



Department of Consumer  
and Business Services

---

Oregon's Consultation Policies and  
Procedures Manual (CPPM)  
Addendums For 21(D) and 23(G) Grant  
Activities

August 26, 2021

---

## Abstract

- Subject** Oregon's Consultation Policies and Procedures Manual (CPPM)  
Addendums for 21d and 23g grant activities
- Purpose:** This instruction outlines the policy framework for administering the OSHA Consultation Program and revises and clarifies processes and procedures for administering and monitoring Consultation Projects based on the revised Federal changes to the CPPM dated 03/19/2021.
- Scope:** Oregon OSHA-wide.
- References:** Oregon OSHA [Consultative Reference Guide](#):  
[CPPM Federal Directive CSP 02-00-004](#)  
[29 CFR 1908 - CONSULTATION AGREEMENTS](#)  
Authority: Secs. 7(c), 8, 21(d), Occupational Safety and Health Act of 1970 (29 U.S.C. 656, 657, 670) and Secretary of Labor's Order No. 6-96 (62 FR 111, January 2, 1997). Source: 49 FR 25094, June 19, 1984, unless otherwise noted.
- Effective Date:** September 19, 2021

---

## Executive Summary

This Addendum cancels and replaces 21(d) Consultation Policies and Procedures Manual May 9, 2016, and its supplemental notices. It outlines the overall policy framework for administering and managing the 21 (d) and 23(g) grant activities for the Oregon OSHA Consultation Program, updates and clarifies the criteria and requirements for participation in the Safety and Health Achievement Recognition Program (SHARP) and the requirements of the monitoring and evaluation system.

The Oregon OSHA Consultation section entered the 21(d) consultative program in early 1977, and actively continues 44 years later with four 21(d) consultants and 30 state funded consultants for a total of 34 consultants overall. All state funded consultants can potentially conduct public entity consultations under the 23(g) grant. The consultative program is managed from the Central Office located at 350 Winter Street, NE Salem OR 97310. Roy Kroker is the Consultation and Public Education Manager with three subordinate field managers covering the north, south, and central areas of the state. Mr. Kroker can be reached at (503)378-3272.

Oregon OSHA has safety consultants and industrial hygiene consultants that are required to follow not only these addendums to the CPPM when doing 21(d) and 23(g) activities, but Oregon OSHAs most current [Consultative Reference Guide](#).

---

## Comparison to Federal Directive: CSP 02-00-004

Oregon OSHA has adopted Federal Directive CSP 02-00-004, Consultation Policies and Procedures Manual, Effective Date 03/19/2021 with the following addendums:

### Throughout the document:

Any and all references to Assistant Secretary or Regional Administrator for approvals or notification for items under OSHA jurisdiction: be changed to Oregon OSHA Administrator or designee where the Jurisdiction falls under Oregon OSHA.

Any and all references to OIS the federal data system: be changed to ORCA. Oregon OSHA maintains its own data system called the Oregon Consultation Application or ORCA. Data from our system will be transferred into OIS. Oregon does not use the OIS for data entry proposes.

## Chapter 1: pg 1-20

### V. State Plan Impact.

#### A. Federal Program Change - Notice of Intent and Equivalency Required.1 -5

Oregon OSHA has State-Funded vs Federal-Funded Consultants as outlined in the Consultation Reference Guide:

#### State-Funded Consultants

The majority of consultants in Oregon OSHA are 100 percent funded by the state of Oregon. This guide provides state-funded consultants with the information necessary to conduct and administer consultations.

Federal-Funded Consultants 21(d).

Oregon OSHA has four consultation positions funded through a federal 21(d) grant. These consultants must follow the Consultation Reference Guide, and the procedures presented in these addendums. (See Note below)

Public Entities Covered under 23(g).

Any of our state funded consultants can potentially conduct Public Entity consultations. These consultations are considered to be covered under the 23(g) grant. These consultants must follow the Consultation Reference Guide, and the procedures presented in these addendums. (See Note below)

**Note:** Prior to January 2021 Oregon OSHA considered all public entity consultation activates to be preformed under 100 % state funding and state guidelines. In late 2020 OSHA Region X office notified Oregon OSHA that they felt that public entity activates were required under the 23(g) grant. Oregon OSHA started rule making process and data base changes in early 2021. Due to COVID and other emergency rule making Oregon OSHA hopes to restart the rule making process in early 2022. Until the completion of the rule making process Oregon OSHA does not have the authority to require public entities to correct serious hazards identified

during our consultation activates, we will however continue to advise public entities of their obligation to correct all serious hazards we identify, and we will track them in our data system.

### **C. Enforcement Policies 1-5**

Oregon OSHA consultation asks the employer if they are under enforcement and simply backs out if there is Enforcement activity.

### **VIII – Definitions:**

#### **MM Protection Plan of Action:**

Oregon OSHA will continue to either grant or deny extensions for consultations that need one.

A plan of action is now referenced for extensions that may take longer than 90 calendar days to implement.

#### **OO Scope of Consultation Visits:**

Oregon OSHA maintains Industrial Hygiene or Health consultants and Safety Specialist consultants separately. We do not currently have staff that would conduct both disciplines' at this same time. (OO (1)(c) Full-service both: and OO(2)(c) Limited-service both: would not pertain in Oregon)

**RR. Small Business**, for Oregon is defined as an employers having 250 or fewer employees in the state of Oregon. Nation or corporation-wide employees are not counted as we are a state plan and only have jurisdiction with in the state.

**SS. Standard Element Paragraph (STEP)**, is not used in ORCA we have our own version of language used for description of hazards.

## **Chapter 2: Cooperative Programs pg 21-23**

### **IV. OSHA Strategic Partnership Program (OSPP)**

Oregon OSHA will not be having partnerships at this time. Please see the Consultation Reference Guide's language is now strike through.

### **VI. OSHA Challenge**

Oregon OSHA's Challenge program is outlined in Appendix N or the Consultation Reference Guide. Oregon OSHA is not using other employers for the challenge program instead we are having our staff work with the employer directly.

## Chapter 3: Promoting and Managing Consultation Services pg 24-39

### **II. Communication Program Information and Employer Obligations and Rights.**

#### **F. Participation in a Recognition and Achievement Program.**

Oregon OSHA's program does not have Pre-SHARP employers and do not have a deferral based on any employer working towards SHARP. Oregon OSHA only provides a Deferral from Program Inspection Schedule for a period of 30 to 60 days upon initial approval for SHARP and one year for subsequent renewal periods. Upon SHARP graduation, participants receive a 3 year deferral upon successfully completing 5 years in Oregon OSHA's SHARP Program. This 3 year deferral is in line with Oregon OSHA's inspection scheduling criteria.

#### **G. Employee Participation**

Oregon OSHA does employee interviews, but employers may not have employees to talk to at the time of the consultation. It would be noted in the report.

#### **H. Imminent Danger Situations**

**Oregon OSHA addresses Imminent Danger in the Consultation Reference Guide as the following:**

If you observe an imminent danger situation at a location where consultation has not been invited, you need to do what you can to persuade the employer to correct it immediately. If you do not have an open consultation and you simply observe a condition, you can either stop and ask them to correct it (just as any safety and health professional might) or refer it to enforcement for immediate action. Notify the local field consultation manager. If a consultation manager is not available, notify the local field enforcement manager. Once back in the office, you may need to make a referral and submit it to the local enforcement office.

If an imminent danger situation is observed at a location where the employer has requested our services, advise the employer of the hazard and the need to take immediate action to eliminate employee exposure. If the employer fails to take the necessary action, notify the local field consultation manager. The field manager will inform the manager of consultation and outreach who will notify the company of their obligation to correct the problem. Please do NOT refer the situation to enforcement, but contact your field consultation manager and the State-wide Consultation manager of the situation.

#### **I. Serious Hazard Correction:**

Oregon OSHA requires employers who agree to a 21(d) consultation to correct all serious hazard identified during the consultation visit. Only the 21(d) designated staff in Oregon follows this guide line. Please refer to t

#### **K. Posting the List of Hazards (Serious):**

Currently only employers who agree to a 21d consultation or are a Public Entity employer are required to post the list of hazards.

## **L. Employers' Rights**

### **2. Request a Review of the Hazard Correction Schedule and Written Report Findings.**

Oregon OSHA states that the employer has the right within 30 days of the receipt of the Written Report to initiate the Hazard Resolution Process.

## **III. Prioritizing and Scheduling Consultation Services A-G**

Oregon OSHA uses a prioritizing method in the Consultation Reference Guide. The priority system establishes a numerical value for each intake based on six criteria: type of industry, hazard classification, company size, previous consultation services, local emphases/outreach, and marketing efforts. The values are then added together providing a total priority score (see Priority Scoring Details tab in ORCA). The total score is then compared to the consultation intake prioritization table.

## **IV. Managing Consultation Requests**

### **A. Requests for Consultation Visits.**

#### **5. Construction Worksites**

All construction contractors in Oregon are treated the same. The general contractors are receiving all hazardous items for all the subcontractors and their employees in their report. The subcontractors are getting just their own items in their report.

### **G. Conducting Multiple Initial On-site Consultation Visits in a Single 12-Month Period:**

Oregon OSHA has a priority system that helps govern repeat employers and give those seeking multiple visits to the same location a lower priority.

#### **G. 1. Regional Administrator or State Designee Considerations**

Oregon OSHA does not have a two visit maximum, but uses a priority system to help insure proper use of staff resources.

#### **G. 2. Program Requirements Upon RA or State Designee Approval**

Oregon OSHA does not use the OIS system and does not build a case file in the same way. Please See ORCA database for the structure and content of case files.

## **I. Trade Secrets and Classified Information**

Oregon OSHA will follow our state guidance in the FIRM and Oregon Policies on trade secrets and classified information.

## **Chapter 4: Consultation Visit-Related Requirements pg 40-59**

### **II The Safety and Health Program Assessment Worksheet (OSHA Form 33).**

#### **C. Form 33 Training:**

Oregon OSHA conducts in-house formal training for staff, prior to them conducting an evaluation and completing the worksheet (form 33). The field manager and program manager have completed the 1500 course. Region approval is requested for all Oregon 21(d) staff.

## **H. Documenting Safety and Health Program Assessment in OIS.**

Oregon OSHA will do data entry into ORCA and does not utilize the “Evaluation of Safety and Health Program” section of the written report. We address the full Safety and Health Program Assessment worksheet with the employer on all SHARP evaluations. We address the elements that were focused on in the written report for all other consultations.

## **III. Required Structure of a Consultation Visit.**

### **B. Opening conference.**

**3. Employee Participation:** This is addressed in the opening closing check list.

### **D Closing Conference:.**

**3. Recommendation of Interim Protection:** Oregon has established guidance on when interim protections is required. Please see the Oregon OSHA [Consultative Reference Guide](#). Interim protection is defined as imminent danger, when serious issues that could result in hospitalization, or serious issues where (3 or more) employees could be injured. Documentation of interim protection is required in the data system, when there is a request for and extension to correct serious hazards.

### **E. Transmitting the list of Hazards:**

Reports are emailed primarily to employers with in 10 days instead of 20 days. A standard paragraph in the consultation report informs the employer of this requirement as well as the opening/closing check list. If requested, the list of hazards would be provided to any onsite employee or union representatives.

## **IV. Post Consultation Visit Hazard Correction and Verification.**

### **C. Hazard Correction Details in OIS**

Oregon OSHA uses ORCA and the data transfer into OIS note if there was extensions to hazards and correction due dates for the MARC reports.

# **Chapter 5: Training and Education Consultation Visits pg 61-65**

## **III. Training Documentation**

**C. Training Log:** Oregon OSHA does not maintain a separate training log instead the data is maintained in the state data system (ORCA).

## **IV. Trainers Qualifications:**

The Oregon OSHA Program manager determines qualification of consultant staff.

**C. Trainer’s Qualifications Waivers:** Oregon OSHAs 21d staff may conduct formal training, there qualifications to conduct the specific training is determined by the field supervisor.



## Chapter 6: Documenting Consultation Services pg 66-70

### C. Oregon OSHA's Required Elements of the Written Report:

Required Elements of the Written Report: I. C.	Oregon OSHA Written reports or files that cover the required information as indicated below:
1. Executive Summary.	Found in the report and state data system.
a. A summary of the employers request;	Found in the report and state data system.
b. The scope of the services provided;	This is opening/closing checklist, in the report and state data system.
c. The name of the consultant(s) conducting the visit;	This is opening/closing checklist, in the report and state data system.
d. Items of importance covered in the opening conference;	This is found in the opening/closing checklist.
e. A description of the workplace and the working conditions;	This is found in the report.
f. A comparison of the site's DART and TRC rates to the national industry average;	Found in the report and state data system.
g. Items of importance covered in the closing conference.	Found in the report and opening/closing checklist.
2. Employer's Obligations and Rights.	This is found in the opening/closing checklist.
3. Hazards Identified.	Hazards are listed in the report as well as recommendations for corrections. The method used to correct a hazard on the spot has not been documented. Staff indicated it was corrected and adequate.
STEPS	Oregon OSHA does not use STEP language, each condition is explained.
4. Evaluation of Safety and Health Management System.	Oregon OSHA addresses safety and health management system assessment in the body of the report. We do not use the assessment form to do this.
5. Training Provided.	This is something that is built into our reports formatting.
6. Sampling Data.	Oregon has developed specific reports used when sampling is conducted.
7. Other Findings.	This is found in the report.
8. Safety and Health Program Assessment Worksheet (Worksheet).	Oregon OSHA only includes the Worksheet if it is a SHARP employer. Otherwise it is addressed in the report and has a tab in the ORCA system.
D. Cover Letter.	Oregon OSHA has not used a cover letter for many years. Approximately 98% of our reports are sent be email.
II. List of Hazards.	Oregon OSHA has developed a hazard table meeting this requirement and provides a method to report what corrective action was taken, when and by whom, back to us. Our hazard table is sent electronically. The header identifies that it is from Oregon OSHA but is not our typical letterhead.
III. Case File.	Oregon OSHA is keeping electronic case files. All documentation associated with a specific consultation will be available electronically in the documents tab for the data system.

## Chapter 7: Relationship to Enforcement pg 71-81

### **I. General**

#### **B. Consultation Visit in Progress:**

Oregon OSHA considers an on-site consultation to be “in progress” seven days prior to the opening meeting through 60 days after the report is issued for fixed sites, 30 days for mobile job sites and agriculture labor housing sites.

#### **C. Enforcement Inspection In-Progress 1-3:**

Oregon OSHA’s program views an Enforcement visit in progress anytime enforcement is on site, regardless of discipline. If an employer is under enforcement for any reason the on-site consultation visit is suspended. The consultation activities may resume after all enforcement activities are completed, or if agreed upon with enforcement management.

### **III. Requirements of Visit-in-progress Status:**

Oregon program considers a visit-in-progress to be 7 days prior to the scheduled opening date, to the end of the 30/60 day deferral period. The deferral only applies to program scheduled inspections.

**Note:** Policy has been established within Oregon OSHA that the deferral period starts once the request is made (managers discretion for repeat clients) and extends to the 30/60 day deferral time frame.

### **B Correct Identified Hazards**

Oregon OSHA uses the hazard table generated with the consultative report. This is used by the employer to document what corrections they implemented and then they send the hazard table back to us.

### **VI. Pre-SHARP Deferrals**

Oregon OSHA does not grant a pre-SHARP enforcement deferral. Oregon SHARP employers are given an enforcement deferral after one year of successful participation in SHARP. Subsequent deferrals are granted in one year increments upon successful SHARP renewal.

### **VI. Enforcement Inspections At SHARP Establishments A- D A. Programmed Inspections**

Oregon OSHA consultation gives a one year deferral upon 2nd 3rd and 4th year approval and one final 3 year deferral upon graduation.

## Chapter 8: pg 82-102

**Safety and Health Achievement Recognition Program (SHARP) Pre-SHARP, and SHARP Pilots:** Oregon OSHA maintains a separate SHARP program. See the Oregon OSHA [Consultative Reference Guide](#) appendix M SHARP Program Details which is reviewed separately by Region X.

### Appendix A – O

See the Oregon OSHA [Consultative Reference Guide](#)

---

## Table of Contents to the Federal CPPM

Chapter 1 Introduction .....	1
Chapter 2 OSHA Cooperative Programs .....	21
Chapter 3 Promoting and Managing Consultation Services .....	24
Chapter 4 Consultation Visit-Related Requirements .....	40
Chapter 5 Training and Education Consultation Visits.....	61
Chapter 6 Documenting Consultation Services .....	66
Chapter 7 Relationship to Enforcement.....	71
Chapter 8 OSHA Safety and Health Achievement Recognition Program (SHARP), Pre-SHARP, and SHARP Pilots .....	82
Chapter 9 Monitoring of On-Site Consultation Programs.....	103
Appendix A Sample Letter to Employers Receiving Low Priority.....	118
Appendix B Sample List of Hazards .....	119
Appendix C Annual Rate Calculation Method.....	120
Appendix D Alternative Rate Calculation Methods .....	122
Appendix E Interim-Year SHARP Site Self-Evaluation Template .....	125
Appendix F Occupational Safety and Health Program Action Plan Template.....	127
Appendix G Mandated Activities Report for Consultation (MARC) .....	130
Appendix H Consultation Visit Case File Organization .....	131
Appendix I Checklist for On-Site Review of Consultation Programs.....	136
Appendix J Safety and Health Program Assessment Worksheet (OSHA Form 33) .....	140
Appendix K Consultant Function-Competency Statements and Consultant Qualifications .....	145
Appendix L Reserved - Process Safety Management .....	152
Appendix M Incident Investigation Reporting Template (SHARP and Pre-SHARP Establishments) .....	153
Appendix N Employers' Incentive Programs.....	157
Appendix O Guidance for Clarifying the Status of Enforcement Inspections at Establishments.....	158