



***To comment:***

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***Comment period closes: October 31, 2008***

***OR-OSHA contact:***

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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 350 Winter Street NE Salem OR 97301-3882  
Rules Coordinator Address

503-947-7449  
Telephone

**RULE CAPTION**

Proposed changes to Division 1, General Administrative Rules.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Labor and Industries Building  
Basement – Conference Room F  
350 Winter Street NE  
Salem OR 97301

October 27, 2008  
Hearing Date

9:30 am  
Time

Salem OR 97301  
Location

Sue Joye  
Hearings Officer

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

**RULEMAKING ACTION**

**AMEND:** OAR 437-001-0015, 437-001-0160, 437-001-0205, 437-001-0760, 437-001-1015, 437-001-1020

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

Other Authority

ORS 654.001 through 654.295  
Stats. Implemented

**RULE SUMMARY**

Oregon OSHA adds language to clarify when corporate officers are covered.

The language that specifies when Oregon OSHA issues citations for repeat violations is changing to indicate that such citations will be for repeats of substantially similar hazardous conditions instead of identical rule numbers, and makes Oregon OSHA consistent with statutes, case law, and federal OSHA practices. The 36 month time limit on repeat violations is being moved from definitions to the rule itself.

The rule on method of delivery of citations to employers is changing to allow Oregon OSHA to use any method acceptable to employers.

Language detailing responsibilities of supervisors is moving from the paragraph about investigations to the paragraph about employer responsibility. This is for clarity.

Two rules on guaranty contracts will change to comply with Senate Bill 559 which changed the term from "guaranty contracts" to "insurance policies."

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

October 31, 2008  
**Last Day for Public Comment**  
Last day to submit written comments to the Rules Coordinator

/s/Michael D. Wood  
Signature

Michael D. Wood                      9/11/08  
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:** Amending OAR 437-001-0015, 437-001-0160, 437-001-0205, 437-001-0760, 437-001-1015, 437-001-1020.

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

Proposed changes to Division 1, General Administrative Rules.

**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 adds language to clarify when corporate officers are covered.

The language that specifies when Oregon OSHA issues citations for repeat violations is changing to indicate that such citations will be for repeats of substantially similar hazardous conditions instead of identical rule numbers, and makes Oregon OSHA consistent with statutes, case law, and federal OSHA practices. The 36 month time limit on repeat violations is being moved from definitions to the rule itself.

The rule on method of delivery of citations to employers is changing to allow Oregon OSHA to use any method acceptable to employers.

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

74th Oregon Legislative Assembly--2007 Regular Session; Senate Bill 559

<http://www.leg.state.or.us/07reg/measpdf/sb0500.dir/sb0559.en.pdf>

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

No added costs of compliance. By excluding single person corporations, the cost of compliance for those entities will decrease.

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

Oregon OSHA Partnership Committee.

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

**If not, why?**

Oregon OSHA Partnership Committee.

/s/Michael D. Wood  
Authorized Signer

Michael D. Wood  
Printed name

9/11/08  
Date

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