

Walking-Working Surfaces and PPE (Fall Protection Systems) Advisory Committee

Meeting Minutes

January 26, 2017

Present:

Greg Astley

Ryan Bodily

Gary Boswell

Kevin Denis

Stephanie Ficek (Scribe)

Steven Harkin

Ron Haverkost

Tony Howard

Sue Joye

William Kalapsa

Ken Langlely

Peter Morin

Bryon Snapp

Robert Snyder

Renee Stapleton

Trena VanDeHey

William White

Welcome and introductions

The group introduced themselves. Bryon gave a brief synopsis of our rulemaking timeline. We would like to propose rulemaking with the Secretary of State by Feb. 15. All correspondence with the group should be finalized by Feb. 8 to meet this deadline.

Review minutes

The group approved the 1/19/17 meeting minutes.

Rule review

The existing rule language from the following OARs within 2/D were reviewed by the group to obtain comments on whether the existing rule language should be retained or repealed. Members were provided copies of each OAR. Rule language from each OAR that was duplicated in the new 1910.21-.30 had “~~strikethrough~~” applied and was not considered. Oregon OSHA intends to remove the duplicative language from the existing OARs and maintain the equivalent language in the new 1910.21 -.30. Bryon polled the group on each rule, asking them if they think we should **keep** or **repeal** the remaining OAR rules. He also asked for a “**neutral**” vote for those that didn’t feel there was enough information to make a decision. The majority vote is noted in red below. Vote totals are recorded in brackets. Oregon OSHA will take into account this information, but if warranted we may keep a rule that the group felt should be repealed.

OAR 437-002-0027 Fixed ladders

(2) Design requirements.

(2)(a)(A) **Repeal.** [+1 / =1 / -8]

(2)(a)(B) **Repeal.** [+1 / =0 / -9]

(2)(a)(C) **Repeal.** [+1 / =0 / -9]

(2)(a)(D) **Repeal.** [+1 / =0 / -9]

(2)(a)(E) **Repeal.** [+0 / =0 / -10]

(2)(a)(F) **Repeal**. [+0 / =0 / -10]

(3) *Specific features.*

(3)(a)(A) **Repeal**. [+0 / =0 / -10]

(3)(a)(D) **Repeal**. [+0 / =0 / -10]

(3)(b) **Repeal**. [+1 / =0 / -9]

(3)(c) **Repeal**. [+1 / =1 / -8]

(3)(d) **Repeal**. [+1 / =1 / -8]

(3)(e) **Repeal**. [+0 / =2 / -6]

(3)(f) **Repeal**. [+0 / =1 / -6]

(3)(g) **Repeal**. [+1 / =1 / -6]

(4) *Clearance*

(4)(c) **Repeal**. This was not voted on because it would be repealed due to (4)(a) and (4)(b) being covered by the new 1910.23.

(5) *Special requirements.*

(5)(a)(B) **Repeal**. This was not voted on.

(5)(a)(C) **Keep**. [+5 / =1 / -2]

(5)(a)(D) **Keep**. [+6 / =1 / -2]

(5)(a)(E) **Repeal**. [+4 / =2 / -5]

(5)(a)(F) **Repeal**. [+4 / =2 / -5]

(5)(b)(C) **Keep**. [+7 / =0 / -1]

(6) *Pitch.*

(6)(a) **Repeal**. [+1 / =0 / -9]

(6)(b) **Repeal**. [+0 / =0 / -10]

(6)(c) **Repeal**. [+0 / =0 / -9]

OAR 437-002-0030 Floors.

(1) **Repeal**. This is covered by new 1910.22(b) and (d).

437-002-0031 Provisions for Window Cleaners **Repeal** [+0 / =0 / -9]

OAR 437-002-0032 Ramps and Runways.

(1) **Repeal**. There was no vote because it's covered in 1910.22(b) and (d).

(2) **Keep**. [+5 / =3 / -0] Bryon reported 6 citations on this rule from 2006-2016.

OAR 437-002-0033 Piers and Wharves

(1) **Keep**. [+8 / =1 / -1] Bryon reported 1 citation on this rule from 2006-2016.

(2) **Keep**. [+7 / =1 / -1]

Rope access presentation

Kevin Denis from Gravitec gave a presentation of rope descent and rope access systems. Bryon clarified that federal OSHA introduced requirements for rope descent in the new rules; however, they specifically exclude "industrial rope access systems" in the definition of rope descent system within the new 1910.21(b). Because of this, Oregon OSHA sees this specific rule making

as an opportunity to address rope access activities that are occurring in Oregon. In Kevin's experience the risks for rope descent and rope access are the same. Oregon OSHA is looking at writing minimum requirements for rope access work. The group will receive a draft of our rope access requirements (Draft 437-002-2027). Much of the language mimics California's long standing rope access rule language (they are the only state that has regulates rope access activities).

Fiscal Impact

Ken Langley reported that federal OSHA estimated a total cost for this rule change to be \$319,500,000. He calculated Oregon's cost share at \$27,796,500 or \$218.40 per Oregon employer. Although this figure is based on the federal cost analysis and includes employment figures in Oregon, he doesn't believe it is specific enough to Oregon. He requested each member of the committee send him an estimated cost projection for how much they would spend on training (including the cost of lost production, wages, benefits, etc...), inspection, and equipment to become compliant with the new rules. The deadline for this information is Feb. 8. Bryon will email the assignment.

There are four categories of cost:

1. Training
2. Inspection
3. Equipment
4. NO COST estimated

Bryon reminded the group that although the rule will be adopted on May 18, 2017, we have not determined an effective date for Oregon.

Definition for maintenance

Bryon reported that a member of this advisory group was approached by a stakeholder and was asked to bring a request for an additional definition to be added to 1910.21(b). The request was for Oregon OSHA to consider adding a definition for "maintenance." Oregon OSHA is reluctant to create a definition in Division 2, Subdivision D Walking-working surfaces because "maintenance" vs "construction" is a larger issue that covers a multitude of rules and is not unique to this rule making activity.

Communication by email

Bryon informed the members that the in-person advisory committees meeting are now completed, but the work of the advisory committee is not yet finished. Bryon will be sending the members draft language for their review and comment. Additionally, Bryon will send out instruction from Ken Langley about his request for company specific fiscal impacts.

Meeting adjourned: 3:45 p.m.

Next meeting: None scheduled at this time. Emails of draft rules will be sent with the other information promised. Please let us know if you think another meeting is needed based on your reviews.