

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

OAR 437

Agency and Division

Administrative Rules Chapter Number

Heather Case

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Rules Coordinator

Address

Telephone

RULE CAPTION

Oregon OSHA's Application Exclusion Zone for the Worker Protection Standard Rules.

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|-------------------|----------|---|--------------|
| November 14, 2017 | 6:00 pm | CAPACES Leadership Institute 356 Young St Woodburn, OR 97071 | Heather Case |
| November 16, 2017 | 11:00 am | Woodburn Grange 908 N. Settlemeier Ave Woodburn, OR 97071 | Heather Case |
| November 29, 2017 | 10:00 am | Pine Grove Grange 2835 Van Horn Drive Hood River, OR 97301 | Heather Case |
| December 5, 2017 | 11:00 am | Medford Public Library Carpenter Conference Room 205 S Central Ave Medford, OR 97501 | Heather Case |

Hearing Date

Time

Location

Hearings Officer

Spanish translators will be present at each hearing. Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Adopt: OAR 437-004-6405, 437-004-6406

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295; 654.001 through 654.295; 654.750 through 654.780

Stats. Implemented

RULE SUMMARY

Oregon OSHA administers and enforces the Environmental Protection Agency's (EPA) pesticide Worker Protection Standard (WPS) as adopted in Division 4/W (Agriculture/Worker Protection Standard), OAR 437-004-6000. Oregon OSHA proposes to adopt two new Oregon Administrative Rules (OARs) that reflect specific requirements for employers in Oregon.

These rules complement and complete the changes adopted by Oregon OSHA on February 14th, 2017 on the amended Worker Protection Standard adopted by the EPA in the November 2, 2015 Federal Register.

The new OARs:

- Restrictions associated with outdoor production pesticide applications (which replaces 170.405(a)) where workers or other people are adjacent to pesticides being applied in outdoor production areas.
- Prevention of contamination of employee housing and related agricultural structures due to pesticide spray drift.

The WPS rules are also referenced, in Division 2, General Industry, at OAR 437-002-0170; and in Division 7, Forest Activities, at OAR 437-007-0010.

Pesticides, although a clear necessity in many workplaces, also represent varying levels of risks to workers and others (depending on both the particular pesticide used and the circumstances of the application). The Worker Protection Standard, taken as a whole, provides a number of important protective measures to reduce those risks. However, the risk of unintended exposures due to what is typically referred to as unintended "drift" can create exposure to workers outside the intended application area. In the case of worker housing, that exposure can also involve the workers' family members. The provisions of this proposed rule – as was true of the original EPA rule addressing AEZs – are intended to address that potential by providing an added measure of protection against unintended and unanticipated exposures outside of the locations where pesticides are intended to be applied. 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.

Please visit our web site osha.oregon.gov Click 'Rules and Laws' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

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.

Signature

December 15, 2017

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

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