

**Oregon OSHA**  
Construction Advisory Committee  
Tuesday, October 7, 2008

**Meeting Minutes**

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|-------------------|-----------------|------------------|
| <b>Attendees:</b> | Andrew Haymart  | Peg Munsell      |
| Dave Parsons      | Russell Nicolas | Dave McLaughlin  |
| Ron Haverkost     | Dede Montgomery | Marilyn Schuster |
| Ron Brooks        | Kim Rhodes      | Sarah McGovern   |
| Dave Kaiser       | David Davidson  | (scribe)         |

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Meeting called to order at 9:00 am  
Introductions

Approval of 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/osh/standards/const\\_advise.html](http://www.cbs.state.or.us/external/osh/standards/const_advise.html)

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***Continuing Business:***

**Status of current rule activity**

**Confined Space in Construction**

- Confined space for construction advisory committee met. A [fact sheet](#) was handed out showing the main features of the current general industry rule. There was discussion about the WISHA rule that applies to both general industry and construction. Essentially the WISHA rule is the 1910.146 Permit Required Confined Space rule. The federal proposal was also discussed and looked at. A table using information from the federal proposal was handed out and a more comprehensive table will be developed for the next meeting. There was a discussion as to what Michael is looking for when developing a new rule. Peggy responded that Michael wants something that is easy to understand and he is interested in hearing where the advisory committee wants to go

**Safety Committee final Rule status**

- Adopted effective Jan 1, with an effective date for small employers Sept. 19, 2009 minus those in construction. There will be a [fact sheet](#) on the web sometime in the next week. Interpretations on the web have been pulled and are under review. .

There are other tools (pamphlet) that we still are working on. The GOSH conference will also have information on the rule. There is a [preamble](#) up on the web.

### **Other changes**

- Employer definition, language on penalty delivery, penalty criteria and repeat violations, and relocation of supervisor language. The hearing is scheduled on [October 27](#) with the comment period ending Oct. 31
- Bailers and compactors draft in place with plans on pulling a stakeholder group together in the next month or so.
- **Fixed Site Scheduling rulemaking activity** – none at this time. Looking at an early November date to have the next meeting. It will be early next year before the rule will be proposed.

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

#### **Confined Space for construction**– Sub-committee update

- Everyone is welcome to join this meeting. Minutes will go out to the members of that group, as well as be posted on the web under [Collaborations](#).

#### **Status/Results of Silica testing**

- The question was when we went from a calculated PEL (permissible exposure limit) for Silica to a fixed PEL, the calculation appears to be more protective. The calculation is based on old sampling and analytical methods and was based on a combination of the 0.1 milligrams per cubic meter (mg/m<sup>3</sup>) limit for silica plus 5 mg/m<sup>3</sup> for all other respirable dusts. Sampling and analytical methods have changed since then. There may be situations where there may have been an overexposure to silica under the old calculation, but not under the new PEL, but there still may be overexposures to respirable dusts. It is also conceivable that an overexposure under the old calculation may not result in overexposures to silica or respirable dust under the new PEL. However, it is important to remember that the health effects of silica are different than the health effects of respirable dust, so the new PEL still reflects better science.
- There are questions remaining regarding the data we were given in the last meeting. We are still trying to reach the person who provided it to clear those questions up.
- When we sample for silica, we are still sampling for silica and respirable dust, we're just not combining the results anymore. If there was an overexposure to either, we would still require some method of controlling that exposure. Regardless if the overexposure were to silica, respirable dust, or both, the control measures would be the same.
- BNA published an article on the Minimum Airborne Silica Exposure Level for Respirator Use Recommended by NIOSH. The recommendation is a respirator with a filter that meets the N95 designation. In 1995 NIOSH developed new

categories for particulate respirator users with filter efficiencies of 95%, 99%, and 99.97%. and N, R, and P designations. NIOSH certifies the N95 mask, which is a filtering face piece and falls under respiratory protection regulations.

**Permanent anchor** – Tony Barsotti/Ron Haverkost (Deferred – No September meeting)

- One local plans examiner was going to require a company to put guard rails on a building for solar panels that were going to be within 10 feet of an edge. Or they were going to allow the building to put a permanent anchor on the building.
- The solar energy industry is marketing to flat building owners, to provide energy for areas other than just the building. We could partner with the energy association, to see where the plans will go. From the construction side, green technology is becoming a big subject.

There will be a meeting later this month for this subject.

**Construction vs. maintenance – continued.**

- Marilyn – Previously handed out interpretations for construction vs. maintenance activities. The committee agreed to revisit the handouts. Everyone should plan to come back next meeting with definition ideas, for construction as well as maintenance.

### ***Lessons Learned***

- Russell – The city of Portland, has said that many companies are going to have a green roof. There are some areas where there are fall hazards. Everyone needs to be aware of this. How long is it in construction, and where are the safety measures for fall protection. Also the fall hazards in maintenance mode, vs. the construction mode. We may need to get with the Landscape & Contractor's Board to see if this is something that they are aware of. There are also issues with watering issues for the green roof leaks. We also need to get this information out to the electricians as well.
- Solar trust – The purpose is to benefit individuals or third party individuals who are trying to promote use of solar. They are green, but they may need more training on safety. Maybe we could participate at this meeting. Russ will send Dave Kaiser, some information for the participants of the meeting. When people are putting in solar systems, permanent anchors should be going in with them as well. There is another group called the Solar Energy Association, that we gave a safety training grant to them, and it is currently in our library. It sounds like it is a great time to bring about some continuity for the rules when installing solar panels, green roofs, and landscaping. We are also going to have to start thinking about wind power generating stations up on the roofs as well. We can send a flyer on the GOSH conference to the energy association and the trust that would be helpful to them.

## ***Open Forum***

- Dede – wanted to share the flyer on “Parked Vehicles kill” as well as a magazine, both are available electronically. Work family stress implication for safety and health, will be CROET’s next symposium topic.
- Peggy – e-mail from a concerned instructor. He felt there was the confusion on the name hazard communication and suggested that OR-OSHA change the name to Chemical Hazard Communication. WA changed theirs to reduce confusion. The title of the standard is Hazard Communication, but inside the standard it is all chemical hazards. Nationally it is known as Hazard Communication, if you want to look for it, you aren’t going to look for chemical hazard communication. The group was divided on whether a change to the name would be appropriate
- Forklift and seat-belts – should OR-OSHA change the requirements? Some of the comments were: If they are on the forklift, you have to put them on; it’s like an automobile, if it’s there, they need to have them on; depending on terrain, and location, sometimes seat belts are needed.

Is using seat belts 100% of the time because of hazard or is it because it’s easier to manage? Some responded that it was easier to manage. Fed Ex example: They are in and out all day, they still wear their seat belts. IMD produced a report earlier this year on fatalities related to forklifts.

[http://www.cbs.state.or.us/imd/rasums/4810/06tables/06\\_4810tables.html](http://www.cbs.state.or.us/imd/rasums/4810/06tables/06_4810tables.html)

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### **Planning for Agenda for Next Meeting**

- Status/Results of Silica testing at Hoffman site – If we can get more information from the consulting firm we can continue the discussion. Absence a response, it will be removed as an agenda item.
- Construction vs. maintenance – continued.

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### **Next meeting**

Nov. 4<sup>th</sup> Room B at 9:00