

Summary of Comments and Agency Decisions

Title: Stationary Compactors, Self-Contained Compactors, and Balers Preamble

Administrative Order Number: 7-2009

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Stationary Compactors, Self-Contained Compactors, and Balers Preamble

Oregon OSHA reviewed OAR 437-002-0256 Oregon Rules for *Refuse Collection And Compaction Equipment* and it became clear that the rule does not apply to balers, even though most of the rule requirements could be applicable. A review of ANSI Z245.5 1997 for balers and ANSI Z245.2 1997 for compactors shows that the equipment is similar enough that a rule could be written to include both balers and compactors. Compacting equipment and baling equipment has become more prevalent and manufacturers have consistently built in more safeguards such as guarding and interlock systems. They are prominently displaying safety labels in multiple languages. Nonetheless, someone will always act without thinking. This rule is written and adopted to provide training that anticipates and guards against human error.

An internal advisory group representing varying disciplines of Oregon OSHA convened to draft a rule using the current OAR 437-002-0265 for *Refuse Collection and Compaction Equipment* as the foundation. The proposed rule combines the current rule for compacting equipment with new rules for baling equipment into one rule for both pieces of equipment.

After the internal advisory group drafted the rule, Oregon OSHA formed an external advisory group. The external group represented employers from agriculture, retail sales, equipment vendors, grocery outlets, the Oregon Refuse and Recycling organization, other recycling organizations, and equipment manufacturers. The compaction and baling equipment users and manufacturers were well represented. A variety of interested parties made suggestions and raised concerns and issues during this rule writing process. Many of their suggestions were incorporated into the rule. This document provides explanation for the contents of the final draft.

House Bill 2702, from the 2007 regular Legislative Session, also influenced the creation of the newly proposed Stationary Compactors, Self-Contained Compactors and Balers rules. The legislature enacted HB 2702 to ensure that written documents produced by executive department agencies conform to plain language standards. Written documents conform to plain language standards when they use everyday words that convey meanings clearly and directly, use present tense and the active voice, use short and simple sentences, define only words that cannot be properly explained or qualified in the text, use type of a readable size, and use layout and spacing that separate the paragraphs and sections of the document from each other. Although Oregon OSHA would have set out to write the rules using such a style in any event, HB 2702 gives such a goal statutory weight.

Summary and Explanation of the Final Standard

Application:

This rule applies to all stationary compactors, self-contained compactors, and balers in general industry. It does not apply to similar equipment used in agricultural activities. A member of the internal advisory committee suggested, during the rule writing process, that the rule be included in Division 4 Agriculture. Oregon OSHA proposed a similar rule, OAR 437-004-2150, for Division 4 as a result of that suggestion.

Later, Oregon OSHA rejected the Division 4 proposal based on testimony at the public hearing and opinions from the Oregon OSHA technical section after visiting some local farms where balers are being used. They discovered that few, if any, stationary or self-contained compactors are being used in agriculture settings. The balers being used in agriculture are generally built by the farmer, or purchased and modified by the farmer, to suit their specific needs. The proposed rule as written would not be applicable. Oregon OSHA determined that the rules in Division 4, Subdivision O, apply.

At the public hearing held April 29th, 2009, Oregon OSHA received input for the Division 4 version of the rule; the public requested an extension of time and Oregon OSHA granted the request. Oregon OSHA decided not to adopt the proposed rule in Division 4 after the extension period. This document, however, contains comments pertinent to both Division 2 and Division 4 proposals.

OAR 437-002-0256

The external advisory committee met on 12/01/08. They suggested changing the title of the rule to read “Stationary Compactors, Self-Contained Compactors, and Balers.” The previous title did not clarify that there are stationary compactors and self-contained compactors. The distinction is that when stationary compactors are picked up and hauled away for dumping, ram parts and a motor are left behind. When self-contained compactors are picked up and hauled away for dumping, the entire piece of equipment is removed.

The external advisory committee raised several issues about the additional rules that apply to work around compactors and balers. Everyone agreed that there are sections of Division 2, Subdivision O, *Machine Guarding* that may be applicable. Everyone agreed that Subdivision 2/J, *Control of Hazardous Energy* and Subdivision 2/D, *Walking/Working Surfaces* have applicable sections. There was considerable discussion if sections of 2/J, *Permit Required Confined Spaces* may also be applicable. Some were concerned about labeling compactors or balers as confined spaces even though they qualify as such. A committee member pointed out there is already a requirement for labeling confined spaces. Most members of the committee stated that employees are instructed to never enter the equipment, thus, they believed that posting was not required. Confined spaces must be identified and posted. If employees do not enter, there is no exposure to the hazard, but employers must comply with the posting requirement. The committee decided to add the requirement to comply with confined space rules to the list of other applicable rules.

Operators and other employees

(1) You must:

- **Train and supervise equipment operators. Training must include information from the operation manual, when available, and these rules.**

The first draft stated that you must train and supervise “effected employees who operate or work near” the equipment. The committee reached a consensus that if the “effected employee” language remained in the rule and the “who work near” language remained, there needed to be a list of definitions for these terms. The committee was concerned about what distance might define “who work near” and *who* is considered an “effected employee.” Committee members agreed that the questionable language would be open to many interpretations. The committee

changed the language to include only the equipment operators. The representatives from the hop industry, representing the agricultural community, wanted that depth of language. The committee discussed the “operation manual.” A committee member pointed out that some equipment is so old that the manuals have long since been misplaced. The committee added, “when available” to accommodate that concern.

- **Document the names of the trainer and trainees along with the date of the training.**

No one objected to this language.

- **Provide supervision to ensure employees follow correct operating procedures.**

The original rule said that “adequate” supervision should be provided. The committee asked what defines “adequate.” The committee also suggested that the employer should provide current JSAs for baler operators and that they should be kept on file for a year. Members pointed out that no other Oregon OSHA rule requires employers to provide JSAs. The committee acknowledged that JSAs might be valuable, but they should not be required by rule. The committee also determined that if supervision is provided it is presumed that it needs to be adequate. The degree of adequacy may be determined by employers and may be questioned by inspectors. The committee removed the word “adequate” from the rule.

The committee asked who would have responsibility for leased equipment. A member pointed out that the employer, who has employees operating the leased equipment, must provide oversight and ensure that the equipment is safe to operate.

- **Instruct all employees how to identify and report exposure to hazards.**

No one objected to this language.

- **Prohibit wearing loose clothing, jewelry, or long loose hair that can become entangled in the equipment.**

No one objected to this language.

Installation, inspection, and maintenance

(2) You must:

- **Install the equipment according to the manufacturer's instructions.**

No one objected to this language. The committee pointed out that the equipment being used in agriculture does not necessarily have any manufacturer instructions. Much of that equipment is older and has gone through a number of modifications to fit the specific needs of the user.

- **Keep the equipment in safe working order.**

Originally, the committee suggested that the sentence should be preceded by the word "always." The committee decided that "always" is explicit in the statements.

- **Always follow lock out and tag out procedures when any work, service, or general maintenance is performed and power is not required.**

The beginning of the rule already states that the rules for lockout/tagout are applicable when providing service, maintenance, or repairs to the equipment. The committee felt that adding the same language here would be redundant. The committee agreed and removed this language.

- **Maintain the equipment according to manufacturer's recommendations when available.**

The committee asked if the manufacturer's recommendations are always available for vintage equipment. The committee added "when available" to this requirement.

- **Follow the manufacturer's recommendations for inspecting and testing. If there are no manufacturer's recommendations available, inspect and test annually.**

Again, the committee asked if the manufacturer's recommendations are always available. The committee suggested that absent any information from the manufacturer, an annual testing and inspecting should be required.

- **Keep a record of inspections for a minimum of two years.**

This was not considered a cumbersome requirement and everyone agreed to maintain records for this period of time.

- **Make sure that modifications do not diminish the original level of safety.**

No one objected to this language.

- **Add safety precautions, resulting from modifications, to the operation manual, when available, and to the training information.**

The committee added “safety precautions” to training materials required. In addition, the committee added “when available” as it relates to the operation manual for consistency. The committee noted that the balers used in agriculture would most likely not be accompanied by an operation manual.

- **Not allow the use of damaged, malfunctioning, or defective equipment.**

The committee had considerable discussion around this requirement. The committee felt that a daily inspection might ensure this requirement. The committee asked what would constitute an inspection. The committee suggested that perhaps the words “visually” inspect “daily” should be added. The committee also pointed out that in a lot of cases the employee would have to go outside on a loading dock to daily inspect and they would be exposed to even greater hazards with all of the vehicular movement. The committee asked if it would suffice to simply follow the manufacturer’s recommendations. The committee explored the value derived from daily inspections. The committee generally felt that the inspection would only reveal “equipment conditions” that would not pose an additional hazard to the employee’s operational requirements. The committee agreed that daily inspections would be valuable for maintaining the equipment, but would not add much to the safety of the employees. One member pointed out that if the equipment is damaged to the extent that it was going to malfunction, one would know immediately because it would not run. A member offered an example that if the interlocks were broken or bypassed in any manner, the equipment would not operate.

- **Require employees to report negative inspection findings to management or their supervisor.**

The committee agreed to move this requirement to the “Operators and Other Employees” section. The language reads, **“Instruct all employees how to identify and report exposure to hazards.”**

- **Have a qualified person inspect and test the equipment not less than annually. Keep written inspection records for two years.**

The testing and inspecting and record keeping requirements of this requirement are reflected elsewhere. The committee removed this requirement.

- **Use only authorized and qualified persons to maintain and repair the equipment.**

Employers asked how Oregon OSHA would define “authorized” and “qualified.” They pointed out that occasionally an employee throws something in the baler or compactor and operates the equipment without any authority. They wanted Oregon OSHA to be specific about what they meant by these two terms. They wanted to know who would authorize the employees. The committee determined that the language should read, **“Ensure only qualified employees trained and authorized by your management are allowed to maintain and repair the equipment. Qualified employees must demonstrate a proficiency in maintaining and repairing the equipment.”**

Guard moving parts

(3)You must:

- **Have guards that prevent body parts from getting caught by moving parts during the equipment’s cycle.**

The hop industry employers, representing agriculture, expressed concern that if this rule was adopted into Division 4, there might be a problem regarding hop balers. Oregon OSHA agreed to have further discussion with them prior to making any amendments to a Division 4 version of this rule.

- **Use sustained manual pressure controls when not using point of operation guarding.**

No one objected to this language.

- **Make certain the point of operation is visible to the operator when using sustained manual pressure controls.**

No one objected to this language.

- **Make sure the equipment won’t function with the gate or door open when supplied with interlocks.**

The committee pointed out that not all compactors and balers have interlocks, particularly some of the older equipment. The group agreed on different language. The requirement now reads, **“Make sure the equipment manufactured with interlocks will not function with the gate or door open.”**

No one objected to the language suggested in the two requirements above. The language mimics the ANSI standards. These rules are necessary especially when

dumping carts, according to members of the committee. They are often used when other types of guarding cannot be accomplished. If it is not possible to guard the point of operation, these rules would protect the employee because constant pressure would need to be applied in order to continue operation. The committee edited the language, but the essence remained the same.

Controls

(4) You must:

- **Clearly label the function of each control.**

This requirement is in the ANSI codes and no one objected to this language.

- **Make sure controls are not subject to unintentional activation.**

No one objected to this language.

- **Have stop controls that are red, a different size than other controls, and not recessed.**

No one objected to this language.

- **Keep emergency stop controls readily accessible to the operator, or within 3 feet of the operating feed area or chute opening, at equipment location.**

The committee requested that an exception be added to this requirement. The exception states that this does not apply to multi-storied buildings where refuse is deposited into a chute from any floor above where the compactor is located. The committee agreed. With all of the new apartment complexes being built, there are often times built-in refuse chutes that can be accessed on each floor. The committee suggested writing the rule that would not require any exception to be spelled out.

- **Provide a way to stop the complete operation of the baler or compactor at any point in the cycle.**

No one objected to this language.

- **Require horizontal balers, equipped with an automatic start, to have a minimum 5-second audible and visual warning when the startup control is activated. Before the main motor starts, there must be visual warning lasting for not less than 10 additional seconds.**

- No alarm or delay is required when the horizontal baler is restarting from sleep mode.

Members of the committee explained that this requirement should only apply to horizontal balers equipped with an automatic start because it could not apply to equipment not equipped in that manner. The committee agreed to add “equipped with an automatic start” to the language.

Access points for Maintenance or Repairs

(5) You must:

- Make sure access covers
 - Have functional locks or locks that require hand tools for removal.
- Have warning signs on compactors that read:
 - Restricted Area, Authorized Employees Only
 - Warning – Stand Clear When Tailgate or Container is in Motion and During Loading and Unloading
 - Warning – This Compactor Starts Automatically
 - Warning – Gate Must Be Closed Before Operating This Compactor
- Have warning signs on balers that read:
 - CAUTION – Stand Clear When Bale is Ejected
 - WARNING – This Baler Starts Automatically
 - DANGER – High Voltage
 - DANGER – Disconnect and Lock Out Power Before Opening This Panel
- Replace missing or defaced signs.

The committee discussed the multiple signing required by ANSI and agreed to reference the appropriate ANSI standards so employers could review what signage is required. The most pertinent signs are listed above and manufacturers generally send the equipment already signed.

- **Additional signage requirements are in ANSI Z245.2 – 1997 7.10 compactors and ANSI Z245.5 – 1997 5.1.6. balers.**

The committee added this language to provide the necessary resources for reference.

Note: Access covers are those used for maintenance or repairs and not for normal operation.

The committee suggested adding this language to differentiate between maintenance access covers and those covers that are opened during normal operation. The committee decided not to differentiate because they are sometimes the same cover.

Immediate Work Area

(6) You must:

- **Not allow clutter, waste material, or obstructions near the equipment.**

Some of the committee felt that the housekeeping rules in other areas apply, making this requirement redundant. The committee also felt that the word “obstructions” should be removed because most of this equipment is located on docks where loading and unloading operations are taking place, and pallets may be stored in the area, awaiting removal, for short periods of time. According to the committee, it is almost impossible to avoid temporary obstructions. In addition, the committee asked about the definition of “near the equipment.” The committee changed the language to read, **“Not allow clutter or waste material that causes a safety hazard or obstructs safe operation to accumulate around the operator station.”**

- **Include warning signs at all loading points and the point of operation on automatic cycling equipment indicating that the baler or compactor starts automatically.**

This is basically a reiteration of ANSI sign requirements and no one objected.

- **Provide slip resistant surfaces for workstations attached or adjacent to or above baling or compacting equipment.**

This requirement generated a lot of discussion. Employers indicated this would be impossible to maintain because the equipment is located in areas with a lot of pallet jack and forklift traffic. This equipment would quickly ruin any slip resistant properties of flooring. The equipment is guarded against anyone falling into it and the housekeeping rule should prevent slips and falls in general. The committee agreed to remove this language.

During this meeting, Oregon OSHA asked the committee if there would be a fiscal impact as a result of amending this rule to include balers. The attending industry representatives resoundingly indicated that they should already be in compliance and there should be no additional costs associated with adding balers. There may be some small fiscal impact for those employers who choose to retrain on the rule.

The impact would be contingent upon the number of employees and the amount of time required to train.

Public hearing was held on April 29th, 2009 at 1:30 p.m. and no comments were recorded addressing this rule and its application in Division 2, General Industry. All of the public's comments addressed the application in Division 4, OAR 437-004-2150. As mentioned earlier, the public requested a 45 day extension, and Oregon OSHA granted it for the Division 4 application of the proposed rule. After the time extension expired, Oregon OSHA decided to withdraw the proposed Division 4 rule for Stationary Compactors, Self-Contained Compactors, and Balers.