise, provide waterproof shoes or boots.

**(d) Waste disposal.**

**(A)** Any container for solid or liquid waste or refuse that could rot or decompose must not leak. It must be cleanable, sanitary and have a solid tight-fitting cover unless it can be kept sanitary without one.

**(B)** Remove sweepings, solid or liquid wastes, refuse, and garbage to avoid creating a health hazard and often enough to keep the work area sanitary.

**(2) Disposal of waste materials.**

**(a)** Do not allow scrap, waste material or debris to accumulate in work areas.

**(b)** Remove flammable waste, such as oily rags, or keep it in containers designed or suitable for it.

**(c)** Where the use of machines or equipment creates hazardous waste materials, they must have suitable collecting or removal systems. If the refuse is unsuitable for removal that way, find a safe method of temporary storage and regular removal.

**(3) Water supply.****(a) Potable water.**

**(A)** Every work area must have potable water for drinking and washing.

**(B)** Portable drinking water dispensers must be kept sanitary. They must be capable of being closed and have a tap.

**(C)** Do not use open containers such as barrels, pails, or tanks for drinking water.

**(D)** Do not use common drinking cups and other common utensils.

**(b) Non-potable water.**

**(A)** Outlets for non-potable water must have markings that clearly state that the water is unsafe and is not for drinking, washing, or use with or on food.

**(B)** Non-potable water systems or systems carrying any other non-potable substance must prevent backflow or back siphonage into a potable water system.

**(C)** Do not use non-potable water for washing any part of the body, cooking or eating utensils, or clothing. Clean work areas, other than food processing and preparation areas and personal service rooms, with non-potable water only if it has no chemicals, fecal coliform, or other substances that could create unsanitary conditions or be harmful to employees.

**NOTE:** Water supply systems design and construction standards are in the Oregon Health Division rules, OAR Chapter 333, Division 61, Public Water Systems.

**(4) Toilet facilities.**

**(a) General.**

**(A)** Except as otherwise stated in this paragraph, there must be toilet facilities that comply with Table 1, in toilet rooms separate for each sex. Base the number of facilities for each sex on the number of employees of that sex. You do not need separate rooms for each sex if the toilet rooms are for one person at a time, can be locked from the inside, and have at least one water closet. Where single-occupancy rooms have more than one toilet facility, count only one facility in each toilet room when using Table 1.

<b>Table 1</b>	
	<b>Minimum number of water closets <sup>(1)</sup></b>
1 to 15 .....	1
16 to 35 .....	2
36 to 55 .....	3
56 to 80 .....	4
81 to 110 .....	5
111 to 150 .....	6
Over 150 .....	(2)

<sup>(1)</sup> If women will not be using the toilet facilities, there may be urinals instead of water closets. The number of water closets must not be less than 2/3 of the minimum specified.

<sup>(2)</sup> One additional fixture for each additional 40 employees.

**(B)** The requirements of **(4)(a)(A)** above do not apply to mobile crews or to normally unattended work locations if employees have transportation immediately available to nearby toilet facilities that meet the requirements of this subparagraph.

**(C)** The sewage disposal method must not endanger the health of employees.

**(b) Construction of toilet rooms.** Each water closet must be in a separate compartment with a door and walls or partitions between fixtures high enough to assure privacy.

**(c) Toilet facilities.** Toilet facilities at permanent work sites must be reasonably accessible.

**(5) Washing facilities.** Work areas must have adequate facilities or supplies for cleaning hands.

**(6) Change rooms.** When a standard requires employees to wear protective clothing because of the possibility of contamination with toxic materials, you must provide change rooms with storage facilities for street clothes and separate storage facilities for the protective clothing. This does not apply to outdoor work.

**(7) Consumption of food and beverages on the premises.** This applies only where employees are permitted to eat on the premises.

(a) Do not allow workers to eat in a toilet room or in any area exposed to a toxic material.

(b) Provide receptacles made of smooth, corrosion resistant, easily cleanable, or disposable materials for the disposal of waste food. Do not allow them to become over filled. Empty them daily unless unused and keep them clean. They must have a solid tight-fitting cover unless they can be kept clean without a cover.

(c) Do not store food or beverages in toilet rooms or in areas exposed to a toxic material, medicines or live virus.

**(8) Vermin control.** Every enclosed workplace must be built and maintained, as much as practicable, to prevent rodents, insects, and other vermin from entering or living in it.

**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.

#### **437-004-1110 Field Sanitation for Hand Labor Work.**

**(1) Scope.** This applies to any agricultural establishment where employees do hand-labor operations in the field.

**(2) Exceptions.** These rules do not apply to:

(a) Logging operations;

(b) The care or feeding of livestock;

(c) Hand-labor operations in permanent structures (e.g., canning facilities or packing houses); or

(d) Machine operators working entirely separate from hand-labor operations.

**(3) Definitions.**

**Agricultural employer** – See universal definition in **4/B, OAR 437-004-0100**.

**Agricultural establishment** – See universal definition in **4/B, OAR 437-004-0100**.

**Hand labor operation** – means agricultural activities or agricultural operations performed by hand or with hand tools, including:

(A) Hand-cultivation, hand-weeding, hand-planting, and hand-harvesting of vegetables, nuts, fruits, seedlings, or other crops (including mushrooms);

**(B)** Hand packing or sorting, whether done on the ground, on a moving machine, or in a temporary packing shed in the field; and

**(C)** Except for purposes of **OAR 437-004-1110(6)**, operation of vehicles or machinery, when such activity is in conjunction with other hand-labor operators.

**Handwashing facility** – means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap, and single-use towels.

**Potable water** – means water that meets the quality standards in 42 CFR Part 72, U.S. Public Health Service Drinking Water Standards, or water approved for drinking by the state or local authority with jurisdiction, or water that meets the quality standards in OAR 437-004-1105, Sanitation.

**Toilet facility** – means a fixed or portable facility designed for adequate collection and containment of the products of both defecation and urination. Toilet facility includes biological, chemical, flush, and combustion toilets and sanitary privies.

**(4) General requirements.** Agricultural employers must provide and pay for everything required by this section for employees doing hand-labor operations in the field.

**(5) Potable drinking water.**

**(a)** Provide potable water that is available immediately to all employees.

**(b)** The water must be suitably cool and in sufficient amounts, taking into account the air temperature, humidity, and the nature of the work, to meet the needs of all employees.

**(c)** Dispense water in single-use drinking cups or by angle jet fountains. Do not use common drinking cups or dippers.

**(6) Toilet and handwashing facilities.**

**(a)** Provide one toilet facility and one handwashing facility for each 20 employees or fraction thereof.

**(b)** Toilet facilities must have adequate ventilation, appropriate screens, self-closing doors that close and latch from the inside and ensure privacy.

**(c)** Maintain privies and portable toilets as follows:

**(A)** Structures must be free of hazards, in good repair and be stable.

**(B)** Except for urinals, multiple units must have separate compartments with doors with inside latches to ensure privacy.

**(C)** Seats must have lids that raise to allow use as urinals, unless there are separate urinals.

(d) Privies and portable toilets built after the effective date of these rules must comply with the rules of the Department of Environmental Quality.

(e) Provide toilet facilities for each sex, where practicable. Distinctly mark them “women” and “men” in English and in the native language of employees expected to work in the fields or with easily understood pictures or symbols.

(f) The employer must ensure that for each toilet facility:

(A) There is enough toilet paper to meet the workers’ needs during the shift; and

(B) There are toilet paper holders or dispensers for each seat.

(g) Locate toilet and handwashing facilities adjacent to each other and no more than a 5-minute or a 1/4-mile (1,320 feet) unobstructed walk from each hand laborer’s place of work in the field.

(h) Where, due to terrain, it is not feasible to locate facilities as in (g) above, the facilities must be at the point of closest vehicular access.

#### (7) Maintenance.

(a) Potable drinking water and toilet and handwashing facilities must comply with appropriate public health sanitation practices.

(b) Drinking water containers must be made of materials that maintain water quality. Refill them daily or more often as necessary and keep them covered and clean.

(c) Toilet facilities must work and be clean and safe.

(d) Empty and recharge chemical toilets prior to the start of each season of operation and at least every 6 months thereafter during use or when the tank is three-quarters full, whichever occurs first.

(e) Where crops intended for human consumption are produced, toilets must not contaminate crops.

(f) Refill handwashing facilities with potable water as necessary to ensure an adequate supply and maintain them in a clean and sanitary condition.

(g) Disposal of wastes from facilities, including handwashing water and towels, must not cause unsanitary conditions or contamination of crops.

**(8) Field sanitation notice.** Employers that grow or harvest food crops for human consumption must post a notice describing the requirements of these rules and advising where workers may file complaints regarding field sanitation matters. It must be in the language of the majority of the workers.

## **(9) Reasonable use.**

**(a)** The employer must notify each employee of the location of the sanitation facilities and water, and allow each employee reasonable opportunities during the workday to use them. The employer must inform each employee of the importance of good hygiene practices to minimize exposure to the hazards in the field from heat, communicable diseases, retention of urine and agrichemical residues, including, but not limited to the following:

**(A)** Using the water and facilities provided for drinking, handwashing, and elimination;

**(B)** Drinking water frequently, especially on hot days;

**(C)** Urinating as frequently as necessary;

**(D)** Washing hands both before and after using the toilet; and

**(E)** Washing hands before eating and smoking.

**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.

## **437-004-1120 Agricultural Labor Housing and Related Facilities.**

### **(1) Application.**

**(a)** These rules apply to any agricultural labor housing and related facilities defined in **OAR 437-004-1120(4)**.

**(b)** These rules apply to any type of labor housing and related facilities together with the tract of land, established, or to be established, operated or maintained for housing workers with or without families whether or not fees are paid or collected.

**(c)** These rules apply to, but are not limited to, tents, frame construction housing, manufactured and prefabricated structures defined in Oregon Revised Statutes (ORS). Manufactured dwellings must comply with specifications for construction of sleeping places, unless they comply with ORS 446.155 to 446.185 and OAR 918-500-0020(2) that have the requirements and specifications for sanitation and safety design for manufactured dwellings.

**(d)** These rules apply to housing given to, rented, leased to or otherwise provided to employees for use while employed and provided either by the employer, a representative of the employer or a housing operator.

**(e)** These rules, unless otherwise stated, apply to all occupants of the labor housing and facilities.

(f) These rules apply to all labor housing sites owned, operated, or allowed to operate on property under the jurisdiction of any state or municipal authority.

(g) Violations relating to the occupants' personal housekeeping practices for issues in paragraphs 8, 9, 10, 11, 12, 13, 16 and 18 will not result in citations to the employer.

(h) For the purposes of OAR 437-004-1120, labor contractors as defined in ORS 658.405 are employers.

## (2) Exemptions.

(a) Housing including tents, vehicles, manufactured and prefabricated structures owned or provided by employees for their own use are not subject to these rules. When the employee provides their own housing, the housing operator is responsible for the provision and maintenance of all other services in this standard.

(b) These rules do not apply to accommodations subject to licensing as manufactured dwelling parks, organizational camps, traveler's accommodations or recreation vehicle parks.

(c) Manufactured structures being moved regularly from place to place because of the work are exempt from these rules when at parks or camps meant for parking mobile vehicles.

(3) **Scope.** These rules apply to any labor housing and related facilities defined in (4) below used in relationship to agricultural employment.

## (4) Definitions.

**Clean** means the absence of soil or dirt or removal of soil or dirt by washing, sweeping, clearing away, or any method appropriate to the material at hand.

**Division** means the Oregon Occupational Safety and Health (OR-OSHA) Division of the Department of Consumer and Business Services.

**Facility** means a living area, drinking water installation, toilet installation, sewage disposal installation, food handling installation, or other installation required for compliance with the labor housing and related facility rules.

**Garbage** means food wastes, food packaging materials or any refuse that has been in contact with food stuffs.

**Housing site** is a place where there are living areas.

**Labor housing and related facilities** (formerly called a farm worker camp, farm labor camp, labor camp) – Any place, or area of land, where there are living areas, manufactured or prefabricated structures or other housing provided by a farmer, farm labor contractor, agricultural employer or other person in connection with the recruitment of workers on an agricultural establishment.

**Living area** is any room, structure, shelter, tent, manufactured or prefabricated structure, vehicle or other place housing one or more persons.

**Local public health administrator** is the administrator defined in ORS 431.418 for the county or district where there is labor housing and related facilities.

**Manufactured structure** is:

**recreational vehicle** (includes park trailers) – a vehicle with or without motive power, designed for human temporary occupancy during recreational, seasonal or emergency use. Gross floor area is not more than 400 square feet when set up.

**manufactured dwelling** – a residential trailer, for movement on the highway, that has sleeping, cooking and plumbing facilities. Constructed before January 1, 1962. Or, a mobile home, constructed for movement on the highway, that has sleeping, cooking and plumbing facilities. Constructed between January 1, 1962 and June 15, 1976 and met the requirements of Oregon mobile home law in effect at the time of construction.

**manufactured home** – a structure built for movement on the highway that has sleeping, cooking and plumbing facilities and is used as a residence. Built to comply with federal manufactured housing standards and regulations in effect at the time of construction. These homes were built on or after June 15, 1976.

More information on these definitions is in ORS 446.003(26).

**Operator** means any person or company that operates labor housing and/or related facilities.

**Potable water** is water meeting the bacteriological and other requirements of the Oregon Health Division.

**Prefabricated structure** means a building or subassembly which has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site; but does not include a manufactured structure. Prefabricated structures are manufactured in accordance with the Oregon state building code and rules adopted by the Building Codes Division in OAR 918-674.

**Privy** is the same as outhouse or pit toilet but is not the same as portable toilets.

**Recyclable material** means containers that are returnable for refund of a deposit.

**Refuse** includes waste materials such as paper, metal, discarded items, as well as debris, litter and trash.

**Sanitary** means free from agents that may be injurious to health.

**Sewage** means the water-carried human and animal wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground-water infiltration, surface waters, or industrial wastes as may be present.

**Single isolated dwelling** means one dwelling unit, apart from those of the owners/operators of an agricultural establishment.

**Toilet room** is a room in or on the premises of any labor housing, with toilet facilities for use by employees and occupants of that housing.

**(5) Housing registration requirements.**

**(a)** The following are not labor housing required to be registered with OR-OSHA:

**(A)** A single isolated dwelling occupied solely by members of the same family, or by five or fewer unrelated persons; or

**(B)** A hotel or motel that provides similar housing commercially to the public on the same terms as it does to workers.

**NOTE:** This note is to show where the registration rules originated. ORS 658.705(7) "Farm-worker camp" means any place or area of land where sleeping places, manufactured structures or other housing is provided by a farmer, farm labor contractor, employer or any other person in connection with the recruitment or employment of workers to work in the production and harvesting of farm crops or in the reforestation of lands, as described in ORS 658.405. "Farmworker camp" does not include:

**(a)** A single isolated dwelling occupied solely by members of the same family, or by five or fewer unrelated individuals; or

**(b)** A hotel or motel which provides housing with the same characteristics on a commercial basis to the general public on the same terms and conditions as housing is provided to such workers.

**(b)** Each year, before occupancy, the operator or employer must register all labor housing and related facilities with OR-OSHA as set out below, except those as in **(a)** above. Follow these mandatory steps:

**(A)** The operator must contact OR-OSHA at least 45 days before the first day of operation or occupancy of the housing and related facilities. You will receive information with further instructions to follow.

**(B)** If the housing and related facilities were not registered in the previous year, call OR-OSHA to request a consultation visit to the housing. OR-OSHA will register housing and related facilities not previously registered only after a pre-occupancy consultation that finds the housing or facility to be substantially in compliance with all applicable safety and health rules.

**(C)** If there were significant changes in the circumstances of the housing or facilities since the last registration, OR-OSHA may, at its discretion, refer the employer for a consultation prior to re-registering the housing and facilities.

**(D)** Once registered, the operator must display the registration certificate provided by OR-OSHA in a place frequented by employees. The operator must also provide and display a translation of the certificate in the language or languages used to communicate with employees.

**(c)** The Director may revoke a labor housing and related facilities registration for the following reasons:

**(A)** Making any negligent or willful material misrepresentation, or false statement in the application for registration.

**(B)** Conditions under which the registration was accepted no longer exist or have changed, or

**(C)** OR-OSHA determines that the housing and related facilities are substantially out of compliance with the applicable safety and health rules.

**(d)** When Oregon OSHA revokes the registration of Agricultural Labor Housing and Related Facilities, operators or their agents have 30 days to file a written appeal. Upon receipt of such appeal, the Director of the Department of Consumer and Business Services or a designee will hold a contested case hearing on that appeal under ORS 183.413, et seq.

**(e)** Any group or individual may protest the proposed registration or renewal of any labor housing and related facilities under the following conditions:

**(A)** The signed and dated protest must be submitted in writing and received by the Director prior to issuance of the registration or renewal.

**(B)** The protest must include the name, address and phone number of the individual or group filing it.

**(C)** The protest must clearly identify which housing and related facilities is the subject of the protest, including the exact physical location and name of the applicant.

**(D)** The protest must clearly state the facts and reasons for the protest. Such facts and reasons must be based on factors which are within the scope of ORS 654 and any regulations adopted thereunder.

**(E)** When the above provisions are met, such group or individual may participate in the contested case as a party or limited party under OAR 137-03-005.

**(6) Site requirements.**

- (a)** The grounds of labor housing and related facilities must be substantially free from waste water, sewage, garbage, recyclable material, refuse or noxious plants such as poison oak and poison ivy.
- (b)** During housing occupancy, grass, weeds and brush must be cut back at least 30 feet from buildings.
- (c)** All housing site land must have adequate drainage. The site must not be subject to flooding when occupied.
- (d)** Adequately dispose of the waste water and food waste under outside water hydrants.
- (e)** Prevent or control the breeding of mosquitos, flies, and rodents in the immediate housing area and in the barns, pens, feed yards, or similar livestock or poultry areas within 200 feet of any labor housing and related facilities owned or under lawful control or supervision of the operator.
- (f)** The operator of labor housing is responsible for the maintenance and operation of the housing and its facilities.
- (g)** Store all toxic materials such as pesticides, fertilizers, paints and solvents in a safe place.
- (h)** Do not leave empty pesticide containers such as drums, bags, cans, or bottles in the housing area.
- (i)** Do not allow poultry or livestock in the housing site during occupancy.
- (j)** Provide electricity to all housing units in labor housing and related facilities.
- (k)** All electrical wiring and lighting fixtures must comply with the Oregon state building code in effect at the time the work was done.
  - (A)** Extension cords or plug strips must have circuit breaker or fuse protection either as part of the set or part of the building wiring.
- (l)** Facilities built or remodeled before December 15, 1989, must have a ceiling or wall-type electric light fixture in working order and at least one wall-type electrical outlet in every living area. Facilities built or remodeled after that date must comply with the code in effect at the time of construction or remodeling.

**(m)** Provide a ceiling or wall-type electric light in toilet rooms, lavatories, shower or bathing rooms, laundry rooms, hallways, stairways, the common eating area or other hazardous dark areas.

**(n)** Light privies either directly or indirectly from an outside light source.

**(o)** Provide enough light in corridors and walkways to allow safe travel at night.

**(p)** Each housing site must have its street numbers displayed to be easily visible to responding emergency vehicles on public highways or roads.

## **(7) Water supply.**

**(a)** All domestic water furnished at labor housing and related facilities must conform to the standards of the Oregon Health Division.

**(b)** Have a bacteriological analysis done on the water before occupancy and as often as needed to assure a potable water supply, except when the water comes from a community water system.

**(c)** Provide enough potable water in the labor housing area for drinking, hand washing, bathing and domestic use. An ample supply is at least 35 gallons of water per day per occupant.

**(A)** Water for drinking and domestic use must be within 100 feet of each living area.

**(d)** Arrange, construct and if necessary, periodically disinfect the water storage and distribution facilities to satisfactorily protect the water from contamination. Install all new plumbing in labor housing and related facilities to comply with the Oregon state building code.

**(e)** Do not use cups, dippers or other utensils for common drinking purposes.

**(f)** Drinking fountains at labor housing and related facilities must be angle-jet type with adequate water pressure.

**(g)** Post as, "Unsafe for drinking," non-potable water that is accessible to occupants.

**(h)** Portable water containers with spigots and tight fitting lids are acceptable for providing and storing drinking water in the housing.

**(A)** These containers must be made of impervious non-toxic materials that protect the water from contamination.

**(B)** Wash and sanitize them at least every 7 days.

(i) Do not use containers such as barrels, pails or tanks that require dipping or pouring to get the water.

(j) Do not allow cross connection between a system furnishing water for drinking purposes and a non-potable supply.

**(8) Laundry, hand washing, toilet, and bathing facilities – General.**

(a) Provide an adequate supply of hot and cold water under pressure for all common use hand washing, bathing, and laundry facilities at all labor housing and related facilities.

(b) In installations with flush toilets, lavatory, bathing, or laundry facilities, the floor and walls must be of readily cleanable finish and impervious to moisture.

(c) Separate central bathing or toilet facilities used for both sexes in the same building by a solid, non-absorbent wall extending from the floor to the ceiling.

(d) All individual or common use laundry, toilet facilities, portable toilets, privies, hand washing, and bathing facilities must be clean, sanitary and operating properly.

**NOTE:** See 437-004-1120(6)(l) for lighting requirements.

**(9) Bathing facilities.**

(a) Provide floor drains in all showers to remove waste water.

(A) Slope floors so they drain and do not use slippery materials for flooring.

(b) Provide at least one shower head with hot and cold water under pressure for every 15 occupants or fraction thereof of each sex. A plumbed-in bathtub will substitute for a shower head.

(A) You may provide only one shower when housing a total of nine or less persons of both sexes. Unisex showers are acceptable in the same ratios if they have positive means to assure user privacy.

(c) Mark bathing facilities for each sex with “women” and “men” in English and in the native language of employees expected to occupy the housing or with easily understood pictures or symbols.

**(10) Hand washing facilities.**

(a) Provide at least one hand washing basin with hot and cold water under pressure for every 15 occupants or fraction thereof. Locate them either adjacent to all toilet facilities or adjacent to the sleeping places. Each 24 linear inches of “trough” type sink with individual faucets counts as one basin.

(b) Do not use a single common towel. If you provide paper towels, there must be a container for their disposal.

## (11) Laundry facilities.

(a) When public laundry and drying facilities are not available within 5 miles, the housing must have readily accessible laundry and drying facilities.

(b) Laundry facilities in the housing area must have trays or tubs, plumbed with hot and cold water in the ratio of 1 for each 25 occupants.

(c) Mechanical washers are optional in the ratio of 1 to 50 occupants with one laundry tray per 100 occupants.

(d) Provide clothes lines or drying facilities to serve the needs of the occupants. Mechanical clothes dryers may be in the ratio of 1 per 50 occupants instead of clothes drying lines.

## (12) Toilet facilities.

(a) Locate toilet facilities in labor housing and related facilities within 200 feet from the living area that they serve.

(b) Locate toilets, chemical toilets, or urinals in rooms built for that purpose.

(c) Maintain a usable, unobstructed path or walkway free of weeds, debris, holes or standing water from each living area to the central toilet facilities.

(d) Provide at least one toilet for every 15 occupants or fraction thereof for each sex in the labor housing. You may provide one toilet when housing a total of 9 or fewer persons of both sexes.

**EXAMPLE:** If you have 24 male employees and 3 female employees, you must have two toilets for the males and one for the females. If you provide unisex toilets, they must be lockable, and you would need two under the above example.

(A) If urinals are in the toilet facility and where three or more toilets are required for men, one urinal substitutes for one toilet (24 inches of trough-type urinal equals one urinal), to a maximum of one-third of the total required toilets.

(B) Existing urinals must be non-absorbent, non-corrosive materials that have a smooth and cleanable finish. Urinals installed after the effective date of this standard must meet Oregon state building code.

(e) Mark toilet facilities for each sex with “women” and “men” in English and in the native language of employees expected to occupy the housing or with easily understood pictures or symbols.

(f) Ventilate all labor housing toilet rooms according to the Oregon state building code.

(g) Install privacy partitions between each individual toilet or toilet seat in multiple toilet facilities. The partitions may be less than the height of the room walls.

(A) The top of the partition must be not less than 6 feet from the floor and the bottom of the partition not more than 1-foot from the floor. The width of the partition must extend at least 1 1/2 feet beyond the front of the toilet seat.

(B) Provide a door or curtain so the toilet compartment is private.

(h) Provide common use toilet facilities with toilet paper and holders or dispensers. Also provide disposal containers with lids.

**NOTE:** This rule does not apply to units occupied by a single family and that have their own bathrooms.

**(13) Portable toilets, chemical toilets and privies.**

(a) The location and construction of privies must conform to Department of Environmental Quality standards.

(b) Privies must be between 50 and 200 feet from any living area or any facility where food is prepared or served.

(c) Portable toilets and privies must have adequate lighting either direct or indirect from an outside source.

**(14) Sewage disposal and plumbing.**

(a) Connect the sewer lines from the labor housing and related facilities to a community sewer system, a septic tank with subsurface disposal of the effluent, pit type privies or other sanitary means conforming to Department of Environmental Quality standards.

(b) Install all plumbing in labor housing and related facilities to comply with Department of Environmental Quality standards and the Oregon state building code.

**(15) Garbage and refuse disposal outside of buildings.**

**NOTE:** Recyclable material is not garbage or refuse referred to in this section (15).

(a) Store all refuse and garbage in watertight containers that keep flies and rodents out.

(b) Keep refuse and garbage containers clean and in good repair.

(c) Provide at least one 30-gallon or larger container per 15 occupants. Containers must be accessible to all occupants and never outside of the housing site.

- (d) Empty common garbage and refuse containers at least once a week or when full.
- (e) Keep all refuse and garbage containers covered and the garbage storage area clean to control flies and rodents.
- (f) Do not burn any food, garbage or wet refuse.
- (g) Dispose of garbage and refuse according to DEQ standards that govern the disposal of garbage, refuse and other solid wastes.

## (16) Living areas.

- (a) Keep all living areas, safe and in good repair structurally and stable on their foundations. They must provide shelter for the occupants against the elements and protect the occupants from ground and surface water as well as rodents and insects.
- (b) The walls and roof must be tight and solid. Floors must be rigid and durable, with a smooth and cleanable finish in good repair. If tents are living areas, they must have wood, asphalt or concrete floors that are smooth and of tight construction.
- (c) Living areas occupied during October through May must have heating equipment capable of keeping a temperature of at least 68 degrees F. Equipment must comply with state fire, building and electrical regulations.
- (d) Solid fuel or gas fired heaters must meet the following:
  - (A) Install and vent any stoves or other sources of heat that use combustible fuel to prevent fire hazards and dangerous concentration of gases.
    - (i) Portable heaters must be electric.
    - (ii) Solid or liquid fuel heaters or stoves installed on or before December 15, 1989, must sit on a concrete slab, insulated metal sheet or other fire resistant material when used in a room with wood or other combustible flooring. Extend it at least 18 inches beyond the perimeter of the base of the stove.
    - (iii) Solid or liquid fuel heaters or stoves must meet the manufacturer's specifications and the Oregon state building code in effect at the time of installation.
  - (B) Install fire resistant material on any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stove pipe. Provide a vented metal collar around the stovepipe, or vent passing through a wall, ceiling, floor or roof or combustible material.
  - (C) Heating systems with automatic controls must cut off the fuel supply on failure or interruption of the flame or ignition, or when they exceed a pre-determined safe temperature or pressure.

**(D)** All gas appliances and gas piping must comply with the Oregon state building code in effect at time of installation and the manufacturer's instructions.

**(E)** Do not locate stoves, portable heaters or combustion heaters so they block escape from a sleeping place.

**(e)** Provide screens of at least 16 mesh on the doors and windows of the living area when flies or mosquitos are present. All screen doors must be tight-fitting, in good repair, and self-closing.

**(f)** If tents are living areas, the tent body and screens must be in good repair. Effective October 1, 2000, tents must be flame resistant material or treated with flame retardant. The tents must have adequate screens to effectively keep out flies and mosquitos. Do not use tents for housing between the months of October through May.

**(g)** Provide beds, bunks or cots for each occupant and suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit.

**(A)** Effective October 1, 2000, the camp operator must provide a mattress or pad for each bed or bunk. The beds or bunks must keep the mattress or pad at least 6 inches off the floor.

**(i)** If you provide foam pads, they must be thicker than 2 inches.

**(ii)** Do not provide uncovered foam pads.

**(h)** Mattresses or pads furnished by the camp operator must be clean, in good repair, and free from insects and parasites.

**(A)** Fumigate mattresses or pads, used uncovered, or treat with an effective insecticide before each season's occupancy. If you provide covers, clean them before each season's occupancy.

**(B)** Store mattresses or pads in a clean, dry place.

**(i)** Space the beds, bunks or cots so that there is enough room to allow for rapid and safe exiting during an emergency.

**NOTE:** Nothing in this standard prohibits "banking" elevated floors with earth or other suitable material around the outside walls in areas subject to extreme low temperatures.

**(j)** Each room without double bunk beds must have at least 50 square feet of floor space per employee and at least one half of the floor area must have a minimum ceiling height of 7 feet, with the following exceptions:

**(A)** If employees are members of the same nuclear family (defined as a mother and father, their combined children and grandparents), provide space as follows:

(i) Full space for the first employee over 12.

(ii) 3/4 space for each additional occupant over 12, whether or not they are an employee.

(iii) 1/2 space for children under 12, whether or not they are an employee.

(B) In rooms where workers cook, live, and sleep provide at least 60 square feet of floor space per occupant. Where the same nuclear family is living apply the adjustments from (A) above.

(C) In housing and related facilities built after August 1, 1975, where workers cook, live, and sleep provide at least 100 square feet per occupant. Where the same nuclear family is living apply the adjustments from (A) above.

(k) In rooms used for sleeping only, where there are double bunk beds, provide 40 square feet per occupant. Do not use triple bunks.

REQUIRED FLOOR SPACE PER OCCUPANT (Square Feet) WORKERS COOK, LIVE & SLEEP				
Occupants' Classification	Sleeping Purposes Only		(w/ or w/o Bunk Bds)	
	Bunk Beds Used	Bunk Beds Not Used	Constructed Before 8/75	Constructed After 8/75
Non-related Occupants	40	50	60	100
Members of the same nuclear family, 1st member over 12 years of age		50	60	100
Additional member		38	45	75
Children below 12 years of age		25	30	50

(l) Provide separate private sleeping areas for unrelated persons of each sex and for each family unit.

(m) Provide a window or skylight that opens directly to the outside, except where there is mechanical or other ventilation, for each habitable room. Windows that meet the requirements of fire exits are also acceptable for ventilation.

(n) Before occupancy clean all living areas and eliminate any rodents, insects, and animal parasites.

**(17) Fire protection.**

(a) All fires must be in equipment designed for that use. Do not allow open fires within 25 feet of structures.

(b) Effective October 1, 2000, each season, at the time of initial occupancy, each living area must have a working approved smoke detector.

**NOTE:** The camp operator is not responsible for daily maintenance of the detector nor the actions of occupants that defeat its function.

(c) Provide fire extinguishing equipment in a readily accessible place, not more than 50 feet from each housing unit. The equipment must provide protection equal to a 2A:10BC rated extinguisher.

**NOTE:** Hoses are acceptable substitutes for extinguishers only if the water supply is constant and reliable. Hoses must be immediately available for firefighting use.

(d) All living areas with more than one room, built before December 15, 1989, with one door, except tents, vehicles, and trailer houses owned by the occupants, must have, in addition to a door, a window in each sleeping room that can be an exit in case of fire.

(A) This window must have an openable space at least 24 inches by 24 inches, nominal.

(B) The lowest portion of the opening must be less than 48 inches above the floor.

(C) This window must open directly to the outdoors and be readily openable by the occupants from inside without breaking the glass.

(D) This window must be in a room other than the room with the outside door. Label the window as an emergency exit.

(e) Living areas built on or after December 15, 1989, must meet the requirements for emergency exits in applicable rules of the Oregon Building Codes Division including the following:

(A) Required emergency exit windows in sleeping rooms must have a clear net opening of at least 5.7 square feet, minimum vertical opening of 22 inches and minimum horizontal opening of 20 inches.

**NOTE:** Construct and maintain all living areas in labor housing and related facilities to comply with other applicable local and state laws and regulations in effect at the time of construction or remodel.

(f) A second story must have at least two exits when its occupant load is 10 or more. Comply with the Uniform Building Code.

(g) Occupants on floors above the second story and in basements must have access to at least two separate exits from the floor or basement as required by the Oregon state building code.

#### **(18) Cooking, eating, and dining facilities.**

(a) Central cooking or food preparation facilities must have the following and each living area with an area for use as a kitchen and eating area must have the following:

**(A)** A gas or electric refrigerator, capable of keeping food at or below 45 degrees F.

**(B)** A stove or hot plate large enough to serve the intended number of occupants. If a gas or electric hotplate or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.

**NOTE:** Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.

**(C)** There must be no liquid petroleum gas (LPG like propane) tanks in use inside any occupied building. Outside tanks must connect to appliances with lines approved for that purpose.

**(D)** Food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas must be made of or finished with smooth, non-absorbent, cleanable material; and

**(E)** A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping place.

**(F)** The refrigerator and stove or hot plate must always be in working condition. Clean the facilities before each occupancy.

**(19) First aid.** OAR 437-004-1305, Medical and First Aid, applies to all labor housing and related facilities. This rule includes requirements for first aid supplies, an emergency medical plan and a plan of communication.

**NOTE:** Division 4/K requires all employees know about the first aid requirements and emergency medical plans. If employees' native language is other than English, this must be taken into account in meeting this requirement.

**(20) Access to ORS and OAR.** Those wishing access to any of the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) referenced here, may contact the OR-OSHA Central Office (Resource Center) or nearest Field Office.

**(21) Closure and alternative housing.**

**(a)** The operator of agricultural labor housing must provide replacement lodging without charge to the occupants if a government agency with the authority to enforce building, health or safety standards declares the housing or facilities to be uninhabitable and orders them vacated.

**(b)** The operator must provide replacement lodging for 7 consecutive days from the time the housing was closed or until the closing agency allows the original housing to reopen, whichever is shorter.

- (c)** Replacement lodging must meet or exceed the health and safety standards of Oregon OSHA. OR-OSHA must approve the location of the replacement housing before employees are sent to it.
- (d)** Operators must arrange for replacement lodging not later than the end of the day the original housing closes or another date designated by the closing agency.
- (e)** Post the address of the replacement housing:
- (A)** Not later than the end of the day the original housing closes.
  - (B)** In a place convenient to affected workers.
  - (C)** In all languages spoken by the occupants.
- (f)** The posting in (e) above must state that the replacement housing is free to occupants of the closed housing.
- (g)** The operator must give Oregon OSHA a list of names of the occupants and the location of the replacement housing, for each.
- (h)** When the cause of the closure is beyond the control of the agricultural labor housing operator, sections **(a)**, **(b)**, **(c)**, **(d)**, **(e)** and **(g)** above do not apply. To determine whether the cause of closure was beyond the control of the operator, Oregon OSHA will consider these circumstances, including but not limited to:
- (A)** Whether the cause of the closure is a natural disaster;
  - (B)** Whether the circumstances leading to the closure were known or should have been known to the operator;
  - (C)** Whether operator diligence could have avoided the circumstances leading to the closure.
- (i)** Agricultural labor housing occupants entitled to temporary replacement housing under this rule must accept or reject that housing when the original housing closes. These rules do not obligate operators to reimburse displaced occupants for housing they obtain without the operator's knowledge or consent.
- (A)** The operator is responsible for replacement lodging only for as many people as occupied the original closed housing. When an occupant rejects the replacement housing, the operator has no obligation to reimburse that occupant for other replacement housing.
- (j)** Oregon OSHA may issue a citation and assess a monetary penalty for violation of these rules as in ORS 654.071 and 654.086.

**NOTE:** Rules on Field Sanitation are in 4/J, OAR 437-004-1110, Field Sanitation.

**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 5-2000, f. 5/18/00, ef. 6/1/00.

## 437-004-1140 Lighting.

### (1) General lighting.

(a) Provide adequate general and local lighting in rooms, buildings and work areas.

(b) Methods for determining the adequacy and effectiveness of lighting include:

(A) Measure the quantity of light against requirements in the American National Standard ANSI A11.1-1965, "American Standard Practice for Industrial Lighting."

(B) The quality of light as to freedom from glare and correct direction, diffusion and distribution.

**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.

## 437-004-1150 Safety Colors for Marking Physical Hazards.

### (1) Color identification.

(a) **Red.** Use red as the basic color to identify:

(A) **Danger.** Safety cans or other portable containers of flammable liquids must be red with highly contrasting markings. Provide red lights at barricades and at temporary obstructions. The main or background color of danger signs must be red.

(B) **Stop.** Emergency stop bars on hazardous machines must be red. Use red for emergency stop buttons or emergency electrical switches with contrasting letters or other markings.

(b) **Yellow.** Yellow is the basic color to signal caution and to mark physical hazards such as: Striking against, stumbling, falling, tripping, and "caught between."

**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.

**437-004-1180 Accident Prevention Signs.**

**(1) Scope.** This section applies to the design, application and use of signs or symbols (as included in paragraphs **(3)** through **(5)** below) to warn of specific hazards. This does not apply to bulletin boards or safety posters.

**(2) Definitions.**

**Sign** – A surface marked to warn people of hazards, or to give safety instructions. Excluded are news releases, safety posters and bulletins.

**(3) Classification of signs by use.****(a) Danger signs.**

**(A)** Use signs of uniform design to warn of specific dangers and radiation hazards.

**(B)** Instruct all employees that danger signs warn of immediate danger and that special precautions are necessary.

**(b) Caution signs.**

**(A)** Use caution signs only to warn of hazards or to caution against unsafe practices.

**(B)** Instruct all employees that caution signs warn of a hazard against which they should take precautions.

**(c) Safety instruction signs.** Use safety instruction signs for general instructions and suggestions about safety.

**(4) Sign design.**

**(a) Design features.** Use signs with rounded or blunt corners and no sharp edges, burrs, splinters or other sharp projections. Place the ends or heads of bolts or other fastening devices so that they are not hazardous.

**(b) Danger signs.** The color of the background must be red.

**(c) Caution signs.** The color of the background must be yellow and the panel, black with yellow letters. Use black letters against the yellow background.

**(d) Safety instruction signs.** Use white for the background and make the panel green with white letters. Any letters used against the white background must be black.

**(e) Slow-moving vehicle emblem.** This emblem (see Figure 7) has a fluorescent yellow-orange triangle with a dark red reflective border. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night.

(A) Use this emblem only on vehicles that by design move at 25 mph or less on public roads. Do not use it as a clearance marker for wide machinery to replace required lighting or marking of slow-moving vehicles. The material, location, mounting, etc., of the emblem must conform to the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1-1971).

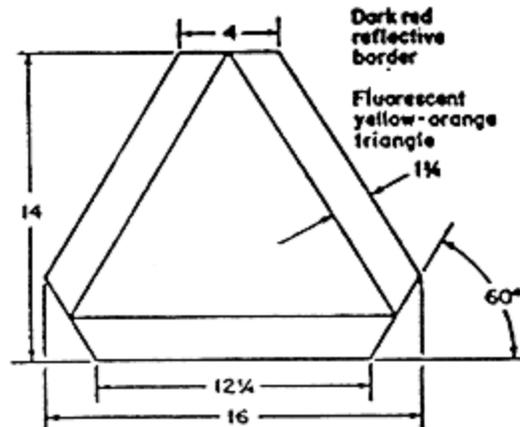


Figure 7. Slow-Moving Vehicle Emblem

## (5) Sign wordings.

(a) **Nature of wording.** Use wording on signs that is easily understandable.

(b) **Biological hazard signs.** Use the biological hazard warning sign to warn of the actual or potential presence of a biohazard. Use it to mark equipment, containers, rooms, materials, experimental animals or combinations of them, that contain or are contaminated with viable hazardous agents. For this subparagraph the term “biological hazard,” or “biohazard,” means only those infectious agents presenting a risk or potential risk to the well-being of humans.

**Note:** All dimensions are in inches.

**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.

## 437-004-1250 Confined and Hazardous Spaces

### (1) Definitions.

**Competent person** is somebody who can identify existing and predictable hazards and take measures to eliminate them.

**Confined space** is a space that:

- is large enough and so configured that an employee can bodily enter and work; and
- has limited or restricted entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits may have limited entry); and
- is not designed for continuous employee occupancy.

**Engulfment** is the covering of a person by a liquid or finely divided (flowable) solid substance that when inhaled causes death or that can exert enough force on the body to cause death by strangulation, constriction or crushing.

**Entry** is passing through an opening into a hazardous or confined space. Entry includes work in the space and occurs when any part of the entrant's body breaks the plane of an opening into the space in a way that creates a hazard.

**IDLH Atmospheres.** Atmospheres immediately dangerous to life or health (IDLH) are those with less than 19.5 percent oxygen by volume, or which because of the high toxicity of the contaminant, would endanger the life of a person breathing them for even a short period of time.

**Oxygen deficient** is an atmosphere with less than 19.5 percent oxygen by volume.

## (2) Fuel bins.

(a) Fuel bins must have adequate exits and all necessary devices to provide safety for employees who enter them.

(b) There may be sentry stations or tunnels near the bottom conveyor for employees to use to stoke down congested fuel through openings. Safely built pneumatic bottoms, mechanical agitators or scrapers and similar devices are acceptable.

## (3) Entering confined spaces.

(a) **Test first.** Always test the atmosphere in a confined space before an employee places any part of their body into it. Following the instructions below, test first for oxygen, then flammable atmosphere then toxic atmosphere.

(b) **Entry.** No person may enter or work in any confined space with an atmosphere immediately dangerous to life or health (IDLH), except under the following conditions:

(A) They must wear a supplied air or self-contained air breathing apparatus;

(B) They must wear a safety belt with lifeline attached, where practical. Another person, equipped as required in subsection (3)(b)(A) above and with safety belt and lifeline attached, must be at the opening with adequate help available to remove the person if necessary (see (5), **Rescue** below);

**(C)** Failure of the person within the enclosure to respond to agreed upon signals requires immediate rescue action by a person or persons equipped as required in subsections **(3)(b)(A)** and **(B)** above;

**(D)** Air supplied to hose masks and positive pressure air helmets must be free from harmful dusts, fumes, mists, vapors, or gases to the extent that breathing it does not constitute harmful exposure. Position the air intake to the blower fan or compressor to prevent contamination of the air by carbon monoxide or other hazardous materials or gases;

**(E)** Supplied air respiratory equipment must have an automatic pressure relief valve, and connect through a pressure reduction valve in the supply line. Maximum allowable pressure, unless otherwise specifically approved, is 25 pounds per square inch;

**(F)** To assure safety when using positive-pressure air respiratory equipment, a minimum volume of air delivered to the user must be at least 4 cubic feet of air per minute for a face mask and 6 cubic feet of air per minute for hoods or helmets.

**(c) Oxygen deficient atmospheres.** The atmosphere in a sealed or unventilated confined space is considered immediately dangerous to life or health. Nobody may enter such space unless:

**(A)** All requirements for safety equipment and procedures in **(3)(b)** above are met; or

**(B)** A competent person tests the atmosphere with an oxygen indicator or other suitable device immediately before entry to ensure that it contains enough oxygen to sustain life; or

**(C)** Until mechanical ventilation provides at least one complete change of uncontaminated air immediately before entry and continues while anybody is inside the enclosure. A safety watcher meeting the requirements in **(3)(b)** above must be at the entry.

**(d) Toxic atmospheres.** Nobody may enter any sealed or unventilated tank or other confined space that contains or has contained toxic materials or gases, unless:

**(A)** All requirements for safety equipment and safety procedures in **(3)(b)** above are met, or a competent person tests the atmosphere with an appropriate instrument or method and finds it to have contaminants below the threshold limit values of the particular material or gas.

**(B)** If the atmosphere has concentrations of hazardous contaminants not immediately dangerous to life or health, but above the threshold limit values for the toxic material, the person entering the space must wear respiratory protective equipment approved by the National Institute of Occupational Safety and Health, or recommended by the U.S. Department of Agriculture for the exposure.

**(e) Flammable or explosive atmospheres.** The atmosphere in any sealed or unventilated tank or other confined space and that contains or has contained combustible or flammable materials or gases is an atmosphere immediately dangerous to life or health.

**(A)** Nobody may enter such space unless all requirements for safety equipment and safety procedures in **(3)(b)** above are met or atmosphere tests by a competent person using an appropriate instrument or method shows no flammable or explosive atmosphere is present.

**(B)** If the atmosphere contains flammable or explosive vapors at or above 20 percent of their lower explosive limit, ventilate the space enough to bring the level below 20 percent of the lower explosive limit. Otherwise only persons meeting the requirements of **(c)** above may enter the enclosure for emergency work, including preparatory work or work to set up equipment to eliminate the gas.

**(f) Ventilation.** Natural and/or mechanical ventilation must maintain the atmosphere within the limits permissible for explosive or toxic materials and gases while employees are in the space.

**(g) Residues and other sources.** When there could be a release of explosive or toxic materials from residues or other sources in a confined space, there must be additional testing as necessary to assure the atmosphere has not become immediately dangerous to life or health. If such conditions arise, immediately leave the contaminated space until the atmosphere is safe for persons wearing respiratory protective equipment.

**(h) Physical hazards.** Do not allow employees to enter confined spaces that contains physical hazards, until you comply with OAR 437-004-1275.

**(i) Engulfment.** Do not allow employees to enter confined spaces where there is a hazard from engulfment by collapsing material.

**(j) Lifeline and attendant.** When entering confined spaces that have loose material (such as chips, sand, grain, gravel, sawdust, etc.) you must wear a safety belt with lifeline. There must be an attendant for the lifeline.

**(k) Lockout/tagout.** Follow the procedures of OAR 437-004-1275, for intake pipelines that convey hazardous substances into confined spaces before workers enter. Blinds, if used, must clearly show whether the line is open or closed. Close, lock and attach warning tags to valves in such lines nearest the containers. Blinding or lockout of cold water and air lines is not necessary if they have positive control valves near the container and you lock, close and tag the valves.

#### **(4) Training.**

**(a)** Train all workers before they do anything covered by this section. Retrain workers when there are changes in their duties or the spaces related to this section.

(b) Training must cover all hazards associated with the employer's confined and hazardous spaces.

(c) Training must cover this standard and all duties associated with it.

(d) Keep written documentation of all training until it is superseded by new training.

## (5) Rescue.

(a) These requirements apply to employers who have employees enter confined spaces to rescue people.

(A) You must give each rescuer the personal protective equipment and rescue equipment necessary to make rescues from hazardous spaces. You must also provide training on the proper use of that equipment.

(B) Train each rescuer in basic first aid and in cardiopulmonary resuscitation (CPR). At least one rescuer with current certification in first aid and in CPR must be available.

(b) When employers arrange to have persons other than their own employees do confined space rescue, the employer must:

(A) Inform the rescue service of the hazards they may confront during the rescue at the host employer's facility, and

(B) Provide the rescue service with access to all confined spaces from which rescue may be necessary so that the rescue service can develop appropriate rescue plans and practice rescue operations.

(c) To accomplish non-entry rescue, attach the other end of the retrieval line to a mechanical device or fixed point outside the hazardous space in a way that rescue can begin as soon as the rescuer becomes aware that rescue is necessary.

**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.

## 437-004-1260 Manure Lagoons, Storage Ponds, Vats, Pits and Separators.

(1) **Scope.** This applies to facilities not covered by confined space rules. (Examples include pole buildings used to store compost material or manure lagoons and separators.)

### (2) General.

(a) Do not enter any vat, pit, separator or other hazardous area where the atmosphere may be immediately dangerous to life unless:

(A) Tests by a competent person, immediately before entry, prove it free of toxic gases and with enough oxygen to sustain life; or

(B) Mechanical or natural ventilation provides at least one complete change of uncontaminated air immediately before entry and continues during enclosure occupancy; or,

(C) The person entering the area is using a properly functioning supplied air or self-contained breathing apparatus, and is closely supervised by a safety watcher with similar equipment, at the entrance. They must have adequate help to remove the person if necessary.

(b) Vats and pits that have hazardous materials, manure or that are more than 4 feet deep, must meet one of the following requirements:

(A) A cover or grating must be in place and strong enough to safely support imposed loads; or

(B) The edges must extend at least 42 inches above the adjacent floor level; or,

(C) There is a standard guardrail.

(D) Where vehicles operate near vats or pits the railing must be strong enough to keep them out, or there must be a curb or shear rail that keeps the vehicle out.

(c) Manure lagoons or earthen manure storage ponds must have:

(A) Curbs, shear rails or other barriers where vehicles or equipment operate near enough to drive or roll into the lagoon.

(B) Standard guardrails or other protection where employees work over the contents or near enough to the edge to fall into the lagoon.

(C) Cables or chains that connect a vehicle to an adequate anchorage and are short enough to prevent the vehicle from rolling into the lagoon are acceptable.

**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.

#### **437-004-1275 The Control of Hazardous Energy (Lockout/Tagout).**

(1) **Scope.** This standard covers work on machines, vehicles and equipment when the unexpected energizing or starting of them, or release of stored energy could injure employees.

## (2) Application.

(a) This standard applies to the control of energy during servicing and/or maintenance of machines and equipment.

(b) It does not cover normal production operations. It covers servicing and/or maintenance that takes place during normal production operations only if:

(A) An employee must remove or bypass a guard or other safety device; or

(B) An employee must place any part of the body where they do work on the material being processed (point of operation) or where a danger zone exists.

(c) It does not cover routine, repetitive minor tool changes, adjustments and other minor servicing activities, done during normal operations, if they are necessary to the use of the equipment and if the workers use alternative methods that provide effective protection.

(d) This standard **does not apply** to work on electric powered equipment, when unplugging it would control the hazard and the employee doing the work controls the plug totally. It also does not apply to work on vehicles when the person doing the work has the ignition key under their exclusive control and there are no other sources of hazardous energy that could be released without the key.

(3) **Program requirement.** Employers must establish an energy control program and use its procedures for putting appropriate lockout or tagout devices on energy isolating devices. They must disable machines or equipment to prevent injury to employees.

## (4) Definitions.

**Affected employee.** One who operates a machine or equipment during service or maintenance under lockout or tagout. Also, those who work near where covered servicing or maintenance is done.

**Authorized person.** One who locks out or tags out machines or equipment to service or maintain them. An affected employee becomes an authorized person when they do service or maintenance covered here.

**Energized.** Connected to an energy source or containing residual or stored energy.

**Energy isolating device.** A mechanical device that physically prevents the transmission or release of energy. Examples: A manual circuit breaker; a switch; a manual switch that disconnects the conductors of a circuit from all ungrounded supply conductors and where employees can operate no pole independently; a line valve; a block; and any similar device used to block or isolate energy. Push buttons, selector switches and other control circuit type devices are not energy isolating devices.

**Energy source.** Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, gravity or other energy.

**Lockable.** An energy isolating device with its own lock or with a hasp or other way to attach a lock. Other energy isolating devices are lockable if they can be locked without being dismantled, rebuilt or replaced or permanently altering their energy control capability.

**Lockout.** The use of a lockout device on an energy isolating device, according to an established procedure to ensure that the controlled equipment is not operable until an authorized person removes the lockout device.

**Lockout device.** Something that uses a positive means such as a lock, to hold an energy isolating device in a safe position. Included are blank flanges and bolted slip blinds.

**Normal operations.** A machine or equipment doing its intended function.

**Servicing and/or maintenance.** Constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. This includes removing jams, lubrication or cleaning of machines or equipment and making adjustments or tool changes, where the process may expose the employee to the unexpected energizing or starting of the equipment or release of hazardous energy.

**Setting up.** Any work done to prepare a machine or equipment for operation.

**Tagout.** The placement of a tagout device on an energy isolating device, according to an established procedure, warning employees not to operate the energy isolating device and the equipment being controlled until an authorized person removes the tagout device.

**Tagout device.** A prominent warning device, such as a tag and a secure, sturdy means of attachment to an energy isolating device according an established procedure. The tag must warn employees not to operate the energy isolating device and the equipment being controlled until an authorized person removes the tagout device.

**(5) General.**

**(a) Energy control program.** Before doing any servicing or maintenance the employer must have a written energy control program with specific procedures, employee training and periodic reviews. It must ensure isolation of the equipment from the energy source and make it inoperative in a way to prevent injury.

**(b) Lockout/tagout.**

**(A)** If an energy isolating device is not lockable, the energy control program must use a tagout system that provides as much employee protection as is possible.

**(B)** If the energy isolating device is lockable, the energy control program must use lockout.

**(C)** Major repair, renovation or modification of a machine or equipment or installation of new machines or equipment requires new energy isolating device(s) to be lockable.

**(c) Employee protection.**

**(A)** When using a tagout device on a lockable energy isolating device, attach the tagout device where you would have put the lockout device.

**(B)** Full compliance with all parts of this standard related to tagout is necessary to assure the highest safety levels. Additional steps that help provide high employee protection include the removal of an isolating circuit element, blocking of a controlling switch, opening of an extra disconnecting device or the removal of a valve handle.

**(d) Energy control procedure.**

**(A)** Develop, document and use procedures for the control of potentially hazardous energy when employees are doing work covered by this section.

**Note:** Documenting the required procedure for a particular machine or equipment is not necessary when all of the following are true:

The machine or equipment has no potential for stored or residual dangerous energy or accumulation of stored dangerous energy after shut down;

The machine or equipment has an easily identified and isolated single energy source;

The isolation and locking out of that energy source will eliminate all energy-related hazards;

The machine or equipment is isolated from that energy source and locked out during servicing or maintenance;

A single lockout device will achieve a locked-out condition;

The lockout device is under the exclusive control of the authorized person doing the servicing or maintenance;

The servicing or maintenance does not create hazards for other employees; and

No accidents have happened that involved the unexpected activation or energizing of the machine or equipment during servicing or maintenance done under this exception.

**(B)** The procedures must specifically outline the scope, purpose, authorization, rules and methods that are mandatory for the control of hazardous energy. They must also include a way to enforce compliance including, but not limited to, the following:

**(i)** A specific statement of the intended use of the procedure;

(ii) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;

(iii) Specific procedural steps for the placement, removal and transfer of lockout or tagout devices and the responsibility for them; and

(iv) Specific requirements for testing a machine or equipment to verify the effectiveness of lockout devices, tagout devices and other energy control measures.

**(e) Protective materials and hardware.**

**(A)** Each employee's lock must have either a key or combination that is **unique** to that device.

**(B)** The employer must provide the necessary locks and/or hardware to do all required lockout/tagout functions.

**(C)** Individually identify each lockout and tagout device. They must be the only devices used for controlling energy. Do not use devices meant for the lockout program for other purposes. They must meet the following requirements:

**(i) Durable.**

**(I)** Lockout and tagout devices must withstand their environment.

**(II)** Make tagout devices so that exposure to weather conditions or wet and damp locations will not cause them to deteriorate or the message on them to become illegible.

**(III)** Tags must not deteriorate in corrosive environments such as where you handle or store acid and alkali chemicals.

**(ii) Standardized.** Use lockout and tagout devices whose appearance is uniform within the facility and easily recognized.

**(iii) Substantial.**

**(I) Lockout devices.** Lockout devices must be sturdy enough to prevent removal without the use of excessive force or unusual methods or tools.

**(II) Tagout devices.** Tagout devices and their means of attachment, must be sturdy enough to prevent inadvertent or accidental removal. The attachment means must be single use and self-locking.

**(iv) Identifiable.** Lockout and tagout devices must show the identity of the employee who applied them.

**(D)** On energized machines or equipment, tagout devices must warn against hazardous conditions and must include a phrase like: Do Not Start, Do Not Open, Do Not Close, Do Not Energize, Do Not Operate.

**(f) Annual Review.**

**(A)** Do a review of the energy control program at least annually to ensure that it meets the requirements of this standard and employees are following it.

**(i)** An authorized person must do the review.

**(ii)** Correct problems found during the review.

**(iii)** For a lockout program, the review must include a personal review, between the inspector and each authorized person, of that employee's responsibilities under the program.

**(iv)** For a tagout program, the review must include a personal review, between the inspector and each authorized and affected employee, of that employee's responsibilities under the program.

**(B)** Document these reviews in writing with the identity of the machine or equipment covered by the program, the date of the review, the employees included in the review, and the person doing it.

**(g) Training and communication.**

**(A)** Provide general training that includes the following:

**(i)** Train authorized persons in the recognition of sources of hazardous energy, the type and amount of energy found in their workplace and the methods of energy isolation and control.

**(ii)** Instruct affected employees in the purpose and use of the energy control program.

**(iii)** Instruct other employees who work or may work where there may be energy control procedures, about those procedures and about the prohibition against attempts to restart or energize locked out or tagged out machines or equipment.

**(B)** For tagout systems, provide the following additional training:

**(i)** Locks are physical restraints while tags are only warning devices that provide less protection than locks.

**(ii)** Do not remove a tag attached to an energy isolating means, without authorization of the authorized person responsible for it. Never bypass, ignore or otherwise defeat a tagout device.

(iii) Tags must be legible and understandable by all employees whose work operations are or may be in the area.

(iv) Tags may cause a false sense of security. Understanding their meaning must be part of the overall energy control program.

(v) Securely attach tags to energy isolating devices so that they cannot be inadvertently or accidentally detached.

**(C) Employee retraining.**

(i) Retrain employees when a change in their job assignment, a change in machines, equipment or processes present a new hazard or when the program changes.

(ii) Retrain employees when a review shows or the employer has reason to believe, that there are problems in the employees' knowledge or use of the program.

(D) Document the employee training in writing with each employee's name and date(s) of training.

(h) **Energy isolation.** Authorized persons doing the servicing or maintenance must do the lockout or tagout.

(i) **Notification of employees.** Notify affected employees of the application and removal of lockout or tagout devices before applying the controls and after removing them from the machine or equipment.

**(6) Application of control.** The established procedures for the application of energy control (the lockout or tagout program) must cover the following points in the following sequence:

(a) **Preparation for shutdown.** Before an authorized or affected employee turns off a machine or equipment, they must know the type and amount of the involved energy, the hazards of the energy and the method to control it.

(b) **Machine or equipment shutdown.** Turn off the machine or equipment using the procedures established for it. Do an orderly shutdown to avoid new or increased hazards because of the equipment stoppage.

(c) **Machine or equipment isolation.** All energy isolating devices must be physically placed and used in ways that isolate the machine or equipment from the energy source(s).

(d) **Lockout or tagout device application.**

(A) Only authorized persons are to connect lockout or tagout devices to each energy isolating device.

**(B)** Connect lockout devices in a way that will hold the energy isolating devices in a “safe” or “off” position.

**(C)** Connect tagout devices in a way that will positively prevent operation or movement of energy isolating devices from the “safe” or “off” position.

**(i)** Directly connect the tag to the energy isolating device, otherwise it must be as close to the device as safely possible and obvious to anyone attempting to operate the device.

**(e) Stored energy.**

**(A)** After the application of lockout or tagout devices, relieve or make safe all potentially hazardous stored or residual energy.

**(B)** If stored energy can again reach a hazardous level, continuously verify its isolation until the servicing or maintenance is done or until the possibility is gone.

**(f) Verification of isolation.** Before starting work on locked out or tagged out machines or equipment, the authorized person must verify that isolation and de-energizing of the machine or equipment has been done.

**(7) Release from lockout or tagout.** The authorized person(s) must follow procedures and take actions to guarantee the following before removing lockout or tagout devices and restoring energy to the machine or equipment:

**(a) The machine or equipment.** Remove non-essential items from the work area and confirm the return of the machine or equipment to pre-lockout or normal running condition.

**(b) Employees.**

**(A)** Check the work area to ensure that all employees are safe or removed from the area.

**(B)** Notify affected employees after removing the lockout or tagout devices but before starting the machine or equipment.

**(c) Lockout or tagout devices removal.** Only the employee who applies it can remove a lockout or tagout device. However, when that employee is not available, the employer may direct its removal if specific procedures and training for such removal are a part of the employer’s energy control program. The employer must show that the specific procedure is as safe as removal by the authorized person who applied it. The specific procedure must include at least the following:

**(A)** Verification by the employer that the authorized person who applied the device is not at the facility;

(B) Attempting to contact the authorized person to inform him or her about the removal of their lockout or tagout device; and

(C) Ensuring that the authorized person has this knowledge before he or she resumes work at that facility.

**(8) Additional requirements.**

**(a) Testing or positioning of machines, equipment or components thereof.** Follow this sequence of actions when it is necessary to temporarily remove lockout or tagout devices and energize the machine or equipment. This must only be done for testing or positioning the machine, equipment or component of it.

(A) Clear the machine or equipment of tools and materials;

(B) Remove employees from the machine or equipment area;

(C) Remove the lockout or tagout devices;

(D) Energize and go on with testing or positioning;

(E) Remove energy from all systems and reapply original energy control measures to continue the servicing and/or maintenance.

**(b) Outside personnel (contractors, etc.).**

(A) If outside servicing personnel are doing things covered by this standard, the on-site employer and the outside employer must coordinate their respective lockout or tagout procedures.

(B) The on-site employer must be certain that its employees understand and comply with the provisions of the outside employer's energy control program.

**(c) Group lockout or tagout.**

(A) When a crew, craft, department or other group does service or maintenance, they must use a procedure that gives employees a level of protection equal to that provided by using a personal lockout or tagout device.

(B) Use group lockout or tagout devices according to **OAR 437-004-1275(5)(d)** including, but not limited to, these requirements:

(i) Primary responsibility is with an authorized person for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock);

(ii) The authorized person must know the exposure status of individual group members with regard to the lockout or tagout of the machine or equipment, and;

**(iii)** When work involves more than one crew, craft, department, etc., assignment of overall job-associated lockout or tagout control responsibility to an authorized person designated to coordinate affected work forces and ensure continuity of protection, and;

**(iv)** Each authorized person must put a personal lockout or tagout device on the group lockout device, group lockbox, or comparable mechanism when they begin work, and must remove those devices when they stop working on the machine or equipment.

**(d) Shift or personnel changes.** Have specific procedures for shift or personnel changes to ensure the continuity of lockout or tagout protection. These must include the orderly transfer of lockout or tagout device protection between leaving and arriving employees. The procedure must minimize exposure to hazards related to the ongoing process.

**Note:** The following Appendix is a non-mandatory guideline to help employers and employees comply with the requirements.

**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.

**J**

Oregon Administrative Rules  
Oregon Occupational Safety  
and Health Division

## Appendix A – Typical Minimal Lockout Procedure

### GENERAL

This simple lockout procedure is to help employers so they meet the requirements of this standard. When the energy isolating devices are not lockable, tagout is OK if the employer complies with the provisions requiring additional training and more rigorous periodic reviews. When using tagout and the energy isolating devices are lockable, the employer must provide full employee protection (see paragraph (5)(c)), additional training and more rigorous periodic inspections. More complex systems may need more comprehensive procedures.

### Lockout Procedure

Lockout procedure for

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(Name of Company for single procedure or identification of equipment if using multiple procedures.)

### PURPOSE

These are the minimum requirements for the lockout of energy isolating devices when maintenance or servicing is done on machines or equipment. Use it to ensure that the machine or equipment stops and is isolated from all potentially hazardous energy sources. Lock it out before employees work where the unexpected energizing or starting or release of stored energy could cause injury.

### COMPLIANCE WITH THIS PROGRAM

All employees must comply with the restrictions and limitations imposed upon them during the use of lockout. Require authorized persons to do the lockout following this procedure. When employees see a locked out machine or piece of equipment they must not attempt to start, energize or use it.

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Type of compliance enforcement for violation of the above.

**SEQUENCE OF LOCKOUT**

(1) Notify all affected employees about required service or maintenance on a machine or equipment and that it must be shut down and locked out to do the work.

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Name(s)/Job Title(s) of affected employees and how to notify.

(2) The authorized person must refer to the procedure to identify the type and amount of the energy that the machine or equipment uses, understand the hazards of the energy and know the methods to control it.

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Type(s) and amount(s) of energy, its hazards and the methods to control the energy.

(3) If the machine or equipment is operating, shut it down by the normal stopping procedure (depress stop button, open switch, close valve, etc.).

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Type(s) and location(s) of machine or equipment operating controls.

(4) Deactivate the energy isolating device(s) so that the machine or equipment is isolated from the energy source(s).

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Type(s) and location(s) of energy isolating devices.

(5) Lock out the energy isolating device(s) with assigned individual lock(s).

(6) Release or restrain stored or residual energy (such as that in capacitors, springs, elevated machine members, rotating flywheels, hydraulic systems and air, gas, steam, or water pressure, etc.) by methods such as grounding, repositioning, blocking, bleeding down, etc.

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Type(s) of stored energy – methods to release or restrain.

(7) Disconnect the equipment from the energy source(s) by first removing any exposed employees from the area. Then verify the isolation of the equipment by trying the normal operating control(s) or by testing to make certain that the equipment will run.

**Caution:** Return operating control(s) to neutral or “off” position after verifying the isolation of the equipment.

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Method of verifying the isolation of the equipment.

- (8) The machine or equipment is now locked out.

**RESTORING EQUIPMENT TO SERVICE.** When the work is completed and the machine or equipment is ready to return to operation, take the following steps:

- (1) Check the machine or equipment and the immediate area around it and remove any non-essential items. Be sure the machine or equipment is operationally intact.
- (2) Safely position or remove all employees from the area.
- (3) Verify that the controls are in neutral.
- (4) Remove the lockout devices and energize the machine or equipment.

**Note:** The removal of some forms of blocking may require energizing of the machine beforehand.

- (5) Notify affected employees that the work is complete and the machine or equipment is ready for use.

**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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