

**Oregon OSHA  
Fiscal Impact Advisory Committee  
January 29, 2018  
Meeting Minutes**

**Attendees:**

All seven of the committee members were in attendance:

Scott Dahlman - Oregonians for Food and Shelter	Ramon Ramirez - PCUN
Mike Doke - Columbia Gorge Fruit Growers	Nargess Shadbeh - Oregon Law Center
Kate Suisman - NW Worker's Justice Project	Jenny Dressler - Oregon Farm Bureau
John Morgan – Facilitator and Committee Chair	

Heather Case - Oregon OSHA, was in attendance to take minutes on the proceeding.  
Garnet Cooke - Oregon OSHA, was in attendance as a resource to the committee on the Fiscal Impact Statement.

Michael Wood and Renée Stapleton of Oregon OSHA were also in attendance, as was Danielle Miller of Dalton Advocacy, who observed the meeting on behalf of the Columbia Gorge Fruit Growers.

**Meeting called to order at 1:10 p.m.**

**Review of Meeting Minutes from 1/4/18 meeting**

The committee reviewed the meeting minutes from the January 4, 2018 meeting. They offered suggestions for edits and remarked on them. Minutes approved as amended. Amended minutes will be sent.

**Introductory Remarks by Michael Wood**

Michael made introductory remarks to the committee framing the mission of the committee. Michael stated that although the committee is an advisory committee, in this case they are being asked to make a recommendation that Oregon OSHA will then adopt. Some things Michael asked the committee to consider were: Does the fiscal impact statement reflect the rule as proposed? If not, how should it be changed? How the fiscal impact of compliance with the rule affects small businesses and construction of a single family home. The committee also needs to consider and decide if they have enough information to make a decision and what that information is.

John also reiterated from last meeting that the committee is not in place to debate the substance of the rule, but to deal with the cost estimates of the rule as written.

Michael also remarked on the second extension of the rulemaking comment period to February 28, 2018. When asked if the comment period was extended in order for the committee to continue meeting/working, Michael said he anticipated the committee would be done well before the end of

the comment period, which would allow time for the committee's work to be shared and subjected to public comment. Nargess Shadbeh on the committee wanted to confirm that they were not precluded from doing more work if new information necessitated another meeting or more time, and the committee agreed.

### **Continuing Business**

John asked if there was a motion to approve the fiscal impact statement as written. No motion.

The committee was given a matrix that broke out the different sections of the fiscal impact, and each element was assessed. The following is a summary of the committee's discussion by topic.

Nargess Shadbeh questioned whether the time anticipated for notification of pesticide application of 10 minutes was long enough. The committee felt that it was not adequate time to notify worker's, especially for large employers. Ramon Ramirez suggested that 15 minutes would be appropriate, and the committee agreed by consensus. The time estimation was changed to 15 minutes. This change affects: 437-004-6405(4)(a), 437-004-6405(4)(b), 437-004-6405(5)(c), and 437-004-6405(5)(d).

Clarification was asked regarding the cost of notification calculated with one trip in mind or with multiple trips to disseminate each piece of information. It was concluded that this was meant to be as single trip costing \$28.08 - \$114.12. Oregon OSHA agreed that it was unclear; the committee determined that the fact that the various notifications would be handled in a single trip or set of trips would be clarified.

Initial training to occupants regarding minimizing exposure to outside air, and protecting personal items are all combined into one cost. The cost includes labor and mileage for 1 supervisor 1-2 per season. This allows for the possibility for employee turnover. This clarification affects: 437-004-6405(5)(a), 437-004-6405(5)(b), and 437-004-6405(5)(e).

Clarification was asked regarding on when a grower or operator would provide instructions on protecting personal items. The committee concluded that 437-004-6405(5)(e) is meant to encompass initial training, which does not have a specified time but rather that it is conducted. The committee asked Oregon OSHA to develop training materials to help with employers with this requirement. Oregon OSHA agreed to develop such materials, using pictograms that will make the information easy to understand when possible.

The committee discussed that there are factors that were not considered in the original Fiscal Impact regarding evacuation. The committee suggested language that will be added that discusses the considerations for employers with processing facilities and the potential benefits of additional protection/information. The following language will be added to the fiscal impact statement:

*There will be a fiscal impact to some growers who have processing facilities, or other buildings where workers would normally be working during pesticide applications. Because of lack of data, and variability between operations, the cost is indeterminate. Some of the factors that make this assessment challenging include: work and break schedules at facility, facility and farm configuration, diversity of cropping systems, spraying frequency, and type of pesticides used. Range \$0 - \$1,000  
In addition, improved productivity may occur due to increased employee morale from timely and effective communication of hazards. This may result in a reduction in workers*

*compensation claims and absenteeism, and improve employee retention and active participation in the safety and health management system.*

This amendment will affect: 437-004-6405(8)(a), and 437-004-6405(8)(b)

The committee discussed that the fiscal associated with 437-004-6406(1) was not necessary because it is a requirement that has been in effect for years. This is not an additional cost of compliance and should be removed.

No amendments were suggested for the following:

- 437-004-6405(4)(c)
- 437-004-6405(4)(d)
- 437-004-6405(6)(a)
- 437-004-6405(6)(b)
- 437-004-6405(6)(c)
- 437-004-6405(7)
- 437-004-6405(8)(c)
- 437-004-6406(2)

Motion to approve all amendments as discussed, motion was passed by everyone.

Motion to approve the Amended Fiscal Impact Statement, motion was seconded. The motion was voted upon. The motion passes with 6 of the 7 members voting in favor of the Amended Fiscal Impact Statement.

Mike Doke, the only member that did not vote in favor, stated that he cannot vote for it because it does not take into account the loss of trees. John Morgan made several requests for Mike to make a statement that could be proposed as an amendment. Mike stated that it could not be quantified, and he cannot stand behind an impact statement that did not include the loss of trees. Mike stated several times that he did not have an amendment to be offered because the removal of trees would not be the lowest cost alternative. John reminded Mike that the Department's position did not bind the committee and amendments could be proposed. No vote on his concern was conducted because Mike did not put forth a proposed amendment for consideration.

Revisions will be made to the Fiscal Impact Statement as described; no other revisions were proposed relating to small employers or other aspects of the Fiscal Impact Statement.

**Meeting adjourned 3:52 p.m.**