

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

Meeting Minutes

January 5, 2017

Present:

Greg Astley

Kevin Denis

Stephanie Ficek (Scribe)

Steven Harkin

Ron Haverkost

Tony Howard

Sue Joye

William Kalapsa

Ken Langley

Greg McDonald

Peter Morin

Michael O'Connell Jr.

Greg Remensperger

Bryon Snapp

Robert Snyder

Renee Stapleton

Trena VanDeHey

William White

Introductions

The group introduced themselves.

Purpose

Bryon Snapp explained the purpose of the advisory group meetings – we are tasked with significant rulemaking for Oregon OSHA's Division 2/D, Walking-Working Surfaces rules, Division 2/I, Personal Protective Equipment rules, as well as minor changes to Division 2/A, F, L, N, R and RR. These rule changes are based on federal OSHA's **Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)** as published in the Federal Register, Vol. 81, No. 223 on Friday, Nov.18, 2016.

Bryon outlined the rules that we will be revising – both Oregon initiated rules and federal OSHA rules. As we craft the language, we will be asking the group for input on both language clarity and the fiscal impact of the rule.

Timeline

Advisory Group work must be completed by end of January, 2017. We want to file proposed rulemaking with Secretary of State by Feb.15, 2017. We plan to hold public hearings in late March and early April 2017 in Portland, Eugene, Medford and Bend. The comment period closes mid-April 2017 and we will adopt final rules by May 18, 2017.

Advisory committee role and responsibilities

The committee is open to the public. Members must represent interests of persons likely to be affected by the rules. Our goal is to have public involvement in the development of public policy, which includes participating in manipulation of potential language and possible fiscal impacts.

The rules

Bryon started off by explaining federal OSHA and Oregon OSHA rule structures, pointing out how to differentiate between Oregon OSHA rules that were adopted by reference from federal OSHA, and our unique Oregon-initiated rules. Bryon went on to explain how the federal language changed in 1910.21 – 1910.30, keeping the existing rule numbers, but significantly changing the language within each rule. Bryon provided the following hand written chart to demonstrate the old rule number titles and the new rule number titles:

1910.21	Definitions	Scope & Definitions
1910.22	General Requirements	General Requirements
1910.23	Guarding Floor and Wall Openings and Holes	Ladder
1910.24	Fixed Industrial Stairs	Stepbolts/manhole steps
1910.25	Portable Wood Ladders	Stairways
1910.26	Portable Metal Ladders	Dockboards
1910.27	Fixed Ladders	Scaffolds/Rope Descent Systems
1910.28	Scaffolds	Duty to have Fall Protection/ Falling Object Protection
1910.29	Ladder Stairs & Scaffold Towers	Fall protection systems/ Criteria & Practices
1910.30	Other Working Surfaces	TRAINING

Bryon passed around federal OSHA's new language in 1910.21 (Scope and Definitions), a table of contents for the Walking-Working Surfaces rules in Subdivision D, the Personal Protective Equipment rules in Subdivision I, and a draft rule for Oregon's Additional Definitions in 437-002-2021.

The feds adopted the **Scope and Definitions for 1910.21**. We may want to change the language for various definitions. For example, the feds use the word "subpart," but Oregon uses the term "subdivision." Additional Oregon definitions are found in 437-002-0021 (There was a typo in the handout as it was listed as 437-002-2021).

Bryon explained vehicles & rolling stock will not be in 2/D, rather it will be covered under the Fall Protection rule in 2/I, 437-002-0134 (5).

The rule on fixed ladders will change because cages are being phased out. Although cages were designed to prevent falls, it has been proven that they do not. Oregon OSHA does not agree with federal OSHA's definition of "low-sloped roof" in 1910.21 and wants to replace it with a different definition within OAR 437-002-2021. We differ from the feds in they use the ratio of 4 to 12 and we use 2 to 12.

1910.22 General requirements is a new federal rule and is fairly straight forward. Oregon OSHA doesn't have any glaring issues with this rule.

1910.23 Ladders is the federal rule for all ladders. Oregon OSHA doesn't have any glaring issues with these rules. The existing Oregon rule for portable ladders (437-002-0026) will change significantly because much of it is covered in the federal ladder rule. It was suggested that we look at the firefighter application of this rule because we have an existing rule in our firefighter rules. It was also suggested that we look at the language regarding the ladder height "beyond" versus "above" the landing surface. The existing Oregon rule for fixed ladders (437-002-0027) will also change somewhat.

1910.24 Step bolts and manhole steps. The group briefly discussed this rule, specifically the grandfathered components in manhole ladders.

1910.25 Stairways. The definition of stairs has significantly changed in this rule. There is no longer a specification of three risers or more. There are also grandfathered components in this rule. The question of when a fixed ladder becomes stairs was addressed. Stairs, ramps, and ladders are defined by the degree of the stair slope: 0-30 ramps, 30-50 standard stairs, 50-70 ship stairs, 50-70 alternating tread-type stairs, and 60-90 are ladders.

1910.26 Dockboards. Bryon led the group in a brief overview of this rule.

1910.27 Scaffolds and rope descent systems. Bryon led the group in a brief overview of this rule. Bryon explained that the existing requirements for scaffolding are located in 1910.28 and OAR 437-002-0028. The new rule will repeal all of the rule language and replace it with direction to the employer to follow the scaffolding regulation found in Division 3 (Construction, Subdivision L (Scaffolding)). Federal OSHA added a new set of requirements for "rope descent systems," which previously did not exist. Finally, Bryon explained that the federal inclusion of rope descent systems has opened an opportunity for Oregon OSHA to consider a unique Oregon-initiated rule for "rope access," which is not covered by the definition of "rope descent systems". At the end of the meeting, Bryon passed out a draft of OAR 437-002-2027 Rope Access Systems.

OAR 437-002-2027 Rope access system is growing among employers and we don't currently have a rule that applies. Bridge inspection, for example, uses a rope access system. The advisory group's input is needed here.

1910.28 Duty to have fall protection and falling object protection gives requirements for *when* fall protection and falling object protection is required. Bryon discussed the exceptions to providing fall protection under this rule, the 15 specific areas that require fall protection, and the discussion in the preamble to the published final federal rule that vehicles and rolling stock are not included in the scope of this rule making process. Bryon explained that OAR 437-002-0134(5) Fall Protection, in Subdivision I will need to be modified to limit the current Oregon 10-foot trigger height rule for fall protection to vehicles and rolling stock.

1910.29 Fall protection systems and falling object protection – criteria and practices lists requirements for *how* the requirements are applied. Bryon discussed some of the regulations such as hand and stair rails will be grandfathered while others like guard rails which are less than 39 inches will not. Bryon asked each attendee to consider the fiscal impact of bringing non-compliant (less than 39 inches tall) into compliance.

1910.30 Training requirements. Bryon led the group in a brief overview of this rule. Bryon asked each attendee to consider the fiscal impact of providing the newly required training to their employees.

Division 2/ Personal protective equipment is expected to be fairly straight forward. The group discussed anchoring – why the requirement is changing from 5000 pounds to 6000 pounds.

1910.140 Personal fall protection systems. Oregon OSHA expects to adopt this verbatim, including Appendix C and Appendix D to subdivision I

Homework: Bryon will email the list of existing Oregon-initiated rules for discussion to keep, amend, or repeal.

Meeting adjourned: 3:30 p.m.

Next meeting: Thursday, Jan. 12, 2017