

April 3, 2008

**Oregon OSHA - Proposed Changes
To Various Rules in General Industry
To Remove Several References to Consensus Standards**

This rule making is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards. We are removing several references to consensus standards that have requirements that duplicate, or are comparable to, other OR-OSHA rules; this action includes correcting a paragraph citation in one of these rules. We are also removing a reference to American Welding Society standard A3.0- 1969 ("Terms and Definitions") in our general industry welding standards. This rulemaking is part of a continuing effort to update references to consensus and industry standards used throughout our rules.

OR-OSHA proposes to adopt the changes in general industry as published in the December 14, 2007 Federal Register. A reference to American National Standard Safety Requirements for Explosive-Actuated Fastening Tools, ANSI A10.3-1995 will be removed in Division 4/P, Agriculture/Small Tools.

When does this happen: Adoption tentatively will be May 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: April 28, 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*
A Statement of Need and Fiscal Impact accompanies this form.

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

OAD 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 remove several references to consensus standards that have duplicative/comparable requirements.

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

RULEMAKING ACTION

AMEND: OAR 437-002-0005, 437-002-0060, 437-002-0080, 437-002-0100, 437-002-0140, 437-002-0260, 437-002-0280, 437-002-0300, 437-004-2230.

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULE SUMMARY

This rule making is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards. We are removing several references to consensus standards that have requirements that duplicate, or are comparable to, other OR-OSHA rules; this action includes correcting a paragraph citation in one of these rules. We are also removing a reference to American Welding Society standard A3.0- 1969 ("Terms and Definitions") in our general industry welding standards. This rulemaking is part of a continuing effort to update references to consensus and industry standards used throughout our rules.

OR-OSHA proposes to adopt the changes in general industry as published in the December 14, 2007 Federal Register. A reference to American National Standard Safety Requirements for Explosive-Actuated Fastening Tools, ANSI A10.3-1995 will be removed in Division 4/P, Agriculture/Small Tools.

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

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

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

April 28, 2008

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Michael D. Wood
Printed name

3/10/08
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.

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 437-002-0005, 437-002-0060, 437-002-0080, 437-002-0100, 437-002-0140, 437-002-0260, 437-002-0280, 437-002-0300, 437-004-2230.

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

Propose to remove several references to consensus standards that have duplicative/comparable requirements.

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's standards must be at least as effective as Federal OSHA, therefore we propose to adopt these changes in general industry as published in the December 14, 2007 Federal Register. A reference to American National Standard Safety Requirements for Explosive-Actuated Fastening Tools, ANSI A10.3-1995 will be removed in Division 4/P, Agriculture/Small Tools.

Documents Relied Upon, and where they are available:

December 14, 2007 Federal Register

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=20215

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

This direct final rule is not economically significant. The rule will impose no additional costs on any private- or public-sector entity and in fact may save them costs associated with finding and purchasing ANSI, NFPA or other standards. This action simply (1) removes, or replaces with cross-references, unnecessary references to consensus standards, and (2) removes a reference to American Welding Society standard A3.0-1969 in OR-OSHA's general-industry welding standards.

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

Because Federal OSHA made these rules as a direct final rule and because these rules impose no requirements and have no negative fiscal impact, there was no small business involvement.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: Because Federal OSHA made these rules as a direct final rule and because these rules impose no requirements and have no negative fiscal impact, there was no small business involvement.

/s/Michael D. Wood

Authorized Signer

Michael D. Wood

Printed name

3/10/08

Date