

Oregon OSHA
Construction Advisory Committee
Tuesday, December 2, 2008

Meeting Minutes

Attendees:	Pat Darby	Trena Van De Hey
Marilyn Schuster	Bill White	David Davidson
Peg Munsell	Dede Montgomery	Tony Howard
Dave Kaiser	Andrew Haymart	Sarah McGovern (scribe)
Dave Parsons	Ron Haverkost	

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 – Peggy reviewed last months minutes on rule activity with no significant changes. However, the first stakeholder meeting on baling equipment was held and the group decided to revise the compactor rule to include baling equipment language.

Permanent Anchor – Tony and Dave met a few weeks ago, and they’ve decided that there will not be a Dec. meeting. They each have some tasks to work on. Ron had some information from the city of Tigard, they have local permit building rule that deals with fall protection on rooftops dealing with “green” roof/buildings. With the increasing number of “green” roofs, there are more people going on the roofs. The subcommittee will try to involve others who currently working on this issue so that we don’t have to re-create the wheel. They are asking that anyone who is interested in this subject please attend the January meeting. It will be on Jan. 28 at Temp Control office at 9:00. Their office 4800 North Channel Ave. Portland, out by Swan Island area. Dave’s cell 541-912-6283
If you have any contacts, please share them.

Marilyn met with the head of the landscape contractor’s board and he agreed to take the issue to their board to see if they would support a rule for permanent anchors.

Elevator & Electrical board language in the 304 standard – Tony went to an elevator board meeting and they are talking about changing the language/wording installation of elevators and what's required in electrical issues.

Steel Erection – Marilyn had a conversation with Rex Smith who is the president of the Steel Erector's Association. He was opposed to the decking every 2 floors in those situations where the design is not practical. He is in favor of the field-installed studs. In his experience they do deck in general, but some specialty buildings, they don't. We'd need more information on those buildings. A question was posed, how are we limiting the exposure? The decking is in place before the studs are welded on. A lot of this where it becomes critical is bridgework. Someone at the group brought up ergonomic exposures. Ron has drafted a Notice (attached file) that will be sent out to affected stakeholders (approximately 1500 employers) on our intended change to our program directive, [A-251](#) asking for comments. There may be an information meeting in regards to the issue, depending on the comments.

Open Forum – MSHA has had a lot of direction from Washington DC on issues with all the fatalities they have been having. They has also received direction to inspect all mining operations in a year. We have a lot of exposure in Oregon with our Metal/Nonmetal operations (quarries and dredging). We, OR-OSHA do not get involved in MSHA fatality investigations and inspections. An easy definition to determine if a crushing operation is OSHA or MSHA is if you blast and remove virgin minerals from the earth and use it on the property it's regulated by OSHA. If you transport the minerals (commerce) on public roads it's regulated by MSHA and the operator/owner is required to have a Mine ID Number.

Darby – There was a discussion on following proper rigging procedures.

David – Roof estimators, what are the inspector's looking for fall protection for them? It's the very beginning; there is an exception for before construction and after construction, [1926.500](#). Ron is going to try and have a conversation with the roofing contractor's association board members and ask them pointed questions so that we can find more information.

The [Warning Line](#) fact sheet is now in Spanish.

Federal Highway Administration published in the Feb. 28th Federal Register the definition of the highway area for determining where high visibility garments are required. From OR-OSHA's perspective the fire and police are most interested in this subject. At what point do they have to have the high visibility garment is the main question? A letter of interpretation is on the web currently and has been for several weeks. A [notice](#) is also going out.

CROET – DeDe is looking at doing a symposium more related to health next year. Oregon OSHA staff were invited to watch a tower crane erection at a Hoffman site. OR-OSHA's tower crane emphasis inspections are underway.

A question was asked if there was going to be a tower crane document that will go out, after all inspections are done? July of 09 is when the data will be collected and a report will be issued of the findings.

Nomination and approval of Chair for 2009

Tony Howard is Chair and David Parsons will help out.
Tony Howard, Unanimously voted in.
Revisit – 2009 meetings and the rooms and talk with Dave.

2009 Meeting agenda is located at:

http://www.orosha.org/standards/advisory/const_minutes/cac_mtng_schedule.pdf

NEXT AGENDA

Scissor lift lessons learned – Tony
Lead in construction respirator discussion-Peggy

Attachments:

- Notice Regarding Reflective Vests
- A letter as partners in construction, Oregon OSHA is requesting your input on the following issues regarding steel erection.

Notice Regarding Reflective Vests

<http://www.cbs.state.or.us/osha/interps/2008/polppe.pdf>

December 2008

Personal protective equipment for emergency personnel working in or near traffic

Oregon OSHA recently released a Policy Memorandum in response to questions from emergency responders, mostly law enforcement agencies and firefighters, regarding compliance with Oregon OSHA rules about wearing high visibility or reflective garments.

Oregon OSHA rules do NOT cover emergency responders during duress or emergency situations. Duress situations are occasions when an officer cannot stop to put on traffic-related personal protective equipment, including traffic stops, foot pursuits, and similar situations. Emergency response situations are occasions when the employee cannot stop to put on traffic related personal protective equipment, including the initial stages of response to an accident or fire apparatus line hook up.

Oregon OSHA rules apply once the initial response or crisis situation has passed and the employee begins other routine activities like traffic control, investigation, scene documentation, or area clean up, if the work exposes them to hazards caused by street or highway traffic. Responders sufficiently off the roadway or protected by objects do not have to wear reflective vests.

The Oregon rule is found in Division 2, Subdivision I, *OAR 437-002-0128, High visibility garments. Employees exposed to hazards caused by on-highway type moving vehicles in construction zones and street/highway traffic must wear highly visible upper body garments. The colors must contrast with other colors in the area sufficiently to make the worker stand out. Colors equivalent to strong red, strong orange, strong yellow, strong yellow-green or fluorescent versions of these colors are acceptable. During hours of darkness, the garments must also have reflective material visible from all sides for 1000 feet.*

If you need additional information, call Ron Preece at 503-378-3272.



Oregon
Theodore R. Kulongoski, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (OR-OSHA)
350 Winter Street NE, Room 430
P.O. Box 14480
Salem, OR 97309-0405
Phone: (503) 378-3272
Toll Free: 1-800-922-2689
Fax: (503) 947-7461
www.orosha.org

December 19, 2008

As partners in construction, Oregon OSHA is requesting your input on the following issues regarding steel erection.

On November 3, 2008 representatives of the Ironworkers District Council of the Pacific Northwest, Ironworkers Local Union, and a private consulting firm met with Oregon OSHA's Construction Advisory Committee to express concerns regarding Federal OSHA Program Directive CPL 02-01-034; [Inspection policy and procedures for OSHA's steel erection standards for construction](#). Oregon OSHA's equivalent to the CPL is [Program Directive A-251 steel erection standards for construction](#), issued August 1, 2002 and revised July 15, 2004.

The ironworkers presented two areas of concern: the use of "de minimis" for violations of field installed shear studs and lack of fully planked or decked floors when 100% fall protection is used. Oregon OSHA's PD A-251 referenced both questions and answers:

Question 18: Section 1926.754(b)(3) requires a "fully planked or decked floor or nets" within two stories or 30 feet, whichever is less. Can an employer's requirement that workers be protected by fall arrest equipment at all times above 10 feet (or less) take the place of nets and temporary floors?

Answer: Yes. Where an employer establishes, communicates, and enforces a requirement to be protected by fall arrest equipment at all times above 10 feet (or less), the failure to comply with 1926.754(b)(3) is considered a *de minimis* violation and will not be cited.

Question 19: I have beams with shop-installed shear connectors at 20 feet. If the employer requires the use of fall protection for all workers, including connectors and deckers, would the presence of the shop-installed shear connectors on these beams still be a violation under 1926.754(c)(1)(C)(1) which states: Shear connectors (such as headed steel studs, steel bars or steel lugs), reinforcing bars, deformed anchors or threaded studs shall not be attached to the top flanges of beams, joists or beam attachments so that they project vertically from or horizontally across the top flange of the member until after the metal decking, or other walking/working surface, has been installed.

Answer: No. If an employer requires that all workers, including those engaged in connecting and in decking (as well as deckers in a controlled decking zone), be protected from falls by conventional fall protection, then the failure to meet the requirements of 1926.754(c)(1) would be considered *de minimis* and no citation would be issued.

The ironworkers felt that the answer to question 18 contradicts the final rule. The answer fails to address the issue of fall distance, worker rescue, containment of falling objects, and stability to the structure that the decking would provide.

They also did not agree with the answer related to shear studs in question 19. They felt the answer did not address the intent of the standard. Both the preamble and the final rule clearly identified shear studs as a tripping hazard. The ironworkers argue that allowing the installation of shear studs in the shop creates confusion in the industry, a contradiction to the final rule, an unnecessary third party liability for steel fabricators, and they potentially interfere with the use of fall protection devices.

The presentation was clear and the issues were easy to follow. The members of the Construction Advisory Committee that attended the November 8 forum, made a unanimous recommendation that Oregon OSHA rescind the compliance directive's *de minimis* findings related to the decking requirement and the prohibition on pre-installed shear studs. At this time Oregon OSHA has tentatively decided to make that change, but we are asking for your input before we make the final decision.

Oregon OSHA would like your advice about changing our program directive and enforcing **1926.754(b)(3) and (c)(1)** as written.

If you have questions you can contact Ron Haverkost at (503) 947-7421. Please send your response to Oregon OSHA by January 16, 2009 to Ron Haverkost. E-mail responses can be sent to Ronald.L.Haverkost@state.or.us.

Sincerely,

Michael Wood, CSP
Administrator