



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

OSHSPA State Plan Report Renée Stapleton, Administrator

OSHSPA members meeting 2/7/2023

I. Significant Legislative/Programmatic Changes

Legislatively Mandated Rulemaking: None

Legislative Activity:

The 82nd Oregon Legislative Assembly opened on January 17, 2023 and will be in session for approximately six months. Oregon OSHA is tracking legislative activity from this session and conducting analysis of introduced bills that will affect the agency.

Other Rulemaking Activity:

Oregon OSHA adopted permanent amendments to the COVID-19 Public Health Emergency in All Workplaces rule as Administrative Order 5-2022, filed September 9, 2022 and effective September 12, 2022, as well as the rule Addressing COVID-19 Workplace Requirements for Employer-Provided Housing as Administrative Order 6-2022, filed October 6, 2022, effective October 7, 2022. The permanent amendments needed to be adopted or they would have reverted to the more restrictive requirements from December of 2021.

II. New Developments/Activities/Notable Cases Activities:

Oregon OSHA News Releases:

- [Oregon OSHA fines Beaverton company more than \\$40,000 for multiple job safety violations, including willfully exposing workers to potential fall hazards](#)
- [Safety summit coming to central Oregon in January 2023, offering training opportunities to strengthen protections for workers in the construction industry](#)
- [Oregon OSHA fines mattress retailer in Hillsboro more than \\$66,000, including for willfully exposing workers to vehicle safety hazards](#)
- [Contest promoting young worker safety in Oregon is open to high school students; submissions due Feb. 17, 2023](#)
- [Pulp, paper, and forest products industry safety and health conference coming to Portland with many learning opportunities](#)
- [Save the date for the March 6-9, 2023, Oregon GOSH Conference, the Pacific Northwest's largest workplace health and safety conference](#)

- [Oregon OSHA presentará la segunda conferencia en español, se ofrecerán temas presentados por expertos en derechos de seguridad del trabajador, protecciones contra peligros comunes y más](#)
- [Oregon OSHA to present Spanish-language safety conference, offering expert presenters on worker safety rights, protections against common hazards and more](#)
- [Oregon OSHA issues more than \\$144,000 in penalties to 2 contractors for exposing employees to fall hazards at sites in Salem and Woodburn](#)
- [Oregon OSHA announces recipients of annual Workers' Memorial Scholarship awards to boost student achievement](#)
- [Southern Oregon conference offers in-person, virtual opportunities to improve on-the-job health and safety](#)

Newsletters:

Oregon OSHA published [October](#) and [December](#) issues of its Health and Safety Resource newsletter. The newsletters addressed a variety of topics, including new or pending rules, incident alerts, and employers leading on safety and health. The stories included:

October

- Heads up: Oregon OSHA's general industry welding rules have changed
- Trigger requirements: What are they and what Oregon OSHA's rules have them?
- National Association of Occupational Safety and Health Consultation Programs (OSHCON) creates memorial "Roy Kroker Award of Excellence"
- Oregon Farm Bureau Health and Safety Committee, Oregon OSHA to provide in-person pesticide training Dec. 6
- Oregon OSHA announces Workers' Memorial Scholarship awards to boost student achievement
- Incident Alert! Energized overhead power lines
- Going the Distance: Cardinal Glass Industries Inc.

December

- Everything you need to know about Oregon OSHA's lighting rules
- Get tips on staying safe amid winter darkness
- Learn to protect against the hazards of carbon monoxide
- Review the top job safety and health violations of 2021
- Contest promoting young worker safety in Oregon is open to high school students
- Oregon OSHA's Micah Ashby: Forever a Hero Scholarship winner
- Incident Alert! Recycled rubber products manufacturer pinch point

Notable Case:

What happened? Oregon OSHA fined Oregon State Hospital in Salem more than \$53,000 for willfully failing to investigate lost time injuries and illnesses in 2021 and 2022. The citation resulted from a March 28, 2022, [confidential complaint](#) from an employee who alleged that the hospital was failing to prevent violent clashes between employees and patients that were happening throughout the facility. The compliance officer investigating the complaint conducted an opening conference on Apr. 27, 2022, with the hospital's Safety and Emergency Preparedness Manager and representatives from the Service Employees International Union.

What patients does the hospital serve?

Oregon State Hospital provides psychiatric treatment for adults who:

- Have been found by the court to be an imminent danger to themselves or others
- Have committed a crime related to their mental illness
- Have been arrested but are not able to participate in their trial because of a mental illness

Why was the hospital cited for a willful violation?

Oregon OSHA's [Rules for all Workplaces](#) (OAR 437-001-0760) require employers to investigate every lost time injury at their workplaces. The hospital recorded 102 employee lost time injuries related to workplace violence during the first six months of 2022; however, the compliance officer determined that the hospital did not investigate many of those cases.

In 2019, Oregon OSHA inspected the hospital following an employee complaint that management was failing to prevent assaults by patients. And in 2020, Oregon OSHA cited the hospital for three assault-related violations: its safety committee did not document corrective actions taken to prevent assaults, safety committee members had not been trained to investigate accidents, and the safety committee did not review all accident and incident reports.

The compliance officer who investigated the 2022 complaint noted in the Inspection Summary:

“The employer was aware that... accident investigations were not being completed [because] the facility’s safety committee, the critical incident reporting subcommittee, [and] the workplace violence subcommittee were not investigating all the lost time incidents...”

When the compliance officer asked why the hospital had not investigated all lost-time injuries, the Safety Emergency Preparedness Coordinator said that COVID, staffing issues, and “losing key people” contributed to the problem.

Were there other violations associated with the 2022 complaint?

Oregon OSHA issued two “other than serious” violations to the hospital for failing to record and maintain a [log of assaults against employees](#) and for not documenting recordable injuries or illnesses on the [OSHA 300 log](#) within 7 calendar days.

Oregon OSHA also sent the hospital a *hazard letter* highlighting three additional issues that would become problems if the hospital did not address them promptly: improving the workplace violence prevention program, ensuring that assaults are properly recorded, and requiring the safety committee to review all accident and incident reports.

What were the compliance officer’s key findings?

The compliance officer interviewed hospital staff between May and August 2022 and reviewed the hospital’s safety and health-related documents. Key findings from the Inspection Summary:

- Employees said they had received safety-related training from the hospital, but many felt the training was not effective or applicable to the situations they faced during their work.
- Many employees did not know that the hospital had a workplace violence prevention program. “If they do, I’ve never heard of it,” said one employee.
- The hospital had a written workplace violence prevention program (dated December 2021) but it did not provide employees with enough information to make the program useful.

- Employees said there was not enough time between shifts to read patients’ charts; most of the information about a patient was a verbal report given during shift changes.
- Employees did not know the difference between an injury report and an incident report, or when the reports should be completed.
- Injured employees did not receive recommendations or findings from injury investigations. Many employees said they received no post-incident counseling or other resources to cope with assaults.
- Most employees said that they would go to their nurse or manager to discuss safety or health related concerns rather than the safety committee.
- The hospital’s safety committee did not investigate assaults but assigned the task to a sub-committee. However, the sub-committee investigated only “non-assault related lost workday cases.”
- The hospital’s Safety and Emergency Preparedness Manager did not know who reviewed the hospital’s assault log – or if it was reviewed.

The compliance officer also included in the Inspection Summary a list of “Recommendations from employees” covering what the hospital could do to improve working conditions.

What is the hospital doing to improve working conditions?

- The hospital’s workers compensation insurer hired a workplace violence prevention specialist to help improve the hospital’s workplace violence prevention program.
- The hospital is developing an evidence-based risk assessment tool to quickly identify patients at high risk for aggressive behavior.
- The hospital is working to improve access for staff to attend safety-related training drills.

Consultation Update:

Oregon OSHA has been participating with a number of different consultation programs across the nation in evaluating hazards at museums and cultural heritage sites. So far for this project we’ve visited 4 museums, and 2 art gallery/event center in historic buildings. Every site (6 total) had electrical hazards, and needed guidance on written programs and hazard mitigation. Three of the 4 museums did not have hazards identified in their art and relic collections which include a high potential for asbestos, arsenic, lead, mercury, chromate, cyanide, methyl bromide, pentachlorophenol, formaldehyde, and uranium. Correct Personal Protective Equipment for handling these potentially contaminated objects were not in use at 3 of the 4 museums. We found 39 historic guns that may or may not be loaded in 2 of the 4 museums. There were serious hazards at every museum, including cellulose nitrate film (extremely flammable and can buildup dangerous levels of explosive gases) stored on a shelf with no emergency action plan, employees mixing bleach with ammonia, and handling unknown historic pharmaceuticals. Most of the sites had not had an Oregon OSHA representative visit them and didn’t have access to a health or safety professional. After each consultation, we provided resources to control or eliminate all hazards identified.

Plans for 2023 include additional outreach and consultations, health and safety training at museums for the museums who do not want OSHA at their site, hazard classification of the collections via laboratory analysis (air and dust), and having representation from Oregon OSHA at the upcoming Museum conferences (Oregon Museum Association and Western Museum Association).

Oregon OSHA Conferences Update:

Oregon OSHA hosts second Spanish-language worker safety and health conference. Building on its ongoing efforts to expand outreach to the most vulnerable workers, Oregon OSHA held its second Spanish-language

conference on Nov. 8, 2022, at the Oregon State Fairgrounds. The event drew more than 180 participants and covered a variety of workplace health and safety topics entirely in Spanish.

The all-day event addressed workers' rights while on the job and how workers can assert their rights to a safe workplace. The event also addressed protecting workers' health and safety at work and at home, and protecting against wage theft.

The event featured presentations by safety and health professionals, other experts, and lunch and exhibits. The event's topics included:

- Asserting your right to a safe workplace
- Protecting your health at work and at home
- Identifying and addressing common workplace hazards
- Safety and health in:
 - Agriculture
 - Construction
 - Food processing
 - Manufacturing
 - Hospitality
 - Caregivers
- Role of the supervisor in workplace safety
- Protecting yourself from wage theft
- Whistleblower Protection Program

The conference underscores Oregon OSHA's commitment to bolstering its outreach efforts, breaking down language barriers, and connecting with more workers and employers about workplace health and safety resources.

[Oregon OSHA Online Training Resources:](#)

ONLINE COURSES:

Accident Investigation (English)

This [online course](#) was first launched in 2015 and modernized in November 2022. The course is designed to provide training in the principles of investigating workplace accidents and fulfills a training requirement for training Safety Committee members. We cover the three primary tasks of an accident investigation - gathering information, analyzing event facts, and implementing solutions, as well as the steps within each of those tasks, such as, collecting information, determining surface and root causes, making recommendations, and writing the accident report. This course also contains true personal testimonials and practice scenarios to help apply and solidify the learning throughout the course. It concludes with a quiz, certificate of completion, and additional resources to further their knowledge about accident investigation. The Spanish version is currently being developed.

COVID-19 Training Requirements (English and Spanish)

This [online course](#) was originally launched on December 4, 2020, and was recently updated in October 2022 based on the permanent rule making. This multimedia course is designed to help employers meet 4 of the 10 employee training requirements found in [Oregon OSHA's Rule Addressing COVID-19 Workplace Risks](#). The course begins with an explanation of the dangers of COVID-19 and why the rule came into existence. This course is divided into 4 modules: Introduction, Signs, Symptoms and Transmission, Control Measures, and Conclusion. It

concludes with a quiz, certificate of completion, and additional resources to further their knowledge about COVID-19. Both the English and Spanish courses have been updated.

Hazard Identification and Control (Spanish)

This [online course](#) was first launched in 2017 and modernized in September 2022. The course teaches about the types of workplace hazards, correcting hazards, conducting safety and health inspections, and writing an effective safety inspection report. The course is divided into 6 modules: Introduction, Inspections, Analyzing Hazards, Incident and Accident Analysis, Controlling Hazards, and Writing the Report. It concludes with a quiz, certificate of completion, and additional resources to further their knowledge about Hazard Identification.

Heat Illness Prevention (Correction)

In August 2022, we mentioned this [online course](#) had launched 6/1/2022; however, we inadvertently left out the fact that it was available in both the English **and** Spanish language on that day. As a reminder, this course is designed to satisfy 5 of the 7 training requirements found in Oregon OSHA's rules to address heat illness prevention (OAR 437-002-0156 and OAR 437-004-1151).

VIDEOS (included in online course but are stand-alone resources):

Health Hazards & Control in Agriculture

This 2+ hour [video](#), presenting Garnet Cooke and Khadija Mostafa, was launched in October 2022, and designed to educate the Agriculture industry about the hazards of sulfur dioxide and the different types of required personal protective equipment, air monitoring, and respirator program elements.

Compressed Gas Rule Review Video

This Compressed Gas Rule Review [video](#), hosted by Tom Meier and Craig Hamelund, launched in August 2022 to the public. It reviews Oregon OSHA's Oxy/Fuel Gas Welding and Cutting rule. Tom also touches on other important safety and health considerations surrounding welding and cutting, and general compressed gas safety.

Propane Safety Discussion video

This Propane Safety Discussion [video](#), hosted by Tom Meier and Craig Hamelund launched January 2023 to the public. It is a byproduct of the [Compressed Gas Rule Review Video](#) and as Oregon OSHA has a separate rule governing propane when used outside of oxy/fuel, Tom covers the important points when it comes to propane and propane cylinders.

Heat Safety App Tutorial (Correction)

In August 2022, we mentioned this [video tutorial](#) was updated to match current app features and accompanies Oregon OSHA's permanent rules for heat illness prevention; however, we inadvertently left out the fact that it is available in both the English **and** Spanish language. As a reminder, it features a step-by-step instruction demonstrating how to access and use the mobile tool, and provides an explanation of how the app calculates the heat index etc.

Heat Illness Prevention (Correction)

In August 2022, we mentioned this [video](#) was updated June 2022 to coincide with Oregon OSHA's permanent rules for heat illness prevention; however, we inadvertently left out the fact that it is available in both the English **and** Spanish language. As a reminder, it highlights the employer's responsibility when the heat index reaches 80 degrees or higher and the additional practices required when the heat index reaches 90 degrees or higher.

Oregon OSHA Public Education Activity:

Social Media numbers & YouTube channel (English and Spanish combined)

Since its inception the Oregon OSHA YouTube Channel has amassed 2.9M views on [YouTube](#) and there is a total of 338 videos available. In addition, videos posted on Facebook have a total of 304K+ video views and Vimeo currently have 291K video views.

PowerPoints for online courses

A PowerPoint presentation download is a newer feature for instructors that Public Education includes with all online courses. We have now added this tool in English for Accident Investigation. In both the English and Spanish language, we have updated this tool for the COVID-19 Training Requirements

III. Areas of Concern: None

IV. Information Sought from Other State Programs: None

V. Administrative Changes: None

VI. Contact Information:

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