Oregon OSHA
OSHSPA State Plan Report
May 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 Protection Standard with recent amendments adopted in February 2017. All three proposed rules concern aspects of the application exclusion zone (AEZ). 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 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. The comment period for this rulemaking ended on March 15, 2018. The agency received over 1,000 comments, both written and oral, on this proposed rulemaking. Currently, Oregon OSHA is reviewing and considering the comments before filing final rules.

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. The stakeholder group will meet again during 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 effect of confined
was creating brush piles that would be pulled by the winch rope to the chipper. The owner’s employee, his 15 year old son and the injured employee were working at and near the chipper.

The victim was operating the brush/wood chipper and the winch rope was apparently laying on the ground near the brush pile. The winch rope somehow got wrapped around the victims’ left leg and as the brush was drawn into the chipper, the winch rope cinched tight, which caused an immediate amputation high on the victim’s left thigh. When the owner’s son noticed what had happened he immediately stopped the brush chipper, but the injured employee had already been pulled into the chipper and lost his right foot and lower right leg.

Findings and Justifications:
Finding:
1) The employer did not instruct the employees in the proper use of all equipment provided for them and did not require that safe working practices be observed.

Justification:
a) Chipper operators were not familiar with the manufacturer’s operating instructions, maintenance and safe work practices based on interviews with each of the employees that were at the site the day of the accident.
b) The owner’s or operator’s manual for the brush chipper was not with the device. It was not observed with the equipment the day following the accident by the CSHO subsequent to the performance of the abbreviated opening at the shop where the chipper was brought directly following the accident.
c) None of the interviewed employees had ever observed nor read the Safety, Operators & Parts Manual prior to initiation of this accident investigation.
d) The manufacturer’s manual states in the Introduction that “We believe it is the responsibility of the customer to insure that all personnel, especially operators and maintenance people, view any applicable video tapes and become familiar with this operator’s manual prior to working with or around the E-Z Beaver. Safety is everyone’s responsibility, but the owner/operator must assume the duty of making sure that these training tools are actually used to help prevent unnecessary injury.”
e) Jason Smith stated that it was a “bad habit” that the winch rope was laying out on the ground; that it should have been secured to a tree or some other fixed item at a height that would prevent the winch rope from getting tangled up in brush being fed into the chipper. The other options or Standard Operating Procedures for the safe location of the winch rope would be to drape it forward of the chipper or reeled in so that the carabiner would be tight against the winch device.
f) Information gathered during the interview with Jose Mendoza (site supervisor) indicates that the owner trained the supervisor and the supervisor would then train the other employees. One time only for the training provided by the owner to the supervisor. The interview with Oscar Perez (Laborer) indicates that training was done by Jose [or two other senior people not at the site] followed by 6 months of supervised use. According to the victim, his training was provided by “the crew”; most specifically Oscar Perez.
g) The Safety, Operators & Parts Manual “urges employers to review the safety procedures with employees on a regular basis throughout the year. Safety is not a one-shot affair.”

Finding:
2) Protective equipment was not worn and used in a manner which would make full use of its protective properties.
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: Nothing new to report.

V. Administrative Changes: Nothing new to report.

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