

Resource

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Oregon OSHA's success story is built on meaningful results for workers, employers, communities

By Renée Stapleton

Why does Oregon OSHA matter?

The question is particularly relevant this year as we commemorate the Oregon Legislature's adoption of the Safe Employment Act on July 22, 1973.

Stepping back to consider and honor 50 years of an ongoing and challenging project – advancing workplace safety and health for all workers in Oregon – is not a simple thing. After all, there is so much to reflect on, so many people to thank, and so many accomplishments to celebrate.

But while the history of Oregon OSHA – launched by a 50-year-old landmark law – is multifaceted, it is also interwoven with a simple truth that answers the question I started this message with: We save lives.

Not only do we save lives from unchecked hazards in the workplace, but we also prevent injuries and illnesses that make living life more difficult, less fulfilling, and costlier. We help workers return home safely to their families every day to pursue a bright future. Employers and workers depend on us to conduct inspections, provide no-cost consultations, cultivate and produce high-quality training materials, and to be industry leaders in understandable and protective safety and health standards.

Throughout my 17 years with Oregon OSHA, I have had the pleasure of working in the field in both the enforcement and consultation programs, as well as in the policy and technical section. In serving in these various roles, I have been surrounded by outstanding individuals who have dedicated their lives to protecting workers. Every member of Oregon OSHA works every day to educate and protect workers from harm. Our staff members are dedicated, passionate, creative, and have a tremendous drive to make workplaces safer and healthier.



Undergirding our staff's efforts on behalf of worker safety and health is the Oregon Safe Employment Act. The law has undergone important changes through the years, but its core elements are straightforward: workers have a right to on-the-job safety and health, and to raise safety and health concerns free of retaliation; employers must provide safe and healthy workplaces; and Oregon OSHA is authorized to enforce workplace safety and health requirements. Over the last 50 years, we have made incredible strides in creating and maintaining safer and healthier workplaces. The numbers are clear: injury, illness, and fatality rates have steadily decreased for decades, with Oregon OSHA playing a direct role in this positive trendline. And proof that safety matters not only to workers and communities but also to employer costs and operations is found in Oregon's declining workers' compensation rates. Oregon OSHA's focus on preventing injury, illness, and death in the workplace contributes to keeping those rates down.

Relationships and teamwork have played an important role in our success story of protecting workers. So, too, have our nonenforcement programs and services.

We proactively engage with employers, workers, and other stakeholders to help make workplaces safer and healthier. We provide consultation and guidance and help employers achieve their safety and health goals, which help prevent accidents and injuries and the personal and financial costs associated with them. We gather input. We listen. We don't act in isolation. All of this informs our decisions, whether we're pursuing a new rule or creating a new educational resource.

What is also true is that Oregon chose the path we are on. We sought and received federal approval to run our own workplace safety and health program. We chose to be different. As an approved state plan, we have the flexibility to be more protective than federal OSHA or other state plans. We

have room to be nimble and to take on hazards that are unique to Oregon. In taking this approach, we have worked hard to maintain a strong and responsive program, including maintaining a higher inspection presence throughout the state than is found in most of the country.

As we celebrate 50 years of the Safe Employment Act and Oregon OSHA's role in protecting workers, we remain more committed than ever to ensuring safe and healthy working conditions for all workers in Oregon. I am very proud to work with a team of professionals that puts the health and safety of workers first. The work we do matters. It matters to husbands, wives, fathers and mothers, brothers and sisters, friends, communities ... everyone.

Kin's Stapliton



50 years of protecting workers

By Aaron Corvin

Features



This aerial photo, taken in 1972, shows Oregon's Capitol.

Fifty years ago, Oregon enacted a landmark law advancing workplace safety and health: the <u>Safe Employment Act</u>. It was a seismic shift in how workers across the state were protected, replacing what previously had amounted to piecemeal efforts to create and maintain safe and healthy workplaces with a comprehensive program to shield workers from harm while on the job.

What we know today as the Oregon Occupational Safety and Health Division – widely known as <u>Oregon OSHA</u>, a division of the Oregon Department of Consumer and Business Services – was borne from the July 22, 1973, adoption of the Safe Employment Act.

The law authorizes Oregon OSHA to enforce the state's on-the-job safety and health requirements. It requires employers to know the requirements that apply to their industry. It obligates employers to educate and train their workers. And it requires employers to comply with specific rules that apply to their workplace. "Our stakeholders all want the same thing: safe and healthy workplaces."

As a result, workplaces in Oregon are far safer and healthier today than they were decades ago. Data show that Oregon OSHA has played a significant role in making that happen by helping drive down rates of injury, sickness, and death in the workplace.

The division's success in cultivating worker safety and health comes through the daily work of its inspectors, consultants, rule experts, public education developers, safety conference organizers, lab chemists, data analysts, support staff, executive leaders, and more.

But Oregon OSHA hasn't achieved success alone. Everyone from employers and workers to workers' compensation insurers and safety advocates help make on-the-job safety and health a reality. It is a team effort.

Indeed, Oregon OSHA doesn't act alone. It relies on relationships, partnerships, public input, and engagement with labor and business advocates, and other stakeholders – all of which help create trust

as the division seeks solutions, listens carefully, and makes decisions.

"Our stakeholders all want the same thing: safe and healthy workplaces," said Renée Stapleton, administrator for Oregon OSHA. "But their approach can sometimes be different from one another. Oregon OSHA is often in the position to help diverse sides of an issue be more collaborative and understanding."

You can understand Oregon OSHA's positive effect by looking at the decadeslong decreases in incident rates. From 1990 through 2021, for example, injury and illness rates dropped by more than 60 percent, and fatality rates fell by more than 50 percent. Or you can review Oregon's plummeting workers' compensation costs. Those costs – already among the lowest in the nation – dropped again in 2023 for the 10th-straight year.

But numbers don't tell the whole story. Talk to people who've been helped by Oregon OSHA. They will tell you about trust, excellent customer service, reliability, and results.



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Earlier this year, for example,

- Gerding Builders, a Corvallis-
- based commercial general

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- contractor, and its sister
- company, TGC Structural,
- a carpentry and specialty
- concrete contractor, achieved
- first-year certification as part
- of Oregon OSHA's five-year
- Safety and Health Achievement
- Recognition Program (SHARP).
- It was no small feat. One of the most important core values for the companies is ensuring everyone goes home safe every day, said Corporate Safety Manager Roy Shawgo. He said SHARP helped the companies work closer with their crews to identify and correct potential hazards.
- "It was hard work, but they
- walked us through each step,"
- Shawgo said of Oregon OSHA
 consultants. "What we didn't
 understand, they took the time
 to explain it and assisted with it.
 I look forward to working with
 them over the next four years."

Tailored for Oregon

The adoption of the Oregon Safe Employment Act reflected a larger shift at the national level. The state law followed the groundbreaking 1970 Occupational Safety and Health Act, which authorized the federal government to set and enforce safety and health requirements across the United States.

Under an agreement signed with the federal government decades ago, Oregon is certified to run its own workplace safety and health program. That certification gives Oregon OSHA the flexibility to tailor its program and services to the unique needs of workers and employers in the state while fulfilling its obligations to federal OSHA.

Oregon OSHA's recent rulemaking efforts underscore its flexibility to adopt progressive safety and health standards that protect workers and that are practical for employers to use. For example, the division adopted rules setting high standards in reducing worker exposure to <u>pesticides</u>, <u>manganese</u>, <u>excessive heat</u>, and <u>wildfire smoke</u>.

"What we didn't understand, **they took the time to explain it** and assisted with it."



In this photo taken in 1968, Oregon Gov. Tom McCall gathers with members of his cabinet for a press conference. Three years later, McCall signed an agreement with the federal government making Oregon the second state in the union to be certified to run its own OSHA plan.

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A success story

Oregon OSHA carries out its work through a multifaceted program supported by a team of dedicated, passionate, and creative employees. The following are just some of the ways employees step up every day in field offices across Oregon to keep workers safe and healthy:

- Operating a nationally certified occupational health laboratory that analyzes samples of hazardous substances
- Inspecting workplaces based on complaints, referrals, accidents, fatalities, emphasis programs, and inspection lists focused on high-hazard industries, and issuing citations when violations are substantiated
- Providing consultation services to employers at no cost, no fault, and no citations to show them how to identify and correct workplace hazards, develop systems, and manage a safety and health program
- Offering conferences, workshops, and materials covering safety and health programs or hazards, and other topics, including safety committees, accident investigations, and job safety analyses
- Developing, interpreting, and giving technical advice on safety and health rules
- Publishing safe practice guides and other materials for employers and workers
- Maintaining and updating a comprehensive set of free resources about how to improve workplace health and safety

Oregon OSHA has recently adopted rules that set high standards for worker protections, including requirements addressing excessive heat and wildfire smoke. The work of Oregon OSHA employees garners accolades in surveys. For example, inspectors consistently receive <u>high</u> <u>performance marks</u> from employers. Likewise for <u>consultants</u>.

Oregon OSHA conducts its work as part of the state's workers' compensation system, which includes the Oregon Workers' Compensation Division, the Ombuds Office for Oregon Workers, and the Small Business Ombudsman.

As part of that system, Oregon OSHA focuses on preventionbased services to identify and correct workplace safety and health hazards; help employers understand and comply with requirements; advise employers on how to build up their safety and health programs; and to empower workers to understand their right to a safe and healthy workplace.





Total loaded pure premium, premium assessment, and Workers' Benefit Fund assessment paid per \$100 of payroll



There is no doubt: Oregon OSHA has significantly reduced human suffering caused by unchecked hazards in the workplace. In 1990, for example, the total injury and illness incident rate per 100 workers was 10.1. In 2021, it was 3.8. In 1990, the compensable fatality rate per 100,000 workers was 5.1. In 2021, it was 2.3.

Meanwhile, Oregon OSHA's prevention efforts have

contributed to some of the lowest workers' compensation rates in the nation. In 2023, employers in Oregon paid – on average – just 93 cents per \$100 of payroll for workers' compensation costs.

A history of turning points

Oregon OSHA's work to create	
safer and healthier workplaces	
received a boost in 1990.	
That is when major legislative	
changes – known as the	
Mahonia Hall reforms - were	
enacted to revamp Oregon's	
workers' compensation system.	
One of the changes required	1
employers to maintain joint	
labor and management safety	
committees to actively address	
potential on-the-job hazards – a	
requirement that Oregon OSHA	
enforces to this day. Another	
change put more inspectors	
and consultants in the field to	
bolster the safety and health of	
workers across Oregon.	
For some, the reforms were	
about curbing the high costs	
of workers' compensation	
in Oregon. However, then-	1
insurance commissioner	1

OREGON LEGISLATIVE ASSEMBLY-1973 REGULAR SESSION

Features

Enrolled Senate Bill 44 Sponsored by COMMITTEE ON LABOR

CHAPTER

AN ACT

Relating to occupational safety and health: creating new provisions: amend-ing ORS 431.130, 431.140, 431.150, 431.160, 431.170, 448.860, 433.472, 455.420, 654.005, 654.010, 654.015, 654.020, 654.025, 654.003, 654.035, 654.045, 654.060, 654.062, 654.605, 654.000, 654.202, 654.206, 654.012, 654.013, 654.615, 465.50, 465.70, 446.573, 446.530, 446.530, 446.530, 446.530, 446.545, 448.550, 446.550, 446.570, 446.573, 446.551, 446.550, 446.550, 445.551, 446.515, 446.520, 446.550, 446.550, 446.655, 544.055, 544.072, 654.202, 654.010, 654.013, 654.025, 554.055, 654.055, 654.022, 654.222, 654.222, 654.203, 654.401, 654.415, 654.420, 554.455, 654.4550, 654.622, 654.222, 654.223, 654.420, 654.410, 654.415, 654.420, 654.425, 654.430, 654.605, 654.610, 654.990 and 656.734; providing penalties; and declaring an emergency

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2, 3, 17, 17a, 23 and 36 of this Act are added to and made a part of ORS 654,005 to 654,232. SECTION 2. ORS 654,005 to 654,232 and section 38 of this 1973 Act may be cited as the Oregon Safe Employment Act. SECTION 3. The purpose of the Oregon Safe Employment Act is to assure as far as possible safe and healthful working conditions for every working man and woman in Oregon, to preserve our human resources and to reduce the substantial burden, in terms of lost production, wage loss, medical extrement, disability compensation payments and human suffering. anows recover an ensuremant convert, in terms of note production, wage toos, medical expense, disability compensation payments and human suffering, which is created by occupational injury and disease. To accemplish this purpose the Legislative Assembly intends to provide a proceedure which

Encourage employers and employes to reduce the number of occupational safety and health hazards and to institute new programs and improve existing programs for providing safe and healthful working con-

(2) Authorize the Workmen's Compensation Board and its designees to set reasonable, mandatory, occupational safety and health standards for all employments and places of employment.

all employments and places of employment. (3) Provide an effective program, under the Workmen's Compensation Board, to enforce all laws, regulations, rules and standards adopted for the protection of the life, safety and health of employes. (4) Estabilish appropriate reporting and research procedures which will help achieve the objectives of the Oregon Safe Employment Act, iden-tify occupational hazards and unsafe and unhealth working conditions, and describe the nature of the occupational safety and health problem. (5) Assure that Oregon assumes fullest responsibility, in accord with the federal Occupational Safety and Health Act of 1970 (Public Law 91-566), for the development, administration and enforcement of safety and health laws and standards.

On July 22, 1973, the Oregon Legislature passed Senate Bill 44, creating the Oregon Safe Employment Act. The purpose of the law is "to assure as far as possible safe and healthful working conditions for every working man and woman in Oregon."

Ted Kulongoski (who later served as Oregon's governor from 2003 to 2011) put things in perspective by noting that workers' compensation and worker safety are intertwined.

"There's a simple fact about workers' comp," Kulongoski said. "If you want to have low workers' comp insurance rates, don't have any accidents."

Oregon OSHA underwent another evolution in the mid-1990s. During that time, Oregon OSHA adopted two major programs: the Safety and Health Achievement Recognition Program (SHARP) and the Voluntary Protection Program (VPP).

Designed to achieve positive, lasting results for workplace safety and health, both programs continue to help employers go beyond mere compliance with safety and health rules.

SHARP coaches companies on how to effectively manage workplace safety and health. In turn, companies are recognized for their success in reaching specific benchmarks during the five-year program. VPP encourages companies to effectively protect workers by going well beyond minimum safety requirements. The program is built on the idea that enforcement of safety requirements alone can never fully achieve the objectives of the Oregon Safe Employment Act.

Eddie Larson remembers the positive effects VPP had on worker safety at Georgia-Pacific in Toledo, his former employer. After a deadly explosion at the paper mill in 1993, union leadership engaged company leaders about pursuing VPP.

"It was a joint venture," Larson said.

It took time, commitment, and multiple changes, but Georgia-Pacific's VPP application was accepted in 1999. Later that year, the company achieved Merit Status in the program. At the time, the Georgia Pacific site was the fourth VPP site in Oregon. In 2000, the company secured Star status. The company maintained that status until it voluntarily withdrew from the program in 2021.

Larson, who is now employed by Olsson Electric, served as Georgia Pacific-Toledo's VPP coordinator - a union

position – from 2008 to 2020. The Georgia Pacific site's VPP journey deeply improved safety and health for workers.

"There was a huge transformation where management and employees got involved to better the worksite," Larson said.

Importance of relationships

Relationships matter to Oregon OSHA. The division relies on rule advisory committees. It builds and maintains partnerships. It listens to workers and employers and seeks common ground when differences arise. It does all of this because it believes active engagement leads to wellinformed decisions and sound workplace safety and health policy.

Over time, Oregon OSHA has diversified its community engagement efforts. In the past five years alone, for example, the division has expanded its outreach to vulnerable worker populations, including through worker listening sessions; <u>worker rights videos in</u> <u>multiple languages</u>; additional Spanish- and Russian-language educational materials; and statewide safety conferences delivered entirely in Spanish.

Moreover, Oregon OSHA is seeking to create a new position - a community engagement officer - to help coordinate the division's response to and work with stakeholders in vulnerable communities. And, in 2022, the Ombudsman for Injured Workers became the <u>Ombuds Office for</u> <u>Oregon Workers</u> as part of its expanded role to help workers protect their rights under Oregon OSHA's laws and rules.

In strengthening its connections to the communities it serves, Oregon OSHA continues to drive home a two-prong message that speaks to the ongoing importance of the 50-year-old Safe Employment Act: workers have a <u>right to a safe and healthy</u> workplace, and they have the right to raise concerns to their employers about hazards <u>without</u> <u>fear of retaliation</u>.

Looking forward

Today, Oregon OSHA serves almost 2 million workers at more than 170,000 businesses across the state.

In celebrating its 50th anniversary, the division has successes to talk about, challenges to address, and projects to complete.

As it moves forward, it will depend on the people who make its safety and health mission a reality in workplaces across Oregon.

They are: Inspectors identifying and correcting hazards; consultants improving safety and health programs; health lab experts conducting analyses of hazardous substances; rule and policy experts offering employers guidance; trainers and educators enlightening workers and employers; safety and health conference organizers bringing learning opportunities to regions across Oregon; web developers providing accessible and up-todate safety and health content; support staff providing excellent customer service; supervisors providing guidance and helping lead the way; and more.

Their stewardship shines a spotlight on 50 years of success in protecting workers in Oregon. Their ongoing work lights the way to success in the decades to come.

1903

O.P. Hoff is appointed Oregon's first commissioner of labor. Hoff's investigations of Oregon factories and workplaces revealed the widespread existence of unsafe conditions. In his first biennial report (1904), he found 212 industrial accidents and 27 fatalities, the latter occurring mostly in logging and sawmill operations.

1913

- Oregon adopts a workers' compensation
- law and creates the State Industrial Accident
 - Commission (SIAC).

1930

The Oregon Safety Congress holds its first meeting on June 7 to "overcome" industrial accidents and to form a permanent organization. State Industrial Accident Commissioner W. H. Fitzgerald noted at the meeting, "Oregon is somewhat backward in forwarding education in accident prevention." Workplace safety in Oregon: A timeline of notable events By Ellis Brasch

1970

U.S. President Richard M. Nixon signs into law the

- Williams-Steiger Occupational Safety and Health
- Act on Dec. 29, which authorized the federal
- government to set and enforce safety and health
- standards for most of the country's workers.

1965

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- The Oregon Legislature creates a "three-way
- workers' compensation insurance system" that
- includes private insurance, self-insurance, and state fund insurance.

1944

- The first Governor's Industrial Safety
- Conference is held in Salem, Sept. 25 and 26.

1941

- The Accident Prevention Division (APD) is
- established as a division of the State Industrial
- Accident Commission.

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Gov. Tom McCall signs an agreement with the U.S. Department of Labor on March 11, 1971, making Oregon the second state in the union (after South Carolina) to be certified to run its own OSHA state plan.

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The Oregon Legislature passes Senate Bill (SB) 44, creating the Oregon Safe Employment Act. The purpose of the law is "to assure as far as possible safe and healthful working conditions for every working man and woman in Oregon." "To assure as far as possible **safe and healthful working conditions** for every working man and woman in Oregon."

1999

Oregon OSHA receives U.S. Vice President Al Gore's <u>Hammer</u> Award. The award honors outstanding efforts to make government more efficient. Oregon OSHA's award was for its first-in-the-nation comprehensive performance agreement with federal OSHA.

1990

The Oregon Legislature passes SB 1197, known as the Mahonia Hall reform package, which overhauled the workers' compensation system to lower costs. The reform package included the requirement that most employers in Oregon maintain safety committees and added more staff to Oregon OSHA to bolster enforcement and consultation services.

1989

The Accident Prevention Division is renamed the Oregon Occupational Safety and Health

Division (Oregon OSHA).

1987

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The Oregon Legislature passes House Bill (HB) 2900, which focuses on workers' compensation reform and makes the APD an important player in preventing workplace injuries. The law's changes include making APD's consultation and voluntary services mandatory.

2005

OSHA gives Oregon final approval to run its own state plan on May 12. Oregon became the 17th state in the nation to be granted final approval for meeting the requirements of the 1970 Occupational Safety and Health Act.

2007

HB 2022 requires health care employers (hospitals and outpatient surgical clinics) to address employee assaults. HB 2022 added ORS 654.412 through 654.423 to the Oregon Safe Employment Act and required the Department of Consumer and Business Services to adopt by rule a form allowing health care employers to record employee assaults.

2019

Oregon OSHA presents its first Spanish-language conference addressing workers and their needs at the Oregon State Fairgrounds in Salem.

2021

Oregon Gov. Kate Brown signs into law SB 483, which amends the Oregon Safe Employment Act providing additional protections from retaliation to Oregon employees. Any employee subjected to unlawful retaliation or discrimination may now file a complaint with the commissioner of the Bureau of Labor and Industries within 90 days pursuant to Oregon Safe Employment Act.

2023

The Oregon Legislature passes <u>SB 592A</u>, which amends the Oregon Safe Employment Act allowing Oregon OSHA to conduct comprehensive inspections at fixed workplaces where occupational death or three or more willful or repeated violations have occurred, and to assess specific civil penalties against employers who violate occupational safety and health rules.

The Legislature also passes <u>SB 907</u>, which amends the Oregon Safe Employment Act to clarify in statute that an employee's refusal of dangerous work is a protected activity under ORS 654.062(5). The bill also directs Oregon OSHA to adopt administrative rules to further clarify how and when work refusal would apply.



Voices of Oregon OSHA

By Ellis Brasch

Why does Oregon OSHA matter to you?

Chris Ottoson

Statewide Health Enforcement Manager (retired)



As Oregon OSHA celebrates its landmark 50th Anniversary, its mission remains relevant: "Advancing and improving workplace safety and health for all workers in Oregon." My career with Oregon OSHA started in the formative years of the Consultative Services program. It took a lot of work to convince employers to sign up for a no-cost consultation without fear of being turned over to the enforcement program. In 1991, 44 positions were added to Oregon OSHA by the state Legislature. Many of those positions bolstered the consultation and public education programs. It provided a serious commitment to bringing voluntary services in balance with enforcement and expanding access to resources for fulfilling Oregon OSHA's mission. Thankfully, that work has proven successful to the benefit of employers and their workers over the last 35 years.

When people speak of the work they do, there's usually a strong sense of pride for the personal fulfillment it brings and the joy of seeing others benefit from their work. You learn a lot when you spend a career walking into a myriad of workplaces. I saw these visits as opportunities to let people "tell me what you do and how it gets done," and I'll do my best to explain "how occupational health and safety applies to your work". This information exchange is critical to making a meaningful impact in a single visit or building relationships that will improve workplace health and safety culture. In 23 years of working with the health enforcement program, I read way too many serious injury and fatality accident investigation reports. My work with Oregon OSHA, and my entire career, was all about making occupational health and safety a relevant part of people's daily work life. It's a noble cause to prevent an injury, illness, or fatality from occurring in the workplace.

Michelle McColly

Features

Assistant Business Manager (retired)



Aside from the stay-at-home moms I knew personally when I began working for Oregon OSHA, most everyone I knew was employed full-time, a business owner, or retired. That right there, sums it up. Those employed full time spend most of their waking hours at work. That said, I have always felt that people should return home in as good a condition or better than when they went to work.

Being one of a handful of employees that worked both in the field offices and Oregon OSHA's central office, I answered accident and fatality calls. For many years, my team was responsible for taking fatality calls, though there were others who took the calls when needed. Suffice it to say, with all the reported fatalities, each one still affected me. No one should die from work-related causes. That said, every single consultation, inspection, and training session is a potential opportunity to help avoid accidents.

In the mid-'90s, I worked in Oregon OSHA's central (Salem) field office, and the Portland field office. I was SO very proud of how each compliance officer, consultant, and trainer did their job. Opening inspections, and talking to employers and employees, they were on fire to make a difference. And that they did. They were a team who supported and encouraged one another and I was not only proud of them, I was in awe of their desire to make an impact. Not only did we care about one another, we cared about what we did, and that created a special bond – a familial bond. How fortunate and blessed I was to be a part of that in each office I worked in! I miss that bond and everyone who worked there.

For me personally, it was about my passion to provide a positive interaction with each telephone call I made or answered, as well as to each person I met. We represented the State of Oregon and Oregon OSHA. My goal was to leave a good impression with each person. Our job, not only at work, is to serve others, treat one another with respect and brotherly love, and be proud of the job we do.

Dave McLaughlin

Standards and Technical Manager

My career in workplace safety and health began when I enlisted in the Air Force. I was about halfway through basic training when I needed to make a career decision, and there was only one open career field at that time, which turned out to be primarily industrial hygiene. I was several weeks into tech school when I was in bed one night and had the thought, "If I mess up, someone could die." That thought, which was responsible for several sleepless nights, has stayed with me since that night in 1987. After my enlistment ended in 1991, I joined Oregon OSHA.

Oregon OSHA is built on the simple yet profound idea that every worker has the right to safe and healthful working conditions. Or as I like to say, "Every worker has the right to go home from work with the same number of body parts with which they showed up." We establish some basic guidelines and goal posts for employers so they can have some idea of how to provide that for their workers. We have a multitude of resources available for employers to help them understand their obligations and for employees to help them understand their rights. But beyond what Oregon OSHA provides, Oregon OSHA has always been a family. We may have disagreements about a particular point or issue, but we are all 100 percent committed to the idea that nearly all workplace injuries, illnesses, and fatalities are completely preventable, and we owe it to our fellow working Oregonians to do everything we can to uphold the basic tenant that all workers have the right to a safe and healthful workplace. That commitment was here before I started, and will be here long after I am gone. It's just who we are.

My work with Oregon OSHA, and my entire career, was all about making occupational health and safety a relevant part of people's daily work life. It's a noble effort to prevent an injury, illness or fatality from occurring in the workplace.



Mark Hurliman

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VPP/SHARP Program Coordinator



For me, it is our mission: To enhance and improve workplace safety and health for all workers in Oregon! I believe that our four-pronged approach is effective. Enforcement has a very important job to do, and as a regulatory agency, their job is vital. However, I firmly believe that compliance will only get us a little ways toward our mission. I have always looked at compliance as the minimum standard: a "D-" if you will (that was the minimum passing grade they gave in high school). Many companies and their leaders are not satisfied with the D- and are looking to get better.

I believe Consultation can have a bigger impact on our mission as we generally deal with employers who want to get better, and they are voluntarily asking for consultative services, requesting public education, and are attending conferences. When the employer wants to get better, they become more involved, and become part of the solution. That is why companies that choose to make use of our voluntary programs tend to do so well. They are not doing it because we told them to do it; they are doing it to make themselves better.

Ellis Brasch

Program Development Specialist

In the 33 years that I've worked for Oregon OSHA, I've pursued one goal: organizing and presenting information that helps people stay safe at work. I like to write and, because writing involves organizing information, I've had the pleasure of creating much of Oregon OSHA's outreach information, including guidebooks, fact sheets, newsletters, apps, and websites.

Oregon OSHA produces this information to help employers – particularly small business owners –comply with its rules. The Oregon Safe Employment Act requires employers to follow the occupational safety and health rules that are specific to their workplaces, but that can be challenging for many small business owners because they may not know which Oregon OSHA rules apply to their workplaces.

What many employers don't know, however, is that the Oregon Safe Employment Act also requires Oregon OSHA to provide employers with the information they need to make their workplaces safer. That information comes in the form of training offered by our <u>public education section</u>, an expanding list of <u>publications</u> – currently more than 500 titles – and websites such as <u>Tools of the Trade</u> for small business owners, and <u>Seed to Shatter</u> (a safety and health guide for cannabis growers, processors, and retailers). All employers should take advantage of these resources.



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Features

Sue Joye

Policy Analyst/Rules Coordinator (retired)



My first day of work at Accident Prevention Division (APD), later to become Oregon OSHA, was June 4, 1984. My last day of work was May 31, 2017, and retirement started the following day.

During my career at Oregon OSHA, I always knew what we did as an agency was important. I felt it was a noble work to do our personal and cumulative best to ensure employees went home at the end of their work shift as safe and healthy as they had (when they) arrived at work. Knowing what we did made a difference in Oregon business and individuals' lives.

(During) the vast majority of my 33 years at Oregon OSHA, there was a sense of a family climate. As with most families, there can be bickering and different views. However, we cared about one another, and that's a great environment to have! I had so many amazing co-workers and guite a number are lifetime

friends. I am truly blessed!

Twenty-three of my 33 years at Oregon OSHA I served as the administrative rules coordinator. I loved that position, and I did until the day I retired! Two of my favorite functions of that position were attending advisory group meetings and presiding at public hearings for proposed rulemaking. Both of these events involved affected stakeholders voicing how their industries could be impacted by proposed rulemaking. A very important piece for Oregon OSHA as a regulatory and enforcement agency. Communication is key.

A critical component as rules coordinator is timely notification of rulemaking activity to the public, Oregon OSHA staff, and those in Oregon's Legislature. This was always a priority. I believe whatever our current work is, we should work with excellence and personal integrity.

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Can you prevent a heat-related illness at your workplace?

By Ellis Brasch

Since 2017, Oregon OSHA investigated seven workplace incidents in which workers died or were hospitalized for at least one night because of a heat-related illness. Most of these cases could have been prevented if the employers and the employees made the right decisions when outdoor temperatures climbed to unsafe levels.

Below are summaries of those seven workplace incidents. Can you identify what went wrong and the critical actions that should have happened to keep the employee safe in each incident?

Incident #1

- Date and time: July 13, 2021, at noon.
- City: Medford
- Temp: 97 degrees Fahrenheit
- Humidity: 21 percent
- Heat index: 94
- Fatality? No

A 25-year-old employee of a solar installation company began having severe stomach cramps late in the morning while unloading



solar panels from a truck. His supervisor told him to take a break in the shade, cool off, and drink fluids. When the cramps persisted, he was asked if he needed medical treatment, but refused. However, by mid-afternoon he changed his mind and his supervisor took him to the hospital. He was hospitalized for two days and was treated for renal failure and "heat exposure." He did not realize his stomach cramps were heat-related.

What went wrong?

Cramps – in the stomach, back, arms, or legs – are often associated with the first stage of heat illness,

due to dehydration and loss of nutrients from excessive sweating. Because the heat index was 94 when the incident happened, the employee and his supervisor should have suspected the cramps were heat related. The supervisor made the correct decision when he took the employee to the hospital. However, symptoms of heat stroke – such as throbbing headache, confusion, nausea, dizziness, body temperature above 103 degrees Fahrenheit, or rapid and strong pulse are a medical emergency and require immediate attention: Call 911.

Incident #2

- June 28, 2021, at 1:30 p.m.
- City: Hillsboro
- Temp: 110 degrees Fahrenheit
- Humidity: 18 percent
- Heat index: 110
- Fatality? Yes

A 49-year-old carpenter had been rehired by the company on June 28 after being laid off for seven months. That day was also the peak of Oregon's 2021 heat wave. The employee spent the first hour of the morning receiving orientation training in an air conditioned office. After orientation, he spent the rest of the morning loading a truck in the shop's shaded garage bay. He told co-workers that he was not dealing well with the heat and that he had slept poorly the night before.

Just after lunch, the company's project manager noticed that the air conditioning unit on the roof was leaking water into the shop, but knew that the leak could easily be fixed. He asked the carpenter to climb to the roof and make the repair, which would only take a few minutes. The carpenter climbed a caged ladder to the flat roof and fixed the leak. He was on the roof for less than 10 minutes and collapsed after climbing down the ladder. He was taken to a local hospital where he died from heat stroke 11 days later.

What went wrong?

Because the employee had recently been rehired after a long layoff, he was not accustomed to working in the heat, especially on a day when the heat index was 110. The carpenter's co-workers should have told a supervisor that he was not dealing well with the heat, and the project manager should not have asked the employee to repair the leaking air conditioner. Oregon OSHA requires employers to develop effective acclimatization practices that allow employees to gradually adapt to outdoor work when the ambient temperature exceeds a heat index of 80 degrees Fahrenheit and to immediately report symptoms or signs of heat illness - in co-workers or themselves - to a supervisor.



Incident #3

- June 26, 2021, at 3:38 p.m.
- City: St. Paul
- Temp: 104 degrees Fahrenheit
- Humidity: 22 percent
- Heat index: 104
- Fatality? Yes

A 39-year-old contract employee began working with an irrigation crew moving and setting up pipes at 5 a.m. Their first break was at 10 a.m. with a scheduled lunch at noon. The crew reported that the contract employee appeared to be healthy with no complaints of illness during the first break and at lunch. Water was available and the crew were drinking it regularly. After lunch, the contract employee, who had been working alone, walked back to where he had been working about a quarter of a mile away. At 3 p.m., the crew returned to their parked van for their afternoon break. They waited for the contract employee, but he did not show up. They tried calling his cell phone only to discover that it was in the van. The crew walked to where the victim had been working and found him face down and unresponsive in the field. The crew called their lead worker, who notified responders. The Oregon State Medical Examiner later reported that he died from an abnormally high internal body temperature and dehydration.

What went wrong?

The employee was working alone a quarter of a mile away from the rest of his crew and did not have his cell phone on a day when the heat index was 104. There was no one nearby to check on the employee, and there was no way to communicate with him. Oregon OSHA requires a mandatory buddy system and effective communication by voice or electronic means when the heat index exceeds 90 degrees Fahrenheit.

Incident #4

- July 28, 2020, at 11 a.m.
- City: Portland
- Temp: 98 degrees Fahrenheit
- Humidity: 39 percent
- Heat index: 104
- Fatality? No

A 54-year-old truck driver had been hauling scrap metal the previous day in a truck that did not have a working air conditioner and the afternoon temperature peaked at 98 degrees Fahrenheit. After work, he returned home at 6 p.m. feeling very weak; he had an early dinner and went to bed at 8 p.m. The next day, he started his shift at 6 a.m. and drove 30 miles from Portland to pick up a load of scrap metal. He began to feel nauseous and threw up twice while he waited for the scrap metal to be loaded. After the truck was loaded, he thought he would feel better and began the drive back to his workplace. But he began feeling very ill and pulled over at a rest stop in Wilsonville. He called his employer who sent two employees to retrieve his truck and bring him back to the Portland office. The two employees arrived 45 minutes later and found him barely conscious and slumped over his steering wheel. The responding employees called 911 and emergency responders took him to a nearby hospital where he remained overnight and was treated for heat stroke.

What went wrong?

The employee showed signs of heat stress after he had been driving all day in a truck that had an air conditioner that did not work and the heat index was 104. The next day he continued working under similar conditions but did not recognize his symptoms as signs of heat stroke. The employee should not have been driving a 5 Features

truck that had no air conditioning. And, because of the extreme heat, he should have recognized that his symptoms were signs of heat stroke; Oregon OSHA requires employers to train their employees to recognize the environmental and personal risk factors for heat illness.

Incident #5

- July 20, 2020, at 5 p.m.
- City: Milwaukie
- Temp: 93 degrees Fahrenheit
- Humidity: 32 percent
- Heat index: 92
- Fatality? Yes

The 24-year-old laborer for a civil general contractor began his first day on the job taking measurements with a tripod-mounted leveling device. He had recently moved from Crescent City, California, and worked briefly in Brookings, Oregon these cities had average summer temperatures of approximately 62 degrees and 73 degrees Fahrenheit, respectively. Near the end of his work day, he was reassigned the task of sweeping pavement. At 5 p.m. he walked back to his car but tripped over a parking block and fell. Fellow workers saw him fall and responded immediately, but found him unconscious. They moved him to a shaded grassy area next to the parking lot, but could not revive him and called 911. Emergency responders determined that he had a core body temperature of 106 degrees Fahrenheit and was severely dehydrated. He was taken to a nearby hospital where he died two days later. The cause of death was heat stroke.

What went wrong?

The employee began his first day on the job when the heat index was 92 and he was not accustomed to working in the heat. His employer should have let him gradually adapt to the heat for short periods each day rather than have him work a full day outside on his first day. Oregon OSHA requires employers to develop effective acclimatization practices that allow employees to gradually adapt to outdoor work when the ambient temperature exceeds a heat index of 80 degrees Fahrenheit.



Incident# 6

- June 3, 2019, at 11:30 a.m.
- City: near Glide
- Temp: 76 degrees Fahrenheit
- Humidity: 67 percent
- Heat index: 76
- Fatality? Yes

A 21-year-old choker setter began logging with his rigging crew just after 5:30 in the morning. At 11:30 the crew went to set a turn of logs. He had just set his choker when a co-worker saw him collapse. The supervisor immediately called 911, following the logging company's emergency plan for the site. The rigging crew said they worked together all morning and their co-worker appeared to be fine. He was transported by ambulance to a hospital in Roseburg where he was admitted and treated for severe heat stroke. At the logging site, emergency responders noted his temperature was 108 degrees. He died in the hospital from severe dehydration and heat stroke.

What went wrong?

In this rare case, the employer could not have anticipated the employee was at risk for a heatrelated illness. The heat index of 76 did not indicate a need for protective measures – Oregon OSHA's rules for preventing heat illnesses apply to workplaces when an employee is working and the heat index equals or exceeds 80 degrees Fahrenheit – and the employee showed no visible signs of heat stress.

Incident #7

- Aug. 18, 2017, at 12:30 p.m.
- City: Hillsboro
- Temp: 84 degrees
- Humidity: 63 percent
- Heat index: 88
- Fatality? No

A 23-year-old firefighter trainee showed up for work at 7 a.m. to begin his third day of physical training exercises, which included squats, lunges, running, and other agility exercises. At 9:30 he put on his full firefighting gear – firefighting boots, pants, jacket, hood, gloves, and helmet – to do fire training, which included activities such as hooking up hoses to hydrants and two-person ladder carries.

Throughout the morning, he and his fellow trainees took 15-minute breaks each hour and a lunch break at 11:45. About 12:30 p.m., he started feeling his muscles cramping and thought if he drank some Gatorade the cramps would go away. But the cramping intensified and soon spread to his entire body. The employee said he was a trained paramedic and knew the signs and symptoms of heat-related illness. He told the EMS training captain, who evaluated him, administered IV fluids, and called 911. He was transported by ambulance to a local hospital, where he was diagnosed with rhabdomyolysis and released the following day after receiving additional fluids.

What went wrong?

If you have not heard of rhabdomyolysis, you're not alone. Rhabdomyolysis (often called rhabdo) is a rare, but potentially serious, medical condition in which damaged muscle cells rapidly break down and release a protein called myoglobin into the bloodstream. If not recognized and treated early, rhabdomyolysis can result in permanent disability or potentially life-threatening conditions affecting the heart and kidneys.

Rhabdo is associated with heat stress and prolonged physical exertion, though <u>it has many</u> <u>other causes at well</u>. People who work in hot environments and perform strenuous physical tasks – including structural and wildland firefighters – have a higher chance of getting rhabdo.

In this case the employer could not have anticipated that the employee would develop rhabdo, but responded properly to the incident. The employee knew the symptoms of heatrelated illness and the EMS training captain immediately called 911.



Oregon OSHA requires employers to <u>report work-related injuries or illnesses</u> that cause the loss of an eye, an amputation or avulsion that includes bone or cartilage loss, inpatient hospitalization, catastrophe, or fatality, including fatalities from heart attacks and motor vehicle accidents.

Reporting an incident neither assigns fault nor proves the violation of an Oregon OSHA rule. It also does not establish an employee's eligibility for workers' compensation or other benefits.

Employers must report the death of any employee or a catastrophe within eight hours of when it happened or when it was reported to them. They must report an inpatient hospitalization, loss of an eye, and either an amputation or avulsion that results in bone loss within 24 hours of when it happened or was reported to them.

Quotable

Don't confuse a safety slogan with a safety method. Too many organizations believe stating a principle such as 'maintaining a questioning attitude' is the same as helping individuals understand specifically the mechanics of a questioning attitude. A principle without a practice is simply a slogan, and a practice without a principle is a task that rarely becomes a value.

- Joe Estey,

senior performance improvement specialist for Lucas Engineering and Management Services in Richland, Wash.

Datapoints

The following data show the top 10 workplace safety and health rule violations in 2022. Oregon OSHA encourages employers to use free resources – including <u>consultation services</u> and <u>technical guidance</u> – to improve their safety and health programs, and compliance with rules. Check out our <u>classrooms and online training</u>, too.

#	Rule violated	Rule name	Total violations	Total initial penalties
1	29 CFR 1910.1200(e)	Written hazard communication program	363	\$44,025
2	OAR 437-003-1501(1)	Fall protection	263	\$919,930
3	OAR 437-001-0765(1)	Rules about safety committees or safety meetings	254	\$22,660
4	OAR 437-001-0765(13)	Documentation of safety committee meetings	106	\$3,785
5	29 CFR 1926.1053(b)	Requirements for use of ladders	105	\$79,860
6	OAR 437-003-0503(2)	Certification of fall-protection training	105	\$4,060
7	29 CFR 1910.134(c)	Respiratory protection program	84	\$6,725
8	29 CFR 1910.1200(h)	Employee information and training	78	\$9,180
9	29 CFR 1910.1200(g)	Safety data sheets	63	\$1,650
10	29 CFR 1910.178(I)	Training for operators of powered industrial trucks	61	\$10,100



Does Oregon OSHA have rules that prohibit someone over 18 years old from working alone in a retail establishment on a graveyard shift? I have been robbed twice where I work and my employer has done nothing to improve the situation.

Oregon does not have rules that prohibit someone from working alone in a retail establishment. However, you should report any workplace assault or threat of assault – from another employee or a member of the public – to your manager or your human resources manager and to the police. Oregon OSHA also <u>requires</u> <u>employers</u> to ensure that their employees are adequately protected. Talk to your manager or a safety committee representative about your concerns for safety when you are working alone. If you feel that your employer does not appropriately address the situation, and you continue to feel unsafe, you can <u>file a complaint</u> with Oregon OSHA. Short take 🔹

Heat illness prevention

By Aaron Corvin

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Oregon OSHA encourages all employers to refresh their knowledge of workplace safety and health rules designed to protect workers from the dangers of high heat.

This is especially important as temperatures in Oregon are expected to reach high levels in the coming days. Oregon OSHA urges employers to focus on heat stress prevention, including acclimatization, which involves gradually adapting the body to work in the heat. Other critical steps to prevent heat illness include water, rest, shade, and training.

Oregon OSHA maintains heat illness prevention rules under which employers must take steps to protect workers from the hazards of high heat. The rules apply across industries and to settings in which employers provide labor housing. Workers have a right to a safe and healthy

STAY REFRESHED Know the heat illness prevention rules.

workplace, and they have the right to raise concerns free of retaliation.

The following fact sheets address general workplace requirements and employer-provided housing requirements in both English and Spanish:

 Key requirements for general workplaces – <u>English/Spanish</u> Key requirements for employerprovided housing – <u>English</u>/ <u>Spanish</u>

More heat illness prevention resources are available on Oregon OSHA's <u>A-to-Z topic index page</u>. The resources include a video training in <u>English</u> and <u>Spanish</u> that satisfies certain training elements of the heat rule. Oregon OSHA offers free resources to help answer questions about <u>how to apply our rules to</u> <u>your workplace</u> and about how to improve your workplace safety and health program.

Short take

Employers join Safety Break for Oregon celebration

By Aaron Corvin

Fifty employers participated in the 20th annual Safety Break for Oregon event on May 10. Representatives of a variety of industries - construction, health care, food service, state and local governments, and more - held activities across Oregon to promote on-the-job safety and health.

Although the one-day safety stand-down wrapped up in May, the goal of keeping workers safety and healthy never ends. It's a project that must be carried out every workday. Oregon OSHA encourages employers to use free resources to help create and maintain safe and healthy workplaces. Consultations on safety and health programs, technical advice about rules, public education services, and more are available at Oregon OSHA's website.

Safety Break for Oregon is coordinated by Oregon OSHA. Employers and workers get to decide how they will participate in the event. It is a time for employers and workers to celebrate safety and health achievements, and to examine and renew their efforts to shield people from harm while on the job.

Sponsored by the Oregon SHARP Alliance, prizes are awarded to participating companies as part of a random drawing. Congratulations to this year's winners of a \$100 check to be used for a luncheon of their choice: The Corvallis Clinic, and Sheridan Fruit Co. 🛑



Thank you to all who participated!







Short take ••

Oregon OSHA, federal OSHA, Region X-VPPPA team up for training to improve worker safety

By Aaron Corvin

Oregon OSHA, federal OSHA, and Region X of the Voluntary Protection Programs Participants' Association (VPPPA) recently co-hosted a training session to help industry representatives from Oregon, Washington, and Idaho become members of the Special Government Employee (SGE) program.

The SGE program allows industry employees to team up with OSHA to improve workplace safety and health, especially during <u>Voluntary</u> <u>Protection Programs'</u> (VPP's) on-site evaluations. It is an innovative program, supplementing OSHA's on-site evaluation teams and providing industry and government with opportunities to share information and ideas.

Qualified volunteers from VPP sites are eligible to participate in the SGE program. The volunteers must be approved by OSHA and funded by their companies to participate.



Industry representatives from Oregon, Washington, and Idaho recently attended a Special Government Employee training session at Oregon OSHA's Portland area field office.

Volunteers submit applications. After completing the <u>required training</u>, they are sworn in as SGEs and may assist OSHA.

Oregon OSHA, federal OSHA, and Region X-VPPPA co-hosted the SGE training on April 18-20 at Oregon OSHA's Portland area field office in Tigard. The instructors were Andrew Martinson, Region X VPP manager for federal OSHA, and Mark Hurliman, program coordinator for Oregon OSHA's VPP and Safety and Health Achievement Recognition Program (SHARP) programs. Ray Illingsworth of Marvin Wood Products and Paul Karschina of Covanta Marion provided assistance with the April 18-20 training. Attendees of the free training included representatives of the following companies: Linde Gas & Equipment Inc., Cintas Corporation #172, Idaho National Laboratory, Coca-Cola North America, Sherwin-Williams/Purdy, Honeywell Electronic Materials, Lam Research, and Avangrid Renewables.

The SGE program reflects the spirit of VPP: industry, labor, and government working together. This cooperation speaks to the idea of continuous improvement, with SGEs bringing their unique perspectives to on-site evaluations and taking innovative ideas and best practices back to their companies to further improve worker safety and health.

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by members of the company's safety team as he holds up the Blue Star Award plaque for outstanding contributions to workplace safety and health in Oregon. Pictured at far left, SHARP Alliance Board Chairman Cliff Butler and Oregon OSHA VPP/SHARP Program Coordinator Mark Hurliman – who serves as the Oregon OSHA liaison on the SHARP Alliance Board – presented the award to Windsor.

Short take

Cardinal IG plant manager receives Blue Star Award

By Aaron Corvin

Dave Windsor, plant manager at Cardinal IG in Hood River, has received the 2023 Blue Star Award. The award – presented by the Oregon SHARP Alliance – recognizes people who have demonstrated outstanding dedication to, and impact on, workplace safety and health in Oregon.

The award to Windsor was announced on June 6 during the 15th annual Blue Mountain Occupational Safety and Health Conference held June 5-6 at the Pendleton Convention Center. The conference is a joint effort of Oregon OSHA, Oregon SHARP Alliance, and employers and employees in northeast Oregon.

The annual Blue Star Award spotlights individuals who have stepped up as leaders to transform their workplace's safety culture and to promote continuous safety improvement. The recipient does not have to be a member of the Oregon SHARP Alliance.

Award nominees must meet the following criteria:

- Possessing leadership attributes that set the nominee apart from peers
- Initiating and/or leading a successful safety initiative with measurable results
- Engaging peers and transforming the safety culture of their organization/company
- Valuing safety as a critical part of business operations
- Working as a mentor and resource for safety and health to others

Nominations for the award must be submitted to an Oregon SHARP Alliance board member by someone other than the nominee. Nominations are due annually no later than April 30. In May, votes are cast for award recipients by current Oregon SHARP Alliance board members and past award recipients.

Learn more about the Blue Star Award and past recipients, and download the 2024 award nomination form by visiting this <u>webpage</u>. The Oregon SHARP Alliance is a nonprofit group that promotes safety and health management by encouraging teamwork and cooperation among people, employers, and organizations to improve workplace health and safety for Oregon workers.

Don't miss.....

Education:

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Workshop classes will be held virtually until further notice.

A minimum of five registrants is needed to hold a virtual workshop.

Registered participants will receive an email if a cancellation is necessary.

Register and attend

Using the <u>secure online registration</u> <u>portal</u>, you can find classes. The workshop schedule changes every three months.

For more information, visit the <u>classroom</u> workshops page.

Find more information about education resources by visiting Oregon OSHA's education and training page.



To receive conference registration materials, exhibitor information, or sponsorship information, contact the Conference Section: oregon.conferences@dcbs.oregon.gov | 503-947-7411 | osha.oregon.gov/conferences

Mark your calendar for these workplace safety and health conferences:

Central Oregon Occupational Safety & Health Conference

Sept. 25-26, 2023 - Bend

Seguridad y salud laboral y sus derechos en el trabajo Oct. 17, 2023 - Ashland

Southern Oregon Occupational Safety & Health Conference Oct. 17-19, 2023 - Ashland

Western Pulp, Paper, & Forest Products Safety & Health Conference Nov. 28-Dec. 1, 2023 - Portland

Mid-Oregon Construction Safety Summit January 29-30, 2024 - Bend

Cascade Occupational Safety & Health Conference March 4-5, 2024 - Eugene

Northwest Safety & Health Summit May 14-16, 2024 • Anchorage, AK

Blue Mountain Occupational Safety & Health Conference June 3-4, 2024 • Pendleton