

Oregon OSHA

OSHSPA State Plan Report February 2016

Michael Wood, Administrator

I. Significant Legislative/Programmatic Changes

Legislatively Mandated Rulemaking

Nothing to report.

Legislative Activity

Nothing to report.

Other Rulemaking Activity

Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment – in general industry, and construction. Oregon OSHA adopted a set of Oregon-initiated rules in new Division 2/RR Electric Power Generation, Transmission, and Distribution, that apply to both general industry and construction on October 9, 2015, effective January 1, 2016..

Oregon Rules for Firefighters. Oregon OSHA adopted changes to OAR 437-002-0182 Oregon Rules for Firefighters, in general industry, in October 2015. Updates better align Oregon’s firefighter safety and health rules with recognized and accepted consensus standards and industry practices. Training and education, requirements for protective ensembles, and prohibiting riding on tailboards, tail steps, or running boards, are included in the changes. The effective date is July 1, 2016.

Fall Protection. In response to federal OSHA, Oregon OSHA convened an advisory group to examine our fall protection rules and trigger heights. Proposed rulemaking was filed in November 2015 with five public hearings conducted in January 2016. Fall protection trigger heights in Oregon are currently 10-foot; the proposal for construction activities would be a six-foot trigger height. There will be a phase-in period for this new height to January 1, 2017. Slide guards will be phased out as primary fall protection October 1, 2017.

Employer Knowledge. Oregon OSHA plans to complete rulemaking to address the issue of employer knowledge and the role of reasonable diligence in determining whether an employer has “constructive knowledge” of a violation in the worksite. We will begin those conversations again in the next few months.

PELs. Oregon OSHA will be tackling the challenge of the outdated permissible exposure limits (PELs) using two distinct, but interrelated, approaches.

First, we will be identifying ways that we can better encourage employers to consider more up-to-date and protective reference levels – using our consultation and educational resources, but also reinforcing the important role of education even as part of our enforcement visits. It is clear that federal OSHA will never be able to keep the regulatory levels sufficiently up to date, at least until a completely new approach is developed and adopted. But that does not mean that Oregon workers need to go unprotected. The levels published by the National Institute for Occupational Safety and Health and the American Conference of Government and Industrial Hygienists are based on much more current exposure and health information, and even where they cannot be used for enforcement purposes, employers will be encouraged to consider them seriously as they make decisions about the protective measures they can put in place.

The second approach will be to tackle four to six of the most significant and outdated PELs on a state level. While we cannot address them all, that should not prevent us from dealing with at least some of the problems. To do so, we will be bringing together a group of toxicologists, industrial hygienists, and others to advise us about which chemicals represent the most significant unregulated – or under-regulated – risks, as well as to identify any existing state-initiated PELs that are unnecessarily restrictive. It won't be easy, but the work is important.

We look for the first advisory group meetings to be in late February/early March and hopefully move to formal proposals around the end of 2016.

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 OSHA Training Grant

The Oregon Occupational Safety and Health Division (Oregon OSHA) has awarded three grants totaling more than \$89,000 to help organizations develop workplace safety and health education programs. The recipients are: **Oregon Young Employee Safety O[yes]: Online Training for Young Workers** (The training product is expected to be completed by December, 2016), **Associated General Contractors (AGC) of Oregon/Columbia Chapter: Focus Four Health in Construction**, **Northwest Forest Worker Center: Preventing Heat Stress Among Forest Workers in Southern Oregon.**

Oregon OSHA new Fact Sheet

Oregon OSHA has a new fact sheet that covers several rules for construction activities that specify the minimum trigger height at which workers must be protected from falling. These are available at <http://www.orosha.org/> .



2016 Video Contest open to all Oregon High school students



The contest is open to high school students across Oregon. Students are asked to create a video with the overall theme of "Speak up. Work safe. Contest winners will be selected in spring 2016, and winning entries will be posted on YouTube. The top three entries will take home cash prizes ranging from \$300 to \$500, and students will earn a matching amount for their school. The deadline for submissions is February 1, 2016.

Newsletters

Oregon OSHA publishes three newsletters: The "Resource" (a general interest publication), the "Construction Depot" (for the construction industry) and the "Forest Activities News" (for the logging and forest 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 2015.

Some of the highlights in this issue are:



- Total Worker Health: Wellness programs that keep workers safe.
- Administrator's Message: Oregon OSHA expects 2016 to be an ambitious year.
- Safety Notes: Sanitation worker loses four fingers removing potatoes from a cutting machine.
- Live long and prosper: the new case for productive aging.
- Going the Distance: Meet the Environmental Health and Safety Manager for Skanska USA Inc.



The *Construction Depot* newsletter is published monthly. The most recent was January 2016.

Some of the highlights in the issue are:

- Timeline of workplace fatalities reported to Oregon OSHA
- Oregon OSHA's top 10 construction violations
- Oregon OSHA's top 10 construction violations ranked by average penalty



The *Forest Activities News* is published when significant and or interesting logging/forest activities arise. The most recent was February 2015.

Notable Case:

Oregon OSHA received a complaint about worker exposure to metal dust at a shop in Portland, Oregon. The shop finishes metal parts such as hood ornaments for the trucking industry. The complaint alleged that employees were experiencing adverse symptoms, lack of PPE, the ventilation system was not working properly and metal dust was building up in the shop.

Upon arrival at the shop, the compliance officer found a great deal of dust build up around the equipment, on the beams, on sinks and tables, and on and in the ventilation system. The compliance officer noticed that the ventilation system was “unique” in that it was made up of a variety of materials (metal, plastic, PVC, and cloth) and held together with wire and duct tape. There were multiple bends, splits, and outlets. The shop owner stated that the ventilation system was installed in 2005 when they moved into the shop. The collection system went to a bag house outside at the back of the building. They emptied the bag house monthly.

The owner said that they did not do “other metals on the production line” so “other metal sparks shouldn’t be an issue.” He felt that the machines were grounded, as they were bolted to the ground, and that aluminum dust “did not spark”, and that much of the remaining dust in the production area had material from the sanding and buffing belts mixed with it.

The compliance officer returned to the shop to conduct sampling. She conducted wipe and air samples for aluminum, cadmium, lead, total particulate, chromium, magnesium, nickel, and iron. All personal sample results were either very low or below the limit of quantification. Air measurements of the ventilation showed air flow was barely at the required flow of 500 fpm. She also collected dust samples that were sent to the Salt Lake Lab.

Lab results indicated the following:

- Both samples were classified at Class 2 Group E dust.
- The sample from the buffing plenum was given a KsT rating of 38.87 bm/s and explosion severity of 3.39.
- The sample from the bag house was given a KsT rating of 49.32 bm/s and explosion severity of 4.44.

The employer was cited for two violations relating to combustible dust:

1. *1910.22(a)(2): The floors of every workroom were not maintained in a clean condition.* At the initial time of inspection, accumulations of dust were observed on the floor throughout the polishing production area. The dust exceeded a depth of 1/32-inch in some areas. Additional references: NFPA 484 8.1.2.6.1 and NFPA 484 8.1.2.4
2. *437-001-0760(1)(b)(C): The employer did not take all reasonable means to require employees to use all means and methods... to safely accomplish all work where employees were exposed to a hazard.* Additional references: NFPA 484 8.7.3.7.1; NFPA 484 8.7.3.19.5.1; NFPA 484 8.7.3.5.3; NFPA 8.7.3.13.1; and NFPA 8.7.3.6.1.

- The ventilation system had flexible hoses that carried dust from the buffing wheel plenums to the main ventilation system ducts; they were constructed from flammable materials or materials that could create a static charge and cause ignition of combustible dust.
- The ventilation system was not grounded along the areas made of flexible hose material between the buffing wheel plenums and the main ventilation system ducts.

- The ventilation system did not have smooth interior surfaces. The flexible hoses connecting the buffing wheel plenums to the main ventilation system ducts had accordion-like ridges.
- The ventilation system did not have deflagration vents.
- The bag house collector was not labeled with warning regarding the presence of combustible dust.
- Grinders, buffers and associated equipment used for processing aluminum did not have a warning placard.

The owner didn't, as least initially, believe that metal dust was combustible. A couple of months after the citation was issued, shop was in the news... they had burned down part of their building. It sounds like – while cutting out the old ventilation system – they created a spark. The owner is now a believer.



Recent or Upcoming Occupational Safety and Health Conferences

Cascade Occupational Safety & Health Conference
Valley River Inn
Eugene, Oregon
March 8 - 9, 2016

Blue Mountain Occupational Safety & Health Conference
Pendleton Convention Center
Pendleton, OR
June 6 – 7, 2016

Northwest Safety & Health Summit (by Region X VPPPA)
Boise Centre and the Grove Hotel
Boise, ID
May 17 -19, 2016

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: Marilyn Schuster, Oregon OSHA Deputy Administrator retired 11/30/15. Marilyn will continue to perform the duties of Deputy through February 2016. Oregon OSHA is recruiting for the Deputy position.

VI. Contact Information: Phone: (503) 378-3272, Fax: (503) 947-7461
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