



Oregon

Kate Brown, Governor

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Oregon OSHA
OSHSPA State Plan Report
Renée Stapleton, Acting Administrator

Virtual OSHSPA members meeting 5/24/2022

I. Significant Legislative/Programmatic Changes

Legislatively Mandated Rulemaking: None

Legislative Activity:

The biennial Oregon legislative short session began Feb. 1, 2022, and adjourned March 4, 2022. Legislative activities included tracking 23 bills of interest, securing American Rescue Plan Act grant funds (\$2.9 million), completing the health care workplace violence report for SB 823 (2019), and holding stakeholder discussions about HB 2622 (2020) regarding hazard abatement of surgical smoke.

Other Rulemaking Activity:

Administrative Order 4-2022: Rules to Address Employee Exposure to Wildfire Smoke

Issue: Oregon OSHA adopted these rules to address worker exposure to unhealthy and hazardous levels of the primary air contaminant of concern in wildfire smoke, fine particulate matter (PM2.5). The Oregon Department of Environmental Quality released a report in July 2021: *“Wildfire Smoke Trends and the Air Quality Index”* documenting that Oregon’s air quality in 2020 was the worst on record; additionally, the report states that, “large wildfires have been increasing across the western United States in the last decade and are expected to become more frequent, according to the National Interagency Fire Center.” Therefore, these rules are needed to help protect workers from the hazards of PM2.5 stemming from wildfire events.

The adopted rules apply to all workers in Oregon covered under the Oregon Safe Employment Act (OSEAct).

On March 10, 2020, Governor Brown issued Executive Order 20-04 that directed certain state agencies to reduce greenhouse gas emissions and mitigate the impacts of climate change. EO 20-04 included a directive to the Oregon Health Authority (OHA) and Oregon OSHA to jointly develop a proposal for rules to protect employees from workplace exposures to excessive heat and wildfire smoke. In response to EO 20-04, Oregon OSHA, in collaboration with the OHA, a rulemaking advisory committee, and stakeholders, developed these rules to protect employees from the potentially detrimental health effects from exposure to unhealthy and hazardous levels of wildfire smoke. Without these rules, employees likely face worsening air quality from wildfire emissions without adequate protections in place.

As adopted, the rules offer exemptions for certain conditions, including enclosed buildings and structures in which the air is filtered by a mechanical ventilation system, as well as vehicles with a cabin air filter system. Wildland firefighting, emergency operations and intermittent exposures (as defined in the rules) are partially exempt.

The adopted rules require employers to perform an exposure assessment; provide information to employers and management staff, create and maintain training and documentation; provide for employer two-way communication with employees; and implement methods of exposure control.

Status of Issue: Adopted May 10, 2022. Effective [July 1, 2022](#)

Decision points and milestones:

Rule Proposal filed: January 28, 2022

Comment Period ended: March 18, 2022

Rule Adopted: May 10, 2022

Rule Effective: July 1, 2022

Administrative Order 3-2022: Rules to Address Employee and Labor Housing Occupant Exposure to High Ambient Temperatures

Issue: Oregon OSHA adopted these permanent rules to prevent heat illness when employees are exposed to high ambient temperatures. Without specific rule requirements, Oregon OSHA recognized that both employers and workers may not clearly understand expectations of what must be done to prevent work-related heat illness. The deadly heat wave of June 2021, which contributed to multiple workplace hospitalizations and fatalities, underscored the need for such rules to protect workers against the serious risk of work-related heat illness.

The adopted rules apply to all workers in Oregon covered under the Oregon Safe Employment Act (OSEAct). On March 10, 2020, Governor Brown issued Executive Order 20-04 (EO 20-04) which directed certain state agencies to reduce greenhouse gas emissions and mitigate the impacts of climate change. EO 20-04 included a directive to the Oregon Health Authority (OHA) and Oregon OSHA to jointly develop a proposal for standards to protect employees from workplace exposures to excessive heat and wildfire smoke. In response to EO 20-04, Oregon OSHA, in collaboration with the OHA, a rulemaking advisory committee, and stakeholders, developed these rules to protect employees from the serious risk of work-related heat illness.

As adopted, OAR 437-004-1131 and OAR 437-002-0156 offer multiple exemptions for certain conditions. Workplaces and operations exempt from these rules include incidental heat exposures where an employee is not required to perform work activities for more than 15 minutes in any sixty-minute period; exposures to heat generated from the work process – such as occurs in bakeries; all emergency operations that are directly involved in the protection of life or property, or the restoration of essential services, such as evacuation, rescue, medical, structural firefighting, law enforcement, utilities, and communications; and lastly buildings and structures that have a mechanical ventilation system that keeps the heat index below 80 degrees Fahrenheit.

Other workplaces have partial exemptions, including employers whose employees perform either “rest” or “light” workloads (as defined in the rule); associated support activities for wildland firefighters such as fire camp services and fire management; and, employees who work from home are subject only to training and documentation requirements.

Overall, the adopted requirements of OAR 437-004-1131 and OAR 437-002-0156 address the following: access to shade; drinking water; high heat practices, including the development of heat illness prevention break schedules for certain temperature thresholds; emergency medical and actions plans; acclimatization plan; heat illness prevention plan; supervisor and employee training; and training documentation.

Additionally, this rulemaking amended OAR 437-004-1120 to address the issue of heat in employer-provided labor housing. Oregon OSHA recognizes the effect of heat in such housing, and that its impact is magnified on workers because of their limited ability to recover from hot outdoor working conditions. The new adopted provisions in OAR 437-004-1120 in section (25) require that when the heat index is at or above 80 degrees Fahrenheit outside the housing units, housing without suitable temperature control (able to keep indoor temperatures under 78 degrees Fahrenheit) must include common areas to provide some relief. Employers can provide indoor cooling rooms (using air conditioners, evaporative coolers, air purifiers with

coolers, or other reliable means) or shaded outdoor rest areas open to the breeze equipped with cooling devices. Other requirements include strategies to minimize heat in housing units, including window coverings and fans. In the proposal, thermometers are required in all housing units, and humidity gauges are encouraged. Lastly, the new provisions call for employers to ensure that the occupants in labor housing have information about heat illness, how to avoid it, and how to contact emergency medical care in the event of serious illness.

Status of Issue: Adopted May 9, 2022. Effective [June 15, 2022](#)

Decision points and milestones:

Rule Proposal filed: January 28, 2022

Comment Period ended: March 18, 2022

Rule Adopted: May 9, 2022

Rule Effective: June 15, 2022

Temporary Administrative Order 2-2022: Adjusted Temporary Rules Addressing the COVID-19 Workplace Requirements for Employer-Provided Labor Housing

Issue: Due to rapidly declining COVID-19 cases and hospitalizations, Oregon OSHA made substantive changes to OAR 437-004-1115: COVID-19 Workplace Requirements for Employer-Provided Labor Housing to remove provisions no longer appropriate to this stage of the pandemic. These changes are in response to Governor Brown’s announcement of updated health guidance on February 28, 2022 and direction from the Oregon Health Authority (OHA).

Major changes include the removal of several sections of the rule, including (3) Ventilation, (5) Physical distancing monitor, (7) Cleaning and sanitation, and (9) Non-employer-provided transportation for labor housing. In addition, the (2) Definitions section is greatly simplified.

Oregon OSHA no longer requires the Air Purification Method or the Capacity Reduction Method for calculating square footage for spaces where people sleep. However, if air purifiers were provided by the owner or operator as part of this provision, occupants must be allowed to continue to use the air purifier at no cost including the maintenance of the equipment. If occupants choose to use their own air purifier, they must be allowed to do so but they are responsible for the maintenance of it.

As was the case before these adjustments, the rule maintains language that an employee who chooses to wear a mask, face shield, or face covering, even when it is not required, must be allowed to do so.

These adjustments represent a significant removal of COVID-19 requirements, and are a major step forward towards the full repeal of the rule. As stated in the rule, Oregon OSHA will repeal the rule when it is no longer necessary to address the COVID-19 pandemic. Because it is not possible to assign a specific time for that decision, Oregon OSHA will consult with the Oregon OSHA Partnership Committee, the Oregon Health Authority, and other stakeholders as circumstances change to determine when all or parts of the rule can be appropriately repealed.

Status of Issue: Adopted April 13, 2022. Effective [April 13, 2022](#).

Decision points and milestones:

Rule Proposal filed: N/A - Temporary

Comment Period ended: N/A - Temporary

Rule Adopted: April 13, 2022

Rule Effective: April 13, 2022

Temporary Administrative Order 1-2022: Adjusted Temporary Rules Addressing the COVID-19 Public Health Emergency in All Workplaces

Issue: Due to rapidly declining COVID-19 cases and hospitalizations, Oregon OSHA made substantive changes to OAR 437-001-0744: Rule Addressing COVID-19 Workplace Risks (COVID-19 rule) to remove the indoor masking requirements and most of the other provisions no longer appropriate to this stage of the pandemic.

These changes are in response to Governor Brown’s announcement of updated health guidance on February 28, 2022 and direction from the Oregon Health Authority (OHA). As of 11:59 p.m. on March 11, 2022 the Oregon Health Authority rules requiring masks in indoor public places and schools (OAR [333-019-1025](#) and [333-019-1015](#)) were no longer in effect. Other state requirements, such as those identified by Oregon OSHA as exceptional risk settings and the emergency medical service providers appendix requirements, will remain in place for a period of time. Additionally, OHA’s rule for healthcare settings will also remain in effect.

While masking is no longer required, some provisions also remain in place for the time being for all workplaces; they are located in section (5). Employers in general workplaces, which are defined as all workplaces other than exceptional risk workplaces, no longer need to require masking, however they must allow workers to voluntarily use facial coverings and provide facial coverings at no cost to workers. Additionally, employers must facilitate COVID-19 testing for workers if such testing is conducted at the employer’s direction by ensuring the employer covers the costs associated with that testing, including employee time and travel.

Other provisions of the rule include the following, employers should:

- 1) Continue to optimize the use of ventilation systems to help reduce the risk of COVID-19 transmission;
- 2) Follow OHA, public health, or medical provider recommendations for isolation or quarantine of employees for COVID-19; and
- 3) Provide notice to workers who have had a potential work-related exposure to COVID-19 within 24 hours.

The requirements for exceptional risk workplaces, which are primarily where direct patient care is provided, under section (3) and section (4) of OAR 437-001-0744 generally remain in place. Indoor masking will still be required in exceptional risk workplaces, which include hospitals, doctor offices, dentist offices, urgent care, dialysis centers, and emergency medical providers. The contact tracing requirements under subsections (3)(l) and (4)(i) are no longer applicable to law enforcement personnel, personal care providers, and laboratories that work with human remains or human tissue from people known or suspected to be infected with COVID-19. Oregon OSHA will continue discussions with OHA and stakeholders about the application of the remaining requirements and continue to repeal them as they become no longer necessary.

Finally, all of the Industry-Specific requirements in Appendix A were removed from the rule with the exception of Emergency Medical Services: First Responders, Firefighters, Emergency Medical Services and Non-Emergency Medical Transport (formerly A-11); these requirements are updated to reflect masking changes in non-patient care settings.

These adjustments represent a significant removal of COVID-19 requirements, and are a major step forward towards the full repeal of the rule. As stated in the rule, Oregon OSHA will repeal the rule when it is no longer necessary to address the COVID-19 pandemic. Because it is not possible to assign a specific time for that decision, Oregon OSHA will consult with the Oregon OSHA Partnership Committee, the Oregon Health Authority, the two Infectious Disease Rulemaking Advisory Committees, and other stakeholders as circumstances change to determine when all or part of the rule can be appropriately repealed.

Status of Issue: Adopted March 18, 2022. Effective [March 18, 2022](#).

Decision points and milestones:

Rule Proposal filed: N/A - Temporary

Comment Period ended: N/A - Temporary

Rule Adopted: March 18, 2022

Rule Effective: March 18, 2022

II. New Developments/Activities/Notable Cases Activities:

Oregon OSHA News Releases:

- [Pendleton to host Blue Mountain event focused on helping organizations strengthen safety, health for workers](#)
- [Oregon OSHA offers free Spanish online training for addressing silica dust hazards in the workplace](#)

- [Oregon OSHA ofrece capacitación acerca de los peligros del polvo de sílice en el lugar de trabajo, el curso es ofrecido en español en línea](#)
- [Oregon OSHA fines Dollar Tree Stores \\$32,000 for repeated violations of workplace safety requirements](#)
- [Oregon employers, workers invited to take a 'Safety Break' May 11](#)
- [Oregon OSHA proposes rules to protect workers against extreme heat and wildfire smoke](#)
- [Oficina independiente del estado expande servicios para ayudar a trabajadores de Oregon con asuntos de salud y seguridad en el trabajo](#)
- [Independent state office expands services to help Oregon workers with workplace safety and health issues](#)
- [Oregon OSHA offers free online training for addressing silica dust hazards in the workplace](#)
- [Oregon OSHA fines Seaside contractor for violating job safety requirements](#)

Newsletters:

For the [February/March 2022 issue of the Health and Safety Resource newsletter](#), Oregon OSHA published nine stories that addressed a variety of on-the-job hazards and offered tools to improve safety programs. The stories were:

- Addressing the hazards of a poisonous gas: carbon monoxide
- How does Oregon OSHA determine penalties?
- New updates included in "It's the Law!" poster
- Don't forget: It's time to post your OSHA 300A Summary and submit your 300A data to federal OSHA
- Incident Alert! An employee was under a tow truck when it moved forward and he was caught under its rear wheels
- Going the Distance: Owens Corning Foam Insulation – Gresham
- Don't Miss: Sign up for virtual workshops and mark your calendar for upcoming safety conferences
- Did You Know? Oregon OSHA offers free online training to help employers protect their workers from the hazards of airborne crystalline silica dust
- Ask Oregon OSHA: Does Oregon OSHA have any requirements covering logging in snow?

Notable Case:

What happened? A 30-year-old volunteer firefighter died after he was critically injured while he was laying hose to fight a barn fire.

When did it happen? Feb. 3, 2022, at 4:20 a.m.

Where did it happen? St. Paul (a small community 22 miles north of Salem)

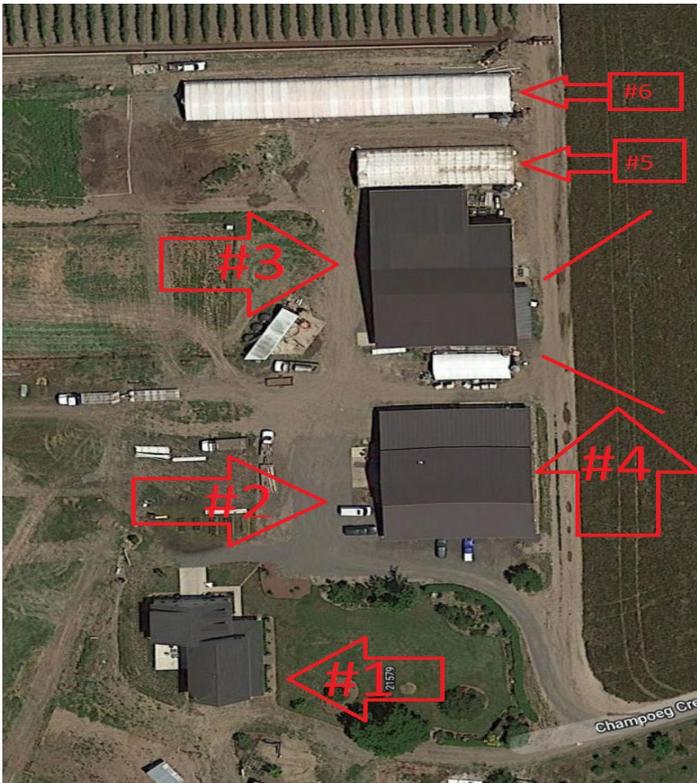
How did it happen? The victim and other firefighters were responding to a 911 call reporting a barn fire at a chicken and turkey farm. After arriving at the scene in two fire engines, St. Paul Fire District firefighters began setting up equipment to contain the fire.

The victim, driving a tank-equipped truck (water tender), arrived shortly after the two fire engines. When he arrived, the incident commander told him to position the water tender on the south side of the barn, which was still burning, and to lay out the hose.

The firefighters' plan was to keep the barn fire from spreading because two nearby structures – a green house and a refrigerated container (reefer) – held the farm's most valuable goods. Turkey chicks lived in the greenhouse and the reefer was filled with frozen product.

The victim laid out the hose to remove any kinks, positioned it to apply water to the south side of the barn, then started to walk back to the water tender when the reefer exploded. Although he was standing 15 to 20 feet away from the reefer, pieces of the container struck him in multiple parts of his body.

Paramedics were already on site and called for a Life Flight helicopter. The victim was flown to Oregon Health & Science University hospital and pronounced dead shortly after he was admitted. The cause of death was blunt-force trauma to the body and head.



- #1: Champoeg Farm residence
- #2: General storage/product processing area
- #3: Barn: The structure involved with the fire
- #4: The silver rectangle on the right side of the barn is the reefer trailer that exploded. The lines represented the general area of the blast.
- #5: Green house 1: Poultry live in green house
- #6: Green house 2: Poultry live in green house



Post explosion: Across from reefer trailer that exploded.

Findings: St. Paul Fire District firefighters follow specific Standard Operating Guidelines (SOG) for different types of responses. Dispatch reported the event as a barn fire and firefighters followed the SOG for a structural fire. The firefighters knew the container was refrigerated so they checked an emergency response guidebook that is present in all first responder vehicles for an appropriate response procedure; the guidebook included response procedures for the refrigerant (R134a) in cylinders and tanks, but it does not have a procedure for R134a used in reefers.

- Firefighters said the reefer did not show any signs that it might explode.
- One side of reefer was less than two feet away from the barn.

Investigators could not identify the root cause of the incident; however, there were two possible scenarios, either of which could have resulted in an explosion.

1. **Combustion:** The foam insulation in the reefer's wall next to the barn may have off gassed until an ignition source or the temperature in the container was sufficient to ignite the gas. (Oregon OSHA's lab

analyzed a sample of the foam insulation from the explosion debris and determined that compounds in the sample were flammable.) Firefighters also reported that the explosion produced a large orange glow, an indication that the blast was caused by combustion.

2. **Pressure:** R134a refrigerant may have leaked from its 15-pound tank inside the airtight reefer trailer, increasing the container's internal pressure to a point where its structural integrity was compromised, resulting in a pressure explosion. (R134a is not explosive under normal conditions; however, Oregon OSHA's lab concluded that if all the refrigerant in the 15-pound can leaked into the reefer, dramatic increases in pressure could be associated with an increase in temperature.)

Citations: None. When firefighters arrived at the site, the reefer did not show any signs that it would explode. The St. Paul Fire Protection District had an effective incident management system, firefighters followed the district's standard operating guidelines for structural fires, and all emergency vehicles had emergency response guides.

Hazard letter: Oregon OSHA issued a hazard letter to the St. Paul Fire Protection District, which recommended that the district develop a standard operating guideline for shipping containers and conduct robust community pre-fire planning to identify similar hazards that may exist in the community.

Consultation Update:

Oregon OSHA consultation program has been a primary contributor to Oregon OSHA's community engagement outreach effort as part of a broader initiative put forth by Gov. Kate Brown to provide state services to traditionally underserved and underrepresented communities in Oregon. This includes directly interfacing with employer groups representing communities with limited English proficiency, as well as joining conferences and events designed to assist underserved communities such as the annual Oregon Association of Minority Entrepreneurs Conference.

The consultation program predicts that these efforts will lead to greater worker protection in high-hazard industries by building relationships with employers that have been previously unaware of consultation services, or have been unwilling to directly interact with government entities. Preliminary feedback from our outreach activities has been positive and has already led the program to adjust how we communicate and market our services.

Oregon OSHA online training resources:

Employer Testimonials for Consultation

Oregon OSHA's Public Education team filmed and created five videos for a social media campaign showcasing two employers that participated in consultations that provided [testimonials](#) to help promote the cost, value, and services of consultation.

Everyday Ergonomics online course

Currently in development, this new course will focus on workstation ergonomics and will help to apply general principles of ergonomics, regardless of the size of organization. The course will explain the dangers of musculoskeletal disorders and the purpose of ergonomics.

LOTO Spanish course

This Spanish version of the online course was launched in April 2022. It provides the purpose and scope of the lockout/tagout standard, lockout and tagout procedures, training criteria, and periodic inspection criteria. The [course](#) explains how to develop a proper energy control program, how to perform an effective lockout/tagout, and how to test the equipment to ensure a zero-energy state. We also address the training processes and inspection requirements to reduce injuries from re-energized hazards that workers face.

Accident Investigation

This course is currently being re-evaluated, rewritten, and condensed into four modules rather than eight. This course will teach the fundamentals of conducting a workplace accident investigation from securing the scene, collecting facts, conducting interviews, developing the sequence of events, determining cause, making recommendations, and writing the accident report.

Safety Meetings and Committees

This course is currently being overhauled, re-evaluated, and an additional module added. This course will teach about the safety committee and meeting requirements for businesses, including the number of committee members, how often to meet, and functions to perform as a committee member or while attending a meeting.

Respiratory Protection

Currently in development, this video will serve a small niche of folks in the wine industry. It is a three-part series and will include how to don a respirator. It will be available on our YouTube channel.

Whistleblower Rights online course

This online [course](#) required revision due to a Jan. 1, 2022, rule change to the filing deadline with the Bureau of Labor and Industries. The course was completely revised and launched in April 2022. The filing deadline was extended to one year for reporting unlawful practices or exercising certain rights relating to safe and healthy workplaces. Previously, state law required those alleging retaliation or discrimination to file a complaint within 90 days of reporting unlawful practices. In addition, as part of updating, the complaint processing video was translated in Spanish. The Spanish version of the course has launched as well.

Social Media numbers & YouTube channel (English and Spanish combined)

Since its inception, the [Oregon OSHA YouTube channel](#) has amassed 2.5 million views; there are 317 videos available. In addition, videos posted on Facebook have a total of 313,000 video views and Vimeo currently has 143,000 video views.

PowerPoints for online courses

A PowerPoint presentation download is a newer feature for instructors that Public Education includes with all online courses. In 2022, we have added this tool in English for Silica Safety, Bloodborne Pathogens, Hazard Identification, Job Hazard Analysis, and [Whistleblower Rights](#). In Spanish, we have added this tool for Bloodborne Pathogens, Job Hazard Analysis, Lockout/Tagout, and Whistleblower Rights.

SCORM Access

To keep up with the demand from employers interested in accessing Oregon OSHA's education and training material for use in their LMS system, Public Education created a webpage and internal process where employers can gain access to the training material and be updated when changes to our courses are made. In order to gain access, they must register by reviewing and completing the SCORM File Access [registration form](#). Upon submission, the requester will receive an email containing a link to access the SCORM files.

COVID-19

1) Training Requirements online course

After launching in December 2020 to keep up with the demands of each rule update for example: removal of mask, physical distancing, etc., Public Education updated the [course](#) four times between July 2021 through April 2022.

III. Areas of Concern: None

IV. Information Sought from Other State Programs: None

V. Administrative Changes:

Renée Stapleton has been appointed as acting administrator of Oregon OSHA, effective May 1, 2022. Renée began her career at Oregon OSHA in 2006 as a safety compliance officer. Over the next 16 years Renée has promoted to safety enforcement manager, consultation manager, and most recently has filled the role as the statewide policy manager.

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