

October 23, 2008

## **Oregon OSHA - Proposed Changes To Portable Fire Extinguishers in General Industry**

Oregon OSHA is changing the rules on portable fire extinguishers because of issues discovered when the Office of State Fire Marshal (OSFM) adopted the latest version of National Fire Protection Association (NFPA) 10, Standard for Portable Fire Extinguishers. We are also using this rule making opportunity to correct some minor issues not related to the NFPA.

We added one definition and clarified another to aid in understanding to the rule. Several changes are purely grammatical for clarity.

The major change removes language about using people or companies certified by the OSFM to do maintenance on extinguishers. New language reads that these people or companies must be acceptable to local fire authorities. We also clarified the difference between “maintenance” and “internal examination” of fire extinguishers.

***When does this happen:*** Adoption tentatively will be November 2008

***To get a copy:*** Our web site – [www.orosha.org](http://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](mailto:tech.web@state.or.us)  
Fax – 503-947-7461

***Comment period closes:*** November 28, 2008

***OR-OSHA contact*** Ron Preece, Central Office @ 503-947-7876;  
or email at [ron.c.preece@state.or.us](mailto: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  
Number

OAR 437  
Administrative Rules Chapter

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

503-947-7449  
Telephone

**RULE CAPTION**

Propose to adopt changes to the Portable Fire Extinguishers standard.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**AMEND:** OAR 437-002-0187

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

\_\_\_\_\_  
Other Authority

**ORS 654.001 through 654.295**  
Stats. Implemented

**RULE SUMMARY**

Oregon OSHA is changing the rules on portable fire extinguishers because of issues discovered when the Office of State Fire Marshal (OFSM) adopted the latest version of National Fire Protection Association (NFPA) 10, Standard for Portable Fire Extinguishers. We are also using this rule making opportunity to correct some minor issues not related to the NFPA.

We added one definition and clarified another to aid in understanding to the rule. Several changes are purely grammatical for clarity.

The major change removes language about using people or companies certified by the OFSM to do maintenance on extinguishers. New language reads that these people or companies must be acceptable to local fire authorities. We also clarified the difference between "maintenance" and "internal examination" of fire extinguishers.

Please visit our web site [www.orosha.org](http://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

November 28, 2008

**Last Day for Public Comment**  
Last day to submit written comments to the Rules Coordinator

Michael D. Wood  
Printed name

10/14/2008  
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 923-2005

**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 437-002-0187.

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

Propose to adopt changes to the Portable Fire Extinguishers standard.

**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 is changing the rules on portable fire extinguishers because of issues discovered when the Office of State Fire Marshal (OSFM) adopted the latest version of National Fire Protection Association (NFPA) 10, Standard for Portable Fire Extinguishers. We are also using this rule making opportunity to correct some minor issues not related to the NFPA.

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**Documents Relied Upon, and where they are available:**

NFPA 10-2007, Standard for Portable Fire Extinguishers – Oregon OSHA Resource Center  
E-mails from the OSFM – Oregon OSHA Technical Section

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

These changes impose no new regulator requirements and thus should impose no new costs.

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

Through the Oregon OSHA Partners Group.

**Administrative Rule Advisory Committee consulted?:** No.

**If not, why?:** The Oregon OSHA Partners Group was consulted originally. This latest action is a matter of regulatory streamlining and thus a new committee is not needed..

/s/Michael D. Wood

Authorized Signer

Michael D. Wood

Printed name

10/14/2008

Date