

Health and Safety

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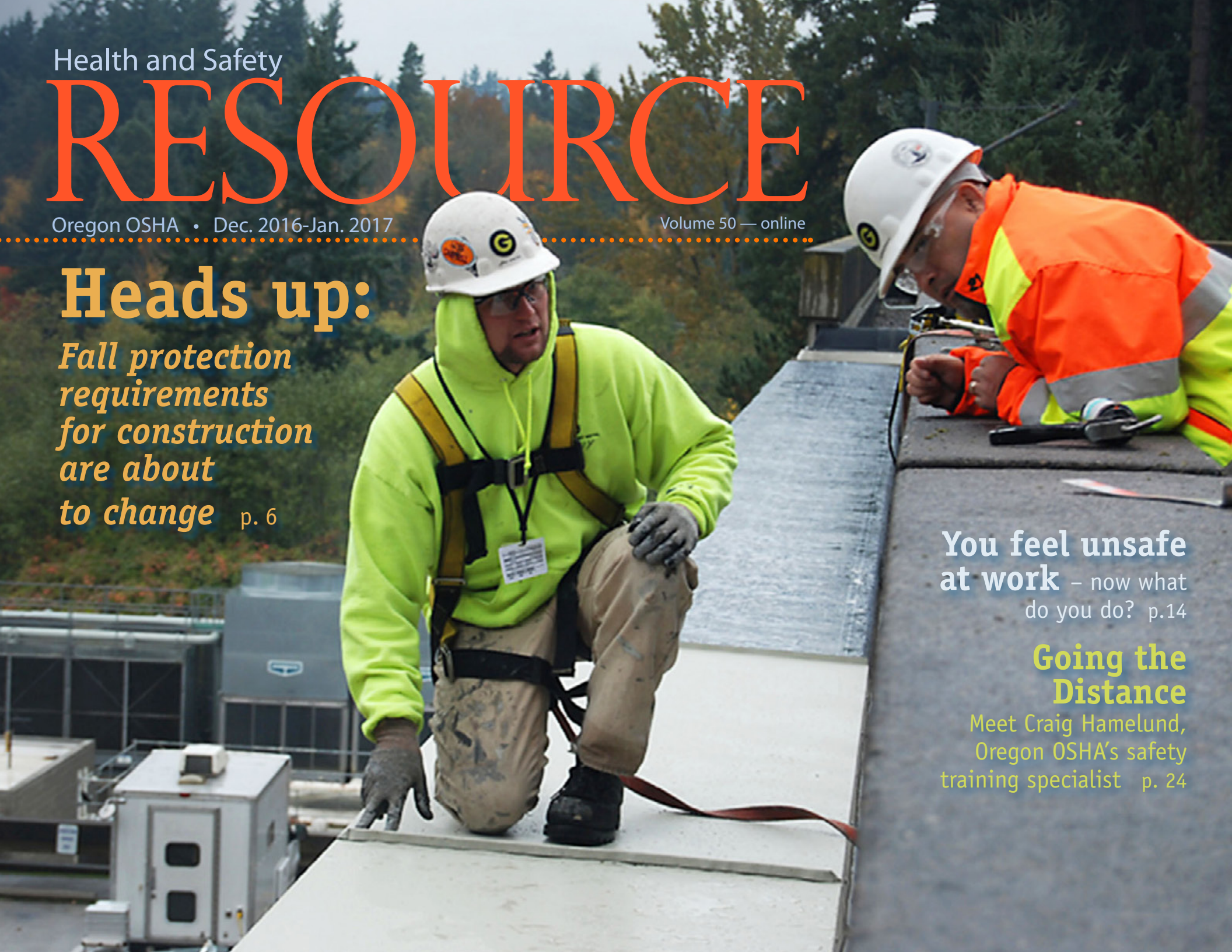
Heads up:

Fall protection requirements for construction are about to change p. 6

You feel unsafe at work – now what do you do? p.14

Going the Distance

Meet Craig Hamelund, Oregon OSHA's safety training specialist p. 24





RESOURCE

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Photo: Mark Sullivan

Administrator’s Message

3 Workplace protection begins with the recognition that the unlikely will happen

Don’t miss out

4 Upcoming events



Did you know?

5 Precaution is better than cure



Features

6 Heads up – Fall protection requirements for construction are about to change

14 You feel unsafe at work – now what do you do?

Ask Technical

13 Fall Protection: Q & A



Short takes

16 Excavator cited for willful violations

17 Video contest is now open for submissions



18 Oregon OSHA awards grants for safety and health training programs



19 Oregon OSHA adopts changes to 437-001-0700, Recording Workplace Injuries and Illnesses

20 Train-the-Trainer classes to be offered for the revised Worker Protection Standard

21 Duro-Last Grants Pass plant achieves Star Site status

Safety Notes

22 A painter fell eight feet to concrete while doing trim work on the roof of a two-story house

Going the Distance

24 Meet Craig Hamelund, Oregon OSHA’s safety training specialist



Workplace protection begins with the recognition that the unlikely will happen

By Michael Wood

As 2016 comes to a close, I find myself reflecting a bit about probabilities and how little the people who must use them really understand them. And perhaps nowhere is that as true as in workplace health and safety.

Even professionals in the field get sloppy about this at times – making it sound like something isn't high-risk behavior unless it's more likely than not to result in an immediate injury. But that's not the reality of the workplace – employers and workers do not, in fact, engage in activities that typically injure the workers before the end of the first shift in which they do it.

The simple truth is that hundreds of Oregon roofers will probably spend much of this week working without fall protection. Countless machine operators will go about their tasks with machines that are either inadequately guarded or completely unguarded. And scores of excavation contractors will allow their employees to routinely work in trenches with insufficient or nonexistent protection. The list is almost endless.



Oregon OSHA Administrator



“The improbable not only can occur – it will occur, with appalling frequency.”

And the reality underlying those risks is one of the reasons that it is sometimes so difficult to get employers and even workers to take the risks in the workplace seriously. But the truth is that a 1 in 500 risk of becoming seriously injured when you work without fall protection is a high risk – it's unacceptable, and, over the course of a year, it makes the risk that you will be injured reasonably likely. And if you multiply the risk by the large number of workers engaged in similar activity, even much smaller probabilities are likely to become realities.

That's why it is not enough to protect employees only from those events that are likely to occur. Because what is unlikely in a particular case is genuinely inevitable with enough events and with enough repetitions. The improbable not only can occur – it will occur, with appalling frequency.

Some of the rules we enforce involve improbable circumstances – even an improbable chain of events. But it also axiomatic that the rules we enforce “are written in blood.” Almost every circumstance, almost every procedure, is based not on some theoretical model, but on real-life experience, no matter how unlikely.

If we are going to protect those we serve, we must achieve “unnecessary” levels of compliance. We must use safety devices and follow appropriate working procedures on days when nothing would have happened.

When I give speeches, I occasionally ask the audience how many of them wore their seatbelts as they drove to the event – it's usually everyone, or almost everyone. Then, I ask how many needed to do so. Almost no one does. But you don't get the chance to go back and put the seatbelt on when it turns out that you needed it. The only way that you make sure that you have it the one time that you need it is by wearing it literally thousands of times “unnecessarily.” Because the improbable will indeed happen.

Don't miss out



Education: Upcoming December and January workshops —

Excavation Safety	Medford	12/13/2016	1 p.m.
Hazard Communication Program – Aligned With GHS	Salem	12/15/2016	1 p.m.
	Klamath Falls	01/26/2017	1 p.m.
Hazard Identification and Control	Medford	12/13/2016	8 a.m.
Safety Meetings and Committees	Wilsonville	01/12/2017	8 a.m.
Safety and the Supervisor	Wilsonville	01/12/2017	1 p.m.
Worker Protection Standard	Salem	12/15/2016	8 a.m.
	Klamath Falls	01/26/2017	8 a.m.

For more information: osha.oregon.gov/edu/Pages/index.aspx
 To access the most recent updates to the public education schedule:
osha.oregon.gov/edu/Pages/workshops.aspx



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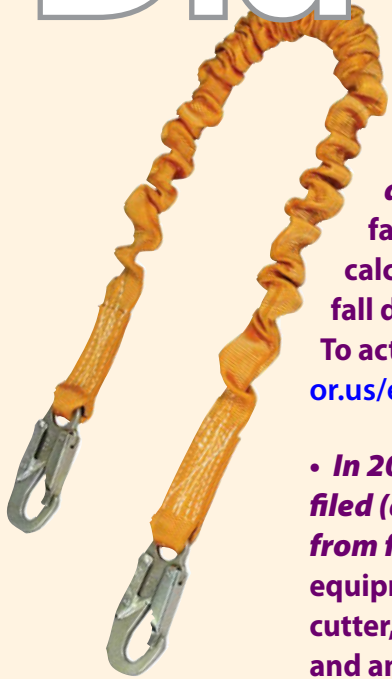
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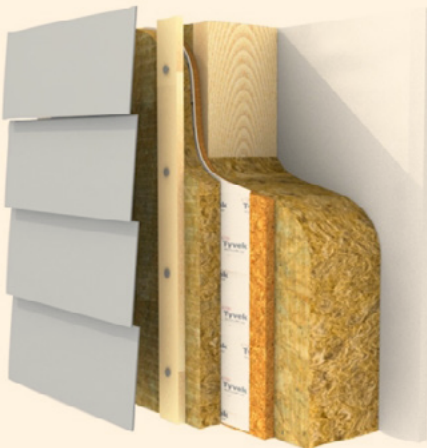
The GOSH Conference is a joint effort of ASSE, Columbia-Willamette Chapter, and Oregon OSHA.



Did you know?



- **How far can you fall with a shock-absorbing lanyard?** Oregon OSHA's fall distance educator shows you how to calculate your fall distance and your free fall distance with three different scenarios. To activate the app, go here: www.cbs.state.or.us/external/comm/fall_safety/index.html
- **In 2013, 63 Oregon construction workers filed (accepted) disabling claims for injuries from falling objects.** In the "tools and equipment" category, items included a box cutter, a nonpowered saw, a crowbar, a caliper, and an extension ladder.
- **Oriented strand board (OSB), plywood, fiberboard, rigid foam, diagonal boards, and fiberglass-faced gypsum panels are all examples of – sheathing or sheeting?** Most builders use the word sheathing, which means a protective ornamental case or covering. But there is nothing wrong with using sheathing either – as long as you're not referring to a fabric for making bed linen. Sheathing also means a protective lining or cladding of metal or timber.



datapoints:

- Among Oregon OSHA's top 10 violations of 2015, general fall-protection requirements ranked No. 3, with 266 violations and initial penalties totaling \$624,980.
- Deaths caused by falls from elevation continue to be a leading cause of death for construction workers, accounting for 337 of the 874 construction deaths recorded in 2014, according to federal data.
- The construction industry has the greatest number of both fatal and nonfatal traumatic brain injuries among U.S. workplaces, according to the National Institute for Occupational Safety and Health. From 2003 to 2010, 2,210 construction workers died because of a traumatic brain injury.
- In the U.S., more than 500,000 people per year are treated – and about 300 people die – from ladder-related injuries, according to NIOSH.



Quotable:

"Precaution is better than cure."

– Sir Edward Coke (1552 – 1634), English barrister

Heads up: Fall protection requirements for construction are about to change

There are two new safety requirements in store next year for employers who do construction work in Oregon and they are both about fall protection.

- On Jan. 1, Oregon OSHA's 10-foot trigger height – the minimum height at which workers must be protected from falls – will fall to six feet (no pun intended).
- On Oct. 1, slide guards will no longer be permitted as a method of protecting workers from falling off of sloped roofs.

These new requirements mean that – if you do **construction work** – you will need to use some form of fall protection to prevent your employees from falling six feet or more to a lower level, beginning Jan. 1, 2017. And, if you are using slide guards as fall protection, you will have to use another fall protection method – specified in Oregon OSHA Subdivision 3/M rules – beginning Oct. 1, 2017.

The six-foot trigger-height requirement is not entirely new for Oregon construction contractors; it's always been required for work on established floors, mezzanines, balconies, and walkways that have unprotected sides and edges. And many large commercial construction contractors are already using some using fall protection at six feet. More likely to be affected by the new requirements are contractors who do construction projects on single-family homes that have a ground-to-eave height between six and 10 feet *and* those who do projects where slide guards are used for fall protection.

Why did the rules change?

The story goes back to June 2013, when federal OSHA began reviewing fall protection requirements in the 26 states and territories that have some form of OSHA-approved state plan.

OSHA identified Oregon's 10-foot trigger height for construction work and the use of slide guards as areas of concern. At issue was whether the 10-foot trigger height and the use of slide guards as a means of fall protection were as effective as OSHA's requirements. (OSHA required a six-foot trigger height for fall protection and prohibited the use of slide guards in 24 states that are under its jurisdiction).

Lowering Oregon OSHA's 10-foot general trigger height to six feet and prohibiting the use of slide guards as fall protection were necessary to ensure that Oregon OSHA's requirements were at least as effective as federal OSHA's.

What rules have changed?

The key change – in Oregon OSHA's **Subdivision 3/M fall protection requirements** – states [Except where permitted by another standard,] “when employees are exposed to a hazard of falling 6 feet or more to a lower level, the employer must ensure that fall protection systems are provided, installed and implemented...”

The rules that permitted the use of slide guard systems, manufactured roof brackets, and job-made slide guards were also repealed.

The fall protection trigger height requirements in Subdivisions 3/L (*Scaffolding*), 3/R (*Steel Erection*), 3/S (*Underground Construction*), and 3/CC (*Cranes and Derricks in Construction*) are not affected.

What do the changes require me to do?

If your employees are exposed to a hazard that could cause them to fall six feet or more to a lower level, you must use a fall protection method described in Subdivision 3/M to protect them.

Seven ways to prevent falls at your site

For many in the construction industry, equipment is the first thing that comes to mind as a means for preventing falls. But fall protection is more than just equipment. Here are seven ways to prevent falls at your site.

1 Make fall protection part of your safety program and ensure that everyone has a role to play in preventing falls

Effective safety programs have committed managers and involved employees – they are committed to safety and involved in keeping your site hazard free.

2 Enforce safe practices with on the job supervision

Effective supervisors know how to motivate employees and, when discipline is necessary, they know how to apply it fairly. Essential tasks for supervisors:

- Verify that employees have been trained and can safely perform their work.
- Review periodically the safety performance of each employee.
- Instruct, retrain, or discipline employees who work unsafely.
- Closely supervise new employees after they have been trained.
- Require employees to demonstrate they can work safely before permitting them to work independently.

3 Prepare a safety policy

Does your company have a written safety policy? It should. A written policy reflects commitment to a safe and healthful workplace, summarizes management and employee responsibilities, and emphasizes the importance of your safety program. Keep the policy brief, commit to it, and enforce it.

4 Designate competent and qualified persons

The competent person

- Is responsible for recognizing hazards that cause falls and warning workers about the hazards
- Trains employees to recognize fall hazards and follow safety procedures
- Serves as the monitor when a safety-monitoring system is used as a fall protection method
- Determines, when safety nets are used, if the nets meet Subdivision 3/M requirements
- Inspects a personal fall-arrest system after it arrests a fall and determines if the system is damaged
- Evaluates any alteration in a personal fall-arrest system and determines if it is safe to use

The qualified person

- Supervises the design, installation, and use of horizontal lifeline systems and fall restraint and fall arrest anchors



5 Plan to prevent falls

Consider factors such as the following to help you plan your job at the site:

- Which areas of the project are most likely to have fall hazards? What can you do to prevent falls from happening?
- What tasks could expose employees to fall hazards?
- Are walking and working surfaces structurally sound and stable?
- How will employees access and move about the structure to do their jobs? Will they move horizontally, vertically, or in both directions?
- Will guardrails and covers for holes meet Subdivision 3/M requirements?
- Are there existing anchors for arrest and restraint systems? Do they meet Subdivision 3/M requirements?
- Have employees been trained to use ladders properly?
- Will other contractors' employees be exposed to falls after your employees finish their work? Who is responsible for ensuring that fall-protection, such as guardrails and covers, are replaced if they have been removed to finish a job?

6 Train workers about fall protection

Don't assume your employees know how to protect themselves from falls. They may not be familiar with fall hazards at a new job site or know how to protect themselves until you train them.

Employees must be trained before they begin tasks that could expose them to falls and before they use fall-protection equipment. They must know how to recognize fall hazards and follow safe practices.

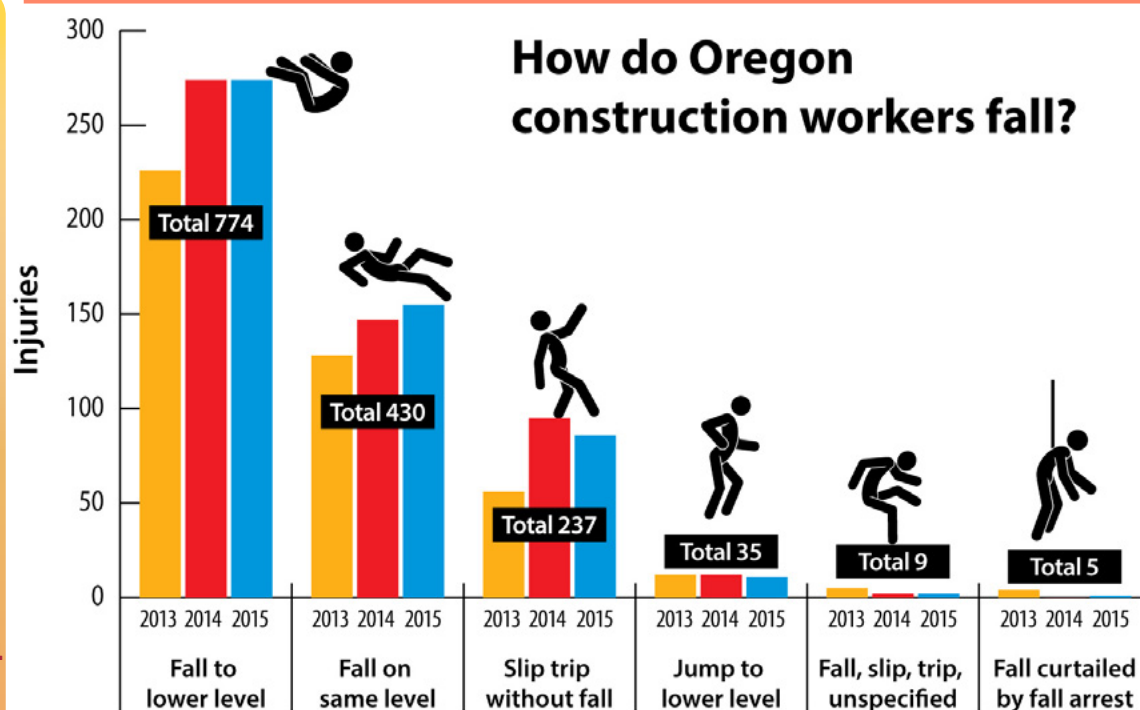
Put it in writing: You must document in writing that employees have been trained and that they

know what fall-protection systems or methods to use, how to use them, and when to use them, regardless of their experience. Include their names, training dates, and the trainer's signature.

Employees must be retrained for any of the following reasons:

- They don't recognize fall hazards.
- They don't understand the procedures that control the hazards.
- Changes in the workplace or the fall-protection systems or methods make previous training obsolete.

Falls to a lower level are the leading type of fall in the construction industry.



Note: "Fall curtailed by fall arrest" includes accepted disabling claims that resulted when the injured worker fell but did not make contact with a ground surface due to a personal fall arrest system and still sustained injuries.

7 Use equipment that prevents falls from happening

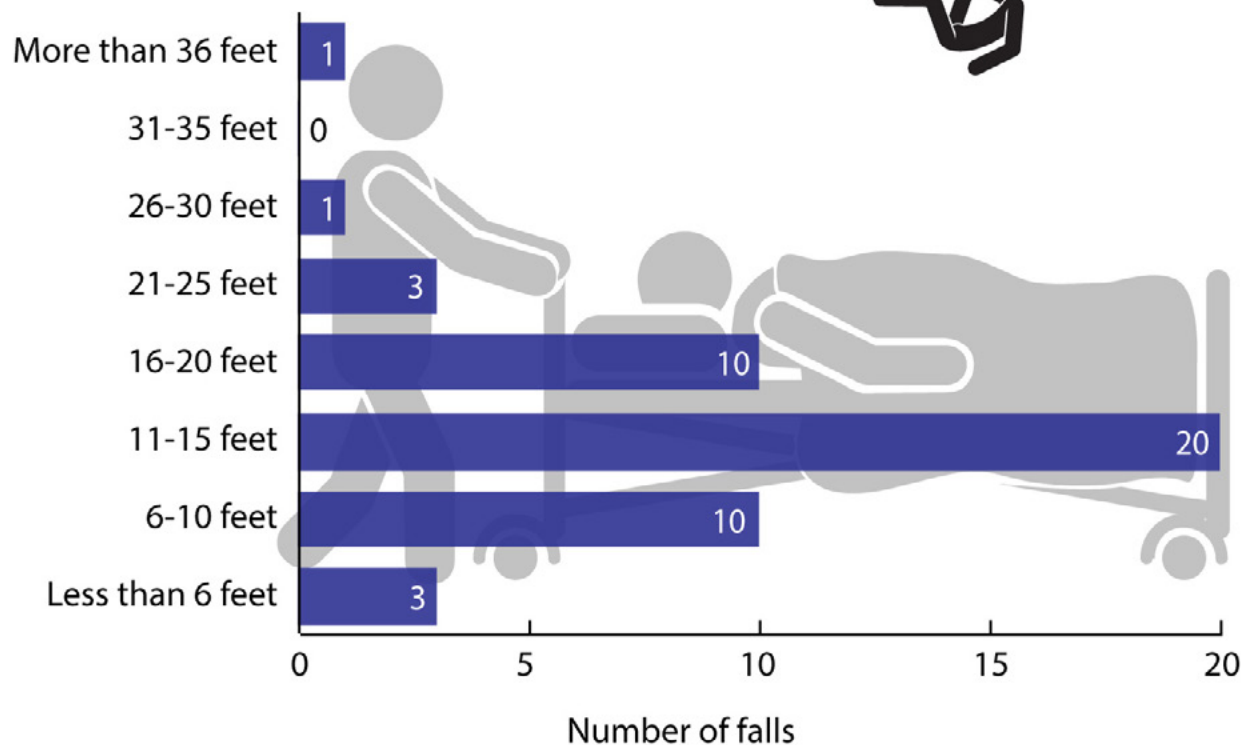
When possible, use equipment such as guardrails, covers, and restraint systems that will eliminate employees' chances of falling.

If it's not possible to eliminate fall hazards, protect workers if they do fall. Use equipment that will minimize the risk of injury if a worker does fall. Options include personal fall arrest systems and safety nets. Also, develop a rescue plan that tells employees how to respond if something does go wrong. ■

Most falls happen between six feet and 20 feet.

Oregon construction falls resulting in overnight hospitalizations of at least one night

Oct. 21, 2014 – Oct. 23, 2016



Fall hazards: Know how to spot them

Most people don't enjoy falling when a soft landing isn't an option. Those unintended experiences are usually caused by fall hazards. You can avoid them if you know where to look and how to prevent them. Here's a summary:

Fall hazard	What to do
Wall openings	Use guardrails, safety nets, arrest, or restraint systems if the inside bottom edge is less than 39 inches high and the outside bottom edge is six feet or more above a lower level.
Holes in roofs and floors	Cover them or use an equivalent method to prevent trips and falls. Be sure to secure covers so they won't be displaced accidentally and paint them with a distinctive color or mark them with the word "Hole" or "Cover."
Attics	Use a fall protection system described in Subdivision 3/M to prevent falls of six feet or more to a lower level.
Skylights and smoke domes	Ensure that skylights and smoke domes meet Subdivision 3/M strength requirements – or use guardrails or barricades to protect employees.
Roofs	Use a fall protection system described in Subdivision 3/M to prevent falls of six feet or more to a lower level.
Stairways, ramps, and walkways	Stairways that have four or more risers or that rise more than 30 inches, whichever is less, must have at least one handrail and one stair rail system along each unprotected side or edge. Ramps and walkways must be at least 18 inches wide and support at least four times the maximum intended load. The maximum slope cannot exceed one vertical foot for every three horizontal feet.
Excavations	Use guardrails, fences, or barricades to protect employees when the excavation is six feet or more deep and not readily seen.
Floors with unprotected edges	Use a fall protection system described in Subdivision 3/M to prevent falls of six feet or more to a lower level.

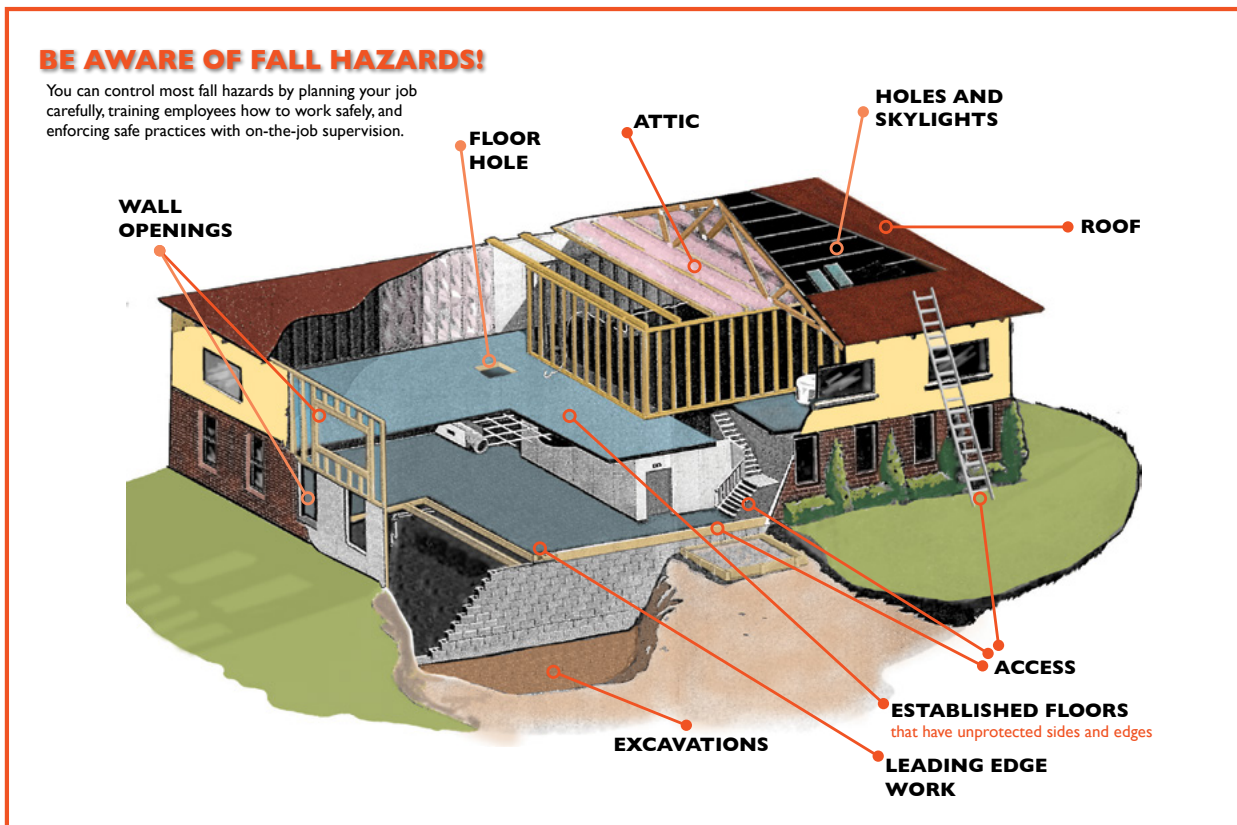


Illustration credit: Adapted from original material produced by Werner Co.

You can avoid fall hazards if you know where to look and how to prevent them.

Solving fall protection problems.....

Most fall protection problems can be solved by planning, training employees how to protect themselves, enforcing safe practices, and using fall protection methods that are appropriate for the project. Consider the following possibilities:

Can you change your construction methods?

Can you modify your construction methods so that you can eliminate or minimize employee's exposure to fall hazards?

Setting floor joists, sheathing, and decking

- Walk around the house and measure the fall distances on each side.
- Set joists, and then install enough sheathing to anchor a fall-restraint or fall-arrest system.
- Backfill around the foundation when possible. When you do this before framing, it's easier to erect scaffolding, use ladders, and handle material.
- Erect nonbearing and nonsupporting interior walls after the joists and decking and sheathing are set so there is room for scaffolding.
- Build wall sections on the ground and use a crane or wall jacks to place them.
- Attach guardrails to the outside walls before lifting them into place to provide perimeter fall protection on the next level for sheathing and decking and for framing the walls.

Setting trusses

- Set the hip rafter in place to mark it, and then take it down to saw the plumb cut.
- Erect and sheathe a series of trusses on the ground and then lift the unit into place with a crane.
- Sheathe the gabled end, then flip it up and then secure it to two outside supports on the building exterior; this can be done from scaffolding.

Can you use scaffolding?

Setting trusses

Consider having employees work from scaffolding to roll out and set trusses, attach the lateral bracing, nail freeze blocks, cut rafter tails, attach the fascia board, and nail the first row of roof deck sheathing. This keeps them off the top plate and is safer and faster than using a ladder.

Setting floor joists, sheathing, and decking

- Attach a carpenter's bracket or top plate bracket scaffold to the inside or outside of the exterior walls. Two two-inch by six-inch planks or a 12-inch-wide fabricated scaffold plank can be used for the platform. The scaffolding can be used for setting floor joists and attaching the first row of decking and sheathing. When the scaffold brackets are set so that the platform is 39 to 45 inches below the top plate, the top plate becomes a guardrail.
- Place a two-by-four across door and window openings when the distance between the bottom of the header and the scaffold platform is greater than 20 inches.

Working on the roof

Scaffolding can be erected at the edge of the roof or as a catch platform. Catch platforms must have a standard guardrail and toeboard and extend at least two feet past the eave overhang; the guardrail must extend substantially above the slope plane of the roof and prevent a person from passing over or through the rails.

Working in attics

It is challenging trying to move through a cramped attic to do a job while avoiding falling through the joists. Consider using stationary or mobile scaffold platforms under the work area.

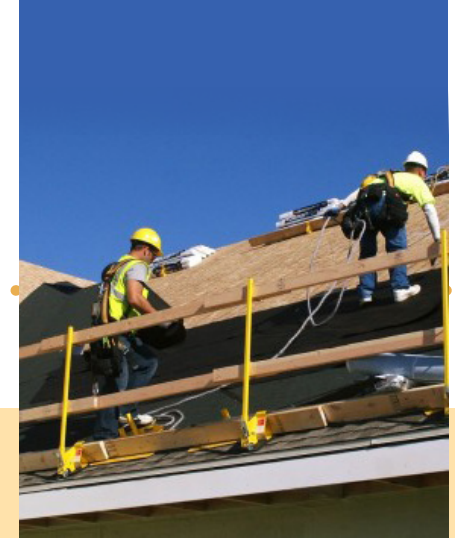


Photo: Acro Building Systems

Can you use an aerial lift?



Setting floor joists, sheathing, and decking

With enough room and a solid level surface, you can use a scissor lift to set joists or help with decking and sheathing work – and it's not necessary to use a harness or a lanyard in a scissor lift.

Working on the roof

On stable, level terrain, you can use an aerial lift to access hard-to-reach areas near the eave of a roof.

You can also use a work platform attached to the forks of a rough-terrain forklift if the worker on the platform uses a fall-arrest or restraint system, guardrails are at the proper height, and the fall protection anchors will hold 5,000 pounds. The platform floor can't exceed the overall width of the truck measured across the load-bearing tires *plus* 10 inches on either side.



Arrest and restraint systems

Working on the roof

Personal fall arrest and fall-restraint systems are the best options when permanent anchors are available or when secure temporary anchors can be installed. Remember that the anchor for a personal fall arrest system must be able to support at least 5,000 pounds and 3,000 pounds for a personal fall arrest system.

Don't forget guardrails

Working on the roof

Guardrails can be attached to the edge or surface of the roof, or held in place by a weighted counter-balance system.

Working on established floors

- Guardrails are the most effective method for protecting employees on established floors that have unprotected sides and edges. Use temporary guardrails until permanent guardrails can be installed.
- When workers need to remove guardrails temporarily, they must use another fall-protection system or method until the guardrails are replaced.

Access areas

Reusable, temporary guardrail systems make it easy to construct freestanding railings for stairways, ramps, walkways, and balconies.

What about ladders?

Falls from ladders are a leading source of injuries in the construction industry, but ladders are an option when there aren't safer ways to work above a lower level.

If you have employees who use ladders, make sure that a competent person has trained them. Their training must cover ladder hazards, how to use ladders, ladder capacities, and Oregon OSHA's requirements for the ladders they use.

Other options

Other fall protection options include safety nets, positioning devices, and warning lines and safety monitoring systems for roofing work. You'll find the requirements in Oregon OSHA's Subdivision 3/M fall protection requirements (*1926.502, Fall protection systems, criteria, and practices*). ■

Ask Technical

Fall protection: Q&A

How close to the edge of a deck or floor can employees work before fall protection is required?

They must be far enough back from the edge to eliminate any possibility of a fall under any conditions. Consider all relevant factors to determine a safe distance. Is the surface sloped, uneven, or slippery? Are there tripping hazards? Is there wind, ice, snow, or rain? Could pulling, pushing, or carrying material cause employees to lose their balance? Are employees working from ladders placed next to the edge? Will employees be walking parallel or perpendicular to an unprotected edge? Could they stumble and fall over the edge?



Can I use a warning line to protect employees working next to an unprotected floor edge?

No. Warning lines are not permitted for construction of the roof deck or for leading edge work. Warning lines can be used for roofing work (which includes hoisting, storing, applying, and removing roofing materials and equipment). The roof must have a slope of 2:12 or less and the warning line must be at least six feet back from the unprotected roof edge (or 10 feet on roofs where mobile equipment is used).

Can tradespeople other than roofers use warning lines when they are working on a roof?

Yes. You can use a warning line to alert workers that they are approaching an unprotected edge of a roof, floor, or other work surface. The warning line must be set back at least 10 feet – or farther if weather, visibility, or the condition of the work surface increase the risk of a fall. Never use a warning line as a substitute for a guardrail. ■

You feel unsafe at work – now what do you do?

“It’s the law! You have a right to a safe and healthful workplace.” Those words should be common knowledge to every working Oregonian because they are prominent in Oregon OSHA’s safety and health poster, which is displayed in every Oregon workplace – or, at least it should be.

Your rights include participating in safety and health inspections, talking to an Oregon OSHA inspector, seeing your employer’s exposure and injury records, and stating a safety or health concern to your employer. But what do you do when you are denied those rights?

If you are worried about what your employer will do to you because you are concerned about unsafe work conditions where you work, that is discrimination and you can do something about it (see sidebar).



Filing a whistleblower discrimination complaint

If you think your employer is discriminating against you because you are concerned about unsafe work conditions, you can file a complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI).

Complaints alleging retaliation must be filed within 90 days of when the retaliation occurs. Filing a complaint begins by filling out a questionnaire and returning it to the Portland BOLI office. You may also call BOLI’s [Civil Rights Division](#) at 971-673-0764 (English) or 971-673-2818 (Spanish).

Whistleblower discrimination complaints aren’t rare. BOLI’s Civil Rights Division handles as many as 125 cases annually.



How are you protected?

Protection from discrimination means that your employer cannot retaliate against you for reporting a workplace safety and health violation and for other protected activities, including:

- Providing information to a government agency (Oregon OSHA or BOLI), a supervisor (the employer), a union, health department, fire department, or an elected official
- Filing a formal complaint with Oregon OSHA or BOLI
- Testifying in proceedings such as trials hearings or appeals related to the complaint
- Participating in workplace inspections and investigations
- Refusal to perform an assigned task that endangers your safety or health

What state agencies are involved in whistleblowing cases?

Oregon OSHA contracts with BOLI to handle whistleblowing discrimination complaints.

Oregon OSHA provides BOLI with technical help, refers cases to the Ombudsman for Injured Workers, audits BOLI cases, and investigates cases in which safety and health violations may have occurred.

Who can file a complaint with BOLI?

Anyone who feels discriminated against for exercising their rights under the *Oregon Safe Employment Act* can file a complaint with BOLI. The complaint must:

- State the name and address of the employer.
- Describe the unlawful practice.
- Be signed by the person who made the complaint.
- Be filed with BOLI within 90 of the unlawful practice.

What is involved in filing a discrimination complaint with BOLI?

A BOLI intake officer will talk to you to determine if there is a basis for your complaint.

The intake officer may refer the complainant to either BOLI or federal OSHA depending on whether the complaint falls under state or federal laws.

The intake officer will draw up a complaint for you to review and sign if there are grounds for a case. When BOLI receives your signed complaint, notification letters will be sent to you and your employer.

The notification letter will request a position statement from your employer within 14 days of the time the case is assigned to a civil rights investigator, and you will be required to contact the investigator within 14 days to schedule a complainant interview.

A senior civil rights investigator will contact you for an in-depth interview. Your complaint will also be emailed to Oregon OSHA for entry into federal OSHA's whistleblower database.

You will be given an in-depth interview within 45 days from the date your complaint is filed with BOLI. The interview will cover each issue you identify and the date it happened. You must be able to explain the connection between how you were discriminated against and your protected rights (for example, being fired for reporting a safety hazard). You must also identify witnesses if you know their names.

If there is any missing evidence, you will be given time to provide it, but you must do it in a timely manner.

After the interview, your case will be classified in one of three ways:

- The investigator will determine there is enough evidence to support your case.
- The investigator needs more information about your case.
- The case will be dismissed because the evidence indicates that your rights were not violated.

BOLI will complete your case within 90 days, unless extenuating circumstances require more time. When the investigation ends, BOLI will notify you of the determination in writing and tell you about your appeal rights with Oregon OSHA.

If BOLI determines that your rights were not violated, BOLI will dismiss your complaint, notify you and your employer of the dismissal, and tell you of your right to file a civil suit in a state circuit court. You may also appeal BOLI's finding to Oregon OSHA within 15 days of receiving a case dismissal letter from BOLI.

If BOLI finds that your rights were violated, your complaint may be assigned to a BOLI representative for settlement.



Settling disputes through “Conference, conciliation, and persuasion”

“Conference, conciliation, and persuasion” is a legal term for settling disputes between two parties cooperatively. Sometimes, BOLI will use this method for settling whistleblower disputes.

BOLI will start by holding a fact-finding conference with you and your employer.

A BOLI investigator will schedule the conference, notifying you and your employer of the meeting date, time, and place. If you reach an agreement during the conference that is satisfactory to you and your employer, the BOLI investigator will prepare a conciliation agreement that states:

- You and your employer accept the terms of the agreement.
- You and your employer will abide by the terms within the time established by the agreement.
- BOLI will investigate any alleged breaches of the agreement.
- BOLI will close the case after your and your employer sign the agreement. ■

Short takes

Excavator cited for willful violations

By Aaron Corvin

Oregon OSHA has fined Estacada-based TC Excavating LLC \$142,800 for five violations, including two willful violations. The citation was based on an investigation of a trench that collapsed and killed an employee.

The accident occurred on May 5, 2016, during the installation of a sewer line for a house in southwest Portland. The investigation found two employees were working in an improperly shored trench that was about 10 feet deep. The excavation was incorrectly braced because two pieces of shoring were spaced too far apart to handle unstable soil. One of the employees was on his hands and knees working between the two pieces of shoring – spaced 15 feet apart – when the unprotected wall collapsed. The collapse buried and killed the employee.

During the investigation, the company's owner, who was on site, said he was negligent in allowing his employees to work in such a situation. He said he saw that the shoring was set up about 15 feet apart and that he knew it was not set up correctly. "I know the rules," he said, noting he has more than 16 years of excavation experience.

Oregon OSHA cited the company for two willful violations, each with the legal maximum penalty of \$70,000. A willful violation occurs when an employer intentionally or knowingly allows a violation to occur.

One of the willful violations was based on the company's failure to provide employees with an adequate system to protect them from cave-ins. The other willful violation stemmed from the company's failure to provide employees with a ladder or other safe means to leave the trench.

The following serious violations, totaling \$2,800 in fines, were also found during the investigation:

- The company failed to inspect the excavation and protective system before employees went to work.
- The company failed to keep a pile of unearthed material away from the edge of the excavation, exposing employees to possible falling debris.
- Oregon OSHA's investigation also showed the company failed to document safety meetings.

EXCAVATIONS

SAFE PRACTICES FOR SMALL BUSINESS OWNERS AND CONTRACTORS



Oregon OSHA

For more information about Oregon OSHA's rules regarding excavations visit the [Excavations topic page](#). Learn about excavations and safe practices for small business owners and contractors in this [Excavations publication](#).

Video contest is now open for submissions

High school students across Oregon are invited to let their video skills shine in service of a good cause: increasing awareness about safety on the job for young workers.

The annual "Speak up. Work safe." video contest is now open for submissions – quirky, serious, or otherwise. 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
Wednesday, Feb. 1, 2017.

Contest winners will be unveiled at a screening event in spring 2017, and winning entries will be posted on YouTube.

Students must create a 90-second or less video that inspires young workers to do at least one thing differently to stay safe on the job. The video must include the theme: "Speak up. Work safe." The video must educate young workers about the importance of speaking up in the workplace. Participants are encouraged to develop a key message or slogan, use humor, and get creative while emphasizing ways to protect themselves – and their co-workers – from getting hurt on the job.

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*
- *Starting this year, students may submit their videos online.*

For detailed contest information, including tips, rules, entry forms, workplace safety and young worker resources, and a playlist of past finalist videos, go to youngemployeesafety.org/contest/.

The Oregon Young Employee Safety Coalition (O[yes]) organizes the contest. The sponsors are Oregon OSHA, SAIF Corporation, local Oregon chapters of the American Society of Safety Engineers, the Oregon Institute of Occupational Health Sciences at OHSU, the SHARP Alliance, the Central Oregon Safety & Health Association, the SafeBuild Alliance, Hoffman Construction, and Construction Safety Summit.

O[yes]
Oregon young
employee safety

You could be **90 seconds**
away from **\$500**



Oregon young employee safety

video contest

Speak up. Work safe.

#Oyesvideo

First prize: \$500 Second prize: \$400 Third prize: \$300
Winners' schools will receive a matching prize.

youngemployeesafety.org/contest

Deadline: February 1, 2017

SPONSORED BY: **O[yes]** Oregon
young employee
safety



Watch last year's winning video

Oregon OSHA awards grants for safety and health training programs

Oregon OSHA has awarded three grants totaling more than \$92,000 to help develop workplace safety and health education and training programs. The recipients are:

Northwest Forest Worker Center: *Preventing "Struck by Object" Accidents Among Forest Workers in Southern Oregon*

The nonprofit group will develop training materials to reduce the risk to forest workers in Jackson and Josephine counties of getting struck by a falling tree or branch.

The training materials will be videos – offered in Spanish and English – that engage trainees in discussions that connect to their own workplace experiences. Workers will learn best practices for preventing injuries, the legally required safety precautions, and their rights to a safe workplace.

Grant award: \$40,000

The Oregon Legislature launched the Occupational Safety and Health Education and Training Grant Program 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.

City of Bend Fire Department: *Injury Prevention Through Biomechanical Resilience Training*

The City of Bend Fire Department will launch a training project designed to reduce injuries and claims costs among firefighters by improving the efficiency of their physical movements, and their flexibility and core strength.

Firefighters are prone to on-the-job sprains, strains, and tears, in part because the ergonomics of the basic task movements have not been addressed or corrected.

The training project will include development of therapeutic exercise prescriptions based on the results of a job-specific movement analysis.

Grant award: \$30,710

SafeBuild Alliance: *Identifying and Documenting Best Known Lean Safety Practices*

The nonprofit group will create a training and information program that identifies and communicates the best methods of integrating lean principles – which call for eliminating waste and boosting efficiency – with safe work procedures.

The program will pinpoint the best methods of blending lean principles and workplace safety procedures, develop and deliver training based on those methods, and make the information widely available to others.

Grant award: \$21,882.50



Oregon OSHA adopts changes to 437-001-0700, *Recording Workplace Injuries and Illnesses*

On Nov. 10, Oregon OSHA adopted changes to its **Division 1 requirements** for reporting workplace injuries and illnesses to align them with the requirements in federal OSHA's unusually titled final rule, *Improve Tracking of Workplace Injuries and Illnesses*. (As part of its state plan agreement with federal OSHA, Oregon OSHA's rules must be at least as affective as OSHA's.)

The key changes in Oregon OSHA's Division 1 rule – 437-001-0700, *Recording Workplace Injuries and Illnesses* – become effective May 1, 2017, and require employers to:

- Establish a procedure for employees to report work-related injuries and illnesses promptly and accurately.
- Inform employees about the procedure and tell them how they can report injuries and illnesses.
- Inform employees that they have the right to report work-related injuries and illnesses free from retaliation.
- Electronically submit injury and illness records to federal OSHA annually if they are in one of the following categories:
 - ~ They had 250 or more employees at any time during the previous calendar year and are required to maintain an OSHA 300 log.
 - ~ They are in an industry listed in the rule and had 20 or more employees but fewer than 250 employees at any time during the previous calendar year.

Setting up reporting procedures

Employers can set up their own procedures for reporting work-related injuries and illnesses – the only restriction is that the procedure must not deter or discourage an employee from accurately reporting a workplace injury or illness.

The procedure must give employees a reasonable time to determine if the injury is serious enough to report. A procedure that requires immediate reporting without accounting for the nature of the injury would not be reasonable, for example.

The procedure must not make reporting so difficult or complicated that an employee would be discouraged from reporting. For example, if an employee must travel a significant distance to report or must report the same injury or illness multiple times to multiple levels of management, the procedure would not be reasonable.

Informing employees about their rights

Informing employees about their rights to report workplace injuries and illnesses free from retaliation is easy. Meet the requirement by posting the current

version of Oregon OSHA's *It's the law!* poster or by telling the employees they have a right to report work-related injuries and illnesses free from retaliation – a written notice to each employee or an email will do.



Are discipline, drug, and incentive programs affected by the changes?

Not specifically; discipline, drug, and incentive programs aren't mentioned in the changes. However, if you have these programs, it's a good idea to review them to ensure that they don't discourage employees from exercising their right to report workplace injuries and illnesses.

Discipline: Don't use discipline, or the threat of disciplinary action, to retaliate against an employee for reporting an injury or illness. Your safety program should treat all workers consistently if they break rules – regardless of whether they were, or were not, injured.

Incentives: Don't use incentive programs to penalize workers for reporting an injury or illness. For example, if an employee reports an injury, and is subsequently denied a benefit as part of an incentive program, this may constitute retaliation against the employee for exercising the right to report. Incentive programs should encourage safe work practices and promote worker participation in safety-related activities.

Drug testing: Don't use drug testing, or the threat of drug testing, to retaliate against an employee for reporting an injury or illness. What's important is whether you have a reasonable basis for believing that an employee's drug use could have contributed to the injury. There is no prohibition against post-incident drug testing under state or federal law, including workers' compensation law. There is also no prohibition against random drug testing and pre-employment drug testing. However, post-incident drug testing will not necessarily indicate whether drug use played a direct role in the incident.

Train-the-Trainer classes to be offered for the revised Worker Protection Standard

The newly revised Worker Protection Standard (WPS) – which goes into effect Jan. 2, 2017 – requires that qualified WPS trainers provide annual training to agricultural workers and pesticide handlers.

Completing an EPA-approved Train-the-Trainer course is one way to become qualified to provide the training. Also, it is the only way to become qualified to train pesticide handlers if you don't have a pesticide applicator license.

The eight-hour class is free and offered at the following locations:

- Thursday, Dec. 8, 2016 – **Salem**
- Thursday, Dec. 15, 2016 – **Eugene**
- Tuesday, Jan. 17, 2017 – **Wilsonville**
- Thursday, Jan. 19, 2017 – **Hood River**
- Tuesday, Feb. 14, 2017 – **Central Point**
- Thursday, Feb. 16, 2017 – **Klamath Falls**
- Tuesday, Mar. 7, 2017 – **Ontario**
- Thursday, Mar. 9, 2017 – **Pendleton**

The WPS applies to establishments that produce or maintain agricultural plants (as defined by the WPS) and use pesticide products that have "AGRICULTURAL USE REQUIREMENTS" printed on the label.

Learn more and register at bit.ly/TTToregonWPS.

Questions? Contact Cameron Hughes (Oregon State University) at **541-737-6123**.



Duro-Last Grants Pass plant achieves Star Site status

Duro-Last Roofing is Oregon OSHA's newest Voluntary Protection Program STAR site. The company's Grants Pass manufacturing facility received Star Site status on Nov. 17. Star Site status represents the highest achievement for companies participating in the Voluntary Protection Program.

Duro-Last has a long history of working together with Oregon OSHA. The Grants Pass plant graduated from Oregon OSHA's Safety and Health Achievement Recognition Program (SHARP) in 2006.

Duro-Last, Inc., is the world's largest manufacturer of custom-fabricated, thermo-plastic single-ply roofing systems.



Safety Notes

Accident Report

Incident: Fall from roof

Industry: Painting and wall covering contractors

Victim: Painter

A painter fell eight feet to concrete while he was doing trim work on the roof of a two-story house.

The company was a small business that did residential and small commercial painting jobs. The owner ran the business from his home with his wife, who did the clerical work. They had just hired their first employee and it was his first day on the job.

The new employee had been hired to work on an as-needed basis whenever there were jobs that the owner could not handle alone. The job involved painting the gutters, trim, and siding of a two-story house over two days. The ground-to-eave height of the first story was eight feet and the roof had a 15-degree pitch.

The plan was to have the owner use the paint spray gun while the new employee would help with setup and cleanup, and paint with a brush and roller. The two men met at the job site at 8 a.m. and the owner had a 15-minute toolbox talk with the new employee about ladder safety and staying hydrated in the warm weather. The owner told the new employee – who was wearing job-appropriate trousers, a T-shirt, and new sneakers – that he did not have to perform any work he felt uncomfortable doing.

They set up a 16-foot extension ladder in front of the garage and spent the morning taping the brick columns in the front of the house and setting up a tarp to protect the windows.



Illustration: Patricia Young

They worked together painting the house in the morning and then split up to do separate jobs on the house in the afternoon – the owner doing the spray painting at the back of the house and the new employee working in front, doing trim work on the rake edge of the second-story roof with a brush and roller. This was the first time that the two men were not working side-by-side during the job.

At 3 p.m., the owner heard a loud noise in front of the house and went around to investigate.

He saw the new employee lying on the concrete driveway and the homeowner trying to revive him

with CPR. They called an ambulance, which took the employee to the hospital.

The employee's injuries included a subdural hematoma, a closed head injury with brief loss of consciousness, and midline low back pain. He was discharged the next day; however, he was readmitted for further testing and remained in the hospital for two more days. He has been in recovery since the incident and has not returned to work. He remembers painting the trim work, but has no memory of the fall or how it happened. There were no witnesses and no evidence that could point to a particular cause of the fall.

Findings:

- The eave to ground height was eight feet, which did not trigger the requirement for the employer to provide a means of fall protection.
- The work area was outdoors and there was enough ventilation so that respiratory protection was not necessary.
- The roof was clean, dry, and free of trip hazards.
- The weather was warm, sunny, and dry.
- Doctors were not able to determine whether the new employee fainted or had another other medical issue that would have caused the fall.

Eight-foot falls have consequences just as serious as falls from 10 feet or more, especially when concrete stops the fall. Fall protection could have spared this employee a trip to the hospital and a long recovery from a debilitating injury. Choosing the right type of fall protection for a job is not always easy, but it's usually possible – especially today when so many different types of equipment are available.

Hazard letter

Oregon OSHA sent the company a hazard letter advising that the trigger height for fall protection in the construction industry will change from 10 feet to six feet on Jan. 1, 2017.



Going the Distance

with Craig Hamelund, Oregon OSHA's safety training specialist



Craig has been with Oregon OSHA for 21 years. He started as a safety compliance officer in 1995 at the agency's Medford field office and later taught public education workshops throughout the state until he joined Oregon OSHA's staff education section in 2006. He currently works out of Oregon OSHA's Portland field office where he coordinates Oregon OSHA's training program, trains staff, and presents workshops at many of Oregon OSHA's safety and health conferences.

Craig grew up in Big Rapids, Mich., and attended Ferris State University, where he graduated with a bachelor's degree in industrial safety. When he wasn't studying, Craig did maintenance work at Ewingleben Ice Arena (home of Bulldog hockey!) on the Ferris campus. He did everything from sharpening skates and driving the Zamboni to cleaning bleachers and waxing the Plexiglas.

Craig served a stint as an intern with Michigan OSHA, monitored asbestos abatement for a Michigan environmental and industrial hygiene consulting firm, and then headed south to become a safety compliance officer with South Carolina OSHA.

Outside of work, Craig and his wife, Sherrie, spend much of their time with their two children, Mollie and Jackson.



When they ...
weren't teenagers

What do you think is the best part of your job – and the biggest challenge?

I look at my job as having two best parts. First, I enjoy having the opportunity to really get to know all Oregon OSHA staff. Whether it's spending some quality class time with them or directly working alongside them coordinating and delivering training. For new hires, it's learning their various backgrounds, specialties, and interests. And for our not-so-new hires, it's getting to know them better or, in my case, remembering things about them I have forgotten.

Second, I truly appreciate the chance to partner with (and get to know) the terrific folks outside of Oregon OSHA who help us immensely with training and other opportunities for our staff. We're lucky to have so many wonderful safety and health professionals here in the Pacific Northwest and my job allows me to interact with them often.

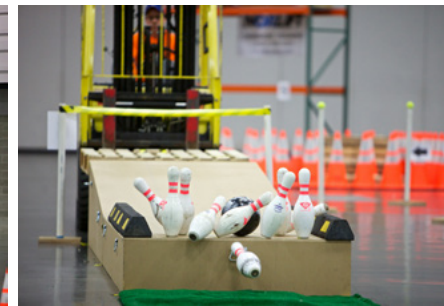
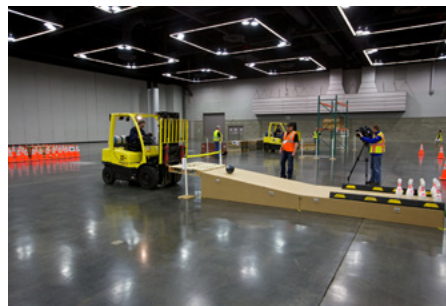
A challenge in my job – but a challenge I enjoy – is researching and developing training topics I haven't had much (if any) experience in. This is where I greatly rely on the support of my colleagues (both inside and outside of Oregon OSHA) to educate me and steer me in the right direction.



You've put a lot of work into getting "forklift rodeos" started throughout the state, most notably at the biennial GOSH conferences. How did you get started doing that?

I give Sharell Lien, Oregon OSHA's top-shelf conference manager, all of the credit here. We certainly knew of the forklift rodeo regionals and finals in the state of Washington and Sharell had the vision to host our own "Columbia Forklift Challenge" starting in 2011. We've had much help and support from many industry partners, Oregon OSHA staff, and several of the fine folks involved with the Washington rodeos to help make our competitions a success.

Craig mans the grill at a mobile crane training hosted by Hoffman Construction Co. "We grilled meat for lunches from Gartner's German Meat Market up the street (NE Killingsworth)."



“We're lucky to have so many wonderful safety and health professionals here in the Pacific Northwest and my job allows me to interact with them often.”

— Craig Hamelund



Next year, there will be two significant changes in Oregon OSHA's fall protection requirements for the construction industry: the trigger height requirement for fall protection will change from 10 feet to six feet in January, and slide guards will no longer be permitted for fall protection in October. What training tips would you offer to contractors to help them comply?

First and foremost, my biggest suggestion for contractors is to always be learning and seeking the advice of many of the industry experts and safety professionals we have locally. Equipment manufacturer representatives are experts in fall protection gear and equipment, and follow the latest industry consensus standards. Networking with other contractors and receiving consultations from Oregon OSHA, workers' compensation carriers, and consultants can provide enormous value and provide

“Employees provide tremendous insight and creative solutions, and their involvement can breed ownership.”

— Craig Hamelund

contractors with other options beyond personal fall protection. Also, I strongly encourage contractors to attend training workshops and conferences throughout the state, and consider becoming involved with our Construction Advisory Committee.

My training tip to contractors is to keep the instruction lively and involve employees. Employees provide tremendous insight and creative solutions, and their involvement can breed ownership. Incorporate as much hands-on activity and demonstrations (such as trailer demonstrations from equipment suppliers) to keep the training dynamic. And along with focusing on the ABCs (anchorage, body harnesses, and connectors) during fall protection training, be sure employees know how to calculate fall distances and understand the arresting forces created during a fall arrest.

Craig speaks at an all-staff symposium for Oregon OSHA employees.

Employee training is an essential part of an effective safety program. Are there any safety and health training issues that employers could focus on to improve their programs?

Involving employees in training is key. Employees who are included in the planning and delivery are assets as they are the resident experts in the hazards they face, solutions that work, and effective ways to communicate with others (including helping with any language barriers). For younger workers, continue to offer a variety of training methods to keep it meaningful, including what can be shared via phones and other mobile devices. And recognizing employees for their ideas, efforts, and participation can go a long way. Oh, and don't forget the mountain of information found in the many textbooks and DVDs available for loan in Oregon OSHA's Resource Center



Craig at a recent training trip in downtown Ellensburg, Wash.

You've taught or organized safety and health classes on topics ranging from agriculture to welding – how do you do it? Do you have a favorite training topic?

I do it with lots of help and support. I've been fortunate to have supportive managers and lucky to have terrific, smart, and helpful colleagues and industry partners along the way.

My favorite training topic is the one where it appeared everyone enjoyed it! ■



Craig sits at the 2007 GOSH Conference information booth with Cindy Weitz.

“I've been fortunate to have supportive managers and lucky to have terrific, smart, and helpful colleagues and industry partners along the way.”

– Craig Hamelund