

GENERAL SAFETY AND HEALTH PROVISIONS

C

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**GENERAL S & H PROVISIONS/
FLOORING / TEMPORARY FLOORS /
SHORING, BRACING OR GUYING OF
STRUCTURES**

C

SUBDIVISION C

GENERAL SAFETY AND HEALTH PROVISIONS

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (40 U.S.C. 333); secs. 4, 6, and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 6-96 (62 FR 111), as applicable; and 29 CFR part 1911.

§1926.20 General Safety and Health Provisions.

(a) Contractor requirements.

(1) Section 107 of the Act requires that it shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), as defined in §1926.12, and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety.

Other Structural Requirements

437-003-0905 Flooring. *In buildings or other structures of wood floor construction, the under-flooring shall be laid on each tier of joists as the structure progresses, or if double floors are not to be used, the tier of joists next below where work is being performed shall be entirely floored over except for such spaces as are required for ladders and shaftways.*

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

437-003-0910 Temporary Floors. *Temporary floors shall be of sufficient strength to support expected loading.*

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

437-003-0915 Shoring, Bracing or Guying of Structures. *During erection, alteration, or repair, structures, including each part thereof, shall be braced or guyed as necessary to prevent overturning or collapse. All temporary shoring, bracing, or guying used for this purpose shall be maintained until the structure or any part of same is otherwise secured against overturning or collapse.*

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

437-003-0920 Project Plans. *The Administrator of the Oregon Occupational Safety and Health Division (OR-OSHA) may require plans and specifications of temporary shoring and bracing used in the construction or alteration of any building, structure, or excavation project. Required plans shall be certified by a qualified engineer whenever there is a question as to compliance with requirements of this code.*

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

(b) Accident prevention responsibilities.

(1) It shall be the responsibility of the employer to initiate and maintain such programs as may be necessary to comply with this part.

(2) Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

(3) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this part is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(4) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

NOTE: Oregon did not adopt 1926.20(c), (d), and (e).

(f) Compliance duties owed to each employee.

(1) Personal protective equipment. Standards in this part requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE to each employee required to use the PPE, and each failure to provide PPE to an employee may be considered a separate violation.

(2) Training. Standards in this part requiring training on hazards and related matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654-001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).
OR-OSHA Admin. Order 5-2009, f. 5/29/09, ef. 5/29/09.

§1926.21 Safety Training and Education.

(a) General requirements. The Secretary shall, pursuant to section 107(f) of the Act, establish and supervise programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe conditions in employments covered by the act.

(b) Employer responsibility.

(1) The employer should avail himself of the safety and health training programs the Secretary provides.

(2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(3) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(4) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.

(5) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Subparts D, F, and other applicable subparts of this part.

(6)

(i) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(ii) For purposes of paragraph (b)(6)(i) of this section, “confined or enclosed space” means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

C

RECORDING & REPORTING OF INJURIES / FIRST AID & MEDICAL ATTENTION / FIRE PROTECTION & PREVENTION / HOUSEKEEPING

Oregon Administrative Rules
Oregon Occupational Safety
and Health Division

§1926.22 Recording and Reporting of Injuries. (RESERVED).

§1926.23 First Aid and Medical Attention.

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations.

Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in Subpart D of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

§1926.24 Fire Protection and Prevention.

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job site throughout all phases of the construction, repair, alteration, or demolition work. The employer shall ensure the availability of the fire protection and suppression equipment required by Subpart F of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

§1926.25 Housekeeping.

(a) During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.

(b) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.

(c) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc. shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

**ILLUMINATION / SANITATION /
PERSONAL PROTECTIVE EQUIPMENT /
HIGH VISIBILITY GARMENTS**

C

§1926.26 Illumination.

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in Subpart D of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

§1926.27 Sanitation.

Health and sanitation requirements for drinking water are contained in Subpart D of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

§1926.28 Personal Protective Equipment.

(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

(b) Regulations governing the use, selection, and maintenance of personal protective and lifesaving equipment are described under Subpart E of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

437-003-0128 High visibility garments. *Employees exposed to hazards caused by on-highway type moving vehicles in construction zones and street/highway traffic must wear highly visible upper body garments. The colors must contrast with other colors in the area sufficiently to make the worker stand out. Colors equivalent to strong red, strong orange, strong yellow, strong yellow-green or fluorescent versions of these colors are acceptable. During hours of darkness, the garments must also have reflective material visible from all sides for 1000 feet.*

Stat. Authority: ORS 654.025(2) and 656.726(3).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 10-2000, f. 11/7/00, ef. 4/1/01.

C ACCEPTABLE CERTIFICATIONS / SHIPBUILDING & SHIP REPAIRING/ INCORPORATION BY REFERENCE

§1926.29 Acceptable Certifications.

(a) **Pressure vessels.** Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, and testing of pressure vessels provided by the employer.

(b) **Boilers.** Boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.

(c) **Other requirements.** Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in Subparts F and O of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

§1926.30 Shipbuilding and Ship Repairing.

(a) **General.** Shipbuilding, ship repairing, alterations, and maintenance performed on ships under Government contract, except naval ship construction, is work subject to the Act.

(b) **Applicable safety and health standards.** For the purpose of work carried out under this section, the safety and health regulations in Part 1915 of this title, Shipyard Employment, shall apply.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).
OR-OSHA Admin. Order 4-1997, f. 4/2/97, ef. 4/2/97.

§1926.31 Incorporation by Reference.

(a) The standards of agencies of the U.S. Government, and organizations which are not agencies of the U.S. Government which are incorporated by reference in this part, have the same force and effect as other standards in this part. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act. The locations where these standards may be examined are as follows:

(1) Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, Frances Perkins Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Occupational Safety and Health Administration, which are listed in the U.S. Government Manual.

(b) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (a) of this section. All questions as to the applicability of such changes should also be referred to these offices.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).
OR-OSHA Admin. Order 4-1997, f. 4/2/97, ef. 4/2/97.
OR-OSHA Admin. Order 4-1999, f. 4/30/99, ef. 4/30/99.

§1926.32 Definitions.

The following definitions shall apply in the application of the regulations in this part:

(a) “Act” means section 107 of the Contract Work Hours and Safety Standards Act, commonly known as the Construction Safety Act (86 Stat. 96; 40 U.S.C. 333).

(b) “ANSI” means American National Standards Institute.

(c) “Approved” means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.

(d) “Authorized person” means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.

(e) “Administration” means the Occupational Safety and Health Administration.

(f) “Competent person” means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

(g) “Construction work.” For purposes of this section, “Construction work” means work for construction, alteration, and/or repair, including painting and decorating.

(h) “Defect” means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(i) “Designated person” means “authorized person” as defined in paragraph (d) of this section.

C

DEFINITIONS / ADDITIONAL DEFINITIONS

(j) **“Employee”** means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. “Laborer and mechanic” are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of “laborer and mechanic” as used in the Act. “Laborer” generally means one who performs manual labor or who labors at an occupation requiring physical strength; “mechanic” generally means a worker skilled with tools. See 18 Comp. Gen. 341.

(k) **“Employer”** means contractor or subcontractor within the meaning of the Act and of this part.

(l) **“Hazardous substance”** means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

(m) **“Qualified”** means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

(n) **“Safety factor”** means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(o) **“Secretary”** means the Secretary of Labor.

(p) **“SAE”** means Society of Automotive Engineers.

(q) **“Shall”** means mandatory.

(r) **“Should”** means recommended.

(s) **“Suitable”** means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

OR-OSHA Admin Order 3-2000, f. 2/8/00, ef. 2/8/00.

437-003-0011 Additional Definitions. *The following definitions are in addition to those found in 29 CFR 1926.32:*

(1) **Department** – *The Department of Consumer and Business Services.*

**ADDITIONAL DEFINITIONS / ACCESS
TO EMPLOYEE EXPOSURE AND
MEDICAL RECORDS / MEANS OF EGRESS**

C

*(2) **Employee** – Any individual, including a minor whether lawfully or unlawfully employed, who engages to furnish his services for a remuneration, financial or otherwise, subject to the direction and control of an employer, and includes salaried, elected and appointed officials of the state, state agencies, counties, cities, school districts and other public corporations, or any individual who is provided with workers' compensation coverage as a subject worker pursuant to ORS Chapter 656, whether by operation of law or by election.*

*(3) **Employer** – Any person who has one or more employees, or any sole proprietor or member of a partnership who elects workers' compensation coverage as a subject worker pursuant to ORS 656.128.*

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

§1926.33 Access to Employee Exposure and Medical Records.

NOTE: The requirements applicable to construction work under this section are identical to those set forth at §1910.1020 of this chapter.

§1926.34 Means of Egress.

(a) General. In every building or structure exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.

(b) Exit marking. Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants.

(c) Maintenance and workmanship. Means of egress shall be continually maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin Order 3-2000, f. 2/8/00, ef. 2/8/00.

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