



OSHSPA State Plan Report Renée Stapleton, Administrator

OSHSPA members meeting 5/24/2023

I. Significant Legislative/Programmatic Changes

Legislatively Mandated Rulemaking: None

Legislative Activity:

The 82nd Oregon Legislative Assembly opened on January 17, 2023 and is in session for six months. Oregon OSHA is tracking legislative activity from this session and conducting analysis of introduced bills that may affect the agency. Of note, Senate Bill 592 is being closely tracked as it would require the agency to raise penalties and conduct comprehensive inspections whenever an accident investigation reveals that a violation has caused or contributed to a work-related fatality at a place of employment, among other requirements. Additionally, mandatory penalties would be assessed for violations that contributed to work-related fatality.

Other Rulemaking Activity:

Oregon OSHA suspended its COVID-19 Public Health Emergency Rules and temporarily amended Work Clothing Rules through Administrative Order 1-2023, filed March 30, 2023 and effective April 3, 2023. The agency expects to move forward with repeal through the permanent rulemaking process in the next two months.

II. New Developments/Activities/Notable Cases Activities:

Oregon OSHA News Releases:

- [Safe digging month reminds Oregonians to contact 811 before digging](#)
- [Oregon OSHA cites Canby contractor for violating job safety rules, including repeatedly exposing workers to fall hazards with no protective system](#)
- [Workplace health and safety leaders, programs, and organizations honored at Oregon GOSH Conference](#)
- [Gerding Builders and TGC Structural in Corvallis earn workplace health, safety recognition following advancement in Oregon OSHA program](#)
- [Oregon OSHA cites Hillsboro contractor for violating job safety rules, including repeatedly exposing workers to fall hazards with no protective system](#)
- [Oregon employers, workers invited to take a 'Safety Break' May 10](#)
- [Registration is open for the March 6-9 Oregon GOSH Conference, the Pacific Northwest's largest workplace health and safety learning event](#)

Newsletters:

Oregon OSHA published the [April issue of its Health and Safety Resource newsletter](#).

- No way to escape: Blocked and locked exits are hidden hazards in Oregon workplaces
- Oregon employers, workers invited to take a 'Safety Break'
- Oregon OSHA Resource Center offers updates, new services
- Oregon OSHA consultants promote safety at museums and cultural heritage sites
- Linde Gas and Equipment Inc. achieves approval for ongoing status as a Star site
- Incident Alert! Unstable road surface
- Going the Distance: Coca-Cola North America – Portland Syrup Plant

Notable Case:

Oregon OSHA fined Mattress Megastore more than \$66,000 for multiple workplace safety violations, including willfully exposing employees to serious injury or death from potential traffic accidents. The penalties followed an Oregon OSHA inspection in July 2022 that was in response to a [confidential complaint](#). The complaint alleged the company required its drivers to operate a one-ton delivery truck with no working windshield wipers. Mattress Megastore sells bedroom furnishings and mattresses at three stores in Oregon and delivers them from its main store in Hillsboro. Oregon records show the company employs 13 people statewide; however, the owner could not confirm that number during the inspection.

What were the compliance officer's findings?

Although the complaint alleged the truck's windshield wipers did not work, they did work when the compliance officer tested them during the inspection. The compliance officer learned that the windshield wipers had recently been repaired by a local mechanic who did the work in exchange for storage space at the company.

The compliance officer determined, through employee interviews, that the windshield wipers did not work when the complaint was filed; the store owner also told the compliance officer he would fire anyone who would not drive the delivery truck because the windshield wipers did not work. The delivery team consisted of a driver and another worker who made up to 10 deliveries per day in the truck.

During his inspection of the delivery truck, the compliance officer noted:

- The odometer read 263,000 miles.
- The warning lights for the truck's anti-lock brake system and engine were on when the engine was running.
- There were two large cracks across the length of the windshield blocking the driver's line of sight.
- The bottom half of the dashboard was missing, and wires were hanging down on the drivers' side.
- The driver's seatbelt did not work.

The compliance officer also found serious safety hazards throughout the Hillsboro store, including:

- A blocked emergency exit on the west side of the building. Mattresses were stacked in front of the exit door and a large cardboard sign was blocking access to the exit. The store's general manager said "it had been that way" for about seven years.
- Access to open electrical panels in a storage area at the back of the store was blocked.

Additionally, the store had not established a safety committee or held safety meetings and did not have a heat illness prevention plan; yet, drivers were exposed to temperatures as high as 85 degrees Fahrenheit when they were making deliveries.

The company was cited for eight workplace safety violations – a \$65,000 [willful violation](#) for requiring employees to drive an unsafe delivery truck and seven serious violations totaling \$1,960 for blocked exits and electrical panels, failure to establish a safety committee or hold safety meetings, and failure to establish a heat illness prevention program.

Oregon OSHA also referred the case to the [Oregon Bureau of Labor and Industries](#), which enforces the anti-retaliation provisions of the Oregon Safe Employment Act, because the owner threatened to terminate any employee who refused to drive the unsafe delivery truck.

Consultation Update:

Oregon OSHA Consultation has been actively participating in the Draft Revised Form 33 Pilot Project since the start of FY23. Consultants have completed visits with employers willing to participate in the pilot in the targeted NAICS codes of manufacturing, construction and healthcare. Oregon continues to network with the other states in Region X to complete the requested total of 30 visits per region; through this ongoing work with Idaho, Washington and Alaska, Oregon has deepened ties with the other states and their respective consultation programs, and has found ways to collaborate on shared challenges and opportunities.

Oregon OSHA Conferences Update:

- Mid-Oregon Construction Safety Summit, partnered with Central Oregon Safety & Health Association (COSH), January 30-31, 2023, Bend, OR
- Oregon Governor’s Occupational Safety & Health Conference (GOSH), partnered with American Society of Safety Professionals (ASSP) – Columbia-Willamette Chapter, March 6-9, 2023, Portland, OR

Oregon OSHA Online Training Resources:

ONLINE COURSES:

Recordkeeping and Reporting (English)

This [online course](#) was first launched in 2016 and was modernized in April 2023. The course explains what businesses are required to do to be in compliance with the updated Oregon OSHA recording and reporting rules. It details the types of workplace incidents that must be reported and/or recorded, and covers how to complete these duties within the required timeframe. There is also video demonstration of filling out the required recording logs, and covers the concepts surrounding recordkeeping and reporting.

Accident Investigation (Spanish)

This [online course](#) was first launched in 2018 and modernized in February 2023. 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.

COVID-19 Training Requirements (English and Spanish)

On April 3, 2023, this online course (that was originally launched on December 4, 2020), was removed from our list of available online courses to align with the suspension of the Oregon OSHA rules and updated public health guidance from the Oregon Health Authority.

Oregon OSHA Public Education Activity:

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

Since its inception the Oregon OSHA YouTube Channel has amassed 3.1M views on [YouTube](#) and there are a total of 345 videos available. Since our last report, videos on Facebook have received 2,878 views and videos on Vimeo have received 56,589 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 Spanish for *Accident Investigation*, and in English for *Recordkeeping and Reporting*.

III. Areas of Concern: None

IV. Information Sought from Other State Programs: None

V. Administrative Changes: None

VI. Contact Information:

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