Oregon OSHA

OSHSPA State Plan Report
February 2018

Michael Wood, Administrator

I. Significant Legislative/Programmatic Changes

**Legislatively Mandated Rulemaking:** Nothing to report.

**Legislative Activity:** Nothing to report.

**Other Rulemaking Activity: Pesticide Worker Protection Standard.** The Small Agricultural Employer Advisory Committee was reconvened in March 2017 to discuss three rules proposed last year, but not adopted into Division 4/W, Agriculture/Worker Protections Standard with recent amendments adopted in February 2017. All three proposed rules concern aspects of the application exclusion zone (AEZ). Six committee meetings have been held. Oregon OSHA filed the proposed rules with the Secretary of State in October, 2017, and held five public hearings in October, November, and December. Oregon OSHA continues to receive public comment on these rules. A comment period extension to March 12, 2018, is awaiting verification that is expected on 2/22/18. Oregon OSHA convened a special Fiscal Impact Advisory Committee in response to an objection received to the filed fiscal impact statement. This committee finished up their work in February and the recommendations of the Committee were implemented into the Amended Statement of Need and Fiscal Impact.

**Penalties.** Subsequent to Senate Bill 92 passing, Oregon OSHA changed penalty amounts to include the addition of a size adjustment category, allowing employers with 1-10 employees to receive a 75 percent reduction, while maintaining a 60 percent reduction for employers with 11-25 employees. Maximum penalties for most serious and death probability hazards were increased, by increasing the maximum penalty limits overall. Oregon OSHA adopted these rule changes with the Secretary of State in December of 2017 after holding public hearing and receiving comment. These rule changes became effective January 1, 2018.

**Permissible Exposure Limits (PELs).** In March 2017, Oregon OSHA selected lead and manganese from the PEL advisory group’s list of suggested candidates as the first two of approximately four to six candidates to undergo a PEL reduction through the rulemaking process. These substances were selected because of their broad exposure to workers in Oregon across a wide range of industries. Both lead and manganese rulemakings have formed separate advisory committees who are meeting and beginning the rulemaking process.

**Lead** - This advisory committee is comprised of representatives from a wide variety of businesses and organizations. The first stakeholder meeting was in July of 2017, and the committee met again in September of 2017. The stakeholder group will meet again during the beginning of 2018 once draft language of a potential rule is written. Oregon OSHA is working...
with WA-DOSH in this rulemaking as they are addressing the same issue at the same time, the rules may be different, but stakeholders and technical specialists involved are going to both Oregon and Washington rulemakings.

Manganese - The first stakeholder meeting was in August of 2017. Meetings were held throughout September and the Advisory Committee has expanded to include additional stakeholders from affected industries that will be considering the economic impact of any proposed rule changes. Currently, the Advisory Committee is considering the scope of potential rulemaking. The last Advisory Committee meeting was at the beginning of February of 2018 and further meetings are forthcoming.


II. New Developments/Activities/Notable Cases

**Activities:**

**New Fact Sheets:**
1. Using compressed air for cleaning,

**Oregon OSHA News Releases:**
1. Oregon OSHA extends comment period for pesticide rules,
2. Enforcement of updated pesticide rules takes effect,
3. Oregon businesses invited to take a ‘Safety Break’ May 9,
4. 3 Training Grants Awarded: Oregon OSHA awarded three grants totaling more than $103,000 to help develop workplace safety and health education and training programs. The recipients are Northwest Forest Worker Center: Chemical Safety for Latino Forest Workers, OR State University: Safe Design of Anchoring Systems in Logging Operations and SafeBuild Alliance: Educating Construction Workers on Mental Health and Suicide Prevention.
5. Safety Break: Employers across the state are invited to participate in Safety Break for Oregon on May 9. Oregon OSHA coordinates Safety Break, which is voluntary for employers. Businesses and other employers can decide what activities are most beneficial to their workforce. More information can be found at [http://osha.oregon.gov/safetybreak/Pages/index.aspx](http://osha.oregon.gov/safetybreak/Pages/index.aspx).

**2017-2018 New Video Contest:** The O[yes] contest started October 9, 2017. Seventeen submissions were received and are under review. Contest winners will be announced in April 2018. For more information about the contest and sponsors visit: [https://youngeemployeesafety.org/contest](https://youngeemployeesafety.org/contest)

**Newsletters:** Oregon OSHA publishes two newsletters: The “Resource” (a general interest publication which includes construction) is published every two months, and the “Forest Activities News” (for the logging and forest industry) is an occasional newsletter from Oregon OSHA covering topics of interest to the logging and forest activities employers. These are available at [http://www.osha.oregon.gov](http://www.osha.oregon.gov).

**Notable Case:** A fire fighter and EMS trainee employee began work on 8/18/17, at approximately 7:00 a.m.. At approximately 8:15 a.m. he began his third day of training with warm up stretching and physical training, the activity took place outside. At about 9:30 a.m. employees put on their turnouts which included fire fighting boots, pants, jackets, hoods, gloves and helmets and proceeded to do fire training.

Lunch break started around 11:45 a.m. and around 12:30 p.m. the victim/employee reported muscle cramping. He fell to his knees in the lunch room and experienced full body cramps. The employee was immediately evaluated by the EMS Training Captain. The employee reported nausea, leg and arm cramps at that time. He stated he was in severe pain. It was determined that 911 should be called to transport the employee to a hospital for full medical attention. Before
transport and after IV fluids were administered the employee reported the cramping to have been alleviated. The employee was transported by ambulance to a local Medical Center where he was diagnosed with Rhabdomyolysis. The employee was released the following day after receiving fluids and blood work. He reported experiencing no long lasting impacts such as kidney damage. The employee is continuing to receive follow up blood work to monitor his condition.

The employee reported that prior to training he had not been drinking large quantities of water. He stated that he felt the inadequate hydration caught up to him after a few days of training. The employee stated he did not have any medical conditions, take any supplements or medications that would make him vulnerable to the heat. The employee also reported that they received at least one 15 minute break per hour, and that even during physical activities such as interval training there was time to drink water and rest. The employee stated during the morning on 8/18/17 he had started experiencing some fatigue and leg cramps. He stated that although he had been advised to report symptoms to a superior he did not report the leg cramps. He thought if he drank some Gatorade the cramps would go away. The employee stated that the cramping intensified and spread to his entire body during lunch break and that was when he told someone. The employee stated that he was trained paramedic and knew signs and symptoms of heat-related illness.

Findings and Justifications:
1) The employee was diagnosed with rhabdomyolysis. Rhabdomyolysis is defined as a serious syndrome due to direct or indirect muscle injury. Crash injuries, muscle strains, the use of certain medications, certain viral and bacterial infections and high body temperatures are some risk factors for rhabdomyolysis. Damaged muscles break down and release their contents such as creatinine into the blood stream. These byproducts can cause renal failure if the condition is not treated promptly. The employee’s muscle cramps were potentially related to significant muscle strain, but not likely solely due to the activities conducted during training.

a) The maximum temperature that day was 84 degrees Fahrenheit and the average humidity was 63%. The National Weather Service heat index was 89 degrees Fahrenheit with a “caution” warning for heat related illness with prolonged exposure or strenuous activity.
b) The employee had been pre-training since June 2017. He ran, did stair climbing and other activities such as weight lifting. The victim/employee stated he did not drink sufficient water at the beginning of the physical training week and had only had about a gallon per day. The recruits wear shorts and t-shirts for physical training. The recruits don turnouts from about 9:30 a.m.-11:45 a.m. but had limited activity during this time. Employees took turns observing and performing tasks such as 2-person ladder carries and connecting hoses to hydrants.

2) The employee did not inform the employer when the muscle cramps began. Finally when the employee was overcome by cramping he notified supervisors.

a) During morning training-15 min breaks were taken every hour. When wearing turnouts employees took off some of the heavy clothing during breaks.
b) Ample water supply was available with ample opportunities to drink.
c) Employees are trained paramedics and aware of heat related illness symptoms. They were coached by the employer to report symptoms of heat-related illness or other problems. Another trainee who was interviewed stated that the employer directed them to report symptoms of illness or injury.
d) The employer swiftly evaluated and acted once the symptoms were presented. The response uniquely situated since a trained emergency medical technician provided IV fluids while waiting for ambulatory transport.
e) The employer does subsequently provide heat stress training for employees as well as using a rotation system to protect workers from heat related illness during fire fighting.
f) There was a cool place to take breaks and lunch and get a respite from the heat, in the training room.

**List of Violations:**
No violations are alleged. A hazard letter was issued.

Rhabdomyolysis (often called rhabdo) is a rare but potentially serious medical condition in which damaged muscle cells rapidly breakdown and release a substance into the bloodstream. If not recognized and treated early, rhabdomyolysis can result in permanent disability or potentially life-threatening conditions affecting the heart and kidneys. Firefighters have a higher risk of developing rhabdomyolysis due to their exposures to prolonged physical exertion, heat-related illnesses, and crush injuries.

This investigation prompted Oregon OSHA to create a Hazard Alert on this condition that provides an overview of the condition that includes the signs and symptoms and methods to mitigate the hazard. This Hazard Alert is still under development, but is anticipated to be published in the Spring of 2018.

**Conference dates and locations can be found at:**
http://osha.oregon.gov/conferences/Pages/index.aspx

**Questions?** Contact the Conference Section at (503) 378-3272 or toll-free in Oregon at (888) 292-5247, option 1. or send email to: oregon.conferences@state.or.us

**III. Areas of Concern:** Nothing new to report.

**IV. Information Sought from Other State Programs:**

**Oregon OSHA’s response to OSHSPA Meeting: Jackson, WY, Oct/Nov 2017, State’s Reports with questions for other State Plan states.**

**Utah:**

**Question:** Do other states use an advisory council, and if so, what is the makeup of that council?
The UOSH Advisory Council is no longer a statutory requirement in Utah, but UOSH meets quarterly with industry leaders in an informal setting.

**Oregon OSHA Response:** Oregon OSHA has a number of advisory committees that are statutory required and those that are not. A list of these advisory committees are located at the Oregon OSHA website, http://osha.oregon.gov/rules/advisory/Pages/index.aspx

**Question:** How have other state programs utilized the Compliance Assistance Specialist position?

**Oregon OSHA Response:** One hundred percent of the Oregon OSHA’s staff person’s time as a Compliance Assistance Specialist is spent developing and reviewing Oregon OSHA’s online course materials and other public education training materials. These materials are developed for the general public to help them understand the requirements of Oregon OSHA’s rules and regulations. These courses are all online and available for viewing, here is a link our online course page to view examples of this work:
http://osha.oregon.gov/edu/courses/Pages/default.aspx
Washington:
Questions: Has your state converted to electronic inspection and/or consultation case files? If so, what has your experience been? Have there been any issues with not having employees’ physical signatures during litigation? Do you generate paper documents that are later destroyed after they’re scanned and saved, or do you avoid creating paper records altogether? What were the greatest challenges, rewards and lessons learned?

Oregon OSHA Response:
1. Regarding inspection files, Oregon has been working towards becoming more electronic; however, we continue to generate paper documents.
2. The OSHA-1 remains a paper document that is signed by both the compliance officer and manager.
3. Once our inspection reports are scanned and stored electronically (based on their retention period), the paper documents are recycled.
4. One of the challenges has been uniformity in which documents are completed physically/on paper vs. electronically.
5. The ability for Oregon OSHA enforcement staff to review from any location, various portions of the inspection report electronically, both before and after the inspection is closed, is a great benefit. Once the inspection has been archived electronically, the entire report can be reviewed.

Hawaii:
Question: Any interested SGE’s available for Maui from December 18-20, 2017, please contact our CAS, Kristin Takaba (808) 586-9089. If any state feels they could be an open resource for HIOSH while we work on forming Alliance and Strategic Partnerships, please contact Kristin Takaba (808) 586-9089.

Oregon OSHA Response: Peter Wilsey (Region IX VPP Manager) has selected Julie Stout from GP Philomath to serve as an SGE on the team. Teri Watson from Oregon OSHA will call the Hawaii contact to see if she can be of assistance to them via the phone during their process.

Virginia:
Request: VOSH now has three 100% state funded consultants and would be interested in talking with other such states about how those positions are handled in the 21(d) and 23(g) (public sector consultation) grants. In addition, we would like to know if any states have developed special procedures or guidelines for when their 100% state funded consultants engage in activities or initiatives not traditionally covered by the 21(d) grant and 29 CFR 1908 regulations. Contact: Jay Withrow, Director, Division of Legal Support, VPP, ORA, OPP and OWP, 804-786-9873, jay.withrow@doli.virginia.gov

Oregon OSHA Response:
Roy Kroker the manager for Oregon Consultation section would be more than happy to talk to you about how the Consultation program is run. In short, we have 34 staff and all but 4 of them are 100% state funded. Operating outside of the 21d program has several advantages. We have our own field guide which covers how we do business, it is available to anyone, on our web site http://osha.oregon.gov/OSHAConsultation/refguide/consult-srvcref.pdf .

V. Administrative Changes: The Oregon Senate completed their confirmation process for Cameron Smith as DCBS’s Director on 2/12/18.

VI. Contact Information: Phone: (503) 378-3272, Fax: (503) 947-7461, Internet: www.osha.oregon.gov, Federal Liaison: Pamela Lundsten, pamela.g.lundsten@oregon.gov