

# OREGON HEALTH AND SAFETY RESOURCE

March, April, May (2000)

## *Oregon OSHA Recognizes Safe Worksites*

### *Portland Airport MAX project - Oregon's newest VPP site*

Oregon OSHA Administrator Peter DeLuca awarded VPP (Voluntary Protection Program) status to Bechtel Construction's Portland Airport MAX project in December 1999. Of the five Oregon workplaces recognized as VPP sites, Bechtel is the first construction company. Nationally, 12 of 581 VPP companies are construction sites.

The worksite celebrated its recognition as a VPP MERIT site with a catered lunch provided by the project team and funding partners: Tri-Met, Port of Portland, City of Portland/Portland Development Commission, and Bechtel Enterprises/Trammel Crow.

At the presentation ceremony and lunch for more than 250, James R. Haynes, project manager, and Walker Kimball, construction manager, thanked the engineering and construction professionals who con-

tributed to the extraordinary success of the Airport MAX Project during the first year of construction.

Kimball, and Jerry Palm, safety director, praised Oregon's craftspeople as some of the best they've worked with. They said that even if the site had not successfully obtained VPP status, the experience was a win/win situation because their safety program was improved, and the process built a motivated management/labor team. Kimball invited other construction companies to visit the airport construction site.

"We learn from everyone who comes on site," Kimball said.

Bechtel is a global engineering, construction, development, and management company employing 40,000 worldwide. The

See "VPP in Oregon," page 12



*Walker Kimball and Peter DeLuca visit the construction site.*

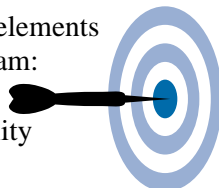
## Is your safety and health program hitting the mark?

Click on the target in the upper-righthand corner of Oregon OSHA's home page ([www.orsosha.org](http://www.orsosha.org)) to link to a newly developed self-assessment tool designed to provide a confidential way for employers and employees to evaluate their safety and health programs.

### **How it works**

The tool identifies the seven essential elements to a successful safety and health program:

- Management commitment
- Labor and management accountability
- Employee involvement



See "New Web Tool," page 2

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- Hazard identification and control
- Incident/accident investigation
- Education and training
- Periodic program review

The tool asks users to rate various program elements as “fully met,” “mostly met,” “partially met,” or “not present” and scores users for each answer. Users may enter explanatory notes for each rating.

When users complete the self-assessment they will have a numerical rating of their program. You can contact Oregon OSHA directly to ask questions or arrange a consultation.

**Example from Element 1 - Management commitment:**

**A great tool for safety committees**

This self-assessment tool is a convenient way to help your safety committee fulfill the requirements of OAR 437-001-0765(6)(d)(A) – to assist in the evaluation of and make recommendations for improvement of your accident-and-illness-prevention program.

**You can advance and improve occupational safety and health in Oregon.**

One of Oregon OSHA’s objectives in its five-year strategic plan is to increase the number of Oregon employers with effective safety and health programs. We hope many employers will use this tool and **confidentially** report initial and subsequent ratings to Oregon OSHA Consultative Services. We need your data! ■

## JEP - A partnership

Oregon OSHA and the construction industry formed a partnership in June 1998. The Joint Emphasis Program (JEP) was created to reduce construction injuries and fatalities. It is a cooperative effort between management, labor, and government to design and implement focused joint-training sessions.

The goals of JEP are to focus on hazards or confusing issues, design a curriculum, provide training to safety personnel, foremen, supervisors, and Oregon OSHA staff, and to communicate the problems and solutions to the industry and public through outreach efforts. Classes are designed and taught jointly by industry and Oregon OSHA representatives.

Upon its inception, Peter De Luca, administrator of Oregon OSHA said, “I am encouraged by the support of the industry and confident that cooperation between a regulator and an industry can be successful.”

De Luca’s confidence was well-founded. JEP’s first class on ladder use and safety was presented in July 1998. Additional well-attended classes were presented throughout that year. In 1999, JEP selected the recently revised respirator code as its next subject.

JEP is in the process of selecting a new class subject. Are you interested in participating? Do you have questions? Call Penny Wolf-McCormick, Oregon OSHA, (503) 229-5910. ■

# Administrator's Message



Peter De Luca

very clear, so the court's ruling that OR-OSHA has authority to conduct private interviews comes as no great surprise.

The Oregon Occupational Safety and Health Act (OSEAct) has long provided that OR-OSHA could question witnesses in private. This is nothing new. It has been part of the statute for decades. The court's recent decision is nothing more than a recognition of this fact.

OR-OSHA has for years conducted interviews in private when circumstances indicate a necessity. However, many interviews are not private interviews. Employer and employee representatives sometimes attend interviews.

This court case changes nothing. OR-OSHA has no intention of turning each interview into a secret interrogation. In appropriate cases, employers will be allowed to be present during interviews if an employee requests the employer's presence and if their presence will not jeopardize the gathering of accurate information.

However, if a compliance officer believes a higher level of candor will be achieved by conducting the interview in private, that is provided for by law and that is what we will do.

Preventing accidents, injuries, and illnesses is the primary goal of OR-OSHA. We must not lose track of this. Our goal is not to issue citations, to stomp on the rights of employers, or to make anyone look bad. Our goal is to eliminate hazards from workplaces and to reduce accidents, injuries, and illnesses.

Oregon OSHA began the new millennium with a decision by the Court of Appeals that affirms state law relating to accident investigations. On January 19, 2000, the Oregon Court of Appeals ruled that the statute that authorizes OR-OSHA "to question privately the owner, employer, agents or employees," (emphasis added) means exactly what it says. The statute is

We pursue this goal by many means. We provide training and consultations so that employers can become self-sufficient in eliminating workplace hazards. We conduct inspections and accident investigations to discover and eliminate workplace hazards.

A part of the inspection and investigation activity involves interviews with employers and employees. In an effort to get as much out of these interviews as possible, the interviews are usually conducted in private. The purpose is always to identify and eliminate workplace hazards to keep workers safe.

For the past several years, we have done all in our power to be a positive and helpful organization. I have said on numerous occasions that, to the extent possible, each contact an employer or employee has with us should be positive. When we conduct inspections or accident investigations, the people in the place of employment we visit should learn something of value from that process.

This court decision will help government, business, and labor by refocusing the debate to legitimate issues of safety and health. But it will not make OR-OSHA heavy-handed and it will not change the way OR-OSHA does business. ■

## RESOURCE



The *Oregon Health and Safety Resource* is published quarterly by the Oregon Occupational Safety and Health Division, Department of Consumer & Business Services.

Information requests should be directed to:  
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*Reprinting, excerpting  
or plagiarizing any  
part of this publication  
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send us a copy of  
your publication.*

# AWPPW Awards

An awards presentation capped the successful Oregon Pulp & Paper Workers Safety & Health Conference held in Eugene in December. More than 400 pulp and paper workers attended the ninth annual conference.

Willard Foster, Ft. James, Halsey, received the Jack Kirkpatrick Award for outstanding contributions to safety and health in the pulp and paper industry.

Georgia-Pacific, Toledo, received the Pacific Northwest Pulp & Paper Industry Safety Committee Award for continuous commitment to excellence and for making significant accomplishments having a positive impact on the safety and health of workers in their organization.

Weyerhaeuser Paper Company, Longview, received the Pacific Northwest Pulp & Paper Employer Award in appreciation for going the extra step to ensure a safe and healthful work environment for all employees.

Robin Bauer, Georgia-Pacific, Toledo, Oregon; Jim Norris, Gary Love, and Jayne DeWitt, Georgia-Pacific, Bellingham, Washington; Dave Armstrong, Louisiana-Pacific Corporation, Samo, California, received the Safety Representative Award for continued involvement in the field of occupational safety and health in the pulp and paper industry.

Don Reese received special recognition from the safety councils of AWPPW for his outstanding commitment and support to improve occupational safety and health in the pulp and paper industry.

Gary McDonough and Wendall (Don) Frost received special recognition from OR-OSHA for their work in building a partnership between OR-OSHA and AWPPW and their tremendous contributions to occupational safety and health in the pulp and paper industry. ■

## Conference schedule

6th Annual VPPPA Region X Conference	May 10-12, 2000 SeaTac DoubleTree Hotel Seattle, Washington
Understanding Ergonomics: Now & in the Future	June 20, 2000 Monarch Hotel & Convention Center Clackamas
Central Oregon Occupational Safety & Health Conference	September 6-8, 2000 Eagle Crest Resort Redmond
10th Annual Southern Oregon Occupational Safety & Health Conference	October 11-13, 2000 Smullin Center Medford
10th Annual Pulp & Paper Workers Safety & Health Conference	December 5-8, 2000 DoubleTree - Jantzen Beach Portland
2001 Oregon Governor's Occupational Safety & Health Conference	March 5-8, 2001 Oregon Convention Center Portland

**For further information regarding conferences, call:**  
**(503) 378-3272 (V/TTY) or (888) 292-5247, option 1.**  
**Send e-mail to:**  
**Oregon.Conferences@state.or.us**

# 2000 Cascade Safety, Health & Environmental Conference

(formerly the Worker & Supervisor Safety & Health Conference)

June 5-7, 2000  
Hilton Eugene & Conference Center  
Eugene, Oregon



The 2000 Cascade Safety, Health, and Environmental Conference addresses training required by Oregon OSHA and provides tools and information to help you manage your safety and health programs and reduce your company's operating costs.

"The program provides excellent educational and professional-development presentations and networking opportunities in the fields of safety, health, and environmental management," said Laveryne Gray, OR-OSHA conference coordinator. "With the diversity of topics, workshops, and vendors and our focus on quality program content and speakers, we're confident that this conference will be beneficial for all businesses and organizations in Oregon."

### Workshops - June 5

- What is Hazardous Waste?
- Tools for Preventing Violence in the Workplace
- Ergonomics: Case Studies
- Creating Safety Connections in Your Organization

### Conference Highlights - June 6 & 7

Presenters will share up-to-date information on safety and health management, safety committee operations and issues, regulatory issues, industrial hygiene, ergonomic solutions and best practices, healthcare issues, construction, environmental safety and health, manufacturing, emergency management, toxicology, multicultural communications, Internet resources, and more.

### Exhibits - June 6 & 7

More than 40 companies will showcase the latest safety, health, and environmental products and services available.

The Cascade Safety, Health & Environmental Conference is a joint effort of the American Society of Safety Engineers (ASSE, Cascade Chapter, Eugene) and the Department of Consumer & Business Services, Oregon Occupational Safety & Health Division (Oregon OSHA).

Eugene offers many recreational and cultural opportunities for after-conference hours. Enjoy an evening performance at the Hult Center, a bike ride along the Willamette or McKenzie rivers, shopping, or a sporting event.

### Questions?

Call the Conference Section in Salem, (503) 378-3272 (V/TTY) or (888) 292-5247, option 1, or send e-mail to [Oregon.Conferences@state.or.us](mailto:Oregon.Conferences@state.or.us) or to Steve S. Nichols, president, ASSE-Cascade Chapter, [Steve.NICHOLS@co.lane.or.us](mailto:Steve.NICHOLS@co.lane.or.us), (541) 682-6904.

## 2000 Central Oregon Safety and Health Conference



Eagle Crest Resort,  
Redmond, Oregon  
September 6-8

How far will you go to save money for your company? How about Eagle Crest Resort in Redmond? The theme of this year's conference is "A Closer Look at the Bottom Line: Programs That Pay."

Watch for additional information in the next *Resource*. Questions? Call the Oregon OSHA Conference Section or visit our Web site.





## Corbet Stengel, Health Consultant

*Oregon OSHA Consultative Services*

*by Cheryl Mushaney, Oregon OSHA Administrative Assistant*

At the age of six, Corbet (Cory) Stengel lost his father to a farming accident. After that, Cory's grandfather sold most of the family farm holdings, retaining 300 acres in the Stayton and Aumsville area. Cory continued to live on the farm, which had been in the family from the early 1900s. He attended grade-, middle- and high-school in Turner. The building in which Cory attended grade school had been his grandfather's high school!

After graduating from Oregon State University in 1988 with dual degrees in forest management and business administration, Cory started an internship with the Accident Prevention Division (now known as OR-OSHA). One of his first assignments was to help with farm labor camp issues in the Willamette Valley. Subsequently, he was hired as an industrial hygienist in the OR-OSHA Eugene field office and eventually transferred to the Bend field office. He has worked in the Consultative Services Section since 1992.

Cory, his wife Joni, and twin sons Andrew and Ethan, live on 20 acres in the Sisters area. He serves as a volunteer firefighter at the Central Oregon - Cloverdale Rural Fire Protection District. In 1997, the couple

worked on the Sisters "school raising," volunteering time and resources to help build four classrooms to avoid increasing the community tax base.

Cory serves on the board of directors for the Deschutes County Farm Bureau and is on the Safety Committee for the Oregon Farm Bureau Federation. Cory is one of the founding trustees of the Central Oregon Safety and Health Association, and currently serves as treasurer.



Cory holds memberships in the American Industrial Hygiene Association, the National Safety Management Society, and the Oregon SHARP Alliance. He is a certified safety and health manager (CSHM), certified by the Institute for Safety and Health Management.

In addition to his regular duties as a consultant, Cory is a VPP (Voluntary Protection Program) and SHARP (Safety and Health Achievement Recognition Program) team member. He has worked with 12 employers who have successfully achieved SHARP status and eight others in various stages of the certification process. Cory was the VPP team leader for Kerr-McGee Forest Products Division, The Dalles, which has maintained its STAR status for two years (see related story, Page 1).

Cory likes his job and enjoys working one-on-one with employers and employees.

"It's a great environment in which to work," he says. "OSHA folks are willing to help at the drop of a hat, if you need them." ■

# SAFETY NOTES

Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

## Serious Disabling Injury Report

Accident type ..... Fall  
Industry ..... Agriculture  
Employee job title ..... Crop harvester

### **Description of accident**

On an October morning, a crew was harvesting pumpkins using a tractor and two flat-bed trailers. They filled the bins on one of the trailers and hauled the first load of pumpkins to a barn where the pumpkins were to be stored. They disconnected the trailer and seven employees climbed onto the tractor to ride back to the field to get the second trailer-load of pumpkins. Three riders were positioned on the draw-bar area, two rode on the rear-wheel fenders, and two rode the front axle assemblies that extended to each side of the tractor.

As they traveled the dirt road back to the pumpkin field, the employee riding the right side of the front axle assembly fell backwards off the tractor.

The tractor operator stopped immediately, and the crew tended to the victim.

One of the workers returned to the farm to notify the owner, and the fire department was called.

The fire crew administered first aid and the victim was transported to a hospital. He suffered spinal cord injuries and was paralyzed from the neck down. The victim was 53 years old.



### **Investigation findings**

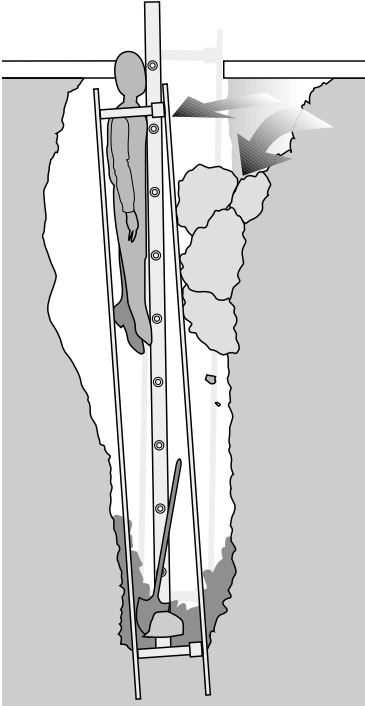
Although the tractor was not equipped or designed to carry passengers, all of the crew climbed on to ride to the field. The two on the front axle assemblies had nothing to grip to keep them from falling. The employer had instructed the workers not to hitch rides on the tractors. The employer conducted safety meetings and safety spot checks of workers out in the fields. He distributed company policies in English and Spanish, and had on hand all rules that apply to his business. No citations were issued.

# SAFETY NOTES

Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

## Fatality Report

Accident type .....Crushing  
Industry .....Water and sewer excavation  
Employee job title .....Laborer



### **Description of accident**

A small excavation company that consisted of an owner and two employees had been hired to run a sewer line from the main line in the street to a developed lot. The job involved excavation of a trench with a backhoe. The company owner, who always worked with his crew and was the “competent person” on site, was operating the backhoe. When the excavation was 11 feet deep, the backhoe operator “felt” the main. At the same time, one side of the trench partially collapsed. The owner was about to send one of the crew, who had been with this company for seven months, into the trench with a shovel to hand-dig the rest of the way to the main. The backhoe operator positioned a trench shield in the trench and an aluminum ladder was dropped down one side of the trench for the man with the shovel to descend. As he did so, the other side of the trench collapsed, and the shield shifted with the lateral pressure from the opposite side of the trench. The victim’s head was even with the concrete edge of the street surface when the shifting shield pinned his head between the edge of the street surface and the ladder. It was necessary to move the trench shield with the backhoe to free the victim. The owner did this, and the victim fell to the bottom of the trench. The crew called 911 and administered CPR, but the accident victim was dead when the Portland fire department arrived.

### **Investigation findings**

One side of the trench had partially collapsed before the trench shield was placed, leaving space for potential trench shifting if enough pressure from another direction was applied. The owner had used the trench shield incorrectly, positioning it vertically instead of horizontally in the trench. The trench was designed to be eight feet high, 11 feet long and 24 inches wide. Because it was placed vertically, it measured 11 feet high, eight feet long, and 24 inches wide. The 3,000-lb. shield, placed vertically in the trench, did not extend a sufficient distance above the top of the trench to be stable in the event of lateral pressure. When lateral pressure was applied with the collapse of the other side of the trench, the shield shifted, and its movement trapped the victim’s head between the ladder and the road’s edge. In addition, the trench shield was missing midsection bracing.

### **Applicable OSHA standards**

The employer was cited and fined for serious violation of the following:

- 29 CFR 1926.652(g)(1)(ii) — Shields not installed in a manner to restrict lateral or other hazardous movement in the event of the application of sudden lateral loads.
- 29 CFR 1926.652(d)(1) — Materials and equipment used for protective systems were not free from damage or defects that might impair their proper function.

### **To prevent similar accidents**

Remember that if you allow leeway for hazardous shifting of equipment or any other accident that you think would never happen, there is a “Murphy’s law” that says it will happen to someone, somewhere.

Know the proper use of all safety equipment, and ensure that the equipment is used in no other ways. Keep up with the maintenance on all equipment: in the long run, it will save lives, time, and money.



# SAFETY NOTES

Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

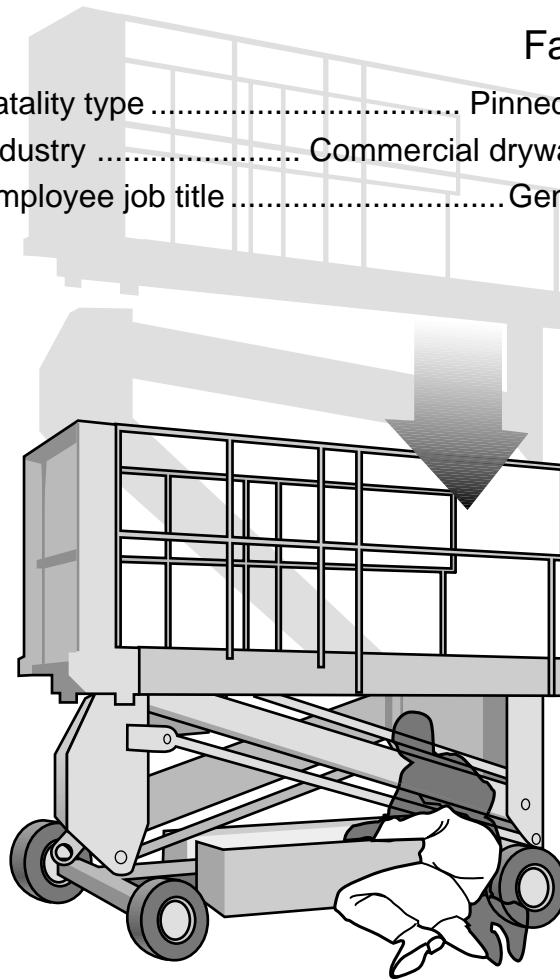
## Fatality Report

Fatality type ..... Pinned by equipment  
Industry ..... Commercial drywall construction  
Employee job title ..... General employee

### **Description of accident**

The son of the owner of a commercial drywall construction company, an employee of the company, was readying an aerial lift (Strato-Lift) for a job. The man had replaced two battery terminals. He had placed the aerial boom in the lifted position and was reaching toward the battery compartment across the metal enclosure that houses the lift's toggle controls when the boom descended and pinned him to the control-panel area of the machine.

The victim was discovered by his father. Emergency medical services were summoned, but they found the victim dead.



### **Investigation findings**

The lift's emergency valve, hydraulic hoses and fittings, and electrical wiring system were inspected after the accident and found to have no defects, but the on/off key switch had been bypassed to allow the operator to use the toggle switches without using the key. The battery charging system was missing a fuse which would prevent the system from accepting a charge and the spring-loaded toggle switches that controlled boom operation did not have guards to prevent accidental contact.

Lockout/tagout procedures were not utilized, and the lift boom had not been blocked, supported, or cribbed to prevent unintentional descent during maintenance.

The owner had left employee instruction about aerial-lift operation to the dealer who had sold the aerial lift to the drywall company. The owner had not reviewed the operator's manual with the victim or other employees. Although the company employed more than 10 for large jobs, there was no safety committee.

### **Applicable standards**

The company was issued an Order to Correct for the following violations:

- OAR 437-001-0760(1)(b)(D) — The employer did not use all reasonable means to ensure that employees did not remove, displace, damage, destroy, or carry off any safety device, guard, notice, or warning provided for use in any employment or place of employment while such use was required by applicable safety and health rules.
- 29 CFR 1910.147(c)(4)(i) — Procedures were not developed, documented, and utilized for the control of potentially hazardous energy (lockout/tagout procedures)
- OAR 437-01-0765(2)(a) — A safety committee had not been established by the employer.

# SAFETY NOTES

Department of Consumer & Business Services  
Oregon Occupational Safety & Health Division  
Salem, OR 97310

## Seriously Disabling Injury Report

Injury type ..... Run over by forklift  
Industry ..... Freight transportation  
Employee job title ..... Truck driver

### **Description of accident**

The accident occurred at a warehouse where trucks were loading and off-loading shipments from tractor-trailer rigs. The victim, an experienced truck driver who had visited this warehouse for about a year, had just left the warehouse break room and was returning to his truck, the trailer of which was backed up to the center of the dock. The trailer was being unloaded and its contents put onto pallets by lumpers on the dock. The truck driver, carrying a cup of coffee, was walking out of the warehouse to the loading dock, through a bay door. A forklift that had been off-loading the first trailer in line came from the truck driver's left, and ran over the truck driver's left foot. The forklift driver had worked for more than a year on the dock at the warehouse. The victim was struck by the forklift's mast framing, and was thrown forward. The forklift came to a stop with the victim's right foot caught under a tire. Lumpers (day workers unloading freight) and other employees immediately extricated the victim and moved him into a trailer to protect him from the rain. Employee EMTs served as first responders and the victim was transported to a hospital emergency room with severe damage to his left foot and ankle. He was admitted for surgery that entailed removal of the toes on his left foot and reattachment of degloved skin.



### **Investigation findings**

The forklift driver did not see the pedestrian. It was established that pallets were often stacked between the north and west doors of the warehouse, obstructing the view from one bay door to another. Although there was a pedestrian door, the victim did not use it, and, although there was a policy that non-employee pedestrians be escorted through the warehouse, it was apparently not applied to truck drivers who regularly visited the break room. Although there were pedestrian walkways and vehicle routes, they were not clearly marked.

### **Applicable OSHA standards**

The warehouse was cited for three serious violations:

- OAR 437-02-221(2)(a) — Permanent aisles and passageways not appropriately marked
- OAR 437-02-022(2)(a) — Provisions for safety (adequate work and storage space) were not included in plant design, layout, and operation, exposing the employees on the dock to hazards.
- OAR 437-01-765(2)(a) — A safety committee had not been established and administered by the employer, although the company had 40 employees.

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# *SHARP employers recognized by Oregon OSHA*

Oregon-OSHA recently announced eight Oregon SHARP employers: companies that have met the requirements of the Safety and Health Achievement Recognition Program of OR-OSHA's Consultation and Services Section.

Those companies earning SHARP designation in the fall of 1999 include Papé Bros., Redmond; Weyerhaeuser's Beaverton Recycling and Eugene Distribution Center; Western Pulp Products Co., Corvallis; Salem Electric; Sprague Controls, Canby; Bear Creek Valley Sanitary Authority, Medford; and Lebanon Community Hospital.

SHARP certification has now been awarded to 45 applicants that have completed an OR-OSHA comprehensive consultation, corrected hazardous situations, and involved employees in workplace safety and health plans, usually through safety committees. SHARP participants may be recertified by OR-OSHA each year.

Second-year SHARP designees: Pioneer Cut Stock, Prineville; Food Services, Oregon Institute of Technology, Klamath Falls; Timber Products, Particleboard Division, Medford; Oregon Dept. of Transportation Salem Repair Facility; Douglas Electric Cooperative, Roseburg; Lane Electric Cooperative, Eugene; Quest Diagnostics, Portland; and Precision Interconnect, Portland.

Third-year SHARP designees: Weyerhaeuser, Coos Bay Timberlands, Coos Bay; R & H Construction, Portland; Prairie Wood Products, Prairie City; and Co-Gen, Prairie City.

SHARP encourages employers and their employees to work together and with OR-OSHA consultants to alleviate workplace hazards and strengthen safety and health programs and safety committees.

Oregon SHARP Alliance, a new networking group created by and for OR-OSHA Safety and Health Achievement Recognition Program participants, met in Salem on February 16. The alliance was proposed by Clyde Stryker of Spirit Communications in Tualatin. Stryker's company was the first company SHARP-certified by OR-OSHA three years ago. Association members meet quarterly at SHARP companies to share resources with the goal of improving workplace safety and health.

For more information about SHARP, visit OR-OSHA's World Wide Web site, [www.orosha.org](http://www.orosha.org), and look for "SHARP" under "Services" or call OR-OSHA, (503) 378-3272, or toll-free in Oregon, (800) 922-2689. ■

company is engaged in about one thousand projects in 60 countries and has worked in 140 countries on all seven continents.

Bechtel began construction in June 1999 on this project, a 5.5-mile extension of the Portland MAX light-rail system to Portland International Airport.

“Site management and a unique level of employee involvement for a construction site has ensured that safety and health is a primary focus,” said De Luca. “Employees, both of Bechtel and of the subcontractors working on the job, feel a personal level of responsibility and involvement for the safety of the whole project.”



*The Bechtel VVP Teams displays the Merit Site flag.*

## ***Kerr-McGee Chemical recertified***

Kerr-McGee Chemical had operated more than a million man-hours without a lost-time injury when it was certified to continue flying the Star Site flag of Oregon OSHA’s Voluntary Protection Program in December 1999.

Kerr-McGee earned Oregon’s first Star Site flag in 1997. Its second recertification in the VPP program means that the company will be off OR-OSHA’s scheduled inspection list for five years, except for inspections prompted by complaints or accidents.

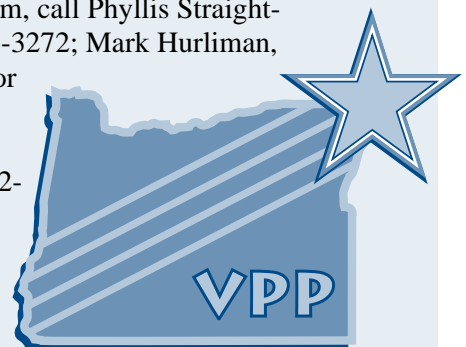
Kerr-McGee, which employs 39 at this forest products division in The Dalles, received high marks from OR-OSHA consultants for improvements to its safety and health program, including a revised respirator program, a confined-space rescue team, new job-safety analyses, revised operating procedures that meet International Standards Organization format, and site-specific safety procedures.

Star status is the highest level attainable in the Voluntary Protection Program. Before granting recertification to Kerr-McGee, OR-OSHA consultants conducted formal interviews with contract employees and full-time Kerr-McGee employees from three shifts. In addition, consultants inspected the workplace and reviewed their original on-site evaluation, Kerr-McGee’s VPP self-evaluation, and safety and health documentation.

Kerr-McGee has extended an invitation to other companies to visit and learn about maintaining a continuous safety culture. ■

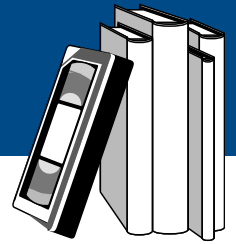
Oregon’s VPP is a pilot program designed to recognize and promote effective safety and health management. Companies approved to participate in the VPP are removed from routine scheduled inspection lists. Oregon OSHA will still investigate accidents, valid formal employee complaints, and chemical spills. VPP status is granted only to the best of Oregon’s workplaces.

For more information about OR-OSHA’s Voluntary Protection Program, call Phyllis Straight-Millan, (503) 378-3272; Mark Hurliman, (541) 476-4128; or OR-OSHA’s toll-free Oregon number, (800) 922-2689.



# The OR-OSHA Resource Center and Audiovisual Library

A RESOURCE FOR PROMOTING HEALTH & SAFETY IN THE WORKPLACE



## People Come First

by Don Harris, AV Librarian for Oregon OSHA

Working for a regulatory agency has its drawbacks. Don't get me wrong: I sincerely love my job and believe wholeheartedly in the mission of Oregon OSHA. But working here tends to affect my social life. Frequently, people I've just met ask me where I work and what I do. But when they hear the word "OSHA" they think they already know what I do, and suddenly remember an appointment for which they're already late. "Nice to meet you. Sorry I have to run off. Hope to see you again soon!" I know and they know I know that they hope no such thing.

I try not to take it personally. After all, these people aren't actually running away from me (I hope). They're running away from that monster, OSHA! The strange thing is, most of these people have never had contact with OSHA. But they often know someone who was once "in trouble" with OSHA – like the cousin whose five employees socks didn't match, so OSHA fined him. It rarely occurs to these folks to doubt these stories. After all, believing wild stories is half the fun. But stories like these can make it difficult for Oregon OSHA to provide effective service.

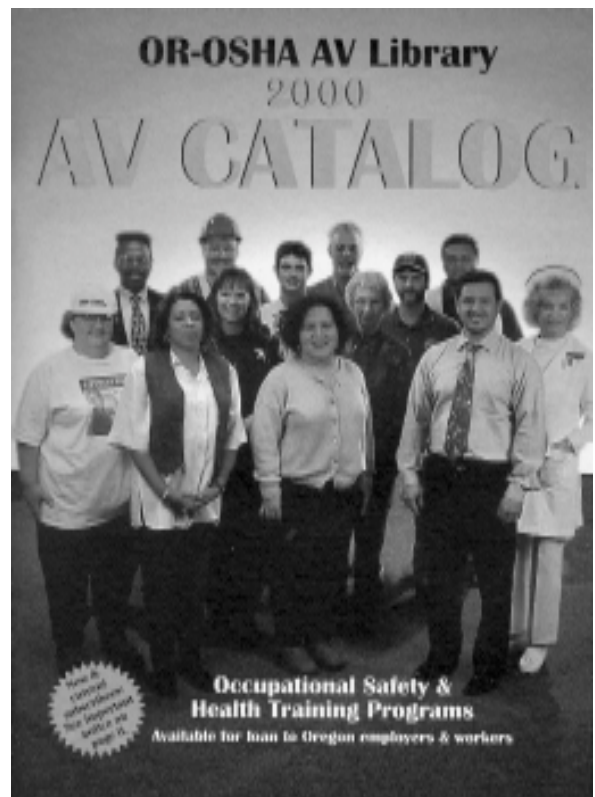
Oregon OSHA employs 254 real people with varying backgrounds, talents, personalities, strengths, weaknesses, and feelings. And the glue that holds them together is the conviction that every working Oregonian is also a real person who should be able to go home, safe and sound, at the end of every working day.

One of the most effective means of making this conviction a reality is through safety and health education. For this reason, we offer many resources and services to help you learn about workplace health and safety. One of those resources is the AV Library. Over the last year, we've added more than 50 titles, including several OR-OSHA training grant programs, videos in Spanish and Russian, and the bilingual television series "El Mercado DCBS" (The DCBS Marketplace).

One of Oregon OSHA's objectives is to make every encounter with a staff person a learning experience – no matter whether that encounter is with a workshop trainer, a consultant, a compliance officer, or a support person. Our "bottom line" is people, as exemplified by the cover of our AV catalog, which depicts the diversity of Oregon's workforce and the industries served by the AV Library.

I'd like to thank those who posed for our cover: Brenda Camacho-Ching, Keith Ching, Nick Carter,

Eunice Cook, Jerry Cotter, Lynette D'Angelo, Charles Donald, Tom Gottiez, Lisa Humphries, Betty Jo Kostenborder, Gabe Silva, Doug Schoonmaker, and Judy Sugnet. Thank you for taking the time to participate in this project. Your generosity of spirit is an example of what this column is trying to convey – people come first! ■



To receive a free copy of the **2000 AV Catalog** call, (503) 947-7453, or send e-mail to [don.j.harris@state.or.us](mailto:don.j.harris@state.or.us). You can view or download the catalog on the Web: [www.orosha.org](http://www.orosha.org).



Applying OR-OSHA standards to “real-life” situations may not always be “standard” procedure. Sometimes, answers and solutions to problems can be tricky. *Ask OR-OSHA* is a regular feature of *Resource* so that your questions concerning OR-OSHA standards and your business may be answered by experts. So please, *Ask OR-OSHA* by calling the Standards and Technical Section, (503) 378-3272 or e-mailing your question to [tech.web@state.or.us](mailto:tech.web@state.or.us). We’ll answer your question(s) as quickly as possible. We’ll also print selected questions and answers in this newsletter so that the answer to your questions may help others.

**Q Can I store my company’s MSDS (material safety data sheet) information electronically?**

**A** Yes, electronic storage of MSDSs is acceptable, as long as there are no barriers to employee access and there is a backup system, in case the primary system fails or if services that the primary system relies on, such as electricity or telephones, are interrupted. The backup system can also be electronic, but it must be separate from the primary system and not rely on the same service as the primary system. Employees must be able to immediately access MSDSs, in case of an emergency.

**Q Do OR-OSHA rules apply to our volunteers? I am the coordinator at a medical center with two full-time employees and 230 medical professionals who volunteer time to provide care to people without resources. Our volunteers are not paid and do not receive compensation for their time.**

**A** As long as your volunteers do not receive compensation for their work and are not covered by the center’s workers’ compensation insurance policy, they would not be considered employees of the center and Oregon OSHA’s rules would not apply to the work done by your volunteers.

**Q Can an employer simply follow the Americans with Disabilities Act (ADA) requirements to comply with the OR-OSHA Respiratory Protection Standard?**

**A** No. The employer is not permitted to review the information provided by employee(s) who are medically evaluated using the mandatory questionnaire contained in Appendix C of the standard.

Under the ADA, the employer may need to provide accommodation for an employee who has been identified through the OSHA medical evaluation as having medical reasons limiting their use of respiratory protection. In order to comply with the ADA, the employer may require an employee, as described in the previous sentence, to submit to a medical examination separate and apart from the OSHA medical evaluation. From that separate examination process, the ADA provides that certain personnel such as supervisors or managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations. Such knowledge would be used to preclude discrimination against such an employee and to provide any reasonable accommodation.

**Q Is it lawful under the OSHA Respiratory Protection Standard for an employee to complete two sets of the same medical questionnaire at the same time, so that one would go to the PLHCP (physician or other licensed healthcare provider) and the other would be maintained by the employer in the separate confidential medical file maintained under the ADA?**

**A** No. After an employee has completed the OSHA medical questionnaire, it must be forwarded confidentially to the employer’s selected PLHCP, where it is maintained by that person. The medical determination provided by the PLHCP to the employer is a medical record as defined in 29 CFR 1910.1020, and must be maintained under the provisions of that rule. It is only when an employer receives a recommendation from a PLHCP that a particular employee, for medical reasons, cannot use a respirator or has limitations, that an employer can require an employee to submit to a medical examination for ADA purposes.

# Congratulations!

Congratulations are in order. Peter DeLuca, Oregon OSHA's administrator, was elected to serve as the vice-chairperson for the Occupational Safety & Health State Plan Association (OSHSPA) for 1999-2001.

OSHSPA comprises officials from the 25 states that operate OSHA-approved state plans. OSHSPA also serves as the link from the state-plan states to federal agencies that have occupational safety and health jurisdiction and to the U.S. Congress. The group holds three meetings a year with Federal OSHA, giving state programs the opportunity to address common problems and share information. It also provides information to states or territories that are considering application for state-plan status.

Other OSHSPA officers: chairperson Keith Goddard, assistant commissioner, Division of Labor and Industry, Maryland, and directors Stephen M. Cant (immediate past chairperson), federal-state operations manager, Washington Department of Labor & Industries, Vernita Davidson, manager, Cal/OSHA Program Office, California Department of Industrial Relations, Douglas Kalinowski, deputy director, Enforcement, Bureau of Safety and Regulation, Michigan Department of Consumer and Industry Services, Ana Lopez, assistant secretary, Puerto Rico Department of Labor and Human Resources, and Robert Peck, administrator, Office of OSHA Voluntary Programs, South Carolina Department of Labor, Licensing and Regulation. ■

## RESOURCE

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**New subscription**

**Address change**

**Return to: Oregon OSHA Resource Center, 350 Winter St. NE, Salem, OR 97301-3882**

## ***We've lost our lease!***

The Portland field office of Oregon OSHA will no longer be located in Kristin Square, 9500 S.W. Barbur Boulevard. Field office staff will be moving to:

**1750 N.W. Naito Parkway,  
Suite 112,  
Portland 97209-2533.**

The move is planned for March 24-29.

All telephone numbers will remain the same. ■

440-2850 (3/00)

## ***Questions?***

OR-OSHA has field offices across Oregon. If you have questions or need information, call us toll-free 1-800-922-2689, or phone one of the offices listed below. (All phone numbers are V/TTY.)

### **Portland**

1750 N.W. Naito Parkway,  
Suite 112,  
Portland 97209-2533  
(503) 229-5910  
Consultations:  
(503) 229-6193

### **Eugene**

1140 Willagillespie,  
Ste. 42  
Eugene, OR 97401-2101  
(541) 686-7562  
Consultations:  
(541) 686-7913

### **Pendleton**

721 SE Third St., Ste. 306  
Pendleton, OR 97801-3056  
(541) 276-9175  
Consultations:  
(541) 276-2353

### **Medford**

1840 Barnett Rd., Ste. D  
Medford, OR 97504-8250  
(541) 776-6030  
Consultations:  
(541) 776-6016

### **Salem**

DAS Bldg. 1st. Floor  
1225 Ferry St. SE  
Salem, OR 97305-1330  
(503) 378-3274  
Consultations:  
(503) 373-7819

### **Bend**

Red Oaks Square  
1230 NE Third St.,  
Ste. A-115  
Bend, OR 97701-4374  
(541) 388-6066  
Consultations:  
(541) 388-6068

### **Salem Central**

350 Winter St. NE, Rm. 430  
Salem, OR 97301-3882  
(503) 378-3272  
Fax: (503) 947-7461

*Visit us on the Internet World Wide Web at:*  
**[www.orosha.org](http://www.orosha.org)**



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