

[Click here to see text of changes](#)
[Click here to see Federal Register 12/29/05 ROPS](#)
[Click here to see Federal Register 2/28/06 ROPS](#)

April 18, 2006

Oregon OSHA - Division 4, Agriculture Proposed Changes

Public Hearing Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
June 2, 2006	10:00 am	Labor and Industries Building Second Floor – Room 260 350 Winter Street NE Salem OR 97301-3882

Oregon OSHA is proposing changes in 16 subdivisions of Division 4, Agriculture. These changes include:

437-004-0002

Changes SIC codes to NAICS to comply with a national switch to the new system. SIC change: 0723 is moving out of Division 4 because under the new NAICS it will be part of a general industrial classification to better reflect industry practices and align with the new NAICS. Also experience has shown that almost all of the companies in this SIC have no connection to agriculture operations.

437-004-0099

These two paragraphs are a version of the general duty clause ORS 654.010. They were in the original agriculture standard but were unintentionally left out when Division 4 was adopted. This restores language omitted during the original adoption of Division 4 in 1998.

437-004-0240 and 0250

Two paragraphs in the safety committee rules are changed to notes because the Hazard Communication rule already has the same requirements. This change fixes some repetitive language in the standard. No change in employer requirements.

437-004-0340

Changed to allow use of specialized ladders by more than one person at a time.

437-004-0405

Changes the title making it easier to find the contents.

437-004-0630

Changes the requirement from retaining records for two years to a reference to access of medical records, to retain for 30 years.

437-004-0800

The references were changed to current references.

437-004-1030

Note added to reference chain saws.

437-004-1305

Fixes issue found subsequent to a fatality investigation. Also add reference to new language in the WPS. Language was added to require the summoning of medical treatment, not just its availability.

437-004-1470

Added a reference to the Division 2 Rules for Firefighters.

437-004-1700

Adds clarifying language.

437-004-2000

Making the rule apply to all non-portable saws instead of limiting the type of saw.

437-004-2230

Adds requirements for chaps and prohibits drop starting chain saws. Issue not addressed anywhere else.

437-004-2260(5)

New rule on varmint killers. This responds to increased use of these new devices. New technology.

437-004-2810

New rules in the electrical section respond to hazards not clearly covered by existing rules. Adds requirements for covers, grounding and live wire exposure in the electricity code. Issues are not addressed elsewhere.

437-004-3100

Added after a fatality revealed the need for more language.

437-004-3410

Added to better define some types of vehicles. Added requirement for hitch pin. Requirements for non-slip surfaces on pedals, hauling gasoline, use of hitch pins and blocking of wheels were added. Also adding an appendix A for clarification of ODOT rules.

437-004-3600

Added language for Ag tractor manufacturers for the testing and performance requirements. This is adopting Federal rules and including them in appendices.

437-004-6000

Field staff requested addition of notes for clarification to cover eyewash needs of pesticide mixers.

437-004-9010

Added to cover fumigation work not adequately covered by other parts of the standard.

437-004-9600

Lead standard being referenced to Division 2 requirements.

437-004-9720

Adding personal protective measurement requirements when using Thiram.

All of these changes are proposed to keep Oregon OSHA's standards understandable, correct, and current with technology and Federal OSHA changes.

When does this happen: Adoption tentatively will be June 2006

To get a copy: Our web site – www.orosha.org Rules & Laws, then Proposed Rules
Or call the OR-OSHA Resource Center at 503-947-7447

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem OR 97301-3882
E-mail – tech.web@state.or.us
Fax – 503-947-7461

Comment period closes: June 9, 2006

OR-OSHA contact: Trena VanDeHey, Central Office @ 503-947-7452

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE Salem OR 97301-3882
Rules Coordinator Address

503-947-7449
Telephone

RULE CAPTION

Propose to adopt changes throughout Division 4, Agriculture.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

<u>June 2, 2006</u> Hearing Date	<u>10:00 AM</u> Time	<u>350 Winter Street NE Second Floor - Room 260 Salem OR 97301-3882</u> Location	<u>Sue Joye</u> Hearings Officer
-------------------------------------	-------------------------	---------------------------------------------------------------------------------------------	-------------------------------------

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT: OAR 437-004-9010

AMEND: OAR 437-004-0002, 437-004-0099, 437-004-0240, 437-004-0250, 437-004-0340, 437-004-0405, 437-004-0630, 437-004-0800, 437-004-1030, 437-004-1305, 437-004-1470, 437-004-1630, 437-004-1700, 437-004-2000, 437-004-2230, 437-004-2260, 437-004-2810, 437-004-3100, 437-004-3410, 437-004-3600, 437-004-6000, 437-004-9600, 437-004-9720

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

Other Authority

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

Proposed changes to 16 subdivisions in Division 4, Agriculture, will include: clarify language, correct/add reference changes, add notes, the lead standard is removed from Division 4 and OAR 437-002-1910.1025 (Division 2/Z) is referenced, added requirements to Roll-Over Protective Structures (ROPS) due to Federal OSHA changes, changes to General Requirements in Electricity, a new paragraph on varmint killers, and a new rule on fumigated areas.

All of these changes are necessary to keep OR-OSHA standards understandable, correct, and current with technology and Federal OSHA changes.

Please visit our web site www.orosha.org Click 'Rules & Laws' in the left vertical column and view our proposed, adopted, and final rules.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of: Adopting OAR 437-004-9010

And Amending OAR 437-004-0002, 437-004-0099, 437-004-0240, 437-004-0250, 437-004-0340, 437-004-0405, 437-004-0630, 437-004-0800, 437-004-1030, 437-004-1305, 437-004-1470, 437-004-1630, 437-004-1700, 437-004-2000, 437-004-2230, 437-004-2260, 437-004-2810, 437-004-3100, 437-004-3410, 437-004-3600, 437-004-6000, 437-004-9600, 437-004-9720

Rule Caption: Propose to adopt changes throughout Division 4, Agriculture.

Statutory Authority: ORS 654.025(2) and 656.726(4)

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

Proposed changes to 16 subdivisions in Division 4, Agriculture, will include: clarify language, correct/add reference changes, add notes, the lead standard is removed from Division 4 and OAR 437-002-1910.1025 (Division 2/Z) is referenced, added requirements to Roll-Over Protective Structures (ROPS) due to Federal OSHA changes, changes to General Requirements in Electricity, a new paragraph on varmint killers, and a new rule on fumigated areas.

All of these changes are necessary to keep OR-OSHA standards understandable, correct, and current with technology and Federal OSHA changes.

Documents Relied Upon, and where they are available:

Division 4, Agriculture

http://www.cbs.state.or.us/external/osha/standards/div_4.html

Federal Register 12/29/05, Roll-Over Protective Structures (ROPS)

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=18478

Federal Register, 2/28/06, ROPS

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=18600

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

There is no anticipated fiscal impact associated with these rules except the following:

437-004-1305 and Notes in 437-004-6400 §170.250 could cost employers a one-time expense of up to \$500 for each mixing/loading location depending on the availability of water.

437-004-1470 could cost employers an undetermined amount for gear and training. The overall impact to the industry is not expected to be significant because farmers seldom have employees that would have fire-fighting involvement.

437-004-2230 could cost employers \$60 to \$80 or more for each set of protective wear they buy.

437-004-2260(5) could cost employers up to ½ hour of time at their employee's wage rate for time spent training.

437-004-3100 could cost employers an undetermined amount of time for each daily inspection. Overall impact to the industry is not expected to be significant because farmers seldom do excavation that invoke this rule.

437-004-3410(3)(e) could cost employers up to five dollars per hitch pin.

