

February 17, 2009

**Oregon OSHA - Proposed Changes
To Division 2/F, Powered Platforms, Manlifts, and
Vehicle Mounted Platforms**

Public Hearing Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
March 26, 2009	2:30 pm	Labor and Industries Building Basement – Conference Room F 350 Winter Street NE Salem OR 97301

Oregon OSHA proposes to repeal five Oregon Administrative Rules (OARs):

OAR 437-002-0067 Extensible and Articulating Boom Platforms, because the rule does not allow for additional acceptable alternatives. The rule currently requires equipment to have clearly visible flashing warning lights on all vehicles when operating in or exposed to traffic.

The rule does not allow for other approved methods such as traffic control devices, barricades or simply roping off the area as referenced in the 2006 edition of the ANSI/SIA A92.5 consensus standard for Boom-Supported Elevating Work Platforms. Similar equipment or vehicles can simply conform to the Millennium Edition of the (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), December 2000.

OAR 437-002-0069 General rules for proximity to overhead high voltage lines and equipment, **437-002-0071** Clearance or Safeguards Required, **437-002-0073** Warning Signs Required, and **437-002-0075** Notification to Power Company and Responsibility for Safeguards. These are redundant to overhead electrical rules found in Division 2/S Electrical.

Repeal of these rules in Division 2/F, will further maintain consistency with the Division 3 Construction rules.

Oregon OSHA Proposes to adopt three new OARs:

OAR 437-002-0072 Manually Propelled Elevating Aerial Platforms, equipment identified in ANSI A92.3; **437-002-0074** Self-Propelled Elevating Work Platforms-Scissor Lifts, equipment identified in ANSI A92.6; and **437-002-0076** Boom Supported Elevating Work Platforms, equipment identified in ANSI A92.5. Oregon OSHA adopted rules in 1997 into Division 3, Construction concerning this equipment. This proposal will provide consistent requirements for general industry and construction.

When does this happen: Adoption tentatively will be April 2009

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: **March 31, 2009**

OR-OSHA contact: **Ron Haverkost, Central Office @ 503-947-7421;**
or email at Ronald.I.haverkost@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 2/F, Powered Platforms, Manlifts, and Vehicle Mounted Work Platforms.
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	
<u>March 26, 2009</u>	<u>2:30 pm</u>		<u>Sue Joye</u>
Hearing Date	Time	Location	Hearings Officer

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

RULEMAKING ACTION

ADOPT: OAR 437-002-0072, 437-002-0074, 437-002-0076

REPEAL: OAR 437-002-0067, 437-002-0069, 437-002-0071, 437-002-0073, 437-002-0075

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 five Oregon Administrative Rules (OARs):

OAR 437-002-0067 Extensible and Articulating Boom Platforms, because the rule does not allow for additional acceptable alternatives. The rule currently requires equipment to have clearly visible flashing warning lights on all vehicles when operating in or exposed to traffic.

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OAR 437-002-0069 General rules for proximity to overhead high voltage lines and equipment, **437-002-0071** Clearance or Safeguards Required, **437-002-0073** Warning Signs Required, and **437-002-0075** Notification to Power Company and Responsibility for Safeguards. These are redundant to overhead electrical rules found in Division 2/S Electrical.

Repeal of these rules in Division 2/F, will further maintain consistency with the Division 3 Construction rules.

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: Adopting OAR 437-002-0072, 437-002-0074, 437-002-0076; and
Repealing OAR 437-002-0067, 437-002-0069, 437-002-0071, 437-002-0073, 437-002-0075.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Proposed changes to Division 2/F, Powered Platforms, Manlifts, and Vehicle Mounted Work Platforms.

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 standard must be at least as effective as Federal OSHA, therefore we propose to adopt new rules to establish criteria consistent with the construction rules for similar equipment. The adoption of these rules will specify for general industry employers the actual requirements for use based on industry standards.

Documents Relied Upon, and where they are available:

American National Standard Institute/Scaffold Industry Association (ANSI/SIA A92.6-1990, ANSI/SIA A92.5-1992, ANSI/SIA A92.3-1990)
Oregon OSHA rules in Division 3/L, Construction/Scaffolding

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

This new proposal will have little or no fiscal and economic impact. The equipment such as manually or self propelled elevating work platforms and boom supported elevating work platforms used by construction and general industry employers are the same. Whether the employer rents/leases or owns the equipment the ANSI A 92 consensus standards are applicable to all employers who use the equipment. The requirements for additional fall protection systems in certain elevated platforms have applied across all industries regardless of specific rules. The proposal adds the specific reference to user and maintenance requirements. This was previously a consensus standard requirement that would be cited under a general safety and health provision. There will be no increased costs for employers that use this equipment nor will there be for employers that choose to use this equipment in the future based on the adoption of this rule.

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

Input was sought from Oregon OSHA's Partners Group and the Construction Advisory Committee. These groups include representatives of small businesses.

The proposed standard will provide more consistency for stakeholders, including small businesses, while improving safety for employees through providing specific rules for maintenance and use of the equipment.

Administrative Rule Advisory Committee consulted? Yes.

If not, why?

Oregon OSHA's Partners Group and Construction Advisory Committee

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

2/13/09
Date