

## Explanation of applying OR-OSHA Division 2 regulations to OSU DAS Operations

### Background:

The Occupational Safety and Health Act (OSH 1970) gives states and territories the option of implementing their own occupational safety and health program. According to the law, State Plans must be “at least as effective” as federal OSHA.

### Why Division 2 – General Industry:

Many activities, processes and procedures conducted by OSU stakeholders mirror those of enterprises that must comply with industry-specific regulations. However (based upon OSU’s Standard Industrial Classification (SIC) code 8221: Colleges, Universities, and Professional Schools), OSU is obligated to protect employees by following the rules and standards for “General Industry” (all industries not included in agriculture, construction or maritime). In this situation, for example, climbing on haystacks is exempted from fall protection requirements under Division 4 – Agriculture regulations. By comparison, General Industry regulations require fall protection (i.e. a standard railing or fall restraint / fall arrest PPE) when working at heights in excess of 48 inches.

### Similarities:

The overall goal, with both OSHA and OSU, is to protect workers safety and health. Whenever there is uncertainty, the more protective rule, regardless of division, shall be adopted and followed. Letters of interpretation (OSHA’s official responses to written questions about compliance with the agency’s requirements in particular circumstances) are often predicated upon the regulation’s *intent*. Generally speaking, the rules across divisions are parallel, if not identical, in context and/or *intent* (see attached tables of content).

### Examples of Periodic Training Required

Rule	Division 2 – General Industry	Division 4 - Agriculture
Occupational noise exposure	2/G 1910.95: Annual training is required for employees exposed to noise at or above an eight-hour time-weighted average of 85 decibels	4/G 437-004-0630: All employees exposed at or above the eight-hour time-weighted average (TWA) of 85 decibels must receive initial and annual training.
Respiratory protection	2/I 1910.134: Retraining is required at least annually, sooner if worksite hazards change or if employees switch to another type of respirator. Employees who don’t understand how to use or properly care for their respirators also must be retrained.	4/I 437-004-1041: Employees required to use respirators must be retrained at least annually, sooner if worksite hazards change or if they switch to another type of respirator. Employees who don’t understand how to use or properly care for their respirators must be retrained.
Powered industrial trucks (forklifts)	2/N 1910.178: Refresher training is required if an operator is involved in an accident or near-miss incident, operates the truck in an unsafe manner, or is assigned to operate another type of truck. *Operator performance evaluations are also required at least once every three years.	4/N 437-004-1700: Drivers must have refresher training annually or more often if their driving record indicates the need for additional training.

\*Notice the additional requirement of regular re-evaluation

**Dissimilarities:**

**Examples of Periodic Training Required (cont)**

<b>Rule</b>	<b>Division 2 – General Industry</b>	<b>Division 4 - Agriculture</b>
<b>Process safety management of highly hazardous chemicals</b>	<b>2/H 1910.119:</b> Refresher training at least every three years is required for employees involved in chemical process work to ensure they understand current operating procedures.	<b>No Standard:</b> Some research labs will have highly hazardous chemicals. <b>Follow Div 2</b>
<b>Portable fire extinguishers</b>	<b>2/L 437-002-0187:</b> If portable fire extinguishers are available, employees must be trained annually how to use them and about the hazards involved in responding to fire emergencies.	<b>No training requirement:</b> Main campus buildings and facilities have fire extinguishers. <b>Follow Div 2</b>
<b>Seasonal Workers</b>	<b>No Standard:</b> If DAS utilizes seasonal labor, follow <b>Div 4</b>	<b>4/C 437-004-0240(a):</b> Employers must provide <i>Basic Safety Awareness</i> information to seasonal employees: <ul style="list-style-type: none"> <li>• At their orientation meeting, before beginning work for the first time.</li> <li>• When work conditions or locations change in a way that could affect their safety or health.</li> </ul>
<b>Agricultural tractor operators</b>	<b>No Standard: Follow Div 4</b>	<b>4/U 437-004-3430:</b> Operators must be trained at the time of their initial assignment of driving duties and at least annually thereafter.

**Practical and Effective Strategy:**

- For all operations, activities, processes and procedures, reference Division 2 regulations.
- In those instances where a rule is addressed in multiple Divisions; apply, adopt and follow the more protective standard.
- In those instances where a Division 2 rule does not exist; adopt and follow the Division 4 (most likely in your situation) standard.