

September 15, 2008

Oregon OSHA - Proposed Changes To Division 1, General Administrative Rules

Public Hearing Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
October 27, 2008	9:30 am	Labor and Industries Building Basement – Conference Room F 350 Winter Street NE Salem OR 97301

Oregon OSHA adds language to clarify when corporate officers are covered.

The language that specifies when Oregon OSHA issues citations for repeat violations is changing to indicate that such citations will be for repeats of substantially similar hazardous conditions instead of identical rule numbers, and makes Oregon OSHA consistent with statutes, case law, and federal OSHA practices. The 36 month time limit on repeat violations is being moved from definitions to the rule itself.

The rule on method of delivery of citations to employers is changing to allow Oregon OSHA to use any method acceptable to employers.

Language detailing responsibilities of supervisors is moving from the paragraph about investigations to the paragraph about employer responsibility. This is for clarity.

Two rules on guaranty contracts will change to comply with Senate Bill 559 which changed the term from “guaranty contracts” to “insurance policies.”

When does this happen: Adoption tentatively will be November 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: October 31, 2008

OR-OSHA contact:

**Ron Preece, Central Office @ 503-947-7876;
or email at ron.c.preece@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

Proposed changes to Division 1, General Administrative Rules.

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

Labor and Industries Building
Basement – Conference Room F
350 Winter Street NE
Salem OR 97301

October 27, 2008
Hearing Date

9:30 am
Time

Salem OR 97301
Location

Sue Joye
Hearings Officer

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

RULEMAKING ACTION

AMEND: OAR 437-001-0015, 437-001-0160, 437-001-0205, 437-001-0760, 437-001-1015, 437-001-1020

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

Other Authority

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

Oregon OSHA adds language to clarify when corporate officers are covered.

The language that specifies when Oregon OSHA issues citations for repeat violations is changing to indicate that such citations will be for repeats of substantially similar hazardous conditions instead of identical rule numbers, and makes Oregon OSHA consistent with statutes, case law, and federal OSHA practices. The 36 month time limit on repeat violations is being moved from definitions to the rule itself.

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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.

October 31, 2008
Last Day for Public Comment
Last day to submit written comments to the Rules Coordinator

/s/Michael D. Wood
Signature

Michael D. Wood 9/11/08
Printed name 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

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 437-001-0015, 437-001-0160, 437-001-0205, 437-001-0760, 437-001-1015, 437-001-1020.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Proposed changes to Division 1, General Administrative Rules.

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 adds language to clarify when corporate officers are covered.

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Documents Relied Upon, and where they are available:

74th Oregon Legislative Assembly--2007 Regular Session; Senate Bill 559

<http://www.leg.state.or.us/07reg/measpdf/sb0500.dir/sb0559.en.pdf>

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

No added costs of compliance. By excluding single person corporations, the cost of compliance for those entities will decrease.

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

Oregon OSHA Partnership Committee.

Administrative Rule Advisory Committee consulted? Yes.

If not, why?

Oregon OSHA Partnership Committee.

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

9/11/08
Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.
ARC 925-2005