

Oregon OSHA
Construction Advisory Committee
Tuesday, November 4, 2008

Meeting Minutes

Attendees:	Barry Moreland	Dede Montgomery
Kevin Jensen	Bill White	Ron Haverkost
Craig Carlson	Mike Murphy	Dave Kaiser
Ron Piksa	Chad Harvey	Michael Wood
Steve Rauk	Tony Barsotti	Marilyn Schuster
David Davidson	Russ Nicolai	Sarah McGovern (scribe)
Andrew Haymont	Chris Ottoson	
Peg Munsell	Trena VanDeHey	

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/osha/standards/const_advise.html

Continuing Business:

Status of current rule activity presented by Peggy Munsell

- [Portable fire extinguishers](#) - Minor revisions to the rule. Comment period open through November 28, 2008 with anticipated adoption in December.
- Division 1 proposal: Includes, employer definition, guaranty contract wording, repeat violations, penalty delivery, and relocation of supervisor language. – Public hearing held on October 27, we received 5 comments that are being evaluated.
- Confined Space: - Division 2/L – Continue to work with the fire fighting committee on confined space rules for their industry. Also working with a stakeholder group on confined space in construction. Will be reviewing their recommendations with Michael in the near future.
- Fixed Site Scheduling rulemaking activity - Stakeholder meetings are set for Nov. 5 and Dec. 17th on inspection scheduling changes.
- Federal OSHA adopted additional changes to [Division 2/S](#) – we have six months before we need to finalize. The rule applies to wiring installations that are used during

maintenance, remodeling, or repair of buildings, structures, or equipment or during similar construction-like activities.

Health & Safety

Construction vs. Maintenance –

Currently, the group is trying to come up with a definition for maintenance that would allow everyone to distinguish construction from maintenance. The group came to the conclusion that there was not a good way to distinguish through a definition, and felt the goal was to have consistency in the general industry and construction rules when possible. No recommendations were made.

Permanent anchor –

The permanent anchor sub committee is looking at perhaps changing the wording and re-submitting the proposal from last time. The schedule for the code amendments is after the first of the year with the goal of making permanent anchors part of the code in 2010.

Next meeting will be on Nov. 19th and at Temp-Control Mechanical Corp 9:30 – 11:30. You can contact Tony or Dave if you'd like to be on the distribution list.

Russ Nicolai also brought up the increased development of sustainable green buildings. There is an increasing number of roofs that can be used effectively for energy and conservation. This however, has brought forward the issue of fall protection on roofs and concerns after construction activities are done especially for maintenance crews. There is going to be a project changing a roof to a green roof coming up and it was suggested that perhaps we could watch the project from start to finish to identify the hazards.

Steel Erection: Federal OSHA directive

Steve Rauk, Ron Piksa, Kevin Jensen, and Craig Carlson, representing the iron workers.

They handed out a folder, discussed the main issues and stated their case. The folder contained 5 documentation tabs.

- 1: Industry Stakeholder Meetings with OSHA Regarding CPL02-01-034
- 2: Federal Register: OSHA Subpart R Steel Erection & Preamble to Subpart R
- 3: OSHA Response letter & Iron Workers International Statement at Congressional Hearing
- 4: Response Letters from Oregon OSHA & Other State OSHA plans
- 5: Secretary of Labor v L.R. Wilson & Sons, Inc.

The folder information was discussed, including letters of interpretation from other state plan states, as well as cases that had gone to court.

They stated that there are two main issues with the Federal OSHA compliance directive on the steel erection standard. The 1st issue is with the fully decked floor every 2 floors or every 30 feet. Federal OSHA's compliance directive considers it a *de minimis* violation if an employer who requires 100% fall protection does not fully plank or deck floors as required. They would like to see the *de minimis* violation removed. Requiring fall protection does not necessarily

keep the workers safe. The decking requirement is there because it provides for falling object protection, a platform for rescue, and building stability.

The 2nd issue was shear studs. These have been a contributing factor to falls when they are installed prior to erection. They are a major tripping hazard. The directive stated shop installed shear studs will be considered *de minimis* if the employer requires fall protection. They would like to see that the shear studs be installed in the field and not in the shop.

It was also brought to the attention of the group that beams painted with epoxy paint can be extremely slippery when moisture is present.

The committee agreed that they made a compelling case.

Tony – made a motion that we rescind those two *de minimis* interpretations and to review the wording of the directive. Motion carried. Oregon OSHA will review our Program Directive A-251, Steel Erections Standards for Construction and reconsider our position on these issues. The motion was seconded and passed.

Open Forum –

David Davidson provided a pamphlet on use of pneumatic tools developed by the home builders and SAIF.

Peg Munsell – We have a new calendar out in the resource center that has to do with Agriculture.

Michael Wood – The Elevator and Electrical Board is changing the language in the 304 standard on electrical equipment. If they are working on energized equipment, they may need to crawl under the floor to get to it, the energized equipment is right next to them. This came from the attorney's for the elevator/electrical board. They have currently accepted the mechanical wording instead of the electrical wording. There is a governor's policy group that meets in regards to solar power. The question of whether you need to do a panel installation for solar is out there. There is a strong interest in removing barriers to promote the sustainability issue.

The Committee would like to revisit this issue.

Tony Barsotti – at the last meeting they accepted the national board inspection code for boiler rooms including platforms consist with OSHA standards with guard rails and steps. It is now a safety and design issue. They can now be accessed by platforms and there are ventilation codes, which are now fixed by platforms being present.

Dave Kaiser reminded the committee that we will hold nomination and election of Chair of the committee for 2009 at the December meeting.

Next Meeting

Dec. 2 AGC Boardroom in Wilsonville - 9:00 – 11:00