

**Oregon OSHA**  
**Construction Advisory Committee**  
Tuesday July 7, 2015

**Meeting Minutes**

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**Attendees:**

Alta Schafer	Emily Nye	Mark Tobiasson
Bret Taylor	Eric Fullan	Melissa Diede
Brian Silbernagel	Gary Beck	Michael Wood
Chris Ottoson	Glenn Curry	Michelle Brunetto
Clark Vermillion	Ian Chase	Pat Brunson
David Davidson	Jeff Wilson	Peggy Munsell
David Douglas	Johnny Sandoval	Scott Ray
David Zagorodney	Kevin Wheatcroft	Steve Spurlock
Dawn Morse	Marilyn Schuster	Tony Howard
Doug Rodgers	Mark Hillyard	

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The meeting was called to order by Mark Tobiasson, filling in for Nathan Taylor.

Self introductions were made.

Minutes of the June meeting were approved.

**Lessons Learned:**

In Washington, there was an experienced tree faller who was falling trees in the right-of-way. He would notch the tree and tie off the rope to the tree. He was coming down from about 60 feet, but he was still attached and when the tree part fell it flung him up and he landed on his head. It was a fatality.

A company had a new employee and was asked to do something. The supervisor went through step by step on how to use the machinery properly before he started the task.

There was a company doing a narrow trench line and placing a manhole shield. Their shoring caved in before they could place the shield. No one was in the trench at the time of the cave in. Lesson learned, make sure you follow the tabulated data for the work you are doing.

When rigging, it is important to know what you are rigging to and that you are using the correct equipment to do so. A company was using a wide-mouth carabineer attached to a small wire rope. The rigging failed about 16 feet up and the welding broke. It hit a guy's hardhat and pushed him out of the way. He went to the hospital to get checked out and he had no injuries.

- There is an app called RIGGIT that has great information and a calculator to input your data and it will tell you the proper equipment to use. It is an android based app and not found on the I-Phones yet.

## **Continuing Business:**

### Status of Rule Making:

**Confined Space** - Oregon OSHA is in the process of comparing the Federal confined space construction rule with Oregon's confined space rule. The Federal rule was adopted on May 4, 2015 with an effective date of August 3, 2014. State plans have 6 months to adopt an "at least as effective" standard or amend their existing standard within 6 months of the Federal effective date, i.e., by February 3, 2016.

**Employer Knowledge Work Group** meetings are scheduled at the Durham/Tigard Facility; located behind the Bridgeport Mall. The Supreme Court affirmed the CBI Services decision of the Court of Appeals on other grounds. At issue in this case is what the statute means when it says that an employer "could not with the exercise of reasonable diligence know" of a violation. The Court of Appeals held that the statutory phrase not to whether an employer "could know – in the sense of being capable of knowing – of the violation; **rather** the phrase refers to whether, taking into account a number of specified factors, an employer "should know of the violation.....The Supreme Court also noted, the term "reasonable diligence" is delegative in nature and that they ordinarily; review as an agency's interpretation and application of the term to determine whether they comport with the range of discretion afforded the agency under law. Oregon OSHA has not fleshed out by administrative rule or in policy "reasonable diligence".

The case was remanded to the Worker's Compensation Board for further proceedings. This was a fall protection issue on a water tank with a 32 foot fall hazard. Scaffolding was present on the inside of the tank but not on the outside where the employee was exposed (not wearing a harness and a lanyard) and another employee in a lift (wearing a harness and a lanyard but the lanyard was not secured to the lift.)

Meetings are scheduled for the 4<sup>th</sup> Wednesday thru November from 1:00 - 4:30)  
New location for Oregon OSHA's Portland field office; behind the Bridgeport Mall  
Durham Plaza  
16760 SW Upper Boones Ferry Rd, STE 200  
Tigard, OR 97224

July 22  
August 26  
September 23  
October 28  
November 25

**Fall protection** – Oregon OSHA is convening a CAC subcommittee, along with other industry representatives who will be affected by changes to Oregon's 10 foot rule. Federal OSHA is requiring that Oregon change its 10 feet construction rule to 6 feet. There will also

be discussions around slide guards, with a possibility of a delayed implementation date(s). There is a short window of time and we will be looking at adopting toward the end of this year. There may be other issues that may be addressed with this rulemaking. We are looking at scheduling a couple of meeting dates in August (none scheduled at this time.)

**Firefighting** – Held 5 public hearings (end of May thru early June.) We received many comments related to the new training requirements and changes that update reference standards for PPE. Oregon OSHA is reviewing comments at this time.

**Power generation, transmission, distribution** – We held 3 public hearings (end of November thru early December. Based on these proposed rule comments, Oregon OSHA updated rule proposal language along with combining Division 2 and Division 3 rules into an Oregon initiated rule that applies to both Divisions. We plan on proposing a new draft rule by July 15, 2015.

## **Monthly Overnight Hospitalizations and Fatalities Report: Accidents**

1. June 4<sup>th</sup> Clatskanie

An employee was using a sandblaster to clean heat exchanger tubes. He dropped the blast nozzle and reached for it. His hand passed in front of the nozzle and blast media was driven through his protective glove into his hand. Employee was transported to the hospital for surgery to clean blast media from the wound and was hospitalized overnight.

2. June 5<sup>th</sup> Bend

Fell from step ladder or roof (doesn't know for sure). Employee was holding a tape measure. Work was being conducted on a single story home.

3. June 8<sup>th</sup> Portland

The employee was torch cutting a wall, as the floor collapsed, he fell about 12 feet down. Loss of Consciousness, Broke 3 ribs, collar bone, and a contusion.

4. June 8<sup>th</sup> Portland

The employee was up inside a scissor lift cutting concrete with a handheld concrete saw. The saw somehow kicked back toward him, he raised his arm to protect himself. As a result, his right arm above the elbow was injured.

5. June 22<sup>nd</sup> Tillamook

Tower Logging. A turn of three small logs were being brought in when the boom of the Stroker caught on the main line. The logs struck and landed on the victim, choker setter.

6. June 23<sup>rd</sup> Portland

An employee was using the table saw and the guard was not in place. Employee was ripping something close to the fence and caught his right thumb in the blade. Employee was treated and released.

## **Fatalities**

1. June 10<sup>th</sup> Coquille  
A Yarder dropped a turn of logs on a landing. One log spun and struck the worker, killing him.
2. June 24<sup>th</sup> Tangent  
Logging related. Workers were in vehicle driving eastbound when the vehicle went into the westbound lane on Highway 34. Resulted in two workers fatality injured.
3. June 30<sup>th</sup>, Beaverton  
An employee fell 25 feet to concrete from a scaffold platform. The victim died the following day
4. July 1<sup>st</sup> Newberg  
A helicopter flight instructor was killed when the helicopter crashed to the ground and burst into flames.
5. July 3<sup>rd</sup>, Eugene  
An apartment Manager was shot and killed by a tenant.

## **Round table:**

[Pat Brunson's](#) son is in need of a job. If anyone has any openings please let him know.

Clark announced that the Safety Professional of the Year is Kevin Wheatcroft. Everyone congratulated him.

The Safety Summit Golf Tournament is July 28<sup>th</sup> at Stone Creek Golf course in Oregon City. The regular meetings will resume in August.

OR-OSHA's Portland Office has moved to Tigard/Durham. The address can be found on the website.

The address is  
16760 SW Upper Boones Ferry Rd, Suite 200  
Tigard, Oregon 97224

The option is available if the Construction Advisory Committee would like to hold the meetings in that location. There is plenty of free parking.  
The group will consider the offer and we will discuss at the next meeting.

**Next Meeting:** August 4, 2015 at 9:00 am, AGC Building, Wilsonville