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February 22, 2005

Proposed Changes - General Industry, Construction, and Maritime

Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also propose to repeal an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, is proposed to be added.

Oregon OSHA proposes to adopt all these changes to remain at least as effective as Federal OSHA standards.

When does this happen: Adoption will tentatively be in April 2005.

To get a copy: Our web site - www.orosha.org
Telephone - 503-378-3272, OR-OSHA Resource Center

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem, OR 97301-3882
Email - tech.web@state.or.us
Fax - 503-947-7461

Comment period closes: March 31, 2005

OR-OSHA contact: **Peggy Munsell @ 503-947-7446 or Ron Preece @ 503-378-3272, Central Office**

NOTE: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternate 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, OR-OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

Sue Joye
Rules Coordinator

(503) 947-7449
Telephone

350 Winter Street NE Salem OR 97301-3882
Address

RULEMAKING ACTION

AMEND: OAR 437-002-0140, 437-002-0161, 437-002-0300, 437-002-0360, 437-002-0368, 437-003-0001, 437-005-0001

REPEAL: OAR 437-002-0361

ORS 654.025(2) and 656.726(4)
Stat. Auth.: ORS

ORS 654.001 through 654.295
Stats. Implemented: ORS

RULE SUMMARY

Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also propose to repeal an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, is proposed to be added.

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Please visit OR-OSHA's web site: www.orosha.org

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.

ORS 183.335(2)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

March 31, 2005
Last Day for Public Comment

/s/Peter De Luca 2/14/05
Signature and Date

Peter De Luca
Printed Name

* 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 5:00 pm on the preceding workday.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking or a Notice of Proposed Rulemaking Hearing accompanies this form.

Department of Consumer and Business Services, OR-OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of: Amending OAR 437-002-0140, 437-002-0161, 437-002-0300, 437-002-0360, 437-002-0368, 437-003-0001, 437-005-0001
Repealing: 437-002-0361

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

Statutes Implemented: ORS 654.001 through 654.295

Need for the Rule(s): Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross reference in Methylenedianiline in construction. We also propose to repeal an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, is proposed to be added.

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Documents Relied Upon:
OAR 437-002, 437-003, 437-005
Federal Register published 12/6/04, #69:70373
Federal Register published 1/5/05, #69:1111-1144

Fiscal and Economic Impact: OSHA states these revisions will reduce regulatory requirements for employers without reducing employee protection. This rulemaking provides cost savings for employers. Federal OSHA's national, annual estimate for cost savings is \$6.8 million. Table of savings and methodology are in the January 5, 2005 Federal Register.

Administrative Rule Advisory Committee consulted?: No.

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

/s/Peter De Luca 2/14/05
Signature and Date

Peter De Luca
Printed Name