

December 19, 2007

Oregon OSHA - Proposed Changes To Division 7, Forest Activities/Climbing

Public Hearing Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
January 31, 2008	9:00 am	Labor and Industries Building Second Floor – Conference Room 260 350 Winter Street NE Salem OR 97301

Oregon OSHA proposes to repeal Division 7, Forest Activities, OAR 437-007-0685, Climbing Equipment and Climbing, and replace it with a series of rules and notes contained in Division 7, Forest Activities Subdivision P which will:

1. Make rules more clear and concise for users;
2. update rules to include current technology;
3. eliminate outdated/obsolete rules;
4. provide uniformity between Forest Activities rules and other rules; and
5. provide for the development of a climber rescue plan.

The Worker Protection Standard (WPS) rule, OAR 437-007-0010, is amended to clarify that the WPS in its entirety is a part of Division 7, and Definitions, 437-007-0025, is also amended.

When does this happen: Adoption tentatively will be February 2008

To get a copy: Our web site – www.orosha.org Rules/Compliance, 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: February 19, 2008

OR-OSHA contact Mike Lulay, Central Office @ 503-947-7431;
or email at mike.lulay@state.or.us

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 changes to Division 7, Forest Activities/Climbing.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Labor & Industries Building
350 Winter Street NE
Second Floor – Conference Room 260
Salem OR 97301

January 31, 2008
Hearing Date

9:00 AM
Time

Location

Sue Joye
Hearings Officer

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

RULEMAKING ACTION

AMEND: OAR 437-007-0010, 437-007-0025

ADOPT: OAR 437-007-1500, 437-007-1505, 437-007-1510, 437-007-1520, 437-007-1525, 437-007-1530, 437-007-1535, Mandatory Appendix 7-K

REPEAL: OAR 437-007-0685

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULE SUMMARY

Oregon OSHA proposes to repeal Division 7, Forest Activities, OAR 437-007-0685, Climbing Equipment and Climbing, and replace it with a series of rules and notes contained in Division 7, Forest Activities Subdivision P which will:

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Please visit our web site www.orosha.org Click 'Rules/Compliance' 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.

/s/Michael D. Wood
Signature

February 19, 2008

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Michael D. Wood
Printed name

12/14/2007
Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

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/OR-OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of:

Amending OAR 437-007-0010, 437-007-0025

Adopting OAR 437-007-1500, 437-007-1505, 437-007-1510, 437-007-1520, 437-007-1525, 437-007-1530, 437-007-1535, Mandatory Appendix 7-K

Repealing OAR 437-007-0685

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Propose changes to Division 7, Forest Activities/Climbing.

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

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

Oregon OSHA proposes to repeal Division 7, Forest Activities, OAR 437-007-0685, Climbing Equipment and Climbing, and replace it with a series of rules and notes contained in Division 7, Forest Activities Subdivision P which will:

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Documents Relied Upon, and where they are available:

OAR 437, Division 7, Forest Activities
OAR 417, Division 2, Subdivision I, Personnel Protective Equipment
OAR 437, Division 2, Subdivision P, Hand & Portable Powered Tools & Other Hand Held Equipment
OAR 437, Division 2, Subdivision R, Tree & Shrub Services
OAR 437, Division 2, Subdivision R, Telecommunication
OAR 437, Division 2, Subdivision R, Electric Power Generation, Transmission and Distribution
OAR 437, Division 2, Subdivision S, Electrical
ORS 757.805 Oregon's Overhead Line Safety Act
United States forest Service (National Tree Climbing Guide)

American National Standard (ANSI) documents:

ANSI Z89.1-1997 (head protection)

ANSI B175.1-1995 (chain saws)

ANSI Z133.1-2000 (Pruning, Repairing, Maintaining, and Removing Tree, and Cutting Brush)

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

The Forest Activities Tree Climbing revision should not result in cost that impact State agencies or local governments.

The cost to revise or develop a plan to rescue an injured climber from a tree is estimated to be \$400.00 (based on 4 hour at \$100.00 pre hour to revise or develop a rescues plan) per employer who has employees engaged in tree climbing activities. The training of employees and purchase of equipment may be optional if the employer is currently in compliance with OAR 437-007-0685(5) which states: Personnel with climbing experience and an extra set of climbing equipment must be available at the worksite to render assistance to the climber in a emergency.

How were small businesses involved in the development of this rule?

Small businesses are represented on the Forest Activities Advisory Committee.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?: Oregon OSHA's Forest Activities Advisory Committee formed a subcommittee with representatives from labor, private and government land owners, governmental agencies, equipment manufacturers, and employer associations. The meetings to review and discuss the existing Forest Activities climbing standards started in November 1, 2005 and concluded on May 3, 2007.

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

12/14/2007
Date