**Oregon OSHA**

**Semi Annual Update**

**Proposed Regulations**

**Oregon OSHA – Proposed Changes to Remove Certain Schools and Education Support From the Recordkeeping Exempt List in Division 1**

**Comment period closes: June 21, 2017**

The Oregon School Employees Association (OSEA) has led a campaign to reduce the amount of preventable injuries sustained by its members that were a result of violent behavior from students. In January of this year OSEA petitioned Oregon OSHA to initiate rulemaking to remove NAICS 6111 (Elementary and Secondary Schools), 6116 (Other Schools of Instruction), and 6117 (Educational Support Services) from the exempt status of Table 1 in OAR 437-001-0700 Recording Workplace Injuries and Illnesses. Typically industries on the list that are exempted from recordkeeping are considered low hazard industries. In considering the petition to Oregon OSHA made by OSEA, it was discovered that industries covered by this rule have injury and illness rates that are significantly higher than would be expected in a low hazard industry. To illustrate: The DART rate (days away, restricted or transferred) for elementary and secondary schools from 2011 through 2015 are slightly higher than that of nonresidential construction. Recording injuries under the rule will enable the employer to identify causes and trends of injuries and create corrective actions to eliminate recurrence.

To comment:

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Comment period closes: June 21, 2017

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**Adopted Regulations**

**Changes to Occupational Exposure to Beryllium in General Industry, Construction, and Maritime**

**Adopted: 5/16/17**

**Effective: 3/12/18**

On January 9, 2017, federal OSHA adopted final rules for beryllium for general industry, construction, and maritime. Before these rules, the only specific rule for beryllium was an airborne permissible exposure limit (PEL) of 2 micrograms per cubic meter of air (µg/m3). With the adoption of these rules, federal OSHA lowered the PEL from 2 µg/m3 to 0.2 µg/m3, and instituted an action level of 0.1 µg/m3. These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information.

Oregon OSHA combined the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-2024 through 437-002-2038.

Oregon OSHA also updated the air contaminants rules for general industry and construction, OAR 437-002-0382 and 437-003-1000, to reflect the new beryllium rules.

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**Changes to Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) in General Industry**

**Adopted: 5/16/17**

**Effective: 11/1/17**

On November 18, 2016, federal OSHA published in the Federal Register their final rule titled: “Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)”. This general industry final rule revised the previous walking-working surfaces standards within 29 CFR part 1910, subpart D and created a new standard and two new non-mandatory appendixes for fall protection systems within 29 CFR part 1910, subpart I. In addition to the significant changes made to Subparts D and I, federal OSHA also amended standards in 29 CFR part 1910, subparts F, N, and R to create uniformity across all of the affected subparts where walking-working surfaces and personal fall protection systems are addressed. The final rule increases consistency between federal OSHA’s general industry and construction standards, which will make compliance easier for employers who conduct operations in both industry sectors. Federal OSHA has also reorganized the requirements and incorporated plain language in order to make the final rule easier to understand and follow. The final rule uses performance-based language whenever possible to give employers greater compliance flexibility. The revised standards on walking-working surfaces are intended to prevent and reduce workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking-working surface hazards. The final federal OSHA rule adds requirements on the design, performance, and use of personal fall protection systems. It also revises and creates new provisions addressing, for example, fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems.

Oregon OSHA adopted the federal OSHA final rules as published in the Federal Register with a few exceptions. These exceptions are addressed through new Oregon initiated rules which are at least equally as effective as the original federal language. Furthermore, several existing Oregon initiated rules were either removed or modified to remove any duplication with the new federal regulations.

In order to harmonize Oregon OSHA’s existing Division 2 regulations with the new federal rule, Oregon OSHA made significant revisions to subdivision 2/D (Walking-Working Surfaces) and Subdivision 2/I (Personal Protective Equipment) of Chapter 437, Division 2. Subsequently, since many existing Oregon OSHA regulations are based on those within 2/D and 2/I, the following Division 2 subdivisions also must be amended: 2/A, 2/F, 2/L, 2/N, 2/R, and 2/RR.

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**Changes to the Worker Protection Standard in Agriculture with Federal and State Changes**

**Adopted: 2/14/17**

**Effective: 1/1/18**

Oregon Occupational Safety and Health Division (Oregon OSHA) administers and enforces the employee safety and health part of the U.S. Environmental Protection Agency (EPA)’s pesticide Worker Protection Standard (WPS) as adopted in Division 4/ Agriculture as adopted at OAR 437-004-6000. The standard aims to protect workers – those who work in pesticide-treated crop areas – and handlers – those who mix, load, and apply pesticides. EPA modified the WPS at the federal level (40 CFR 170) in the November 2, 2015 Federal Register. In response, Oregon OSHA initiated the rulemaking process working with an advisory committee – including representatives of labor, employers, grower organizations, and government and nonprofit agencies, and other stakeholders – and reviewed extensive public comments received both orally at three public hearings held around the state, and in written format following formal proposal in late 2016.

Oregon OSHA is adopting most of the modified rules initiated by the EPA as well as several Oregon-initiated rules introduced to reflect the unique circumstances for employers in Oregon. The agency will continue to enforce the existing WPS through the end of 2017.

The rule changes are expected to lead to an overall reduction in incidents of unsafe pesticide exposure and to improve the occupational health of agricultural workers and pesticide handlers.

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