

March 16, 2009

Oregon OSHA - Proposed Changes To Compactors and Balers in General Industry and Agriculture

Public Hearing Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
April 29, 2009	1:30 pm	Labor and Industries Building Second Floor – Room 260 350 Winter Street NE Salem OR 97301

The general industry rule in Division 2/O (OAR 437-002-0256, Oregon Rules for Refuse Collection and Compaction Equipment) is amended to include balers, stationary compactors, and self-contained compactors. It identifies guarding measures, appropriate signage, installation procedures, inspection requirements, and maintenance instructions. It is in plain language for easy reading and understanding.

The agriculture rule in Division 4/O is entirely new and functionally identical to the Division 2 rule outlined above except that the Division 4 rule restricts application to stationary balers, stationary compactors and self-contained compactors.

When does this happen: Adoption tentatively will be May 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: May 4, 2009

OR-OSHA contact: Claudia Marthaller, Central Office @ 503-947-7454;
or email at claudia.s.marthaller@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

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 compactors and balers rules in general industry and agriculture.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

<u>April 29, 2009</u> Hearing Date	<u>1:30 pm</u> Time	<u>Labor and Industries Building Second Floor – Room 260 350 Winter Street NE Salem OR 97301</u> Location	<u>Sue Joye</u> Hearings Officer
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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT: OAR 437-004-2150

AMEND: OAR 437-002-0256

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULE SUMMARY

The general industry rule in Division 2/O (OAR 437-002-0256, Oregon Rules for Refuse Collection and Compaction Equipment) is amended to include balers, stationary compactors, and self-contained compactors. It identifies guarding measures, appropriate signage, installation procedures, inspection requirements, and maintenance instructions. It is in plain language for easy reading and understanding.

The agriculture rule in Division 4/O is entirely new and functionally identical to the Division 2 rule outlined above except that the Division 4 rule restricts application to stationary balers, stationary compactors and self-contained compactors.

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.

/s/Joan M. Fraser
Signature

May 4, 2009

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Joan M. Fraser

Printed name

3/9/2009

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/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of: Adopting OAR 437-004-2150; and
Amending OAR 437-002-0256.

Rule Caption:

Proposed changes to compactors and balers rules in general industry and agriculture.

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

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

The amendments to the Division 2 rule are necessary because the old rule covered only compactors. The Division 4 rule adds coverage for equipment not previously covered but found in the nursery and hop segments of the industry. It is necessary to avoid referencing rules outside Division 4 for hazards found in agriculture. Rules in both divisions are necessary because of serious accidents, including at least one amputation, involving compactors and balers. Old rules covering compactors were hard to understand and there was no coverage for balers, where most of the accidents have occurred.

Documents Relied Upon, and where they are available:

Pertinent information from OAR 437-002-0256, ANSI Z245.5 – 1997 for Baling Equipment, and ANSI Z245.2 – 1997 for Compactors is available in the Oregon OSHA Resource Center at 350 Winter Street NE, Room 26, Salem, Ore.

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

The Baler Stakeholder Advisory Committee determined that employers using the equipment covered by the Division 2 rule are already in compliance with the requirements related to compactors. They identified no additional costs related to compactors. The rule is new as related to balers and operators of balers could incur costs ranging from a few dollars for new signs to several hundred for training, inspection and equipment modifications.

For the Division 4, Agriculture, rules operators of compactors or balers could incur costs ranging from a few dollars for new signs to several hundred for training, inspection and equipment modifications.

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

Small business owners and small agriculture employers participated in rulemaking advisory committees.

Administrative Rule Advisory Committee consulted? Yes.

If not, why?

We convened an advisory group with members from the following: small business, large business, refuse and recycling, retail sales, food and grocery, agriculture and equipment vendors and manufacturers. We also consulted the Small Agriculture Employer Advisory Committee.

/s/Joan M. Fraser
Authorized Signer

Joan M. Fraser
Printed name

3/9/2009
Date