

Oregon OSHA

OSHSPA State Plan Report February 2015

Michael Wood, Administrator

I. Significant Legislative/Programmatic Changes

Legislatively Mandated Rulemaking

Nothing to report.

Legislative Activity

Nothing to report.

Other Rulemaking Activity

Recordkeeping and Reporting.

Federal OSHA published final rules to Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions, on September 18, 2014. Oregon OSHA held stakeholder meetings to discuss amending OAR 437-001-0700 Recordkeeping and Reporting, in Division 1, General Administrative Rules, taking into account the federal changes. Oregon proposed rulemaking January 15, 2015 with three public hearings scheduled in February and March. We expect to adopt changes in March with an effective date of January 2016.

Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment – in 29 CFR 1910 general industry, and 1926 construction.

In November 2014, Oregon OSHA proposed to adopt federal OSHA final rules that were published in the April 11, 2014 Federal Register. The proposal included Oregon-initiated changes to the federal rule. We held three public hearings in November and December of 2014 receiving many written comments and oral testimony at the hearings before the comment period closed on December 12, 2014. However, Oregon OSHA has decided not to adopt the rule as proposed, but instead to develop a new proposal.

Oregon OSHA is contemplating replacing the federal general industry and construction rules with Oregon-initiated rules that cover both industries. Oregon OSHA will reconvene an advisory group to present a draft of the consolidated rule and provide insight to proposed rule revisions based on the comments and testimony received.

Our work with an advisory group will be happening soon with new rulemaking to be proposed mid-2015.

Cranes and Derricks in Construction. Oregon OSHA adopted amendments to 1926.1427(k), extending the phase-in expiration date for crane operator certification and the employer duty to ensure competent and safe crane operations to November 10, 2017, consistent with the federal changes. This was adopted November 7, 2014, and became effective November 9, 2014.

All adopted and proposed rules are available at our website <http://www.orosha.org> - look under Rule Activity.

II. New Developments/Activities/Notable Cases

Activities:

Oregon Supreme Court rejects burden imposed on Oregon OSHA by Court of Appeals

The Oregon Supreme Court rejected an Oregon Court of Appeals decision in *Oregon OSHA v. CBI Services* that focused on employer knowledge in citing a violation.

The high court rejected the appeals court's construction of the statute, but it affirmed the outcome in this case "on other grounds," meaning that the case will be returned to the Workers' Compensation Board to make a decision in light of the court's ruling.

At issue in this case is what the statute means when it says that an employer "could not with the exercise of reasonable diligence know" of a violation. The Court of Appeals held that the statutory phrase refers not to whether an employer "could" know – in the sense of being capable of knowing – of the violation; rather the phrase refers to whether, taking into account a number of specified factors, an employer "should" know of the violation. . . . [W]e conclude that the Court of Appeals erred in its construction of ORS 654.086(2), but we affirm on other grounds.



Oregon OSHA along with O [yes] and other local organizations continue to promote a contest that is open to high school students across Oregon. The contest is designed to increase awareness about safety on the job for young people. The top three entries will take home cash prizes ranging from

\$300 to \$500, and students will earn a matching amount for their school.

In the past, student winners wrote and sang original music as part of their "safety musical," while other finalists relied on storytelling through quirky characters or serious themes that touched on the potential for on-the-job accidents.

For this year's contest, students must create a 90-second or less video with the overall theme of "Speak up. Work safe." Specific video guidelines are outlined in the contest rules. Participants are encouraged to use creative moviemaking techniques, while sharing the message "Work

shouldn't cost you your future." In addition, the video should emphasize ways for young workers to protect themselves at work. Submissions will be judged on the following:

- An original health and safety message that appeals to teen workers and safety educators
- Overall production value (video/audio quality, acting, and editing)
- "Speak up. Work safe." theme is used effectively

The deadline for submissions is **Feb. 2, 2015**. For detailed contest information, including contest tips, rules, and entry forms, go to www.youngemployeesafety.org/contest. To see the 2014 winning videos, go to www.youtube.com/user/OregonSafetyHealth.

Oregon OSHA Awarded 3 Training Grants totaling more than \$115,000 to help in workplace safety and health education programs. The Occupational Safety and Health Education and Training Grant Program was established by the Oregon Legislature in 1990. Award recommendations are made by Oregon OSHA's Safe Employment Education and Training Advisory Committee, an advisory group with members from business, organized labor, and government.

Materials produced by grant recipients become the property of Oregon OSHA. The final projects are to be completed by the end of November 2015. The materials will be housed in the Oregon OSHA Resource Center and will be available online for use by the public.

Training Grants:

NECA/IBEW - NFPA 70E: *The "How To" Comply with OSHA Electrical Standards*

NECA/IBEW will develop an online training program to provide easily accessible information regarding electrical hazards, regulations, and protective equipment. The online training will help participants develop procedures that clearly identify their roles and responsibilities for safety in the workplace. Grant award: \$35,239.25

Oregon State University, College of Forestry - Association of Oregon Loggers: *Safe Design of Mobile Anchors*

OSU will develop a fact sheet on how to properly use mobile equipment anchors in logging operations. OSU will also create and record a two-hour webinar outlining safe equipment anchor design, along with the development of a mobile app for smartphones. The materials will be available on Oregon OSHA's website. Grant award: \$39,979

Northwest Forest Worker Center (NWFC): *Safety and Health in Forestry Workers*

NWFC will target low-literacy Latino workers in southern Oregon. Training will be developed to address preventing traumatic injuries by avoiding slips, trips, and falls. NWFC will use Promotoras (bilingual community health workers) to help with outreach and present trainings to the workers. Grant award: \$40,000

Grant application information is available at <http://www.orosha.org/subjects/educate.html>.

Oregon OSHA ‘Safety Break’

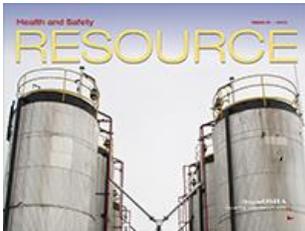
Employers across Oregon are invited to promote workplace safety and health with training, award recognition events or other creative activities during the twelfth annual Safety Break for Oregon on Wednesday, May 13, 2015.

Oregon OSHA coordinates the one-day event, designed to raise awareness and promote the value of safety and health in preventing on-the-job injuries and illnesses. The event is voluntary for employers and businesses can determine what activities are beneficial to their workforce.

Companies planning to participate will be entered to win one of three \$100 pizza luncheons when they sign up online by Friday, May 8. The prizes will be given to participating companies as part of a random drawing. The Oregon SHARP Alliance is sponsoring the contest.

Newsletters

Oregon OSHA publishes two newsletters: The “Resource” (a general interest publication) and the “Construction Depot” (for the construction industry). These are available at <http://www.orosha.org/>.



The *Health and Safety Resource* newsletter is published every two months. The most recent was December 2014.

Some of the highlights in this issue are:

- Below the PEL: Portland company exceeds requirements for chemical exposures
- Administrator's message: Positive signs in safety recognition programs
- PELs demystified
- Safety Notes: Worker falls from an aerial lift bucket
- Meet the industrial hygiene manager at SAIF Corporation

Oregon OSHA CONSTRUCTION DEPOT

The *Construction Depot* newsletter is published monthly. It was recently published in January 2015.

Some of the highlights in the January issue are:

- Flexible cords facts
- How to "ring test" a grinding wheel
- No changes to Oregon OSHA's recordkeeping and reporting requirements, yet
- Proposed changes to Power Generation, Transmission, and Distribution standards delayed
- Oregon GOSH Conference coming to Portland
- 12th Annual Safety Break for Oregon

Notable Case:

Worker falls to his death:

Oregon OSHA investigated the fatal accident of an employee that fell from the platform of a seed leg conveyor when the leg tipped over during a construction process. The accident occurred at the employer's place of business in Enterprise, Oregon. The company provides services and performs wholesale and retail trade for agriculture and agriculture-related industries, as well as the general public.

The victim, positioned a boom lift on the east side of the seed leg, climbed out of the lift, over the guardrails, and in the access platform at the top of a series of seed bins that was approximately 70 feet tall. He then removed the crane rigging from the top portion of the leg. The leg was now free-standing with four bolts at the ground level (concrete pad), which was the only positive connections to any stable object.

A crane hook was then used to lift the conveyor belt in place so that two workers could start working the belt down over the head pulley. During this process, the victim moved to the west side of the head pulley access platform to begin positioning the conveyor belt or remove the rigging. Shortly after he moved to this new position, the seed leg fell over to the west and he fell to his death. The victim did not use any personnel protection equipment during any portion of his tasks throughout this construction process.

The employer was cited for not maintaining structural stability during an erection process. The second citation was for workers not using personal fall protection. The third citation was for not giving any training to the employees on how to safely operate and work in/from the aerial lift. All three were serious violations and totaled \$9,800.



Recent or Upcoming Occupational Safety and Health Conferences

Oregon Governor's -
Occupational Safety & Health Conference
Oregon Convention Center
Portland, Oregon
March 9-12, 2015

Blue Mountain Occupational Safety & Health Conference
Pendleton Convention Center
Pendleton, Oregon
June 1 & 2, 2015

Northwest Safety & Health Summit
by Region X VPPPA
Red Lion Hotel on the River –
Jantzen Beach, Portland, Oregon
May 12-14, 2015

Questions?

Contact the Conference Section at (503) 378-3272
or toll-free in Oregon at (888) 292-5247, option 1.
or send e-mail to: oregon.conferences@state.or.us

III. Areas of Concern: Nothing new to report.

IV. Information Sought from Other State Programs: Nothing new to report.

V. Administrative Changes: Nothing new to report.

VI. Contact Information:

Phone: (503) 378-3272, Fax: (503) 947-7461

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