

**Enrolled**  
**House Bill 3400**

Sponsored by COMMITTEE ON BUSINESS AND LABOR

CHAPTER .....

AN ACT

Relating to fall protection; amending ORS 654.035; repealing section 3, chapter 595, Oregon Laws 2003; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 654.035, as amended by section 2, chapter 595, Oregon Laws 2003, and section 2, chapter 27, Oregon Laws 2005, is amended to read:

654.035. (1) The Director of the Department of Consumer and Business Services may, by general or special orders, or by regulations, rules, codes or otherwise:

[(1)] (a) Declare and prescribe what devices, safeguards or other means of protection and what methods, processes or work practices are well adapted to render every employment and place of employment safe and healthful.

[(2)] (b) Fix reasonable standards and prescribe and enforce reasonable orders for the adoption, installation, use and maintenance of devices, safeguards and other means of protection, and of methods, processes and work practices, including, but not limited to, work practices qualifications for equipment, materials and activities requiring special competence, to be as nearly uniform as possible, as may be necessary to carry out all laws relative to the protection of the life, safety and health of employees.

[(3)] (c) Fix and order reasonable standards for the construction, repair and maintenance of places of employment and equipment that will render them safe and healthful.

[(4)] (d) Fix standards for routine, periodic or area inspections of places of employment that are reasonably necessary in order to determine compliance with all occupational safety and health laws and the regulations, rules and standards adopted under occupational safety and health laws. Except for complaint inspections, follow-up inspections, imminent danger inspections, referral inspections and inspections to determine the cause of an occupational death, injury or illness, all inspections shall be based on written neutral administrative standards. The standards shall include a prioritized scheduling system for inspections that predominantly focuses enforcement activities upon places of employment that the director reasonably believes to be the most unsafe. The standards shall be accessible to employers under ORS 192.410 to 192.505 for at least 36 months from the last date the standards are in effect. The director shall notify in writing each employer whose place of employment is rated by the director as one of the most unsafe places of employment in the state of the increased likelihood of inspection of the employer's place of employment and of the availability of consultative services. The director may by rule offer incentives to employers that elect consultative services before an inspection is conducted. Nothing in this [subsection] paragraph prevents the director from conducting a random inspection of a place of employment as long as the inspection is scheduled and conducted pursuant to written neutral administrative standards.

[(5)] (e) Require the performance of any other act that the protection of the life, safety and health of employees in employments and places of employment may demand.

(2) The director may not require the use of fall protection by workers engaged in steel erection at heights lower than the heights at which fall protection relating to steel erection is required by federal regulation.

**SECTION 2.** Section 3, chapter 595, Oregon Laws 2003, is repealed.

**SECTION 3.** This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House May 2, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 1, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State