



## OSHSPA State Plan Report Renée Stapleton, Administrator

### OSHSPA members meeting 9/26/2023

#### I. Significant Legislative/Programmatic Changes

##### **Legislatively Mandated Rulemaking:**

On August 31, 2023, Oregon OSHA gave [notice of proposed rulemaking to amend 15 rules and adopt two new rules in Division 1](#) to align with the changes made to Oregon Safe Employment Act by *Senate Bill 592* and changes to *ORS 654.062* by *Senate Bill 907* in the 2023 Oregon legislative session. The Oregon legislature passed *Senate Bill 592* with an emergency clause with an effective date of May 24, 2023. Oregon OSHA must adopt rules addressing the legislative requirements and implement the changes as soon as possible. *Senate Bill 907* has an effective date of January 1, 2024.

##### **Legislative Activity:**

The 82nd Oregon Legislative Assembly opened on January 17, 2023 and adjourned Sine Die Sunday, June 25th, 2023. In that session, the legislature adopted Senate Bill 592 that requires 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. It also requires Oregon OSHA to adjust civil penalties yearly in alignment with the Western Consumer Price Index (CPI). The legislature also passed Senate Bill 907 that requires changes to Oregon's work refusal rule to clarify details and better align with Federal OSHA.

##### **Other Rulemaking Activity:**

Oregon OSHA filed a permanent repeal of its COVID-19 Public Health Emergency Rules and permanently amended Work Clothing Rules through [Administrative Order 2-2023](#), filed August 16, 2023 and effective August 17, 2023.

#### II. New Developments/Activities/Notable Cases Activities:

Federal OSHA, Oregon Occupational Safety and Health, and Lamar Advertising Co. offices in Oregon, Idaho and Washington have established an alliance to provide workers with information, guidance and access to training resources on workplace safety and health. The two-year alliance includes emphasis on hazards inherent to the outdoor advertising industry such as falls, personal protective equipment, safe use of ladders, electrical hazards and control of hazardous energy, among others. On Sept. 15, 2023, OSHA Deputy Regional Administrator Jack Rector, Oregon OSHA Administrator Renee Stapleton, and Lamar Advertising Co. Vice-President and General Manager Brendon Smith met to formalize the alliance.

## **Oregon OSHA News Releases:**

- [Oregon OSHA cites Hillsboro contractor following inspection that finds multiple job safety violations, including repeat and willful offenses](#)
- [Workplace safety conference in Bend offers opportunities to improve skills in fire safety, accident prevention, employee involvement, and more](#)
- [Oregon OSHA invites nonprofits, employers, labor groups to apply for grants to create innovative workplace safety or health training or education projects](#)
- [Oregon OSHA fines Dollar Tree Inc. store in Forest Grove \\$37,500 for willfully exposing employees to unstable stacks of merchandise that could fall on them](#)
- [Six Oregon high schools win prizes in media contest to promote young worker safety](#)
- [Oregon OSHA and partners bringing workplace safety and health conference to Pendleton, offering learning opportunities for workers and employers](#)
- [Workers Memorial Day ceremony honors Oregon workers who died on the job in 2022](#)

## **Newsletters:**

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

- Oregon OSHA's success story is built on meaningful results for workers, employers, communities
- 50 years of protecting workers
- Workplace safety in Oregon: A timeline of notable events
- Voices of Oregon OSHA
- Can you prevent a heat-related illness at your workplace?
- Review the top 10 safety and health rule violations in 2022
- Heat illness prevention
- Employers join Safety Break for Oregon celebration
- Oregon OSHA, federal OSHA, Region X-VPPPA team up for training to improve worker safety
- Cardinal IG plant manager receives Blue Star Award

## **Notable Case:**

Partnerships in Community Living is a nonprofit organization that provides residential care to individuals with developmental disabilities at homes in Salem, Eugene, and Medford. Oregon OSHA fined Partnerships in Community Living \$2,625 following an April 2023 [confidential complaint](#) that alleged employees were working alone and were at risk of being injured by the two behaviorally challenged residents at the company's home in Medford.

The two residents at the home had acted aggressively in the past, and the company had documented instances of them biting, kicking, and pushing employees. While some of the six employees who worked at the home said they felt uncomfortable working alone with the two residents, others did not object and said the company's behavioral support plan helped control the residents' aggressive behavior. Oregon OSHA fined the company because it failed to implement its emergency medical plan during an incident that happened two months earlier.

In February, an employee who arrived at the home at 10:30 p.m. to begin her swing shift was met by one of the two residents – a distraught, non-verbal client – who led her to an injured employee in the bathroom. The employee's head was wrapped in a blood-soaked sweatshirt, and she had a severe gash in her forehead.

Although the injured employee was semi-conscious and could not clearly recall what happened to her, she managed to tell her co-worker she had tried to help the resident log in to a computer in the living room. The login failed, and the resident pinched her. The injured employee said she started walking away but had only a vague memory of the resident behind her.

In the living room near the computer, emergency responders found broken eye glasses and blood on the floor, on the corner of a baseboard, and on a throw rug. The responders took the employee to a nearby hospital where she died from injuries related to the incident on March 27. However, it was not possible to determine to what extent the resident was involved because the employee was unable to recall details about how the incident happened.

## The compliance officer's findings

### Employee safety concerns were not addressed

After investigating issues related to the complaint, the compliance officer determined that, "The employer's processes and procedures which do exist have the potential to be appropriate; however, employee faith in management's ability to facilitate enough resources to resolve their safety concerns, is low." Employees were not expressing their safety concerns to the company about working alone because they felt the company would not act on them. The compliance officer also found that:

- Matters concerning residents were handled by the Cognitive Behavior Support Team, but there was no communication between the team and the safety committee about protecting employees from aggressive residents.
- The company investigated the incident, but did not offer recommendations for preventing future incidents.
- The safety committee reviewed the company's investigation report, but did not offer recommendations to the company for preventing future incidents.

In a separate "hazard letter" addressed to the company, Oregon OSHA recommended that:

- Management develop a written program that describes its expectations, procedures, and methods to reduce work-related injuries caused by residents.
- Management listen to employees' concerns about residents' aggressive behavior and ensure that the safety committee knows about them.
- Management establish a "buddy system" so that employees do not have to work alone at the home.

### The company did not follow its emergency medical plan

The company's emergency medical plan required employees to carry cordless phones at all times when they were working in the home, but neither the injured employee nor her co-worker had one when the incident happened, which made it impossible to quickly call for help during the emergency. Furthermore, the company had not identified this as a problem in its investigation report of the incident. After reviewing the company's report, the compliance officer noted, "By not having a means of communication ..., the victim was not able to implement the emergency [medical] plan." Oregon OSHA determined that because the company did not follow the emergency medical plan, it could not ensure the ready availability of [emergency medical services](#) to treat the injured employee.

### **Consultation Update:**

The week of August 14<sup>th</sup>, 2023, Oregon OSHA Consultation Field Manager Larry Fipps delivered a week long logging and forestry training to compliance officers from both Federal OSHA and other state plans across the U.S.

Mr. Fipps originally met virtually with Larry Joswiak, Branch Chief, Construction Safety Training Branch, OSHA Training Institute, in early 2023 to evaluate the existing OTI logging course curriculum. The course was updated to include a more in depth look at both cable logging and tethered logging as well as a discussion of the differences between Federal and Oregon rules related to logging and forestry. The training included both classroom learning and a trip to a logging site in Western Oregon so the students could see the equipment, terrain, and overall conditions.

Mr. Fipps has been asked to teach the course again next year, which is a testament to his knowledge and experience in the logging industry, as well as the value of the course for compliance officers across the country who inspect logging operations.

### **Oregon OSHA Conferences Update:**

- Northwest Safety & Health Summit partnered with Region X Voluntary Protection Program Participants' Association (VPPPA), May 16-18, 2023, Kennewick, WA
- Oregon Pesticide Symposium, March 22-23, 2023, Salem Oregon
- Blue Mountain Occupational Safety & Health partnered with Oregon Safety and Health Achievement Recognition Program (SHARP) Alliance, June 5-6, 2023, Pendleton, OR
- Central Oregon Occupational Safety & Health Conference, September 25 & 26, in Bend.

### **Oregon OSHA Online Training Resources:**

#### **ONLINE COURSES:**

##### **Recordkeeping and Reporting (Spanish)**

The English version of this [online course](#) was first launched in 2016. When it was modernized in April 2023, a Spanish version was created. 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. In the final module, we offer a certificate of completion after passing a short quiz, as well as offer links to additional resources including Oregon OSHA consultation.

##### **Everyday Ergonomics (English)**

This online course was first launched in January 2012 and was revised and modernized in July 2023. The course is designed to provide an understanding of the basic principles of proper ergonomics in the workplace and while working at home. We start the course by explaining the dangers of musculoskeletal disorders and the purpose of ergonomics. We provide 3D animated representations of human anatomy and explain how ergonomic risk factors (ERF) affect our bodies. In the final module, we offer a certificate of completion after passing a short quiz, as well as offer links to additional resources including Oregon OSHA consultation.

##### **Safety Committees and Safety Meetings (English & Spanish)**

This online course was first launched in August 2015. The English version was revised and modernized in April 2023, and the Spanish version in August 2023. The course is designed to provide training about the

requirements of the Safety Committee and Safety Meetings rule. We explain the history of why Oregon developed the Safety Committees and Safety Meetings rule, what the differences are between a committee and meeting, the rule requirements, and the different aspects of the rule for specific industries and divisions. In the final module, we offer a certificate of completion after passing a short quiz, as well as offer links to additional resources including Oregon OSHA consultation.

### **Oregon OSHA Public Education Activity:**

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

Since its inception the Oregon OSHA YouTube Channel has amassed 3.77M views on YouTube and there are a total of 348 videos available. Since our last report, videos on Facebook have received 8,396 views and videos on Vimeo have received 119,100 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 *Recordkeeping and Reporting, Safety Committees and Safety Meetings* and *Hazard Communication*, and in English for *Everyday Ergonomics, Safety Committees and Safety Meetings* and *Hazard Communication*.

**III. Areas of Concern:** None

**IV. Information Sought from Other State Programs:** None

**V. Administrative Changes:** None

### **VI. Contact Information:**

Internet: [www.osha.oregon.gov](http://www.osha.oregon.gov), Phone: 503-378-3272, Fax: 503-947-7461,  
Federal Liaison: Jenny Downen, [Jennifer.A.Dowen@dcbs.oregon.gov](mailto:Jennifer.A.Dowen@dcbs.oregon.gov)