

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Worker Protection Standard (437-002-0170)

In Oregon, Oregon OSHA administers and enforces the pesticide Worker Protection Standard (WPS: 40 CFR 170) as adopted in Division 4, Agriculture, Subdivision W, OAR 437-004-6000.

This rulemaking amends OAR 437-004-6000 to reflect non-substantive corrections and technical amendments that were published in the Federal Register from 2006 through 2009.

Oregon OSHA is also amending the pesticide Worker Protection Standard (WPS) in Division 7, Forest Activities, Subdivision A, General Requirements, OAR 437-007-0010, to clarify the references in Division 7 to the WPS in Division 4.

In addition, Oregon OSHA is amending Division 2, General Industry, Subdivision Z, Toxic and Hazardous Substances, by adopting a new rule (OAR 437-002-0170) to clarify that under certain circumstances all parts of the Worker Protection Standard (WPS) apply to general industry workplaces, and are a part of Division 2 in addition to, and not instead of, any other part of Division 2.

Members of the public submitting written comments expressed support for the changes but noted that the proposed amendments (being non-substantive) do not go far enough to improve the protection of Oregon's affected workers from exposure to pesticides. The changes suggested by these commenters were outside the parameters of this rulemaking.

Oregon OSHA Administrative Order 9-2009, **adopted and effective September 21, 2009.**

Air Contaminants (437-002-0382)

1. OR-OSHA rules for **Air Contaminants** were **adopted or repealed temporarily** on 5/17/93 in OAR 437, **Division 2/Z**, Toxic and Hazardous Substances, by OR-OSHA Admin. Order 6-1993 (temp.). At the same time, a Notice of Rulemaking was filed to adopt the rule changes permanently. Revised rules for **Air Contaminants** have now been **adopted PERMANENTLY** by OR-OSHA Admin. Order 17-1993, filed 11/15/93, **EFFECTIVE 11/15/93**.

Due to the July 1992 decision by the U. S. Court of Appeals for the 11th Circuit (AFL-CIO v. OSHA, 15 OSHC 1729), it became necessary for Federal OSHA to first vacate and subsequently to revise its Air Contaminant Standard. To ensure adequate protection for Oregon workers during the interim, OR-OSHA temporarily readopted Oregon Air Contaminant rules (in former Division 114) that were in place prior to OR-OSHA's adoption of the now-vacated federal standard. In this Permanent Adoption, OR-OSHA has combined the former Oregon Air Contaminant standard with the recently revised federal standard, in order to maintain the level of protection historically provided in Oregon.

Oregon-initiated Rule 437-002-0360 is the rule which adopts by reference the federal standards in Division 2/Z. Federal standard 29 CFR 1910.1000 has been repealed because OAR 437-002-0382 now contains Air Contaminants rules effective in Oregon. OAR 437-002-0381 has also been repealed because it pertains to the now-vacated 1910.1000. OAR 437-002-0385 has been repealed because its provisions are now included in 437-002-0382.

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Air Contaminants (437-002-0382) (continued)

2. The definition for Excursion Limits from the booklet “1993-1994 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices” published by the American Conference of Governmental Industrial Hygienists (ACGIH), is used in lieu of an older definition in OAR 437-002-0382(1)(c).
3. Changes to Oregon-initiated rule OAR 437-002-0382 and 437-005-0030, Oregon Rules for Air Contaminants, are adopted by OR-OSHA Admin. Order 5-1997, filed and effective 4/22/97. These rules are located in Division 2/Z and 5/Z, Toxic and Hazardous Substances.

The changes correct clerical errors; add language to clarify the requirements of Oregon Table Z-2; readopt permissible limits for zinc oxide total particulates; and, adopt permissible limits for zinc oxide respirable dust and soluble nickel compounds from federal OSHA's final rule on Air Contaminants.

4. Federal OSHA amended the standards that regulate employee exposure to 1,3-Butadiene and Methylene Chloride. Oregon OSHA adopts these standards by reference into Oregon's Division 2, General Occupational Safety and Health Rules; Division 3, Construction; Division 5, Maritime Activities; and amend Oregon's Air Contaminants, by OR-OSHA Admin. Order 6-1997, filed and effective 5/2/97.

Federal OSHA has determined, based on studies and tests, that the current permissible exposure limits (PELs) do not properly protect workers. Both final standards have reduced PELs.

In order to reduce exposures and protect employees, OSHA's 1,3-Butadiene and Methylene Chloride standards include requirements such as engineering controls, work practices and personal protective equipment, measurement of employee exposures, training, medical surveillance, hazard communication, regulated areas, emergency procedures and recordkeeping.

5. Oregon OSHA standards must be as effective as federal OSHA. There were slight differences in the air contaminants rules. Therefore, OR-OSHA has modified three substances: Carbon disulfide; Ethylene dibromide; and Mercury and Mercury organo (alkyl), to match federal OSHA's standard in construction and maritime. For uniformity, Oregon initiated air contaminant rules in general industry, construction and agriculture will all reflect the amendments.

Oregon added the **skin designation** to the three substances listed above. Also, Oregon changed the PEL to **25 ppm ceiling value for Ethylene dibromide** (currently at 30 ppm).

Adopted and effective February 5, 2001, (OR-OSHA A.O. 4-2001).

6. This rule adds new requirements for exposures to hexavalent chromium, including a lower airborne permissible exposure limit, an action level, airborne exposure assessments, regulated areas, change and washing facilities, medical surveillance, and training.

These changes are required to keep OR-OSHA standards as effective as Federal OSHA.

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NOTES

Air Contaminants (437-002-0382) (continued)

Oregon OSHA did not adopt the exception for pesticide use. Federal OSHA does not regulate the use of pesticides because the Environmental Protection Agency (EPA) regulates these exposures through the Worker Protection Standard (WPS). However, since Oregon OSHA enforces the WPS this exemption does not apply in Oregon.

Oregon OSHA adopted these changes into general industry, construction, agriculture, and maritime.

The proposed amendments to the permissible limit for airborne concentrations of respirable silica **were not adopted** in this rulemaking.

OR-OSHA Administrative Order 6-2006, **adopted and effective August 30, 2006.**

7. Oregon OSHA is adopting final changes to the permissible exposure limit (PEL) for airborne concentrations of respirable silica to a fixed limit of 0.1 milligrams per cubic meter (mg/m³). The formula and footnote (e) for Silica in Table Z-3 in the Air Contaminants standards in general industry and construction is also amended. Both of these changes reflect better scientific processes for determining airborne respirable exposures, and the calculation used to determine exposures continues to cause confusion.

Crystalline silica, also known as quartz, is a natural constituent of the earth's crust and is a basic component of sand and granite. However, airborne exposures to silica can lead to silicosis. Silicosis is a disease of the lungs that can cause fibrosis or scar tissue formations in the lungs that reduce the lung's ability to work to extract oxygen from the air.

Comments received during the comment period and during the public hearing indicated that the proposed change of 0.05 mg/m³ would impact industry more than Oregon OSHA had anticipated. The original calculation was based on a 0.1 mg/m³ limit. OR-OSHA carefully considered these comments and as a result is adopting a PEL of 0.1 mg/m³.

Oregon OSHA also received comments regarding the proposed sampling method and as a result is adopting a rule that allows for a sampling method accepted by OSHA or NIOSH for respirable quartz silica.

Changes will also be made in the Z-1 table in air contaminants for accuracy, correction, and uniformity. Oregon OSHA also adopts these changes into general industry and construction.

Oregon OSHA Admin. Order 6-2008, filed 5/13/08, effective 7/1/08.

Asbestos (1910.1001)

1. OAR 437, Division 2, Subdivision Z, 29 CFR 1910.1001, federal standard on **ASBESTOS**, and 29 CFR 1910.1101, federal standard for **NON-ASBESTIFORM MINERALS**, were adopted by reference by APD Admin. Order 9-1989, filed 7/7/89, **EFFECTIVE 7/7/89**. These federal standards superseded and replaced OAR 437, Division 115, Asbestos.

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Asbestos (1910.1001) (continued)

2. This copy includes final federal amendments made to 1910.1001, and the repeal of 1910.1101 (for non-asbestiform minerals) by Federal OSHA, which were adopted 10/9/92 by OR-OSHA Admin. Order 11-1992. **NOTE:** The main change made by the final federal amendments to 1910.1001 was the **deletion of references to “tremolite, anthophyllite, and actinolite” and “or a combination of these minerals.”** This deletion of wording was made in every sentence where the term “asbestos” now appears alone.
3. The same deletion was made to Oregon-initiated rules OAR 437-02-366 and 368 by OR-OSHA Admin. Order 12-1993, filed 8/20/93, effective 11/1/93.
4. Asbestos standard amended by OR-OSHA Admin. Order 4-1995, filed 3/29/95, effective 3/29/95. Federal OSHA issued an extension of start-up dates for compliance that was issued in the Federal Register February 21, 1995, vol. 60, no. 34, p. 9624. These new dates have been incorporated into the text.
5. Asbestos standard amended with federal corrections by OR-OSHA Admin. Order 8-1995, filed 8/25/95, effective 8/25/95.
6. Asbestos standard amended with federal corrections by OR-OSHA Admin. Order 6-1996, filed 11/29/96, effective 11/29/96.
7. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. **The new respiratory protection text is in general industry, 29 CFR 1910.134.** The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
8. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.

OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

9. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

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Asbestos (1910.1001) (continued)

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

- 10.** In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Deterioration (437-002-0368)

1. Originally APD Admin. Order 9-1989, filed and effective 7/7/89.
2. Amended OR-OSHA Admin. Order 12-1993, filed 8/20/93, effective 11/1/93.
3. Amended OR-OSHA Admin. Order 4-1995, filed and effective 3/29/95.
4. Amended OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.

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Coal Tar Pitch Volatiles (1910.1002)

OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93**:

- | | |
|-------------------------------------|--|
| 1) Division 100, Inorganic Arsenic. | 5) Division 135, Acrylonitrile. |
| 2) Division 116, Carcinogens. | 6) Division 137, Coal Tar Pitch Volatiles. |
| 3) Division 131, Vinyl Chloride. | 7) Division 146, Cotton Dust. |
| 4) Division 132, DBCP. | 8) Division 155, Hazard Communication. |

13 Carcinogens (1910.1003)

1. Oregon OSHA adopted by reference corrections and technical amendments issued by federal OSHA and published in the Federal Register. Federal OSHA made simple corrections, deleted redundant provisions, and clarified and reorganized various other provisions throughout the standards. OR-OSHA Admin. Order 4-1997, filed 4/2/97, effective 4/2/97.
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.
4. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before. **OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.**

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13 Carcinogens (1910.1003) (continued)

5. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Oregon Rules for MOCA (437-002-0364)

From former Division 116, **Carcinogens: MOCA** (4,4'-Methylene Bis (2-chloro-aniline)) continues to be regulated in Oregon as a carcinogen; no federal standard covers this substance (see OAR 437-002-0364). OR-OSHA Admin. Order 12-1993 adopted this rule 8/20/93, and it became effective 11/1/93.

Vinyl Chloride (1910.1017)

1. OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93**:

1) Division 100, Inorganic Arsenic.	5) Division 135, Acrylonitrile.
2) Division 116, Carcinogens.	6) Division 137, Coal Tar Pitch Volatiles.
3) Division 131, Vinyl Chloride.	7) Division 146, Cotton Dust.
4) Division 132, DBCP.	8) Division 155, Hazard Communication.
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four sub-divisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

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Vinyl Chloride (1910.1017) (continued)

4. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

5. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Inorganic Arsenic (1910.1018)

1. OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93:**

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NOTES

Inorganic Arsenic (1910.1018) (continued)

2. Oregon OSHA adopted by reference corrections and technical amendments issued by federal OSHA and published in the Federal Register. Federal OSHA made simple corrections, deleted redundant provisions, and clarified and reorganized various other provisions throughout the standards. OR-OSHA Admin. Order 4-1997, filed 4/2/97, effective 4/2/97.
3. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
4. Federal OSHA made amendments in general industry and construction in both safety and health standards that will revise or eliminate duplicative, inconsistent, or unnecessary regulatory requirements without diminishing employee protections. Changes being made to health standards include reducing the frequency of required chest x-rays and eliminating sputum-cytology examinations for workers covered by the coke oven and inorganic arsenic standards, and changing the emergency response provisions of the vinyl chloride standard. Changes being made to OSHA safety standards include eliminating the public safety provisions of the temporary labor camp standard, eliminating unnecessary cross references in the textile industry standards, and others. OR-OSHA Admin. Order 4-1999, filed 4/30/99, effective 4/30/99.
5. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.
6. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

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Inorganic Arsenic (1910.1018) (continued)

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

7. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Access to Employee Exposure and Medical Records (1910.1020)

1. This standard was adopted by APD Admin. Order 3-1989, filed 3/1/89, effective 3/1/89.
2. Oregon OSHA adopted by reference corrections and technical amendments issued by federal OSHA and published in the Federal Register. Federal OSHA made simple corrections, deleted redundant provisions, and clarified and reorganized various other provisions throughout the standards. OR-OSHA Admin. Order 4-1997, filed 4/2/97, effective 4/2/97.
3. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

Lead (1910.1025)

1. The federal **LEAD Standard** was adopted by reference as part of Division 2, Subdivision Z, by APD Admin. Order 11-1989, filed 7/14/89, **EFFECTIVE 8/14/89.** These rules superseded Division 111, Lead.
2. This copy includes amendments through 12/7/92, made by OR-OSHA Admin. Order 14-1992 (perm), filed 12/7/92, effective 12/7/92.
3. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134.** The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.

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NOTES

Lead (1910.1025) (continued)

4. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.
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Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

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Scope and Application (437-002-0371)

1. Originally OR-OSHA Admin. Order 26-1990, filed and effective 11/16/90.
2. Amended OR-OSHA Admin. Order 6-1994, filed and effective 9/30/94.

Chromium (VI) (1910.1026)

1. This rule adds new requirements for exposures to hexavalent chromium, including a lower airborne permissible exposure limit, an action level, airborne exposure assessments, regulated areas, change and washing facilities, medical surveillance, and training.

These changes are required to keep OR-OSHA standards as effective as Federal OSHA.

Oregon OSHA did not adopt the exception for pesticide use. Federal OSHA does not regulate the use of pesticides because the Environmental Protection Agency (EPA) regulates these exposures through the Worker Protection Standard (WPS). However, since Oregon OSHA enforces the WPS this exemption does not apply in Oregon.

Oregon OSHA adopted these changes into general industry, construction, agriculture, and maritime.

The proposed amendments to the permissible limit for airborne concentrations of respirable silica **were not adopted** in this rulemaking.

OR-OSHA Administrative Order 6-2006, **adopted and effective August 30, 2006.**

2. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

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

Federal OSHA revised the notification requirements in the Hexavalent Chromium (Cr(VI)) standard in general industry, construction, and maritime activities. Employers will be required to notify employees of the results of all exposure determinations regardless of exposure levels.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Chromium (VI) (1910.1026) (continued)

Oregon OSHA adopted the changes in general industry, construction, and maritime activities as published in the March 17, 2010 Federal Register.

This is Oregon OSHA Administrative Order 3-2010, **adopted June 10, 2010 and effective June 15, 2010.**

Cadmium (1910.1027)

1. The following new federal standard on **Cadmium** (29 CFR 1910.1027) was adopted by reference into Division 2/Z by OR-OSHA Admin. Order 1-1993, filed 1/22/93, **EFFECTIVE 1/22/93**. An identical standard on Cadmium was adopted into Division 5, Maritime Activities (29 CFR 1915.1027), and a similar standard was adopted into Division 3, Construction (29 CFR 1926.63), by the same Admin. Order 1-1993.
2. Federal OSHA published corrections to the Cadmium standards on 4/23/93 in the Federal Register, vol. 58, no. 77, p. 21778. These corrections have been included in this copy of 1910.1027. At that time, the Cadmium Standard was also adopted for Agriculture. This standard was adopted by reference into Division 81, Agricultural Operations and Farming (29 CFR 1928.1027), by OR-OSHA Admin. Order 15-1993, filed 10/22/93, effective 10/22/93.
3. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.
4. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before. **OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.**
5. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Cadmium (1910.1027) (continued)

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

6. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Benzene (1910.1028)

1. The following rules were first adopted by reference by APD Admin. Order 13-1988, filed 8/2/88, **EFFECTIVE 8/2/88.**
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134.** The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Benzene (1910.1028) (continued)

4. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

5. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

6. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**\

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Coke Oven Emissions (1910.1029)

1. OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93**:

1) Division 100, Inorganic Arsenic.	5) Division 135, Acrylonitrile.
2) Division 116, Carcinogens.	6) Division 137, Coal Tar Pitch Volatiles.
3) Division 131, Vinyl Chloride.	7) Division 146, Cotton Dust.
4) Division 132, DBCP.	8) Division 155, Hazard Communication.
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Federal OSHA made amendments in general industry and construction in both safety and health standards that will revise or eliminate duplicative, inconsistent, or unnecessary regulatory requirements without diminishing employee protections. Changes being made to health standards include reducing the frequency of required chest x-rays and eliminating sputum-cytology examinations for workers covered by the coke oven and inorganic arsenic standards, and changing the emergency response provisions of the vinyl chloride standard. Changes being made to OSHA safety standards include eliminating the public safety provisions of the temporary labor camp standard, eliminating unnecessary cross references in the textile industry standards, and others. OR-OSHA Admin. Order 4-1999, filed 4/30/99, effective 4/30/99.
4. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.
5. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before. **OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.**

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Coke Oven Emissions (1910.1029) (continued)

6. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

7. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Bloodborne Pathogens (1910.1030)

1. Federal OSHA adopted a new standard on **Bloodborne Pathogens** (29 CFR 1910.1030) on 12/6/91. OR-OSHA has now adopted this new federal standard by reference by OR-OSHA Admin. Order 5-1992, **EFFECTIVE 7/1/92.**
2. OAR 437-002-0360(23) is the Oregon-initiated rule which adopts by reference the federal standard on Bloodborne Pathogens. OAR 437-002-0375 prescribes various effective dates in Oregon in lieu of 1910.1030(i) (which listed federal effective dates).
3. This copy includes amendments through 12/30/92 by OR-OSHA Admin. Order 15-1992.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Bloodborne Pathogens (1910.1030) (continued)

4. **AO 10-2001, filed September 14, 2001, effective October 18, 2001**, 2/Z, Bloodborne Pathogens. We adopted federal OSHA amendments from the January 18, 2001 Federal Register, plus Oregon specific provisions from comments received during the public hearings held August 22, 2001 in Salem and Portland. The two new Oregon initiated rules are: 437-002-1030, Additional Oregon Rules for Bloodborne Pathogens; and 437-002-1035, Oregon Rules for Sharps Injury Log.
5. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.
6. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Additional Oregon Rules for Bloodborne Pathogens (437-002-1030)

OR-OSHA Admin. Order 10-2001, filed 9/14/01, effective 10/18/01.

Oregon Rules for Sharps Injury Log (437-002-1035)

OR-OSHA Admin. Order 10-2001, filed 9/14/01, effective 10/18/01.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Cotton Dust (1910.1043)

1. OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93**:

- | | |
|-------------------------------------|--|
| 1) Division 100, Inorganic Arsenic. | 5) Division 135, Acrylonitrile. |
| 2) Division 116, Carcinogens. | 6) Division 137, Coal Tar Pitch Volatiles. |
| 3) Division 131, Vinyl Chloride. | 7) Division 146, Cotton Dust. |
| 4) Division 132, DBCP. | 8) Division 155, Hazard Communication. |

2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Oregon OSHA adopted federal OSHA amendments to the standard for occupational exposure to cotton dust, as published in the December 7, 2000, Federal Register. The amendment adds one additional method of washing cotton to the methods the rule already permits employers to use to achieve partial exemption from the cotton dust standard, 1910.1043. In Oregon, the cotton dust standard, OAR 437-002-1910.1043, is in general industry, Division 2/Z, Toxic and Hazardous Substances. The paragraph amended is 1910.1043(n)(4).

The addition creates no new requirements and imposes no new compliance obligations on employers.

OR-OSHA Administrative Order 6-2001, was adopted and became effective May 15, 2001.

4. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.
5. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Cotton Dust (1910.1043) (continued)

6. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

7. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

1,2-dibromo-3-chloropropane (1910.1044)

1. OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93:**

- | | |
|-------------------------------------|--|
| 1) Division 100, Inorganic Arsenic. | 5) Division 135, Acrylonitrile. |
| 2) Division 116, Carcinogens. | 6) Division 137, Coal Tar Pitch Volatiles. |
| 3) Division 131, Vinyl Chloride. | 7) Division 146, Cotton Dust. |
| 4) Division 132, DBCP. | 8) Division 155, Hazard Communication. |

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

1,2-dibromo-3-chloropropane (1910.1044) (continued)

2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.
4. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.
5. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

1,2-dibromo-3-chloropropane (1910.1044) (continued)

6. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Acrylonitrile (1910.1045)

1. OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93**:

1) Division 100, Inorganic Arsenic.	5) Division 135, Acrylonitrile.
2) Division 116, Carcinogens.	6) Division 137, Coal Tar Pitch Volatiles.
3) Division 131, Vinyl Chloride.	7) Division 146, Cotton Dust.
4) Division 132, DBCP.	8) Division 155, Hazard Communication.
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methyleneedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added. OR-OSHA Admin. Order 1-2005, filed and effective 4/12/05.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Acrylonitrile (1910.1045) (continued)

4. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

5. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

6. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Oregon Rules for Thiram (437-002-0373)

1. WCB Admin. Order, Safety 13-1977 (temp), filed and effective 11/7/77.
2. WCD Admin. Order, Safety 2-1978 (perm), filed and effective 3/6/78.
3. OR-OSHA has adopted by reference the remainder of the federal standards which comprise OAR 437, **Division 2/Z, TOXIC AND HAZARDOUS SUBSTANCES**, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. The federal standards adopted by reference by this Admin. Order are 29 CFR 1910.1002 through .1018, 1910.1029, 1910.1043 through .1045, 1910.1200, 1910.1499 and 1910.1500. These federal standards **replace the following former Oregon codes on 11/1/93**:

1) Division 100, Inorganic Arsenic.	5) Division 135, Acrylonitrile.
2) Division 116, Carcinogens.	6) Division 137, Coal Tar Pitch Volatiles.
3) Division 131, Vinyl Chloride.	7) Division 146, Cotton Dust.
4) Division 132, DBCP.	8) Division 155, Hazard Communication.

Ethylene Oxide (1910.1047)

1. The following federal rules were adopted by APD Admin. Order 18-1988, filed 11/17/88, **EFFECTIVE 11/17/88**. Rule 437-002-0360(26) adopts by reference the federal ETHYLENE OXIDE Standard. OAR 437, Division 156, Ethylene Oxide, was superseded and replaced by these rules. Oregon-initiated rules are printed *in italics* within the federal rules. Rule 437-002-0361 establishes effective dates for Oregon.
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

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Ethylene Oxide (1910.1047) (continued)

4. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, adopted and effective November 30, 2006. Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

5. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Oregon-initiated Rule (437-002-0361)

Originally APD Admin. Order 18-1988, filed and effective 11/17/88. Establishes effective dates for Oregon.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

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Formaldehyde (1910.1048)

1. The federal Formaldehyde Standard was first adopted by reference by APD Admin. Order 14-1988, filed 9/12/88, **EFFECTIVE 9/12/88.**
2. Federal OSHA made editorial corrections to this standard on 1/11/90. OR-OSHA first adopted these corrections by reference temporarily by OR-OSHA Admin. Order 1-1990, filed and effective 1/11/90; and then permanently by OR-OSHA Admin. Order 6-1990, filed and effective 3/2/90.
3. Federal OSHA final amendments were adopted by OR-OSHA Admin. Order 12-1992, filed 10/13/92, effective 10/13/92.
4. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134.** The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
5. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.
6. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Formaldehyde (1910.1048) (continued)

7. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Methylenedianiline (MDA) (1910.1050)

1. Federal OSHA adopted a new standard on **Methylenedianiline (MDA)** (29 CFR 1910.1050) on 8/10/92. OR-OSHA adopted this new standard by reference by OR-OSHA Admin. Order 1-1993, filed 1/22/93, **EFFECTIVE 1/22/93.**
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134.** The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before. **OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.**
4. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

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Methylenedianiline (MDA) (1910.1050) (continued)

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

5. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

1,3-Butadiene (1910.1051)

1. Oregon OSHA adopted by reference this federal standard with OR-OSHA Admin. Order 6-1997, filed and effective 5/2/97.
2. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four sub-divisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
3. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before.
OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

1,3-Butadiene (1910.1051) (continued)

4. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Methylene Chloride (1910.1052)

1. Oregon OSHA adopted by reference this federal standard with OR-OSHA Admin. Order 6-1997, filed and effective 5/2/97.
2. OR-OSHA Admin. Order 8-1997, filed and effective 11/14/97.
3. OR-OSHA Admin. Order 1-1998, filed and effective 2/13/98.
4. Federal OSHA published in the Federal Register the new Respiratory Protection Standard. The new standard replaces respiratory protection standards that were adopted in 1971 by OSHA. The **new respiratory protection text is in general industry, 29 CFR 1910.134**. The text previously in 1910.134 has been redesignated as 1910.139, Respiratory Protection for M. Tuberculosis. Numerous standards in 2/Z, Toxic and Hazardous Substances, as well as four subdivisions in the Construction standard have also been amended. OR-OSHA Admin. Order 3-1998, filed 7/7/98, effective 7/7/98.
5. OR-OSHA Admin. Order 1-1999, filed and effective 3/22/99.
6. OR-OSHA Admin. Order 12-2001, filed and effective 10/26/01.
7. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before. **OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.**
8. Oregon OSHA adopts the Federal OSHA changes as they appear in the August 24, 2006 Federal Register. These changes revise the existing rules on respiratory protection, adding definitions and new language that establishes Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) for respirator use. The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the respirator selection provisions of the 1,3-Butadiene Standard).

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Methylene Chloride (1910.1052) (continued)

Federal OSHA developed the final APFs after thoroughly reviewing the available literature, including chamber-simulation studies and workplace protection factor studies, comments submitted to the record, and hearing testimony. The final APFs provide employers with critical information to use when selecting respirators for employees exposed to atmospheric contaminants found in general industry, construction, shipyards, longshoring, and marine terminal workplaces. Oregon OSHA also adopts these changes into Division 4, Agriculture. Proper respirator selection using APFs is an important component of an effective respiratory protection program. Accordingly, Federal OSHA concludes that the final APFs are necessary to protect employees who must use respirators to protect them from airborne contaminants.

OR-OSHA Administrative Order 10-2006, **adopted and effective November 30, 2006.**
Changes to OAR 437-004-1041 (Agriculture) are effective March 1, 2007.

9. In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These Federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 Federal Register.

Oregon OSHA Administrative Order 5-2009, **adopted and effective May 29, 2009.**

Ionizing Radiation (1910.1096)

1. This standard was adopted by APD Admin. Order 3-1989, filed 3/1/89, effective 3/1/89.
2. Oregon OSHA adopted by reference corrections and technical amendments issued by federal OSHA and published in the Federal Register. Federal OSHA made simple corrections, deleted redundant provisions, and clarified and reorganized various other provisions throughout the standards. OR-OSHA Admin. Order 4-1997, filed 4/2/97, effective 4/2/97.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Hazard Communication (1910.1200)

1. Rules on **Hazard Communication** were first adopted as OAR 437, **Division 155, Hazard Communication**, by WCD Admin. Order, Safety 6-1984, filed 6/25/84, **EFFECTIVE 11/25/85**. Chemical manufacturers, importers, and distributors were required to be in compliance with this code by 11/25/85. All employers covered by this code were required to be in compliance by 5/25/86.

Amended by WCD Admin. Order, Safety 3-1986, filed 3/20/86, effective 3/20/86.
Amended by WCD Admin. Order, Safety 6-1986, filed 5/23/86, effective 5/23/86.
Amended by WCD Admin. Order, Safety 8-1986, filed 9/4/86, effective 10/1/87.
Amended by WCD Admin. Order, Safety 6-1987, filed 4/20/87, effective 1/1/88.
Amended by APD Admin. Order 1-1988, filed 2/8/88, effective 2/2/88.
Repealed by OR-OSHA Admin. Order 12-1993, filed 8/20/93, effective 11/1/93.
2. The federal standard, **1910.1200, Hazard Communication**, was adopted by reference as part of OAR 437, Div. 2/Z, by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **EFFECTIVE 11/1/93**. Included in this adoption was Oregon-initiated Rule 437-002-0377, which retained and renumbered Oregon rules relating to subpoenas and agriculture from Division 155.
3. Amended by OR-OSHA Admin. Order 4-1994, f. 8/4/94, effective 8/4/94.
4. Amended by OR-OSHA Admin. Order 5-1995, f. 4/6/95, effective 4/6/95.
5. Oregon OSHA adopted by reference corrections and technical amendments issued by federal OSHA and published in the Federal Register. Federal OSHA made simple corrections, deleted redundant provisions, and clarified and reorganized various other provisions throughout the standards. OR-OSHA Admin. Order 4-1997, filed 4/2/97, effective 4/2/97.

Additional Oregon Rules for Hazard Communication (437-002-0377)

1. Originally WCB Admin. Order, Safety 6-1984, filed 6/25/84, effective 11/25/85.
2. APD Admin. Order 1-1988, filed and effective 2/8/88.
3. OR-OSHA Admin. Order 12-1993, filed 8/20/93, effective 11/1/93, retained and renumbered Oregon rules relating to subpoenas and agriculture from Division 155.

DIVISION 2/Z – TOXIC AND HAZARDOUS SUBSTANCES

NOTES

Retention of DOT Markings, Placards and Labels (1910.1201)

The following federal rules, 29 CFR Parts 1910, 1915, 1917, 1918, and 1926, **Retention of DOT Markings, Placards, and Labels**, have been adopted by reference into OAR 437, **Division 2/Z, Toxic and Hazardous Substances**; Division 5, Maritime Activities, Part 1915, Occupational Safety and Health Standards for Shipyard Employment; Part 1917 Marine Terminals; Part 1918 Safety and Health Regulations for Longshoring; and Division 3/D, Occupational Health and Environmental Controls, by OR-OSHA Admin. Order 1-1995, filed 1/19/95, **EFFECTIVE 1/19/95**. The revised Standard in Division 2/Z (1910.1201) also applies to the Agriculture industry.

Pipe Labeling (437-002-0378)

1. WCD Admin. Order, Safety 8-1986, filed 9/4/86, effective 10/1/87.
2. Former Division 153, **Pipe Labelling**, has been redesignated, renumbered, and amended by OR-OSHA Admin. Order 12-1993, filed 8/20/93, **effective 11/1/93**, as Oregon-initiated rule **437-002-0378**, to continue coverage not provided in federal standards.

Occupational Exposure to Hazardous Chemicals in Laboratories (1910.1450)

1. OR-OSHA Admin. Order 9-1990, filed 5/8/90, effective 8/8/90.
2. Oregon OSHA adopted Federal OSHA changes as they appear in the April 3, 2006 Federal Register. These revisions include updating references and removing obsolete effective dates and startup dates from existing rules in General Industry, Construction, and Maritime Activities. Two changes Federal OSHA made that we do not include in this rulemaking are to remove effective dates in 1910.266 and 1926.1092, neither of which OR-OSHA had adopted before. **OR-OSHA Admin. Order 4-2006, filed and effective 7/24/06.**

Additional Oregon Rules for Carcinogens in Laboratories (437-002-0391)

1. WCB Admin. Order, Safety 3-1975, filed 10/6/75, effective 11/1/75.
2. OR-OSHA Admin. Order 12-1993, filed 8/20/93, effective 11/1/93.

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