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July 31, 2007

## Oregon OSHA - Proposed Changes To Vehicle Rules in General Industry and Construction

### ***Public Hearing Scheduled for:***

<u>Date</u>	<u>Time</u>	<u>Location</u>
August 29, 2007	9:30 am	Oregon Dept. of Fish & Wildlife Bldg. First Floor – Commission Room 3406 Cherry Avenue NE Salem OR 97303

This is a reorganization of the existing OR-OSHA rules on vehicles in Divisions 2, General Industry and 3, Construction. Current vehicle rules in both divisions are repealed.

It converts the rules to plain language. It also deletes a few rules that were deemed outdated or unnecessary as duplicative of rules administered by other Oregon agencies. It reorganizes the old rule into three new rules.

The requirement for fire extinguishers in vehicles is deleted.

The requirement prohibiting persons under 18 from operating vehicles is eliminated and a note is added referring readers to BOLI for guidance on the employment of minors.

New requirements are to report inspection findings to the employer, check the employee's drivers license, and a requirement to fill flammable containers outside the vehicle.

***When does this happen:*** Adoption tentatively will be mid-September 2007

***To get a copy:*** Our web site – [www.orosha.org](http://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](mailto:tech.web@state.or.us)  
Fax – 503-947-7461

***Comment period closes:*** September 5, 2007

***OR-OSHA contact*** Ron Preece, Central Office @ 503-947-7876

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

OAR 437

Administrative Rules Chapter Number

Sue Joye

Rules Coordinator

350 Winter Street NE Salem OR 97301-3882

Address

503-947-7449

Telephone

**RULE CAPTION**

Propose to adopt changes to Vehicle Rules in General Industry and Construction.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Oregon Dept. of Fish & Wildlife Building  
3406 Cherry Avenue NE  
Commission Room – First Floor

August 29, 2007

Hearing Date

9:30 AM

Time

Salem OR 97303

Location

Sue Joye

Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**ADOPT:** OAR 437-002-2224, 437-002-2225, 437-002-2226, 437-003-3224, 437-003-3225, 437-003-3226.

**AMEND:** OAR 437-002-0223, 437-002-00227, 437-003-0001.

**REPEAL:** OAR 437-003-0093.

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

**RULE SUMMARY**

This is a reorganization of the existing OR-OSHA rules on vehicles in Divisions 2, General Industry and 3, Construction. Current vehicle rules in both divisions are repealed.

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New requirements are to report inspection findings to the employer, check the employee's drivers license, train new drivers and a requirement to fill flammable containers outside the vehicle.

Please visit our web site [www.orosha.org](http://www.orosha.org) Click 'Rules & Laws' 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

September 5, 2007

**Last Day for Public Comment**  
Last day to submit written comments to the Rules Coordinator

Joan M. Fraser 7/12/07  
Printed name 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/OR-OSHA

Agency and Division

OAR 437

Administrative Rules Chapter Number

**In the Matter of:** Adopting OAR 437-002-2224, 437-002-2225, 437-002-2226, 437-003-3224, 437-003-3225, 437-003-3226.  
Amending OAR 437-002-0223, 437-002-00227, 437-003-0001.  
Repealing OAR 437-003-0093.

**Rule Caption:** (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)  
Propose to adopt changes to Vehicle Rules in General Industry and Construction.

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

**Other Authority:**

**Stats. Implemented:** ORS 654.001 through 654.295

**Need for the Rule(s):**

This is a reorganization of the existing OR-OSHA rules on vehicles in Divisions 2, General Industry and 3, Construction. Current vehicle rules in both divisions are repealed.

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**Documents Relied Upon, and where they are available:**

ORS 811

ORS 816

OAR 1910.178

OAR 437-002-0227

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

Possible savings of \$25 or more per vehicle by elimination of the requirement for fire extinguishers.

Minimal fiscal impact from a new requirement to report inspection findings to the employer. These inspections were already required. Any additional cost will depend on how many items are found during the inspection and the method the employer chooses to have the employee report them.

Additional expenses related to a new training requirement will differ greatly for each employer. They include the time needed to check the validity of the employee’s drivers license and the time needed to train them on the employer’s rules about using a vehicle. Time needed could range from a few minutes to several hours per employee. Salary variances and numbers needing training mean that the cost could range from \$50 to \$1000 or more.

The new requirement about filling portable gas cans outside the vehicle will not cause additional expense.

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

Small businesses were involved through the stakeholder committee.

**Administrative Rule Advisory Committee consulted?:** Yes.

**If not, why?:**

Six interested parties were invited to a meeting to discuss the proposed changes. They represented private industry and government agencies.

/s/Joan M. Fraser  
Authorized Signer

Joan M. Fraser  
Printed name

7/12/07  
Date