



Oregon
Kate Brown, Governor

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Oregon OSHA

OSHSPA State Plan Report September 2016

Michael Wood, Administrator

I. Significant Legislative/Programmatic Changes

Legislatively Mandated Rulemaking

Nothing to report.

Legislative Activity

Oregon OSHA's three legislative concepts have all now been drafted by the state's Office of Legislative Counsel so that they are ready to be formally submitted to the 2017 Legislative Assembly.

The overall theme of the three legislative concepts is addressing changes in specified financial thresholds over time.

The first legislative concept would align Oregon OSHA with the Federal Civic Penalties Act of 2015, which requires an increase to the maximum serious violation penalty and maximum repeat or willful violation. It would grant the agency the authority to set maximum penalties in accordance with federal guidelines.

The second legislative concept would allow the agency to raise the Worker Memorial Scholarship fund from \$250,000 to \$1,000,000. The scholarships are allocated based on earnings by the fund and this fund has not been increased since 1993.

The final legislative concept would increase the financial threshold for construction projects to need sanitary facilities with flushing toilets and warm water basins for employees. The current threshold is \$1,000,000 and Oregon OSHA is asking that the threshold be raised to \$1,250,000 with future increases being allowed by department in rule. The statute has not changed since 1993.

*All adopted and proposed rules are available at our website <http://www.osha.oregon.gov>
- look under Rule Activity.*

Other Rulemaking Activity

Fall Protection and Slide Guard Use in Construction. In response to federal OSHA, Oregon OSHA has adopted revisions to fall protection in construction that includes changing the 10-foot general trigger height to 6 feet, effective January 1, 2017. We also adopted the elimination of the use of slide guards as a sole or primary fall protection system, effective October 1, 2017.

Employer Knowledge. Oregon OSHA plans to complete rulemaking that addresses 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.

Oregon OSHA had initial discussions with a small group of stakeholders in July and August, 2015, and reconvened on April 28, 2016, at which we shared a pre-proposal discussion draft. Another meeting was held May 20, 2016, with more discussion around the proposed rule language.

Silica. Oregon OSHA proposed rulemaking and is currently in the process of holding public hearings in August and September. Oregon’s rulemaking to adopt federal OSHA’s new Occupational Exposure to Respirable Crystalline Silica standard (March 25, 2016 Federal Register), is one rule that is applicable to both general industry and construction rather than two independent rules. The provisions in Oregon are the same as the federal standard. Oregon OSHA will adopt final rules by September 25, 2016.

Improve Tracking of Workplace Injuries and Illnesses. Oregon OSHA will propose rulemaking mid-September 2016 to adopt federal OSHA changes published in the May 12, 2016 Federal Register. Oregon OSHA will amend the state-initiated rule for recording workplace injuries and illnesses to include the provision for electronic submission of injury and illness data to federal OSHA for certain industries.

Public hearings are scheduled for late October and early November with an adoption date in Oregon by mid-November. Oregon will keep the federal OSHA effective dates.

*All adopted and proposed rules are available at our website <http://www.osha.oregon.gov>
- look under Rule Activity.*

II. New Developments/Activities/Notable Cases

Activities:

New Hazard Alerts

Oregon OSHA published a new box trucks and carbon monoxide hazard alert that provides safety guidelines on how to prevent carbon monoxide poisoning when running gas-powered equipment in a box truck.



Oregon OSHA published a new wildland firefighting face masks hazard alert that provides information about face mask limitations.



New Quick Facts for employers

The new Lead and Lead Poisoning quick facts describes the effects and symptoms of lead poisoning, and the most common ways you can be exposed to lead at work.

New Machine Guarding Guidelines Document

The new document (TG 2016-1) provides guidance on how to measure unguarded, rotating, shaft ends. This document can be provided to employers for assistance. This document can be found in the “Machine Guarding” section of the A-Z Topic at <http://www.osha.oregon.gov>

Workers’ Memorial Awards for 2016

Oregon OSHA honored recipients of the Workers’ Memorial Scholarship awards during a public ceremony on Friday, Aug. 19, in the Labor and Industries Building in Salem.

Oregon OSHA Training Grant

Oregon OSHA is accepting grant applications for the development of innovative workplace safety and health training programs. Applications are due Friday, Oct. 7. The training grants will focus on programs that target a high-hazard Oregon industry. Any employer, labor group, school affiliated with a labor group, or nonprofit organization may apply. Applicants may request up to \$40,000 per grant project.

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.osha.oregon.gov> .



The *Health and Safety Resource* newsletter is published every two months. The most recent was August 2016.

Some of the highlights in this issue are:

- Heat stress dangers are real: Identifying the risks is key
- Administrator's Message: Federal Decisions and Oregon Tailoring
- Use them, but don't lose them: How to prevent amputations at work
- Award Nomination Deadline Approaching for GOSH
- Going the Distance: Meet the Environmental, Health and Safety Director for Snyder

Some of the highlights in the issue are:

- What you should know about ladder accidents
- Hearings scheduled for proposed silica rules
- Proposed changes to eye and face protection consensus standards
- NIOSH unveils its engineering controls database

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

Notable Case:

Worker Loses Hand and Part of Arm in a Pellet Mill

During July 2015, in Central Point, Oregon, a worker was pouring the last bit of fine chicken feed into the infeed chute of a pellet mill from a 50-pound bag. (A pellet mill makes feed pellets for chickens.) But, he dropped the empty feed bag down the pellet mill chute, which eventually leads to a set of feed rolls (called crumbler rolls) downstairs. He couldn't see the bag so he went downstairs to look for it in the crumbler rolls.

Without shutting off or locking out the crumbler rolls, he started to remove an inspection plate above the rolls to see if the bag was there. He wasn't intending to reach inside the opening; he just wanted to see if he could spot the bag.

As he was removing the inspection plate, however, it slipped out of his hands. He tried to grab it so it wouldn't fall into the rolls, but his right hand touched the rotating rolls and was pulled between them.

An employee upstairs heard the worker yell and shut off the rolls. Several other employees worked to free the victim's hand and arm from the rolls, while others called 911. He was taken to the local hospital then flown to Portland where his hand and the lower part of his arm were amputated.

Findings

- No machine-specific procedures had been developed for the pellet mill or other equipment in the plant with multiple energy sources.
- There was no documented energy control training and no documentation for periodic reviews of energy control procedures and the employee had not been trained to de-energize the pellet mill.
- Employees used only one lock on the pellet mill's electrical disconnect when they were changing dies.

Violations

- *1910.147(c)(4)(i)*: Procedures were not developed, documented, and utilized for the control of potentially hazardous energy. Penalty: \$875.
- *1910.147(d)(4)(i)*: Lockout or tagout devices were not affixed to each energy isolating device by authorized employees. Penalty: \$875.
- *1910.147(c)(5)(ii)*: Lockout and tagout devices were not singularly identified. Penalty: \$875.
- *1910.147(c)(7)(i)(A)*: Each authorized employee did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control: Penalty: \$875.
- *1910.147(f)(3)(i)*: A procedure was not utilized to protect employees equal to that provided by a lockout or tagout device when service work was being performed on the machine. Penalty: \$875.
- *1910.147(c)(6)(i)(C)*: Where lockout was used for energy control, the periodic inspection did not include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected. Penalty: \$875.



Inspection plate in the pellet mill

Recent or Upcoming Occupational Safety and Health Conferences

Central Oregon Occupational Safety & Health Conference, Riverhouse on the Deschutes
Bend, OR
September 20 & 21, 2016

Southern Oregon Occupational Safety & Health Conference
Ashland Hills Hotel & Suites
Ashland, OR
October 11-13, 2016

Western Pulp, Paper, and Forest Products Safety & Health Conference
Red Lion Hotel on the River – Jantzen Beach
Portland, OR
November 29 – December 2, 2016

Mid-Oregon Construction Safety Summit
Riverhouse on the Deschutes
Bend, OR
January 30 & 31, 2017

Oregon Governor's Occupational Safety & Health Conference
Oregon Convention Center
Portland, OR
March 6-9, 2017

Northwest Safety & Health Summit by Region X
VPPPA
Davenport Grand Hotel
Spokane, WA
May 16-18, 2017

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:

V. Administrative Changes: Renee Stapleton accepted the position of Policy Manager on August 1, 2016. Renee has worked for Oregon OSHA for 10 years. She has experience as an enforcement officer, safety enforcement manager and the last 4 years as a Consultation Manager in Portland. Renee replaces Marilyn Schuster, the previous Policy Manager.

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