

# CONSTRUCTION ADVISORY COMMITTEE

**MEETING**  
**May 1, 2007**  
**L & I Building**  
**Salem, OR**

**Attendees:**

Dick Tarr  
Peg Munsell  
Bob Harris  
Dave Parsons  
Kimberly Gamble  
Joe Miller  
Dede Montgomery

**Attendees:**

Dale Matlock  
Dave Kaiser  
Tony Howard  
Andrew Haymart  
Bruce Dennis  
Mike Murphy  
Tony Barsotti

**Attendees:**

Chad Harvey  
Ron Haverkost  
Bruce Roller  
Michael Wood  
Marilyn Schuster  
Pat Darby

The meeting was called to order at 9:05 AM.

**1. MINUTES OF THE April 3, 2007 MEETING:**

The committee agreed unanimously that the minutes be approved as submitted.

Posted Construction Advisory Committee minutes can be found at:  
[http://www.cbs.state.or.us/external/osha/standards/const\\_advise.html](http://www.cbs.state.or.us/external/osha/standards/const_advise.html)

**2. OLD BUSINESS:**

*Status of current rule review:*

Peg Munsell gave an overview on the rules currently under review or revision:

437-003-0047 Working Near Overhead High Voltage Lines

OR-OSHA held a hearing on April 24<sup>th</sup> on OAR 437-003-0047. Comments were accepted until April 30<sup>th</sup>. Comments were received from NECA, Portland General Electric, PacifiCorp, and Central Lincoln PUD. Those comments included:

- o “Under the direct supervision of a competent person” language.
- o What constitutes “proper notification to the utility company”.
- o Clarify in the rule that the standard does not require the owner/operator to de-energize high voltage lines or install barriers.
- o Concern about shifting the responsibility for health and safety from the employer to the owner of the line (liability.) The proposed rule is unclear the way it is written as to who is responsible for completion of the safety measures before proceeding with any work.

Division 2/S Electrical

Federal OSHA published in the Feb. 14, 2007 Federal Register, the D2/S final rule which focuses on safety in the design and installation of electric equipment. The rule is effective August 13, 2007. OR-OSHA is currently reviewing the Federal changes (1910.302-1910.308 & 1910.399) along with the Oregon initiated rules (OAR)437-002-0321 through 437-002-0325. A hearing date will be scheduled in July. If you have any questions or comments please contact Ronald Haverkost, [Ronald.I.haverkost@state.or.us](mailto:Ronald.I.haverkost@state.or.us).

Tony Barsotti asked for an update on the Federal settlement with Portland Cement on Hexavalent Chromium.

Marilyn reported that Federal OSHA has not yet issued a compliance (CPL) directive but they have issued the appendix to the directive. Marilyn disbursed a copy of the appendix to the committee. OR-OSHA plans to adopt a program directive when the Federal CPL is issued.

Committee members expressed confusion relating to Portland Cement exposure. Michael Wood clarified that Portland Cement is excluded from the Chromium VI (Hexavalent Chromium) standard but the Federal CPL will include an appendix that contains Portland Cement inspection procedures. **Note:** Other standards are in place to protect employees exposed to Portland Cement. Those standards are spelled out in the CPL appendix.

A question was asked relating to Portland Cement exposure at a multi-employee worksite and who's responsible for the MSDS. Peg Munsell will follow up at the next meeting with what the HAZCOM rule states.

Outreach:

Peg Munsell reported that OR-OSHA is currently working on a new Hazard Alert on asbestos. The Hazard alert is being reviewed by OR-OSHA staff and will be final by the next Construction Advisory Committee meeting. Peggy will bring the new Hazard Alert to the next meeting.

Peggy also asked the committee if they were using the Construction Depot in hard copy or electronically. OR-OSHA originally intended this publication to be Web only. Based on the committee's responses and no objections, this publication will not be routinely printed in hard copy.

Health and Safety Issues (global/current):

Legislation: Michael gave an update on the bills that are in interest to Oregon OSHA and provided an copy of those bills.

HB 2222 - Michael explained that the Oregon Farm Bureau initially had some concerns about the bill but those have been resolved.

HB 3400 - What impact this bill would have if it passes. Michael replied that if the House Bill passed the sunset clause would be removed and OR-OSHA would continue with the federally adopted rule language, which is currently in place.

Training Opportunities:

Tony Howard said that ASSE's Professional Development Conference will be held May 16, 2007 from 8-5. For more information on the curriculum or to register contact Jim Lawrence at (360)232-0069 or email Jim at [jim@swansonbark.com](mailto:jim@swansonbark.com)

Dave Parsons is in the beginning stages of developing a scaffolding training that will be available. He will report back with the progress of the training at the next meeting.

Vehicle Fleet Safety:

Dave Parsons provided the committee with the April 25, 2007 Vehicle Fleet Safety Committee meeting minutes and gave an update on the progress of the committee.

The next Vehicle Fleet Safety Committee meeting is scheduled for May 30, 2007 at the AGC Center from 9-11.

Control Lines in Construction:

Marilyn Schuster distributed a second draft of the OR-OSHA Memo about warning lines for other than roofing work. The committee at the last meeting was asked to provide comments, no comments were received. The comment period was extended to May 15, 2007.

Tony Barsotti provided the committee a report on the Control Lines in Construction Committee activities. The committee met again on April 23, 2007 to further discuss best practices driven by industry needs, not regulatory driven and revisited the problem statement and working assumptions document. The committee is also discussing the potential issuance of a universal sign that helps visually communicate potential hazardous situations. The next meeting will be May 23, 2007 1:00-2:30 at the AGC office.

Working over Water – Pat Darby:

Pat Darby asked at the April 3<sup>rd</sup> meeting for clarification on OR-OSHA's May 17, 2006 memorandum for fall protection while working over water. The memorandum was distributed to the committee and OR-OSHA feels that the memorandum clearly addresses Pat's specific question: At what elevation is fall protection required while working over water. The committee discussed several different scenarios.

Letter of Interpretations (1/9/06 Steel Erection) on OR-OSHA's website:

Tony Howard asked at the April 3<sup>rd</sup> meeting the history of the steel erection interpretation OR-OSHA researched the interpretation and the issue had originated from the Construction Advisory Committee. OR-OSHA removed the interpretation from the site. A revised interpretation will be posted on the site when completed and the format will clearly identify OR-OSHA as the author and will give a brief description of how the question was raised.

**3. NEW BUSINESS:**

Health & Safety Issues (global/current):

- Dede Montgomery brought in copies of the pamphlet for cell phone usage
- Dede Montgomery also shared that CROET will be hosting a workshop in June. Online registration opened 5/1/07.
- Dave Parsons informed the committee that NAOSH week is next week, May 6<sup>th</sup> through the 12<sup>th</sup>.
- Dave Parsons also reported that Construction Career day was held last week and there was a good turnout.

Uniformity Issues:

Nothing to report.

Open Forum:

Tony Howard moved that the Construction Advisory Committee meeting scheduled for July 3, 2007 be either changed or canceled. The committee agreed that the meeting be canceled.

Chad Harvey asked the committee for their ideas for a contractor that builds swimming pools. There is a cave-in exposure when the pool builder is tying rebar. How do you shore when this type of activity places the worker within inches of the face.

Discussion comments included:

- There are engineered systems that use gunnite as the safety measure.
- Soils engineer would be the appropriate person to design the safety system.
- Excavating in stages and use the multiple-bench method as long as the method is suitable for the soil.

Marilyn also shared that Federal OSHA had issued a letter that shoring in this situation is infeasible, however, OR-OSHA did not to adopt this letter. Adequate safety measures must be taken to protect the workers tying the rebar.

The next meeting will be held on Tuesday, June 5, at 9 AM in the L&I Building, Room B.

Respectfully submitted,  
Barbara Belcher