

July 29, 2011

Oregon OSHA - Proposed Changes Federal Amendments to Shipyard Employment and Three Standards in General Industry

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA revised its standards in 29 CFR 1915 on general working conditions in shipyard employment. These revisions update existing requirements to reflect advances in industry practices and technology, consolidate some general safety and health requirements into a single subpart, and provide protection from hazards not addressed by existing standards, including the control of hazardous energy.

Oregon OSHA proposes to adopt the changes in general industry (1910.145, 1910.147, 1910.177) and shipyard employment (1915) as published in the May 2, 2011 Federal Register.

Except, in 1910.147 The Control of Hazardous Energy (lockout/tagout), Oregon OSHA did not adopt paragraph (a)(1)(ii)(A) of that rule which exempts construction and agriculture. Oregon OSHA's Division 4, Agriculture has its own Oregon-initiated OAR 437-004-1275 lockout/tagout rule, and in Division 3, Construction there are lockout/tagout rules for specific applications (1926.417, 1926.702) with an Oregon-initiated rule 437-003-0005 which allows moving to other Divisions of OAR 437 when applicable.

Also, Oregon OSHA did not adopt 1910.177 Servicing Multi-piece and Single Piece Rim Wheels, paragraph (a)(2) which exempts construction, agriculture, and longshoring. In Oregon, 1910.177 applies to construction and longshoring, and OAR 437-004-3550 applies to agriculture.

NOTE: In the [July 25, 2011 Federal Register](#) Federal OSHA published corrections to their final rules published in the [May 2, 2011 Federal Register](#). Oregon OSHA has incorporated the July 25th corrections in this proposed rulemaking. The corrections are in the first sentence each of 1910.145(a)(1) and 1910.147(a)(1)(i). In both locations, Federal OSHA reverted back to the original language before changes were published in the May 2nd Federal Register.

When does this happen: Adoption tentatively will be October 2011

To get a copy: Our web site – www.orosha.org Rules/Compliance, then Proposed Rules
Or call the Oregon 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: September 16, 2011

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*
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

Propose to adopt federal amendments to maritime activities and three standards in general industry. 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

AMEND: OAR 437-002-0140, 437-002-0220, 437-005-0001.

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULE SUMMARY

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA revised its standards in 29 CFR 1915 on general working conditions in shipyard employment. These revisions update existing requirements to reflect advances in industry practices and technology, consolidate some general safety and health requirements into a single subpart, and provide protection from hazards not addressed by existing standards, including the control of hazardous energy.

Oregon OSHA proposes to adopt the changes in general industry (1910.145, 1910.147, 1910.177) and maritime activities (1915) as published in the May 2, 2011 Federal Register.

Except, in 1910.147 The Control of Hazardous Energy (lockout/tagout), Oregon OSHA did not adopt paragraph (a)(1)(ii)(A) of that rule which exempts construction and agriculture. Oregon OSHA's Division 4, Agriculture has its own Oregon-initiated OAR 437-004-1275 lockout/tagout rule, and in Division 3, Construction there are lockout/tagout rules for specific applications (1926.417, 1926.702) with an Oregon-initiated rule 437-003-0005 which allows moving to other Divisions of OAR 437 when applicable.

Also, Oregon OSHA did not adopt 1910.177 Servicing Multi-piece and Single Piece Rim Wheels, paragraph (a)(2) which exempts construction, agriculture, and longshoring. Oregon OSHA's Division 4, Agriculture has its own Oregon-initiated OAR 437-004-3550 rule on this procedure.

Please visit our web site www.orosha.org Click 'Rules/Compliance' 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.

September 16, 2011

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

/s/Michael D. Wood

Signature

Michael D. Wood

Printed name

7/14/2011

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

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 437-002-0140, 437-002-0220, 437-005-0001.

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

Propose to adopt federal amendments to maritime activities and three standards 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):

Oregon OSHA's standards must be at least as effective as Federal OSHA, therefore we propose to adopt these rules as they appear in the May 2, 2011 Federal Register affecting general industry, and shipyard employment.

Federal OSHA revised the its standards on general working conditions in shipyard employment. These revisions update existing requirements to reflect advances in industry practices and technology, consolidate some general safety and health requirements into a single subpart, and provide protection from hazards not addressed by existing standards, including the control of hazardous energy.

Documents Relied Upon, and where they are available:

Federal Register, May 2, 2011, volume 76, number 84, p. 24576.

http://www.osha.gov/FedReg_oshapdf/FED20110502.pdf

OAR 437-002 Subdivisions J and N

http://www.orosha.org/pdf/rules/division_2/div2_j.pdf

http://www.orosha.org/pdf/rules/division_2/div2_n.pdf

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

Federal OSHA has jurisdiction over most maritime activity. The small amount Oregon OSHA regulates will have minimal if any fiscal impact. Oregon OSHA's own costs in administering the rules are limited to the rulemaking itself. All state agencies as well as units of local government are affected in the sense that they are employers under the Oregon Safe Employment Act.

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

This rulemaking will not have a significant impact on a substantial number of small entities.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: The nature of this rulemaking does not necessitate committee input at the state level.

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

7/14/2011
Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.
ARC 925-2005