

# OREGON HEALTH AND SAFETY RESOURCE

September, October, November 1999

## ***Spirit Communications' founder rallies new association members***

Clyde Stryker of Spirit Communications in Tualatin felt so strongly about OR-OSHA that he wanted to organize Oregon business people to take action. Perhaps to the surprise of some, the resultant Oregon SHARP Association is a proponent of OR-OSHA.

The new association is being created by and for OR-OSHA Safety and Health Achievement Recognition Program participants primarily as a networking organization. SHARP participants are those who have achieved or are working toward recognition in OR-OSHA's SHARP program. Recognition is earned following completion of an OR-OSHA consultation, correction of hazardous situations, and involvement of employees in developing a workplace safety and health program, usually through the safety committee process.

The Oregon SHARP Association met July 28 in Salem to appoint interim directors. Stryker will serve as president and Phyllis Straight-Millan, OR-OSHA, as secretary-treasurer. Representatives at large are Jary Winstead of Salem and Adam Gutierrez of Bend, both

representing Barrett Business Services; Jim Clarke, Weyerhaeuser Timberlands, Coos Bay; Ken Metro, Graphic Arts Center, Portland; and John Gander, Blachly-Lane Services representing Douglas and Lane Electric CO-OP.

Stryker's company was the first company SHARP-recognized by OR-OSHA three years ago. He proposed an association whose members would meet quarterly at SHARP companies to share resources with the goal of improving workplace safety and health.

Stryker made his acquaintance with OR-OSHA when his business was just moving beyond being home-based. He had let go an employee and the employee had complained to OR-OSHA.

"I had the attitude, like a lot of employers out there do, that you kept out of OSHA's way, and that if you had to call them, you went to a pay phone so that the call couldn't be traced," said Stryker. "I was scared."

See "**SHARP**," page 2

## ***Powered industrial truck (forklift) operator training required by Dec. 1***

OR-OSHA has revised and issued requirements for powered industrial truck operator training. New operator training requirements are intended to reduce the number of injuries and deaths that occur as a result of inadequate operator training. The requirements apply to all industries (general industry, construction, shipyards, marine terminals, and longshoring operations) in which powered industrial trucks are used, except agricultural operations. Forklift rules for agricultural employers are in OR-OSHA's Division 4, 437-004-1700.

See "**Operator**," page 12

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# Permit-required confined space standard amended

OR-OSHA has adopted Federal OSHA's changes to its confined space standard (1910.146), effective May 26, 1999. Employers are required to have written plans for protecting workers from confined space hazards.

## What is a confined space?

A confined space is a space that:

- has limited or restricted means of entry and exit,
- is not designed for continuous occupancy, and
- is large enough for an employee to bodily enter and perform work.

## What is a permit-required confined space?

If one of the following situations exist, a confined space is permit-required:

- The confined space contains or has the potential to contain a hazardous atmosphere.
- The confined space has the potential to trap an entrant.
- The confined space presents other recognized safety or health hazards.

If employers require employees to enter permit-required confined spaces, the employer must implement a permit program that specifically addresses the hazards of the space and the required worker protection.

## What's changed?

### Employee representatives

The standard adds the term employee representatives, and establishes that employees or their designated repre-

sentatives have the opportunity to observe pre-entry testing and subsequent monitoring of a confined space. In addition, the employees or their representatives may request re-evaluation of the testing and monitoring data. For the purpose of this standard the employee representative is a co-worker with similar confined space duties, union representative with knowledge in confined space hazards or a safety committee member with knowledge in confined-space hazards.

### Rescue evaluation

Employers must evaluate prospective rescue service's response capability. The employer must ensure that the rescue service that they choose has the ability to respond in a timely manner, the appropriate equipment, and that they are proficient in the use of the equipment and related rescue tasks. The standard includes an Appendix F as a tool to aid employers in their assessment of the confined space rescue services they have selected.

### Employee participation

Employers must consult with employees or their representative in the development of the company confined space program.

The printed standard includes an appendix with criteria for evaluating rescue teams and services. If you have questions about this standard, call Rodney Boast at OR-OSHA, (503) 947-7446. ■

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## "SHARP," from page 1

The OR-OSHA compliance officer who came to Spirit Communications not only found no grounds to cite the company, she told Stryker about the consultation services available from the division.

It wasn't long before OR-OSHA's Bob Langager made a consultation call at Stryker's request. "I was still so nervous that I got him a cup of hot coffee and spilled it on him," said Stryker.

But, said Stryker, "I can't tell you how great it was. I never would have dreamt of the positive outcome."

Spirit Communications became the first SHARP-recognized company in Oregon in June 1996.

"Now when my employees have a question, they don't even bother with me," said Stryker. "They say, 'Call OSHA Bob, he'll know.'"

And now Stryker is committed to letting other businesses know about OR-OSHA's consultation services and the benefits of employers and their employees working together with OR-OSHA, insurance companies, and the governor's office to make workplaces safer.

Stryker wants the new association to encourage people

to get into SHARP, to support those who are working toward SHARP recognition, to share information and resources, and possibly work together to earn reductions in workers' compensation premiums and OR-OSHA inspections.

Those attending the July meeting discussed incorporation and the purpose of the SHARP Association. The meeting was three times the size of the first meeting in April, according to Stryker. Representatives from Oregon SHARP companies, OR-OSHA, and the state of Idaho and Washington attended.

The next meeting will be in Bend on November 4. Topics will include designing a mission statement; marketing the concept; and how a mentorship program might work. For more information about the next SHARP Association meeting, call Clyde Stryker, (503) 612-0600, or Phyllis Straight-Millan, (503) 378-3272. For more information about the SHARP program, visit OR-OSHA's Web site, <http://www.cbs.state.or.us/external/osha>, and look for "SHARP Program" under "Services." ■

# Administrator's Message



Peter De Luca

The 70th Legislative Assembly has adjourned, the legislators have gone home and things here in Salem have returned to normal or as normal as they ever are. So, what happened and how will it affect the future of occupational safety and health in Oregon?

From the opening week of the legislative session, we were busy. The first series of bills we dealt with was introduced by the Oregon Farm Bureau. House Bills 2401 and 2403 addressed small agricultural employers' concerns about safety committee requirements. OR-OSHA and the Farm Bureau were able to work things out through the administrative rules process and the bills were withdrawn. Agricultural employers are still required to notify employees – including seasonal employees – of workplace hazards, but the meeting requirements are now more workable for farmers. HB 2405, which would have prohibited OR-OSHA from issuing a citation for other than serious violations the first time an employer is inspected in a calendar year, was tabled by the Legislature. Lastly, HB 2402 passed and exempts corporate farms from occupational safety and health requirements when the only employees are family members.

These farms, while previously subject to inspections, were not often inspected. Farms (corporate and private) that employ non-family members continue to be subject to inspection.

A serious threat to OR-OSHA's ability to conduct inspections was introduced in the form of House Bill 2830. The central philosophy behind the bill was sound. It provided that OR-OSHA inspect the worst workplaces first. However, as originally drafted, it would have prevented inspections in any workplace except the worst. OR-OSHA long ago adopted a worst-first (but not worst-only) philosophy. By working closely with Rep. Jeff Kropf, who introduced the bill, OR-OSHA was able to revise it to reflect the philosophy that has been so successful in Oregon. Labor and safety professionals worked hard on this bill, eliminating many additional provisions that would have adversely affected occupational safety and health. The final result is a bill that will make the system better.

There were several other bills that could have had negative impacts on occupational safety and health. They were ultimately defeated. It is both interesting and significant to note that the governor has not vetoed any bills relating to occupational safety and health, nor did we request that he do so. That is because the bipartisan legislative system worked very well for OR-OSHA and killed the bills that would have had negative effects, while passing legislation that is good for business, good for labor, and good for OR-OSHA.

Thank you, everyone in business, labor, and the legislature who helped us have a successful session. Names are too numerous to mention. We saw good legislation pass, bad legislation not pass and we made some new friends along the way. We could not have succeeded without a lot of hard work from our partners and others. Once again we have demonstrated the necessity and desirability of having a wide variety of people involved in this process we call government. ■

## RESOURCE



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*Reprinting, excerpting  
or plagiarizing any  
part of this publication  
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send us a copy of  
your publication.*

## You're invited!

OR-OSHA offers statewide educational conferences in coordination with various co-sponsors. These conferences provide opportunities for workers and employers to share ideas on occupational safety and health with local experts and nationally recognized professionals. Here's what's coming up:



September 8-10

Central Oregon  
Community College,  
Bend

Co-sponsored by  
Oregon OSHA and the  
Central Oregon Safety  
& Health Association

*Navigating the Safety and Health Trail* is the theme of this year's conference. The dynamic keynote and general sessions on how safety and health management affect the bottom line and how accountability is a matter of leadership will leave you with spirit and energy, ready to face the safety and health challenges of your workplace. The programs designed for this conference offer broad-based information for managers, supervisors, and safety committee members.

Sessions include: Anger in the Workplace, Ergonomics, Compressed Gases, Scaffold User Awareness Program (user certification issued), OSHA Record keeping Requirements and OSHA 300 Form, Flagging (ODOT certification issued), Respiratory Protection, Wellness Program for Every Workplace, Powered Industrial Trucks, Fall Protection for Construction and General Industry, Training Overcomes Language and Cultural Barriers, Trenching and Shoring, and The Industrial Athlete.

Enjoy the inspiring views of the snow-capped Cascade Mountains while you navigate the path to safety and health excellence! ■



September 28-29

Four Rivers Cultural  
Center, Ontario

Co-sponsored by  
Oregon OSHA; the  
American Society of  
Safety Engineers, Snake  
River Chapter; and  
Treasure Valley Com-  
munity College,  
Industrial Training  
Center

This biennial, eastern Oregon event is waiting for you! The number of people employed in safety, health, and environmental jobs has greatly increased, and this conference has been designed to provide timely topics in workshop and classroom settings to further the goal of workplace safety and health.

Sessions include: Industrial Exposure Control, The Fundamentals of Accident Investigation, Fall Protection, Indoor Air Quality, Safety of the Non-employee Workers on My Property, Clearing the Air Over the Federal Respiratory Protection Standard, Systems Approach to Hazard Investigation, OSHA Record-keeping Requirements and OSHA 300 Form, Essentials of a First-aid Program, Bloodborne Pathogens, Job Hazard Analysis, Emergency Action Plans, Ergonomics, Anatomy of Managing a Critical Incident, Access to Internet Safety Resources, Powered Industrial Trucks, Behavior-based Safety, Eight-hour HAZWOPER Operations-level Training, Electrical Safety/Energy Control, and Noise Control/Hearing Conservation. ■



October 13-15

Smullin Center, Medford

Co-sponsored by Oregon OSHA and the American Society of Safety Engineers, Southern Oregon Chapter

Get updates on occupational safety and health issues affecting labor and management during in-depth half- and full-day workshops, as well as the opportunity to network and exchange information and ideas with other safety and health professionals. Exhibitors will display the newest safety, health, and ergonomic equipment, software, and training programs. ■

See "Conferences," page 5

## Oregon Pulp & Paper Workers Safety & Health Conference

November 30 & December 1-3

Eugene Hilton, Eugene

A joint effort of Oregon OSHA and the Oregon Pulp & Paper Workers Council of AWPPW, in cooperation with IBEW, PACE, LERC, CROET, Washington Safety Council of AWPPW, and WISHA (Washington Industrial Safety & Health Administration).



The conference planning committee has been designing a program for this event to meet the needs of today's safety committee members, labor safety representatives, mill managers, safety directors, safety and health professionals, and emergency response teams in the pulp and paper industry. Highlights of this year's program include the keynote presentations, "Life is an Attitude," by Ron Heagy and a special message by

Charlie Morecraft. During the conference, two rooms will be set aside to preview safety videos from the libraries of Oregon OSHA, WISHA, and northwest mills and to surf the Internet for occupational safety and health resources (sponsored by CROET).

Sessions include: Hazard Identification and Mill Tour, Violence in the Workplace, Emergency-response Team Training, Safety Committees, Respiratory Protection, Synthetic Sling Safety, Union and Safety Committee Responsibilities, Safety Responsibilities for Management, Tips to Make Learning Effective, Powered Industrial Trucks, Safety 101, Planning Safety for the Millennium, Behavior-based Safety, Ergonomics, OSHA Record-keeping Requirements and OSHA 300 Form, Electrical Safety, Job Hazard Analysis, and Voluntary Protection Program: Management's Perspective. ■

*For information on conferences, call OR-OSHA, (503) 378-3272 (V/TTY), or toll free, (888) 292-5247, option 1; send e-mail to: [oregon.conferences@state.or.us](mailto:oregon.conferences@state.or.us); or visit our Web site <http://www.cbs.state.or.us/external/osha/>.*

## Oregon OSHA awards scholarships

Six Oregon college students received Workers' Memorial Scholarships for the 1999-2000 school year.

The Department of Consumer and Business Services Oregon Occupational Safety and Health Division (OR-OSHA) administers annual scholarships for the education of spouses or children of permanently disabled or fatally injured workers. The Workers' Memorial Scholarship was established by the 1991 Legislature at the request of the Oregon AFL-CIO with support from Associated Oregon Industries.

Sarah Lester, a journalism student at the University of Oregon, was awarded \$1,500. Lester attended high school in Klamath Falls where she was a member of the Honor Society and Ecology Club and was involved in sports and music activities.

Marlisa Boschee is attending Oregon State University, majoring in pharmacy. Boschee's pre-college activities included Spanish Club, concert band, jazz band, National Honor Society, and volleyball at Dayton High School. She volunteered at the city library and in the "Santa in the Park" program and was an outdoor-school counselor. A \$500 scholarship was awarded to Boschee.

Melissa Boschee, twin sister of Marlisa Boschee, also received a \$500 scholarship. She's an education major at Western Oregon University and a graduate of Dayton

High School. Her school activities included Spanish Club, pep band, volleyball, and National Honor Society. She is a McMinnville Public Library volunteer and a math tutor for junior high students.

Diane Psaros and Sara Wilson each received \$500 scholarships. Psaros is studying music at Portland State University. She was a member of the National Honor Society and participated in numerous musical activities at Clackamas High School. Wilson is studying recreational therapy at Blue Mountain Community College. Wilson was employee of the year and honor thespian at Hermiston High School. She was a student aide and church door greeter.

Isaac Ellis was awarded \$1,500. Ellis will be attending Linfield College to study education and physical therapy. While attending Powers High School, he was student body vice president, a member of the National Honor Society, an OSAA Student Scholar four years in a row, and a member of the football, basketball, track, and baseball teams. He was a volunteer coach for Babe Ruth Baseball and a referee for junior high basketball for four seasons.

For more information on this scholarship program, contact Phyllis Straight-Millan, Oregon OSHA, (503) 378-3272, or Sherrill Kirchoff, Oregon State Scholarship Commission, (800) 452-8807. ■

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# A good PPE program reduces injuries

by Klaus G. Rohde, Safety Compliance Officer, Oregon OSHA

When the *Occupational Safety and Health Act* was enacted in 1970, PPE (personal protective equipment) was listed as a last resort, to be used only when attempts to eliminate hazards with engineering and reduced worker exposure were not feasible.

Studies by OSHA and NIOSH (National Institute of Occupational Health and Safety) have determined that the proper selection and use of PPE provide a cost-effective means for reducing risks to workers.

The PPE rule, 1910.132, codifies the selection process and requires employers to become aware of the features, benefits, and differences in PPE so that they can make appropriate job-specific selections.

An effective PPE program should include the following:

- Someone responsible for the program implementation (plan coordinator)
- Job-hazard analysis
- Choice criteria
- Training
- Reassessment

## Plan coordinator

The first thing that should be addressed is who will be responsible for the implementation of the PPE compliance program. The individual who will direct and implement the program must have the necessary education, training, and experience.

Even if a committee is chosen to implement the plan, one person should be selected to serve as coordinator. The coordinator should have authority and support to ensure program continuity and administrative accountability.

## Job-hazard analysis

You will need to conduct a complete audit of the hazards for each operation in your facility and provide appropriate PPE to protect the employees from those hazards.

Begin with a meeting of all concerned individuals to get an overview and understanding of exactly what is to be audited. Include someone from outside the organization that is knowledgeable about PPE in the audit.

Compile a detailed audit report and make it the first component of your written compliance program.

## Choice criteria

When the job-hazard analysis has been completed, the types of PPE that your employees need will be apparent. You can use ANSI standards to obtain information on

the performance requirements for each type of product. Most ANSI standards and the appendix in the OR-OSHA PPE standard contain selection guidelines for matching specific product types with specific hazards.

Obtain as much information from PPE suppliers as possible. All PPE is not alike and there are significant differences in design, performance of materials, and technology.

When selecting PPE:

- Look for features that are of value in satisfying your safety needs.
- Consider comfort and fit.
- Ensure that materials and product design are adequate to withstand the work environment, working conditions, and level of use.
- Consider whether aesthetics of the PPE will decrease or increase wearer resistance.
- Check for accessories that could extend the protection or comfort capabilities of the product.

Insist on samples from safety equipment suppliers. Let employees try products under normal working conditions. Get their opinions. Think through and justify your buying decisions. Put the PPE selection process in writing and make it the second part of the written compliance program.

## Training

The next step is to provide PPE training to employees, supervisors, and management. All wearers must be trained to use, fit, and care for the protective equipment. They must be told about job hazards and told how and why PPE was selected. Workers must be told of any limitations and warnings supplied by the manufacturer. Wearers of PPE need to know how to inspect the equipment for indications of wear and damage. They must know how to obtain replacement PPE.

The training requirements apply to all PPE purchases. If employees provide their own PPE, they must still follow the selection decision that is part of their employer's PPE compliance plan.

Supervisors need to be trained how to use, adjust, fit and maintain any PPE used by workers under their charge. They should also be trained how and where to store PPE to maintain its performance capability.

The training program should be in writing and made part of the written compliance program.

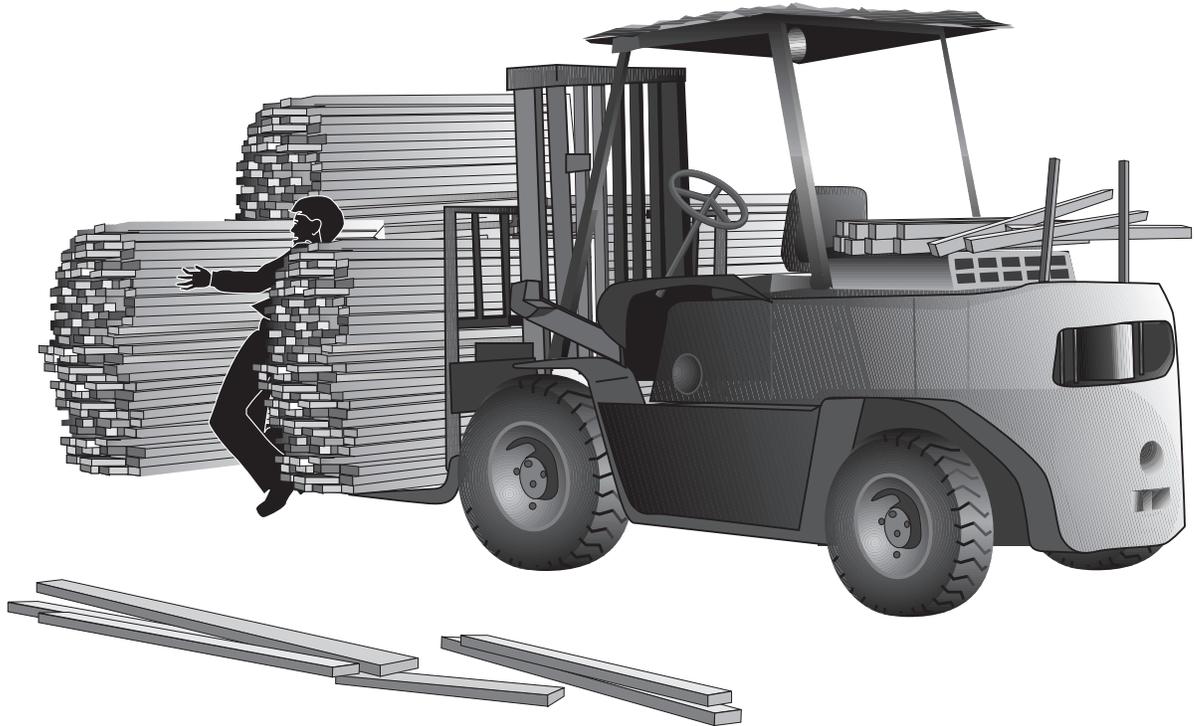
See "PPE," page 11

# SAFETY NOTES

Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

## Accident Report

Accident type ..... Crushed by vehicle  
Industry ..... Lumber manufacturing  
Employee job title ..... Forklift driver



### **Description of accident**

The powered industrial truck (forklift) was loaded with a unit of lumber. The driver moved the forklift to the covered storage area, then parked the vehicle 20 feet from where he intended to stack the lumber. Leaving the engine running, he walked over to place stickers (separators) on the previously stacked unit of lumber. As he was placing the stickers, the forklift rolled forward and pinned him between the units of lumber. He was hospitalized with internal injuries.

**Note:** See article on forklift training requirements on Page 1.

### **Investigation findings**

Forklift drivers for this company did not consistently employ safe practices. It was common practice to exit the vehicle without setting the brake, to leave the load in an elevated position, and to leave the forklift transmission in gear while stopped on an incline. Furthermore, the emergency brake was not functional on this and other vehicles. The drivers were not instructed to perform daily safety checks on their vehicles.

### **To prevent similar accidents**

- Ensure drivers are thoroughly trained, and enforce safe practices.
- Ensure emergency brakes are functional, and use them whenever exiting the forklift.
- Lower the load whenever exiting the vehicle.
- Check forklifts at the beginning of each shift to ensure they are in a safe operating condition.

### **Applicable OSHA standards**

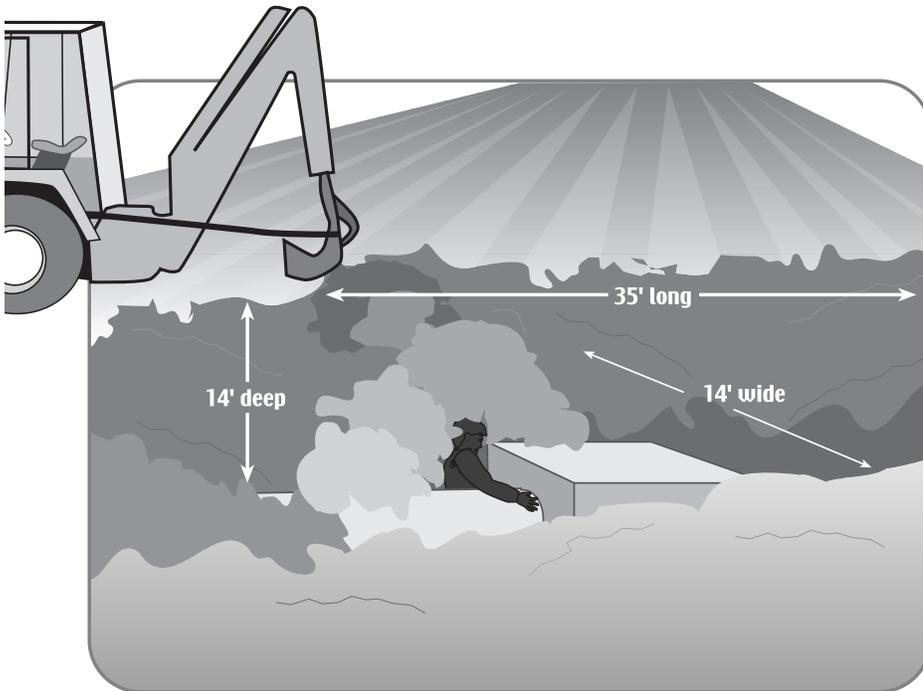
OAR 437-001-760(1)(a)  
OAR 437-002-0223  
CFR 1910.178

# SAFETY NOTES

Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

## Fatality Report

Accident type ..... Asphyxiation, cave-in  
Industry ..... Agriculture  
Employee job title ..... Farm worker



### **Description of accident**

Two employees excavated a large irrigation pipeline in a field. They were uncovering a concrete vault. One employee operated a backhoe to excavate a ditch 35 feet long, 14 feet wide, and 14 feet deep. Another worker entered the excavation to remove the remaining soil on the bottom and beneath sections of the pipeline and vault. A bank collapsed, pinning the worker against the vault and completely burying him. The backhoe operator attempted to uncover the buried worker using the backhoe bucket first, then a hand shovel. When he was unsuccessful, he drove the backhoe three miles and summoned assistance. The victim died before he could be extricated.

### **Investigation findings**

The excavation was not shored or sloped. The excavation spoil was not removed from the edge, increasing the weight on the bank, and the probability of collapse. The victim had never worked on an excavation site and was unfamiliar with excavation hazards. Neither employee was provided instruction regarding shoring requirements. Although the employees were working at a remote site, there was no emergency medical plan and no communication device available to them.

### **To prevent similar accidents**

- Always use appropriate protective systems in excavations greater than five feet deep.
- Adequately train and supervise employees to ensure compliance with safe operating procedures.
- Develop and maintain an emergency medical plan to ensure rapid provision of medical services to injured employees.
- Ensure that communication devices are readily available to all employees.

### **Applicable standards**

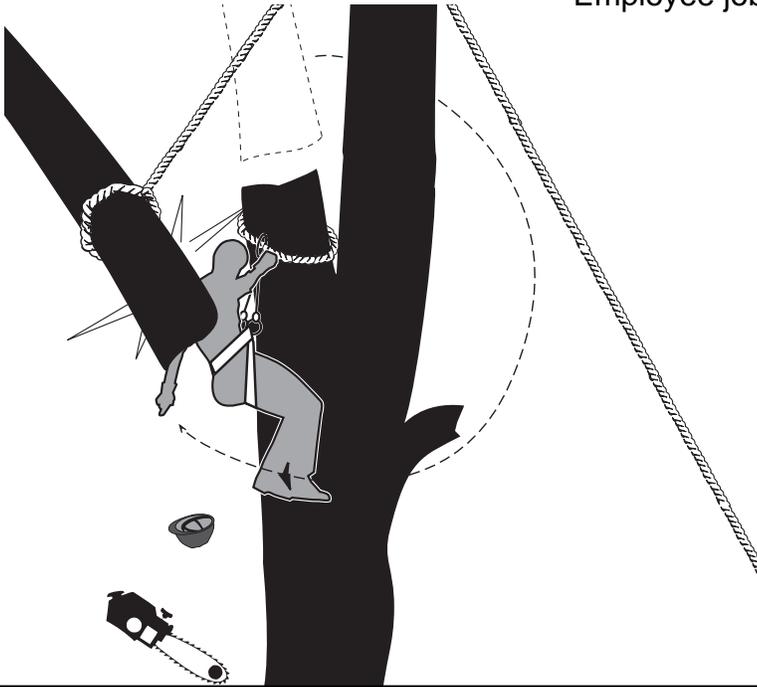
OAR 437-004-3100(2)  
OAR 437-004-0099(2)

# SAFETY NOTES

Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

## Fatality Report

Accident type ..... Crushed by tree limb  
Industry ..... Tree trimming  
Employee job title ..... Laborer



### **Description of accident**

The victim was topping a tree and was removing a large limb. Rigging at the top of the tree included a tackle block and pulley. A long length of line was run through the pulley to be used as a lowering rope for the limb.

The victim was in the tree using a chain saw to cut the large limb. Two workers on the ground held the line, which was tied to the limb section to be cut and wrapped around the trunk of the tree. The victim made his cut, then pushed on the limb. The limb broke free and swung around the main trunk, hitting the victim in the back, pinning him against the tree trunk. He sustained crushing injuries to the chest and died at the scene.

### **Investigation findings**

The employer had no formal safety program, including no type of written documentation regarding industry safety and health regulations. He had no workers' compensation coverage for himself or his three employees. Personal protective equipment (PPE) training was inadequate; it consisted of the employer telling his employees to "wear goggles, hat, and don't get hurt." All the employees operated the chain saw, but none of the employees wore leg protection, and none was provided.

There was no emergency-response medical plan. No communication device was available to the employees; they had to shout for help until a neighbor heard them and called emergency services. The employees on the site weren't trained in CPR, first aid, or tree-top rescue.

The employer said he told this employee not to climb the tree and cut the limb because he was not trained in tree climbing or trimming. However, the employer had observed the employee placing the rigging in the tree top the day before the accident and had taken no corrective action. On the day of the accident, the employer had left climbing equipment at the job site.

### **To prevent similar accidents**

- Adopt written policies and procedures. Obtain copies of industry-related safety standards, regulations, and other types of written documentation regarding safety and health regulations and plans. Ensure that workers read, understand, and apply safety rules.
- Know what type of personal protective equipment is needed to ensure employee safety. Train employees to use PPE and enforce its use.
- Have a written emergency medical plan. Ensure workers have access to communication devices in the event of an emergency. Ensure CPR and first-aid trained personnel are on-site.

### **Applicable OSHA standards**

OAR 437-001-0760(1)(a)

OAR 437-002-0161(4)

# SAFETY NOTES

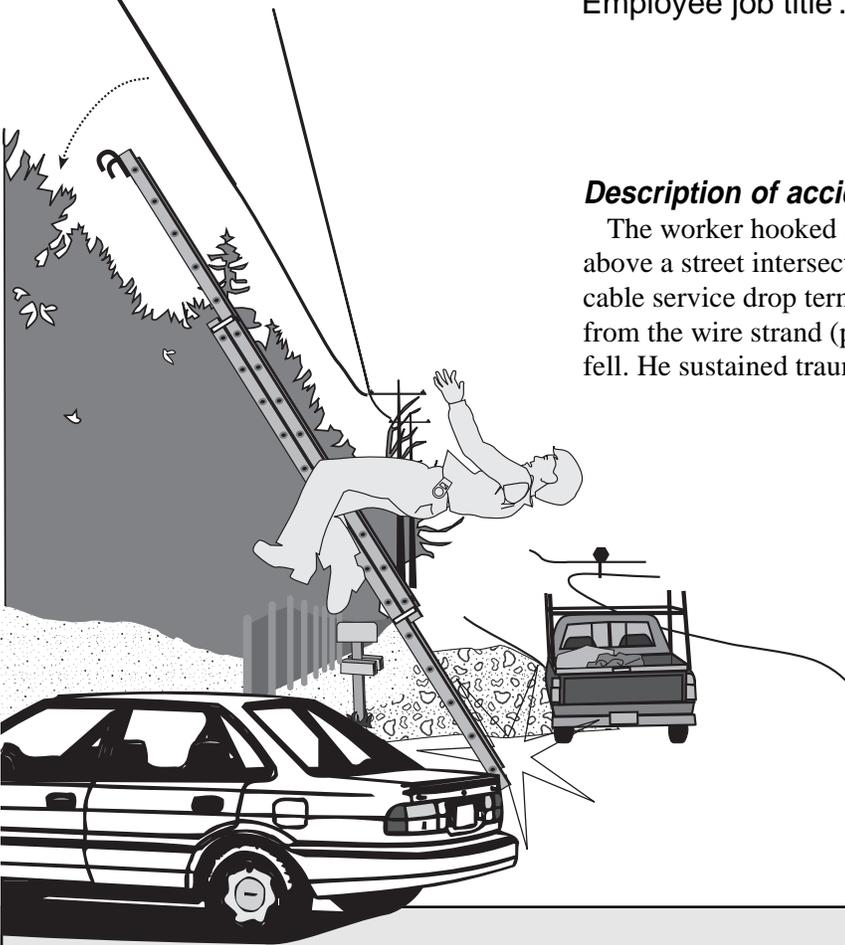
Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

## Fatality Report

Accident type ..... Fall  
Industry ..... Cable television installation and service  
Employee job title ..... Cable splicer

### **Description of accident**

The worker hooked an extension ladder onto a wire strand located above a street intersection. He climbed the ladder and disconnected cable service drop terminals. The ladder was somehow dislodged from the wire strand (possibly by a passing motor vehicle), and he fell. He sustained traumatic head injuries and died at the scene.



### **Investigation findings**

The ladder was not secured to the wire strand with a safety strap. The victim was not using any type of personal protective equipment (PPE), such as a hardhat or a high-visibility vest, although he was exposed to vehicular traffic at the street intersection. There were no traffic controls, such as cones, candlesticks, or flaggers and his vehicle made it more difficult for oncoming traffic to see him. The employer did not evaluate the worksite to assess the need for traffic controls or to identify potential hazards.

### **To prevent similar accidents**

- Always use appropriate PPE.
- Evaluate all worksites for hazards, and assess the need for traffic control.
- Ensure hook ladders are secured with a safety strap to prevent dislodging.

### **Applicable OSHA standards**

CFR 1910.268(e)  
OAR 437-002-0316(3)(a)  
OAR 437-002-0316(6)(a)

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# Do you have questions about crane operator training?

OR-OSHA is concerned that employers and workers are confused about the differences between federal OSHA's standards on crane operator training and those of Oregon OSHA.

Rules for safety training for crane operators in the construction industry are in OAR 437-003-0081. These rules are specific to Oregon and are not related to actions by Federal OSHA. The recent recognition by Federal OSHA of the National Commission for the Certification of Crane Operations (NCCCO) as crane trainers has no

application in Oregon. OR-OSHA will continue its long-standing practice of determining operators' level of training and competence by observing their work and asking questions pertinent to the situations and equipment.

By following the criteria in OAR 437-003-0081, Oregon employers can meet the basic regulatory requirements for training. However, it is still the employer's responsibility to ensure that the operator has the overall knowledge and experience to run the crane safely for the particular job. There is no formal,

state-sponsored program for trainer certification in Oregon. Certification from other jurisdictions does not necessarily establish adequate training for either a trainer or operator.

Questions? Call a safety technical specialist at OR-OSHA, (503) 378-3272. ■

*Note: Federal OSHA's actions may or may not have bearing on OR-OSHA's enforcement of standards in Oregon. Oregon's standards must be at least as effective as federal standards, but need not be identical.*

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"PPE," from page 6

## Reassessment

The standard requires that the employer reassess workplace hazards, review accident reports, keep abreast of new PPE, and periodically re-evaluate the suitability of the previously selected PPE. Records should be kept of when PPE was purchased and placed into service.

Employers should consider replac-

ing PPE that has been in service a long time or replacing PPE for which something new and better has been developed.

## Summary

Compliance programs will vary in scope and complexity according to the size and operation of a company. The important thing to remember is that all the elements must be present

in the PPE compliance program.

PPE compliance programs will help ensure that employers make better PPE-purchasing decisions and provide better training, therefore increasing the use of job-appropriate PPE and decreasing the frequency of accidents caused by inappropriate PPE. ■

## Corrections

Greg Lambert of BOLI noticed an error in "First jobs can be dangerous for teens" in our summer issue of *Resource*. Sixteen- and 17-year-olds **are not** limited to working 10 hours a day, so long as their total work-week is no more than 44 hours. The correct information about work hours for 16- and 17-year-olds is available in a BOLI flyer given to every employer who applies for an annual employment certificate. Fourteen and 15-year-olds **are** restricted to 40 hours a week and eight hours a day when school is not in session.

Also in the summer issue, we inadvertently switched the pictures of GOSH award recipients Pioneer Cut Stock and Pacific Western Extruded Plastics Company of Eugene. Our apologies to all.

Under the new requirements, training must be based on:

- the operator’s prior knowledge and skill,
- the types of powered industrial trucks the operator will operate in the workplace,
- the hazards present in the workplace, and
- the operator’s demonstrated ability to operate a powered industrial truck safely.

Refresher training is required if:

- the operator is involved in an accident or a near-miss incident,
- the operator has been observed operating the vehicle in an unsafe manner,
- the operator has been determined during an evaluation to need additional training,
- there are changes in the work-

place that could affect safe operation of the truck, or

- the operator is assigned to operate a different type of truck.

Evaluations of each operator’s performance are required as part of the initial and refresher training, and at least once every three years.

### Training available

OR-OSHA’s training section is now offering powered-industrial-truck (forklift) safety workshops. These four-hour classroom workshops, offered throughout the state, introduce you to OSHA’s powered-industrial-truck standard, including emphasis on the new training requirements. Other subject areas include stability, seat restraints, and safe-operating practices. For sched-

uling information call Reggie Robb, (503) 947-7443.

In addition to these classroom workshops, OR-OSHA, industry representatives, and Umpqua Community College are offering all-day workshops involving classroom and application training in Roseburg. Day-long workshops are scheduled at the Central Oregon Safety and Health Conference in Bend, the Snake River Safety and Health Conference in Ontario, the Southern Oregon Safety and Health Conference in Medford, and the AWPPW Conference in Eugene. (See Pages 4-5.)

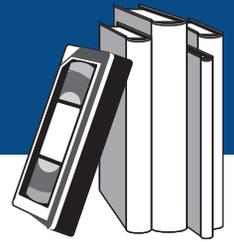
The effective date in Oregon was May 26, 1999. Operators must be trained as follows:

<i>If the employee was hired:</i>	<i>The initial training and evaluation of that employee must be completed:</i>
Before Dec. 1, 1999	By Dec. 1, 1999
After Dec. 1, 1999	Before the employee is assigned to operate a powered industrial truck

*If you have questions about this standard, call Bob Thiessen at OR-OSHA, (503) 947-7454.*

# The OR-OSHA Resource Center and Audiovisual Library

A RESOURCE FOR PROMOTING HEALTH & SAFETY IN THE WORKPLACE



## Don't depend on luck!

by Don Harris, AV Librarian, Oregon OSHA

It was early, a beautiful summer morning, and I was on my way to work. Mine was the only car on the road and there was no need to hurry. Just at the top of a hill, there was sudden dull "boom" and the sound of grinding metal. The car lurched violently to the right and I screeched to a stop at the edge of a ditch.

I got out of the car and looked at the tattered remains of what had been my right front tire. I had a spare, but didn't know how to change a tire. I began to think, as I walked down the road, of how I had ignored for weeks the gas station attendants and others who had remarked on the state of my tires. And then there were the frightening "what ifs." What if the blowout occurred when I was traveling through the mountains or on a high-speed freeway? What if the car was full of passengers? I arrived at work dusty, out of breath, and with a new attitude.

My position with respect to tires changed from *reactive*, waiting for a crisis and then responding, to *proactive*, taking steps to avoid a crisis before it occurs. This new attitude has helped to ensure my own safety as well as the safety of others when I'm behind the wheel.

When it comes to worker safety and health, OR-OSHA has a proactive attitude and wants to share that attitude with the people it serves. When employers and workers recognize and correct hazards, accidents are prevented, illnesses and injuries are avoided, and lives saved.

The Audiovisual Library and Resource Center can provide you with free copies of the OR-OSHA codes that pertain to your business, brochures and pamphlets that further

explain and interpret OR-OSHA codes, and videos and grant materials that help educate and train workers and employers.

OR-OSHA publications are designed for readability and ease of use. The first copy of any individual code or other OR-OSHA publication is free. Additional copies are pro-

vided for a fee that covers our printing costs. Codes and brochures may be duplicated. Videos are available for loan to employers and workers for no more than the cost of return shipping. All it takes is a phone call to sign up for lending privileges, (503) 947-7453, or toll-free in Oregon, (800) 922-2689. ■

### ***If you have OR-OSHA publications, do you have the most recent editions? Here's a list of publications that have been revised in the past year.***

- Be Trained! A guide to OR-OSHA's Safety & Health Training Requirements (5/99)
- Breathe Right: A Guide to OR-OSHA's Respiratory Protection for Small Business & Managers (1/99)
- Developing Your Hazard Communication Program (8/99)
- Developing Your Workplace Injury and Illness Prevention Program (9/98)
- Ergonomics – Can You Afford Not to Act? (12/98)
- Excavations (6/99)
- Exposure to Hazardous Chemicals in Laboratories (12/98)
- Fall Protection for Residential-type Construction (8/99)
- Fall Protection for Structural Steel Erection Work (5/99)
- Health & Safety Guidelines for VDTs in the Workplace (3/99)
- Lead Exposure – What Employers and Employees Need to Know (8/99)
- Lockout/Tagout: OR-OSHA's Guide to Controlling Hazardous Energy (5/98)
- Occupational Safety & Health Consultative Services for Oregon Businesses (7/99)
- OR-OSHA Directory of Services (3/99)
- OR-OSHA Directory of Services (Spanish translation) (8/98)
- Portable Ladders (8/99)
- Put It In Writing: A Guide to OR-OSHA's Requirements for Written Programs (4/99)
- Questions & Answers for Occupational Exposure to Bloodborne Pathogens (7/99)
- Scaffolds Guidelines for Oregon Workers (9/98)
- Seasonal Worker Orientation Guidelines (new 6/99)
- Workplace Safety Committees (4/99)
- Clothes Washing for Pesticide Handlers (sticker) (Spanish only) (5/98)
- AV Catalog (1/99)

*For a complete list of publications available from the OR-OSHA Resource Center call (503) 378-3272 or visit our Web site: <http://www.cbs.state.or.us/osh>.*

Applying OR-OSHA standards to “real-life” situations may not always be “standard” procedure. Sometimes, answers and solutions to problems can be tricky. **Ask OR-OSHA** is a regular feature of *Resource* so that your questions concerning OR-OSHA standards and your business may be answered by experts. So please, **Ask OR-OSHA** by calling the Standards and Technical Section, (503) 378-3272 or e-mailing your question to [tech.web@state.or.us](mailto:tech.web@state.or.us). We’ll answer your question(s) as quickly as possible. We’ll also print selected questions and answers in this newsletter so that the answer to your questions may help others.

**Q Please clarify 1926.1101, Asbestos in Construction. Would merely walking on asbestos-containing flooring require Class IV training?**

**A** Class IV work is work by maintenance and custodial workers where employees contact, but do not disturb asbestos-containing material (ACM) or presumed asbestos-containing material (PACM). It also covers the cleanup of debris from Class I, II and III activities. Walking on a floor that contains asbestos at a construction site would not normally be considered a Class IV activity. If custodial workers are required to clean flooring that contains asbestos, those employees would be required to have the training for housekeeping operations under 1910.1001(j)(7)(iv) of the General Industry Asbestos standard. If the cleanup was due to Class I, II, or III work, they would need Class IV training required by 1926.1101(k)(9) of the Asbestos in Construction standard.

If your employees or your subcontractor’s employees do work in a way that they could disturb the ACM the employees may actually be engaged in Class III activities and would require Class III training.

**Q What are the requirements for trainers under 1910.120, Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) and 1910.146, Permit-Required Confined Space Standard? More specifically, what are the qualifications for the instructors conducting “train the trainer” training?**

**A** Paragraph (q)(7) of the HAZWOPER standard requires trainers who teach any of the HAZWOPER training subjects to have satisfactorily completed a training course for teaching the subjects they are expected to teach. Courses that would meet this requirement are classes similar to the course offered by the U.S. National Fire Academy. Instructors could also train if they have the training and/or academic creden-

tials and instructional experience necessary to demonstrate competent instructional skills and a good command of the course subject matter. Appendix E of the HAZWOPER standard is a non-mandatory appendix that outlines the requirements for the instructor and the training program.

Paragraph (g)(4) of 1910.146, Permit-Required Confined Space, requires the employer to certify that employees are trained. The qualifications of the instructor are not specifically addressed in the standard. The instructor should have adequate training skills and knowledge of the subject matter to ensure that all aspects of confined space entry are covered.

**Q Can fiberglass barriers be used to protect against inadvertent contact with energized conductors?**

**A** OAR 437-003-0200, in Division 3, Construction, subpart V, Power Transmission and Distribution, requires that suitable guards and barriers be erected so that workers or tools and equipment will not fall into or accidentally contact energized conductors or equipment. A letter of interpretation issued by the OR-OSHA Standards and Technical Section on May 12, 1994, clarifies the standard by stating that such devices as line guards and barriers are intended **only** to protect against accidental contact with energized parts.

Therefore, conductor covers meeting ASTM F968 and rated for the proper voltage (if routinely inspected before use, properly installed, and properly stored and cared for) provide adequate protection against inadvertent contact with energized parts and may be used in lieu of rubber gloves for such protection. Manufacturers should be consulted regarding handling and maintenance procedures for their products.

**Q Can OR-OSHA cite the General Duty Clause (ORS 654.010) to address hazards that are not spelled out in a specific standard?**

**A** Yes. The general duty provisions are used only where there is a recognized industry hazard and no rule that applies to the particular hazard.

**Q Does OR-OSHA have standards requiring motor braking on metal and woodworking machines that have long coasting times?**

**A** No. However, the General Duty Clause could be used for a citation using ANSI 01.1 or other consensus standards to support hazard recognition. ■

# Court decision ends old legal dispute

The Oregon Supreme Court recently issued a significant appellate decision in the case of Don Whitaker Logging, Inc. (SC S44586).

The Oregon Supreme Court's decision rejected a theory advanced by the employer that the acts of supervisors should not be attributed to the employer. This theory, known as the "rogue supervisor" defense, will not be the rule in Oregon.

What is significant about this case is the conclusion that OR-OSHA may impute knowledge of a violation to the employer through the employer's supervisor who is acting in the discharge of the supervisor's authorized employ-

ment duties. The Court's decision supports Oregon OSHA's rule, OAR 437-001-0760(3)(c), which states that "Any supervisors or persons in charge of work are held to be the agents of the employer in the discharge of their authorized duties, and are at all times responsible for . . . safe manner of . . . work under their supervision; . . . safe conduct of their crew . . . under their supervision; [and] safety of all workers under their supervision."

The case is also significant because it refuses to apply federal case law to Oregon citations unless the rule relied on by OR-OSHA is the same as the federal rule. Here, fed-

eral case law was found inapplicable because Oregon's rules are different from federal rules.

The biggest impact of this case is the holding of the court that violations of the OSEAct by field supervisors will be considered the responsibility of management. This case ends a legal dispute over the "rogue supervisor" defense that goes back many years. ■



## RESOURCE

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# Questions?

OR-OSHA has field offices across Oregon. If you have questions or need information, call us toll-free 1-800-922-2689, or phone one of the offices listed below. (All phone numbers are V/TTY)

## Portland

9500 SW Barbur Blvd., Ste. 200  
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(503) 229-5910  
Consultations:  
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