

Oregon OSHA
Construction Advisory Committee
Tuesday, September 2, 2008

Meeting minutes

Attendees:

Gary Camfield	Marilyn Schuster	Dianna Gray
Dede Montgomery	Don Berg	Tony Howard
David Davidson	Brad Kelsey	Dave Parsons
Chris Ottoson	Dave Parsons	Mike Murphy
Ron Haverkost	Peggy Munsell	Dave Kaiser
Barbara Belcher		

Call to Order 9:00a.m.

Introductions

Review minutes:

The minutes were reviewed and approved as submitted.

Posted Construction Advisory Committee minutes can be found at:

http://www.cbs.state.or.us/external/osha/standards/const_advise.html

➤ **Status of current rule review- Peggy Munsell**

- Peggy gave an overview of rulemaking activity:

Confined Space In Construction – A second meeting was held with stakeholders on August 14. The next meeting is scheduled on September 24th at 9:30 at Salem Field office, 1340 Tandem Ave NE Suite 160 Salem, OR 97309-0417. At this meeting, the members will discuss classifications of spaces and review definitions.

Division 1 – [Several rule changes](#) will be filed by the 15th of September. These include employer and repeat violation definition changes, penalty criteria for repeat violations, relocation of language for supervisor responsibilities, and the language changed from guaranty contracts to insurance policies.

Safety Committees/mandatory penalty - Oregon OSHA held a public hearing on August 28 and had two public comments with concerns of doing away with serious penalties. OR-OSHA will review the comments and hope to have the rule final in the near future. **Update:** Rule final adopted 9/19/2008 with an effective

date of January 1, 2009. Small employers with 10 or fewer employees, with the exception of construction, must copy by 9/19/2009.

Dede asked if it would be possible for OR-OSHA to produce a one-page flyer for the small business fair at the Convention Center. Diana will check to see if Oregon OSHA will have a booth there and Marilyn will follow up with a flyer.

➤ **Health & Safety Issues (global/current)**

PUC Workshop The workshop provided an overview of the partnerships, and who has jurisdiction to prevent buildings being built with 10 feet of overhead power lines. A sub committee has been put together to address concerns and develop an action plan, as there have been a number of injuries and incidents relating to contact with overhead power lines. One avenue may be to take the legislative approach to require action in determining who has jurisdiction.

Silica Tony Howard invited Brad Kelsey from APEX Environmental to provide an overview of APEX Environmental's findings when comparing Federal OSHA's PEL to Oregon OSHA's PEL. When using the Federal OSHA's calculation method, the quartz value is higher and when the severity exposure was calculated, it was greater than 1. The sampling pool was small (7 samples).

He was concerned that the change in PEL has potentially lowered the standard. Brad will look at the historical data and provide a larger data set to get a clearer image.

Marilyn Schuster will discuss these findings with Kermit at Oregon OSHA's lab.

Permanent Anchors Ron Haverkost gave an update on the committee achievements thus far. The committee is contacting Building Codes Division contacts to help with outreach. If anyone knows anyone that can help with the direction of the committee, let Ron know.

Construction vs. Maintenance Marilyn Schuster shared many federal OSHA and Oregon OSHA interpretations to assist members in clarifying if an activity constitutes construction or maintenance. Marilyn asked the committee if there was a way to clarify the definition of Construction. Dianna Gray suggested adding a definition of maintenance to the Construction rule with a reference to Division 1 might help clarify.

ACTION: The committee members will review the definition of Construction as defined in Division 3 and report back at the next meeting with any suggestions to clarify maintenance vs. construction.

➤ **Lessons Learned**

Mike Murphy complimented the Construction Advisory Committee on being a great committee providing good partnerships and sharing very valuable information.

Tony Howard discussed a scenario where synthetic slings were used on a 60' boom

lift.

➤ **Open Forum**

Ron Haverkost advised the committee that Oregon OSHA has issued a new Local Emphasis Program (LEP) on Tower Cranes. The new program will focus on inspections of tower cranes at construction sites around the state. You can find the new LEP here: <http://www.orosha.org/pdf/pds/pd-271.pdf>

Peggy advised the committee that Oregon OSHA has issued an updated program directive on Control of Hazardous Energy Lockout/Tagout (PD A-156). You can find the updated PD here: <http://www.orosha.org/pdf/pds/pd-156.pdf>

Dave Kaiser told the committee there is a new NFPA 70E standard. There is a 3-day training course on the 70E standard coming up in November. There is also a webinar that will be available.

Peggy Munsell said SAIF Corporation has put together a pamphlet on nail guns. She asked if they would bring some to the next meeting for the members.

Tony Howard pointed out that Washington DOSH is hosting their Governors Conference on September 24-25.

Dianna Gray informed the committee that October starts a new inspection year. This year, compliance officers in the Portland area will be assigned areas

➤ **Planning for Agenda for Next Meeting**

Next Meeting: The next meeting is on October 7, 2008 in Salem, Room B.