

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

Rules Coordinator

350 Winter Street NE Salem OR 97301-3882

Address

503-947-7449

Telephone

RULE CAPTION

Proposed changes to acetylene rules in general industry.

January 13, 2010

Hearing Date

9:00 am

Time

Fremont Place, Building I
1750 NW Naito Parkway, Suite 112
Portland OR 97209-2533

Location

Sue Joye

Hearings Officer

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

RULEMAKING ACTION

AMEND: OAR 437-002-0005, 437-002-0100

ADOPT: OAR 437-002-2102

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 revise Division 2/H, General Industry/Hazardous Materials, rules which will:

- Repeal the current Acetylene rule, 1910.102, that is based on the Compressed Gas Association (CGA) Pamphlets; G-1-1966, G1.3-1959, G1.4-1966
- Adopt new rule, OAR 437-002-2102, Acetylene, that will update references to standards developing organizations (SDO standards) making them consistent with current industry practices which will improve employee safety by clarifying employer obligations, and eliminate confusing requirements.

Oregon OSHA will also adopt the Federal OSHA revisions published in the August 11, 2009 Federal Register to 1910.6 Incorporation by reference.

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: Amending OAR 437-002-0005, 437-002-0100, and Adopting OAR 437-002-2102

Rule Caption:
Proposed changes to acetylene rules in general industry.

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

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

On August 11, 2009, Federal OSHA published in the Federal Register a direct final rule to revise 1910.102, Acetylene, by updating references to standards developing organizations (SDO standards). Federal OSHA also revised 1910.6, Incorporation by reference, to reflect updated documents.

Oregon OSHA formed an advisory committee with representatives from organized labor, employers, distributors, and manufacturers to review and discuss the existing rules and the requirement to adopt the Federal OSHA direct final rule for Acetylene. It was determined through examining 1910.102 Acetylene, and the SDO standards, that Oregon OSHA would develop an Oregon-initiated rule to replace the federal standard.

New Oregon rule 437-002-2102 Acetylene, includes general requirements for work practices and definitions used in paragraph (1), Cylinders. Piped systems and generators and filling cylinders retains language from 1910.102 for those topics.

Oregon OSHA will adopt the federal changes to 1910.6 Incorporation by reference, as they appear in the August 11, 2009 Federal Register.

Oregon OSHA standards must be at least as effective as Federal OSHA standards. With the creation of the new Oregon-initiated rule for acetylene, Oregon has all the protective measures referenced in the Federal OSHA standard, as well as expanded work practices language and definitions used in 437-002-2102(1) Cylinders.

Documents Relied Upon, and where they are available:

Federal Register published August 11, 2009, pp. 40442 – 40447

29 CFR 1910.101 (Compressed Gases (General Requirements))
29 CFR 1910.102 (Acetylene)
49 CFR Parts 100-180 (Transportation)
OAR 437, Division 2/H (Hazardous Materials)

American National Standards Institute (ANSI) documents:
ANSI A13.1, 1996 (Scheme for Identification of Piping Systems)

American Society of Mechanical Engineers (ASME)
ASME B3.3, 2002 (Process Piping)

