

*Corrected*  
Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on November 8, 2007 by the  
Date prior to or same as filing date

Department of Consumer & Business Services/Oregon Occupational Safety & Health Division 437  
Agency and Division Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE, Salem OR 97301-3882 503-947-7449  
Rules Coordinator Address Telephone

to become effective November 8, 2007 as OR-OSHA Administrative Order 7-2007.  
Date upon filing or later

Rulemaking Notice was published in the September 2007 Oregon Bulletin.\*\*  
Month and Year

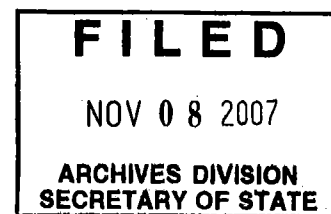
**RULE CAPTION**

Adopt changes to Portable Fire Extinguishers in General Industry.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**ADOPT:** OAR 437-002-0187

**AMEND:** OAR 437-002-0180



**RULE SUMMARY**

These changes represent an attempt to consolidate, simplify and update the old rules. They were reformatted for ease of reading and plain language. There are no new requirements. The requirement to inspect and maintain extinguishers will change to make following the manufacturers' instructions the primary emphasis on newer extinguishers. The old requirements remain for older extinguishers. These changes conform to rules about extinguisher maintenance and inspection, enforced by the Oregon Office of State Fire Marshal.

This action adopts a new rule, OAR 437-002-0187 Portable Fire Extinguishers, and will repeal the existing fire extinguisher rule OAR 437-002-1910.157. OAR 437-002-1910.66 Powered Platforms, and OAR 437-002-1910.109 Explosives and Blasting Agents, reference the 1910.157 standard. A note will be included at each of these locations to refer the reader to the new fire extinguisher standard OAR 437-002-0187.

Please visit OR-OSHA's web site at [www.orosha.org](http://www.orosha.org)

  
Authorized Signer

Michael D. Wood 11/5/07  
Printed name Date

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

\*\*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 5:00 pm on the preceding workday.

11-8

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**AMEND:** OAR 437-002-0180

**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.

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: not allow an employee to drive a vehicle on a public highway or road unless they have a valid driver's license appropriate for vehicle type; employees are to report any safety problems effecting vehicles the employer owns or provides; and a requirement to fill flammable containers outside the vehicle.

Please visit OR-OSHA's web site at [www.orosha.org](http://www.orosha.org)

  
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OSHA 7-2007-437

OAR 437, Oregon Occupational Safety and Health Division  
OR-OSHA Administrative Order 7-2007  
File and effective November 8, 2007

Division 2, General Occupational Safety and Health Rules  
Subdivision L, Fire Protection

**437-002-0180**

**Adoption by Reference.** In addition to and not in lieu of any other health and safety codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the Code of Federal Regulations, 29 CFR 1910, revised as of 7/1/98, and any subsequent amendments published in the Federal Register as listed below:

- (1) 29 CFR 1910.155 Scope, application and definitions applicable to this subpart, published 9/12/80, Federal Register, vol. 45, p. 60704; amended 4/12/88, FR vol. 53, p. 12122.
- (2) 29 CFR 1910.156 Fire brigades, published 9/12/80, FR vol. 45, p. 60706; amended 5/1/81, FR vol. 46, p. 24557; 4/30/84, FR vol. 49, p. 18295; 3/7/96, FR vol. 61, no. 46, p. 9239; 1/8/98, FR vol. 63, no. 5, p. 1284; 6/18/98, FR vol. 63, no. 117, p. 33467.
- (3) 29 CFR 1910.157 Portable fire extinguishers, published 9/12/80, FR vol. 45, p. 60708; amended 5/1/81, FR vol. 46, p. 24557; 9/29/86, FR vol. 51, p. 34560; 3/7/96, FR vol. 61, no. 46, p. 9239; amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01; REPEALED with OR-OSHA Admin. Order 7-2007, f. and ef. 11/8/07.
- (4) 29 CFR 1910.158 Standpipe and hose systems, published 9/12/80, FR vol. 45, p. 60710; 3/7/96, FR vol. 61, no. 46, p. 9239.
- (5) 29 CFR 1910.159 Automatic sprinkler systems, published 9/12/80, FR vol. 45, p. 60710; amended 5/1/81, FR vol. 46, p. 24557.
- (6) 29 CFR 1910.160 Fixed extinguishing systems, general, published 9/12/80, FR vol. 45, p. 60711; amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01.
- (7) 29 CFR 1910.161 Fixed extinguishing systems, dry chemical, published 9/12/80, FR vol. 45, p. 60712.
- (8) 29 CFR 1910.162 Fixed extinguishing systems, gaseous agent, published 9/12/80, FR vol. 45, p. 60712; amended 5/1/81, FR vol. 46, p. 24557.
- (9) 29 CFR 1910.163 Fixed extinguishing systems, water spray and foam, published 9/12/80, FR vol. 45, p. 60712.
- (10) 29 CFR 1910.164 Fire detection systems, published 9/12/80, FR vol. 45, p. 60713; amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01.
- (11) 29 CFR 1910.165 Employee alarm systems, published 9/12/80, FR vol. 45, p. 60713.
- (12) Appendix A to Subpart L – Fire protection, published 9/12/80, FR vol. 45, p. 60715; amended 5/1/81, FR vol. 46, p. 24557.

(13) Appendix B to Subpart L – National consensus standards, published 9/12/80, FR vol. 45, p. 60715; amended 6/30/93, FR vol. 58, no. 124, p. 35309.

(14) Appendix C to Subpart L – Fire protection references for further information, published 9/12/80, FR vol. 45, p. 60715; amended 6/30/93, FR vol. 58, no. 124, p. 35309.

(15) Appendix D to Subpart L – Availability of publications incorporated by reference in Section 1910.156, Fire Brigades, published 9/12/80, FR vol. 45, p. 60715; amended 6/30/93, FR vol. 58, no. 124, p. 35309; 3/7/96, FR vol. 61, no. 46, p. 9239.

(16) Appendix E to Subpart L – Test methods for protective clothing, published 9/12/80, FR vol. 45, p. 60715; amended 5/1/81, FR vol. 46, p. 24557.

These standards are available from the Oregon Occupational Safety and Health Division (OR-OSHA), Department of Consumer and Business Services; and the United States Government Printing Office.

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

Stat. Implemented: ORS 654.001 through 654.295.

#### **437-002-0187**

##### **Portable Fire Extinguishers**

This rule applies to the location, use and maintenance of portable fire extinguishers.

This rule does not apply to vehicles. (NOTE: The Oregon Office of State Fire Marshal and your local fire marshal have rules that apply to portable fire extinguishers.)

These exemptions do not apply if another Oregon OSHA standard requires you to provide portable fire extinguishers.

##### **EXEMPTIONS:**

You are exempt from these rules if:

Your portable fire extinguishers are not accessible to employees.

**AND**

You have a written fire safety policy that requires the immediate and total evacuation of employees in the event of fire. (NOTE: This fire safety policy is not the same as your emergency action plan and fire prevention plan.)

**AND**

You have an emergency action plan and fire prevention plan that conform to OAR 437-002-0042 and OAR 437-002-0043.

##### **PARTIAL EXEMPTION:**

If extinguishers are present and accessible but you do not intend them for use by employees and you have an emergency action plan and fire prevention plan that meet OAR 437-002-0042 and 437-002-0043, then only paragraphs 2, 3, and 4 apply.

See Non Mandatory Appendix A – Summary of exemptions and rule requirements for 437-002-0187.

(1) If you provide extinguishers, you must:

(a) Never provide or allow the use of extinguishers with dangerous or banned agents like carbon tetrachloride or chlorobromomethane.

(b) Never provide or allow the use of soda-acid foam, loaded stream, anti-freeze and water (inverting type) extinguishers.

NOTE: Paragraph (c) below does not apply to extinguishers for use outside buildings.

EXEMPTION: You are exempt from the maximum travel distance requirements in Table 1 of this rule if you have an emergency action plan that complies with OAR 437-002-0042, designates which employees are the only ones authorized to use the available fire extinguishers, and requires all other employees to evacuate.

(c) Provide and place the correct type and size fire extinguisher according to Table 1.  
Table 1

(A) Mount extinguishers in a manner appropriate for their type and location. Do not allow extinguishers to sit on the floor, shelves or furniture.

(B) Identify extinguisher locations with signs appropriate for their location or with other marking unique to fire extinguishers.

(C) Never block access to extinguishers.

(2) Do a monthly visual check of each extinguisher or hose system.

(a) Be sure the extinguishers have a full charge and no defects that would prevent effective use.

(b) Remove and replace any extinguisher that is not fully operable.

(c) Repair defective hose systems immediately.

(3) Follow the manufacturer's instructions for maintenance and inspection or paragraphs (4) and (5), whichever is appropriate for your extinguisher.

(4) Do a full annual maintenance check on each extinguisher.

NOTE: A maintenance check includes inspecting and/or testing external and internal parts, checking the quantity and quality of the contents and assuring operational capability. A qualified person must do the maintenance check.

(a) Use only persons deemed qualified by the Oregon Office of State Fire Marshal or local fire authorities to do maintenance checks. Contact them for details.

(b) Keep a record of the maintenance check until a new check record replaces it. The record must be available to OR-OSHA on request.

(c) Provide replacement extinguishers or some method of coverage for the effected area while extinguishers are out of service for the maintenance check.

(5) Assure a hydrostatic test of each extinguisher at intervals in Table 2 or when the extinguisher shows corrosion or physical damage.

(a) Use only a qualified person to do hydrostatic testing.

Table 2

(b) Keep a record of the hydrostatic test until replaced by a new record or the extinguisher is no longer in use. The record must have at least the date of test, test pressure, serial number of the extinguisher (or other unique identifier), person or company doing the test.

(c) Every six years, empty and do applicable maintenance on stored pressure extinguishers that require a 12-year hydrostatic test.

(A) The six-year requirement begins again after recharging or hydrostatic testing.

(6) Train employees in the safe use of extinguishers and/or standpipe hoses when you require or allow their use. Training must be at first hiring and then annually and must include:

(a) The general methods and tactics of using an extinguisher.

(b) The hazards of using an extinguisher on early stage fires.

(c) Hazards associated with using standpipe hoses.

APPENDIX A

## Non Mandatory

Summary of exemptions and rule requirements for 437-002-0187

If you choose one of the exemptions found at the beginning of the rule, this table summarizes requirements you must meet to be in compliance with other rules or the parts of this rule from which you are not exempt.

Find your circumstances in the left column and the matching requirements or exemption in the columns under each subject.

Table

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

Stat. Implemented: ORS 654.001 through 654.295.