

# Small Agricultural Employer Advisory Committee (SAEAC)

## Meeting Minutes

March 30, 2017

### Present:

#### Name – affiliation

Eric Marsh – Iseli Nursery  
Mike Doke – Columbia Gorge Fruit Growers  
Tim Farnsworth – Gingrich Farms  
Jeff Stone – Oregon Association of Nurseries  
Kathy Nishimoto – Duckwall Fruit  
Janet Fults – Consultant  
Viki Harchanko – Industrial Aviation  
Candy Carnes – Oregon Berry Packing  
Eric Lloyd – Risk Management Resources  
David Silen – Holiday Tree Farm  
Scott Dahlman – Oregonians for Food and Shelter (OFS)  
Rose Kachadoorian – Oregon Dept. of Agriculture (ODA)  
Gilbert Uribe – ODA  
Grant Jackson – ODA

Stacey Cooper – Cooper Orchards  
Nargess Shadbeh – Oregon Law Center

### Attended by Teleconference:

Eric Smith – Iseli Nursery  
Lisa Arkin – Beyond Toxics  
Misti Frost – Beyond Toxics

### Oregon OSHA staff present:

Michael Wood  
Renée Stapleton  
Sue Joye  
Sherry Marks  
Kathleen Kincade (Facilitator)  
Sarah Rew (Recorder)

### Welcome and introductions

Those in person and teleconferencing introduced themselves. Michael Wood gave an overview of Oregon OSHA's Worker Protection Standard rulemaking process in 2016 and 2017, explained the delay related to the EPA's new Application Exclusion Zone (AEZ) requirements, and invited discussion on the following topics: structures, including agricultural labor housing within the AEZ, ways to minimize the potential effects of contamination in areas adjacent to crop areas, and the need for additional protections.

### Advisory committee role and responsibilities

The committee is open to the public. Our goal is to involve stakeholders in the development of our administrative rules, which includes providing information about the fiscal impacts of potential rule requirements.

### Background

Prior to the first meeting, everyone on the SAEAC email list was provided with links to the adopted rules and to the text of the three rules being considered as a starting point for this rulemaking.

- [Changes to the Worker Protection Standard](#) (rules adopted February 14, 2017 and effective January 1, 2018)
- Rule language currently under consideration (not yet adopted):
  - 40 CFR 170.405(a)
  - 437-004-6405 Compliance Alternative for Protected Spaces
  - 437-004-6406 Spray Drift

## **Group Discussion**

- Perceived problems with the proposals not adopted
  - What is “tight” construction?
  - Types of structures that could utilize the compliance alternative
  - How many of these structures are there?
  - No requirement to shut windows and doors when evacuating the structures under federal rules
  - Notification procedures for residents and their families when nearby applications occur
  - Methods to determine if drift occurred
  - Ways to protect outdoor areas (such as cooking areas) from drift
  - Confusion over different rules addressing “drift”
- Methods to minimize drift at the spray equipment, including technological advances
- Possible research/internship opportunities to identify the numbers and types of structures potentially within the AEZ
- Real-time information about applications

## **Timeline**

Our goal is to file proposed rules with the Secretary of State by June 15, 2017. We will subsequently hold public hearings, accept public comment, and adopt the final rules with an effective date of January 1, 2018 – the same effective date as the other modified Worker Protection Standard rules adopted in February of this year.

## **Action**

Some additional questions to consider during the remaining meetings:

- How can we achieve the safety and health goals of this section of the federal Worker Protection Standard while minimizing the fiscal impact on Oregon’s public and private resources?
- How can Oregon OSHA’s rules best clarify the necessary requirements to meet these goals?

## **Specifically:**

- Revisit the 170.405(a) proposed language to add protective measures such as closing up the structure when they are evacuated
- Revisit the proposed language relating to the Compliance Alternative for protected spaces: define/clarify the concepts of “tightly constructed” and “fully enclosed”
- Revisit spray drift language for clarity
- Potential fiscal impact of the proposed changes.

**Next meeting:**

**Thursday, April 27<sup>th</sup>, 2017, 12:30 - 2:30 pm  
Portland Field Office (training room)  
DURHAM PLAZA  
16760 SW UPPER BOONES FERRY RD  
TIGARD, OR 97224**

**May meeting(s):**

**Thursday, May 11<sup>th</sup>, 12:30 - 2:30 pm  
PINE GROVE GRANGE  
2900 VAN HORN DRIVE  
HOOD RIVER, OR 97031**

**If needed, we will have an additional meeting on Thursday, May 25<sup>th</sup>, 12:30 - 2:30 pm, at the Portland Field Office training room (see location information above).**

**Contact:**

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