

## Power Generation Stakeholders Meeting Minutes

May 14, 2014

**Introductions and agenda overview:** Jeff Wilson, technical specialist from Oregon OSHA, introduced himself as the facilitator of the group. The rest of the group introduced themselves.

### Attendees:

Jeff Wilson – Oregon OSHA	Mark Rettmann – OR PUC
John Gander – DEC	Ward Andrews – Wilson Construction
Ron Dubbs – Emerald PUD	Tracy Harness – NW Line Chapter NECA
Tim Walsh – Asphlunth	Mike Kiessling – NE Line JATC
Zach Bertalot – Asphlunth	Steven Harkin – Pacific Power
William Houck – Trees, Inc	Mike Riffe – Oregon OSHA
Bill Haskins – PGE	Peg Munsell – Oregon OSHA
Gary Boswell – PGE	Mark Hankins – EWEB
Banjo Reed – IBEW 659	John LaTourette – EWEB
Mike Scarmiwach – IBEW 659	Bo Mackey – EWEB
Marilyn Schuster – Oregon OSHA	Stephanie Ficek – Oregon OSHA
Paul Birkeland – OR PUC	

**Agenda items:** Jeff explained the agenda, handout (a portion of the Federal Register), and timeline for rulemaking. The following agenda items will be discussed:

- Minimum approach distances
- Fall protection
- Energy calculations and FR clothing
- Information – transfer provision (host to contractor)

The group added a few items of concern or discussion –

- Federal OSHA definitions of tree trimming and drop starting chainsaws from the bucket. (Definition does not distinguish between chain and power saw?)
- Training requirements

### Minimum approach distances (MAD) comments:

- Host employer is required to provide the information to determine the heat energy. Federal OSHA expects that the host employer will usually do the calculations.
- The tables within the standard are conservative and based on a worst case scenario. Federal OSHA expects that most employers will be doing their own calculations to be able to work closer and still be in safe work zones.
- The level of FR clothing required is affected by the distance from the point of the exposure. Distance is determined by method, such as using a hotstick vs barehand. (Barehand is not used in Oregon.)

- FR does not apply to tree trimmers although that industry is looking at having a table developed for that industry which will be close to Table 1.

### **Fall protection comments:**

- We have until April 1, 2015 before the fall protection standard goes into effect.
- Methods for fall protection include positioning devices, fall restraint, and fall arrest. Exceptions are when congestion (e.g., pole) creates a larger hazard. Comments from federal OSHA indicate that exceptions would rarely apply. It is up to the employer to determine when an exemption would apply.
- The new standard requires that work-positioning equipment must be provided at locations more than 4 feet if fall protection hasn't been provided. This requirement may have more complications than meets the eye. Work positions may determine the appropriate equipment such as bucket (restraint), pole (body belt with cinch), and steel. Access ladder transition to pole or to a horizontal surface requires different fall protection methods.
- The Federal Register, starting on page 20639, contains fall protection language. Work-positioning systems were also discussed. See Page 20640, "(D) On and after April 1, 2015, work-positioning systems shall be rigged so that an employee can free fall no more than 0.6 meters (2 feet)."
- A 2-foot fall distance is the key to the definition. Can a skid be used? Only if you could not fall more than 2 feet.
- There is some confusion about the definitions in sub-division M having implications for practical application. Sub division M requirements do not work well in the field in this particular industry. Tree trimmers are also affected because of their full-body harnesses with decelerating devices. There was discussion about tree trimmer's ability to comply with the various fall protection rules when working out of an aerial lift.
- One employer has been working with the new fall protection standards for the last three years. The new standard requires workers to use devices, such as a "buck squeeze," to climb poles. There is a learning curve. New workers and apprentices seem to pick it up quickly. Veteran climbers tend to have more difficulty picking up the new techniques or reservations about using the newer techniques. The key is to bring it up to your workers early and let them vent their frustrations. Also discussed were different types of equipment used and types that have worked well for the industry.
- What about lattice towers when using the leg to ascend or descend – do you need fall protection? There was discussion about pole steps – would it be a

permanent ladder if it's over 21 feet? This question was asked of federal OSHA. Dale Cavanaugh will be looking into it.

- When falling to a lower surface, Oregon OSHA clarified that we would not interpret branches and power lines to be a substantial surface.

### **Energy calculations and FR clothing:**

- Calculations are generally considered are the responsibility of the host-employer. Employers can create their own tables. The question is *when* does the employer receive that information, especially for higher voltages? It needs to be *before* the work starts, may be part of the scope of work.
- Is host-utility required to provide information to the communication company when accessing a joint use pole? This standard does not apply to those industries covered by 1910.268.
- Tree trimmers can work outside of the MAD and are not required to wear arc related PPE. What could expose tree trimmers to arc flash – dropping a limb (phase to phase contact)?
- Is anyone is using face-shields? Use is required above 9 cal per cm<sup>2</sup>. Does the worker need to wear the face-shield from the bottom to the top? There needs to be clarification on this issue. Also are rubber gloves required to be on the worker from the bottom to the top? What about balaclava? Most systems are 9 cal or under. PPE requirement includes foot protection. Leather boots are addressed in the standard.
- Do all utilities provide all FR clothing? The new standard requires employers to provide FR clothing. There was a discussion how some utilities pay for PPE. One utility provides funds to employees for purchasing protective clothing with requirements for work groups. Their dollar amount will need to go up for the new standard. They may need to be more prescriptive on the clothing that their employees purchase.
- Information needs to be passed onto employees on how to wash their FR clothing along with educating foremen on what clothing is “too worn out” to be used.

### **Information-transfer provision:**

- The original proposal was that the host-employer had to report issues within a certain number of days, but that requirement was removed.

- How will Oregon OSHA enforce this? Part of what the enforcement officers look at is information gained from employee interviews.
- Where does the information stop and how much detail needs to be provided? Only known conditions are required to be reported. Most of the information transfer elements would be performance based from a compliance perspective.
- In theory, this standard makes sense, but there are concerns with the practical applications.
- Some of this information will be shared at upper-level meetings and then relayed down to the workers.
- It is the host-employers responsibility to have five identified areas of information (listed in the preamble) and give it to the contractor at the beginning of the job. Then it's the contractor's responsibility to share the information. What is adequate transfer of information? Discussion included what is known and what is knowable.

#### **Training requirements:**

- How do you generate the training documentation for employees and how do you provide annual verification? This is a performance-based requirement. Documentation is not required, but it is strongly suggested.
- If you test your employees to prove competence, how do you handle employees who answer less than 100 percent correct? How do you measure their competence? Document supervisor's observations? A lot of emphasis can be based on supervisor's observation. Can the employee demonstrate through their actions and put in practice what they have been trained on? They should be capable of safely doing the job they were hired to do.
- On-the-job training may be more difficult than apprenticeship training.
- Training to the hazards of the task is a difficult and complex task.
- There's nothing significantly new in this standard, but it requires employers to look at how they do business and make it better.

#### **Action items:**

- A few groups are meeting with federal OSHA in a few weeks to press them on the key issues and will likely petition them for formal clarification. This will likely delay some of the proposed deadlines.

- Does Oregon OSHA intend to adopt the federal language? We are leaning toward adopting the federal changes unless the utility industry has issues that need to be address. Because of our tight time frame, there could be minor changes that result in Oregon-initiated rules or post adoption. If there is a need to make substantial changes and those changes are as effective as the federal rule, we will start the Oregon rulemaking process.
- We need to take a look at Oregon-initiated rules at the next meeting. Do we provide a comparison document if we change a federal rule? Yes, Oregon OSHA provides a document comparing the Oregon rule to the federal rule. We will not provide a document when we adopt the same as federal OSHA or on what the feds are changing.

Jeff will email link to the webinars, [Federal Register](#) and Oregon-initiated [Division 3](#) and [Division 2](#) rules before the next meeting.

**Meeting adjourned:** 11:15 a.m.

**Next meeting:** Wednesday, May 21, 2014, 9 a.m. – noon.