

Oregon OSHA
Construction Advisory Committee
Tuesday, January 06, 2009

Meeting Minutes

Attendees:

Andrew Haymart
Arthur Duhon
Barbara Belcher
Dave Kaiser
Dave Parsons
David Davidson
Dede Montgomery

Dianna Gray
Don Berg
Lupe Ponce
Marilyn Schuster
Michael Wood
Mike Martini
Peg Munsell

Ron Haverkost
Tony Batsotti
Tony Howard
Trena Van De Hey
Sarah McGovern (Scribe)

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 - http://www.orosha.org/rules_laws.html Fire extinguishers final will be filed soon as well as Division 1.

Bailing equipment – update in February.

Confined space – nothing new to report

Permanent Anchor Sub committee – Meeting next on the 28th at Temp Control office at 9:00. Their office is 4800 North Channel Ave. Portland, out by Swan Island. All are welcome to attend. There are some draft revisions regarding the use of guard rails, parapets, and horizontal life lines, instead of just relying on anchors. Bill White talked to Robert Salinas; there was some information that Robert suggested that might be of interest. There are many people around the emerging technologies that should be brought in. Dave's cell 541-912-6283. If you have any contacts, please share them.

Health & Safety

Notice regarding reflective vests – A recent rule was adopted by the Federal Highway Administration. 23 CFR Part 634 was effective November 24, 2008, the final rule established a policy for the use of high-visibility safety apparel. This won't affect Oregon OSHA rules. http://www.workzonesafety.org/files/documents/laws_regulations/federal/nov_24_06.pdf

Steel Erection letter re: partners in construction – The ironworkers concerns with the federal compliance directive [CPL 02-01-034](#) (OR-OSHA program directive [A 251](#)) and the de minimus decisions was brought up regarding decking and shear studs. OR-OSHA sent a letter to stakeholders seeking input. The bulk of the comments have been not to change the directive. We've also gotten some statements in support of the change. No final decision has been made.

The Ironworker group has been raising this issue for several years with Federal OSHA. Washington never adopted this CPL and one of the comments we received said it was illegal in CA. They recommended that we remove the de minimus provision in our program directive.

Lessons learned

There was a discussion of a recent scissor-lift accident.

New Business

Elevated Work platforms – We are proposing to adopt Division 3 Construction Scaffolding rules for [scissor lifts and extensible boom lifts](#) into Division 2F and make the general industry and construction rules the same.

Working Near Overhead High Voltage Lines and Equipment - In [Division 2 Sub-division F](#), there are some electrical standards that are redundant to rules found in [Division 2 Sub-division S](#), and we'd like to remove them.

Any questions or comments, please direct to Ron Haverkost at ron.l.haverkost@state.or.us.

Action item: Ron will compile the comments and bring them to the next meeting.

OR-OSHA's view on separate vs. group violations - There was a question on the recent Federal OSHA changes to a number of standards regarding training and PPE, [Federal Register](#) dated 12/12/2008. The change is specific to clarify employer duties to provide personal protective equipment and train **each** employee. Federal OSHA will use per-instance penalties which creates a much larger penalty amount as a way to deter flagrant violators. OR-OSHA has 6 months to adopt these changes or propose an equally effective rule.

Many of the changes to the training and PPE rules effect substance specific standards involving respirators. While these rules are open, OR-OSHA is considering making some changes in substance specific rules regarding 1910.134 requirements. As an example, Lead in Construction and other substance specific rules exclude the 1910.134(e) medical evaluation component. *The employer must implement a respiratory protection program in accordance with Sec. 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m).*

When the new respirator standard was adopted it excluded the substance specific standards from some of the provisions including 1910.134(e). The rationale for this was that the substance

specific standards already contained unique medical surveillance provisions for employees who use respirators that are part of a comprehensive medical surveillance program related to the risks of the particular substance. In the Lead in Construction standard the trigger tasks require respirator use. Medical surveillance that includes a medical evaluation for respirator use is not required until the action level (AL) is exceeded for 30 days(1926.62(j)(1)(ii)) or if there are signs and symptoms. The lead standard, 1926.62(f)(2) excludes 1910.134(e). Keep in mind even a dust mask requires a comprehensive respiratory protection program including medical evaluations when required by the employer.

A question was asked of those present at the meeting if they had a respiratory protection program? The response was that most have respiratory protection programs with medical evaluations being performed. OR-OSHA has not made a decision on whether to propose changes to these substance specific rules at this time.

Ron – fall protection for rebar – Federal OSHA has an interpretation that allows climbing rebar up to 24’ before fall protection is required. Should we allow this?

Attachments:

- Free climbing vertical rebar and concrete form walls?
- Proposed new rules and repeal of others in Division 2 Sub Division F.

Next Agenda

- **Steel Erection letter re: partners in construction**
- **Elevated Work platform – Ron Haverkost**
- **Lead in Construction respirator discussion**

Next meeting

February 3, 2009

Room F L& I building

9:00 – 11:00 am

Free climbing vertical rebar and concrete form walls?

The following is research information regarding the issue whether employees working on rebar walls or concrete forms being built for walls are allowed to climb or transition from point to point without fall protection up to 24 feet.

Federal OSHA rule

[1926.501\(b\)\(5\)](#)

"Formwork and reinforcing steel." Each employee on the face of formwork or reinforcing steel shall be protected from falling 6 feet (1.8 m) or more to lower levels by personal fall arrest systems, safety net systems, or positioning device systems.

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10757

Federal OSHA letters of interp:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22417

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=21837

Oregon OSHA rule

NOTE: All of 1926.501(b) was repealed. In Oregon, 437-003-1501 applies.

437-003-1501 General Fall Protection. *Except as otherwise provided in paragraphs (1) through (4) of this section, when employees are exposed to a hazard of falling 10 feet or more to a lower level, the employer shall ensure that fall protection systems are provided, installed, and implemented according to the criteria in 1926.502.*

http://www.cbs.state.or.us/osha/pdf/rules/division_3/div3m.pdf

OR-OSHA Construction Depot Fall 2004

<http://www.cbs.state.or.us/osha/pdf/pubs/newsletters/3351%2811-2004%29.pdf>

Please provide input, send comments to Ron Haverkost
ronald.l.haverkost@state.or.us

Propose new rules and repeal others in:

**Division 2 Sub Division F
POWERED PLATFORM, MANLIFTS
AND VEHICLE-MOUNTED PLATFORMS
(1910.66 - 1910.70)**

Page 2- Vehicle-Mounted Elevating & Rotating Work Platform
Area in Sub Division F to potentially insert proposed rule and repeal redundant rules.

Page 3- Bottom of page titled ** New text from Division 3.....
Proposed insert text for Division 2 to be consistent with construction for the same equipment.

Page 4- Middle of page titled ****Question:
Proposed repeal of 437-002-0067 “warning lights on vehicles...”

Page 5- Propose to repeal 437-002-0069 through 437-002-0075
These rules are redundant in Division 2 Sub Division S Electrical

Page 6- Manlifts Division 2 Sub Division F
For reference.

Page 7- Division 3 Sub Division L Scaffolding
Text from existing construction rules, for reference.

Last Pages-
2S Electrical
437-002-0047 Working Near Overhead High Voltage Lines and Equipment.

VEHICLE-MOUNTED ELEVATING & ROTATING WORK PLATFORMS

2F

§1910.67 Vehicle-Mounted Elevating and Rotating Work Platforms.

(a) Definitions applicable to this section.

(1) **Aerial device.** Any vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel.

(2) **Aerial ladder.** An aerial device consisting of a single- or multiple-section extensible ladder.

(3) **Articulating boom platform.** An aerial device with two or more hinged boom sections.

(4) **Extensible boom platform.** An aerial device (except ladders) with a telescopic or extensible boom. Telescopic derricks with personnel platform attachments shall be considered to be extensible boom platforms when used with a personnel platform.

(5) **Insulated aerial device.** An aerial device designed for work on energized lines and apparatus.

(6) **Mobile unit.** A combination of an aerial device, its vehicle, and related equipment.

(7) **Platform.** Any personnel-carrying device (basket or bucket) which is a component of an aerial device.

(8) **Vehicle.** Any carrier that is not manually propelled.

(9) **Vertical tower.** An aerial device designed to elevate a platform in a substantially vertical axis.

(b) General requirements.

(1) Unless otherwise provided in this section, aerial devices (aerial lifts) acquired on or after July 1, 1975, shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including appendix, which is incorporated by reference as specified in §1910.6. Aerial lifts acquired for use before July 1, 1975 which do not meet the requirements of ANSI A92.2-1969, may not be used after July 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial devices include the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites aboveground: (i) Extensible boom platforms, (ii) aerial ladders, (iii) articulating boom platforms, (iv) vertical towers, and (v) a combination of any of the above. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(2) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer, provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to

be in conformity with all applicable provisions of ANSI A92.2-1969 and this section, and to be at least as safe as the equipment was before modification.

(3) The requirements of this section do not apply to firefighting equipment or to the vehicles upon which aerial devices are mounted, except with respect to the requirement that a vehicle be a stable support for the aerial device.

(4) For operations near overhead electric lines, see §1910.333(c)(3).

(c) Specific requirements.

(1) **Ladder trucks and tower trucks.** Before the truck is moved for highway travel, aerial ladders shall be secured in the lower traveling position by the locking device above the truck cab, and the manually operated device at the base of the ladder, or by other equally effective means (e.g., cradles which prevent rotation of the ladder in combination with positive acting linear actuators).

(2) **Extensible and articulating boom platforms.**

(i) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only trained persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and outriggers, when used, shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline.

(viii) An aerial lift truck may not be moved when the boom is elevated in a working position with men in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of paragraphs (b)(1) and (b)(2) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position, except as provided in paragraph (c)(2)(viii) of this section.

****New text from Division 3 (construction)**

Sub Division L Scaffolding **

(Other)Elevating Work Platforms

437-002-00XX Manually Propelled Elevating Aerial Platforms.

(1) When using manually propelled elevating aerial platforms as covered by ANSI/SIA A92.3 the manufacturer's operating manual must be with the equipment. You must follow all operating and maintenance instructions and manufacturer's recommendations .

437-002-00XX Scissor Lifts – Self-Propelled Elevating Work Platforms.

(1) When using self-propelled elevating aerial platforms, scissor lifts, as covered by ANSI/SIA A92.6 the manufacturer's operating manual must be with the equipment. You must follow all operating and maintenance instructions and manufacturer's recommendations.

437-002-00XX Boom Supported Elevating Work Platforms.

(1) When using boom supported elevating work platforms as covered by ANSI/SIA A92.5, the manufacturer's operating manual must be with the equipment. You must follow all operating and maintenance instructions and manufacturer's recommendations.

(2) All occupants on platforms must use a personal fall(arrest or restraint) system in conjunction with the primary guardrail system .

REQUIRED CLEARANCE/SAFEGUARDS 2F
WARNING SIGNS
POWER COMPANY NOTIFICATION

******Question: is this standard necessary?**

Not all personnel platforms are equipped or manufactured with warning lights. There is no definition for Extensible and Articulating Boom Platforms. Can normal traffic control devices meet the intent..... rules require:

(12) Traffic Control. You must require employees to set up appropriate traffic controls when they stop on or adjacent to a highway, street, or road in a way that creates a hazard and when traffic cannot adjust safely on its own. The controls must conform to the Millennium Edition of the (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), December 2000. ****

437-002-0067 Extensible and Articulating Boom Platforms. Clearly visible flashing warning lights shall be operating on all vehicles when using aerial equipment exposed to traffic. **Proximity to Overhead High Voltage Lines and Equipment** (These regulations **do not** apply to underground installations.)

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stat. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 4-1990, f. 1/23/90, ef. 1/23/90.

The following rules in 437-002-0069-0075 are redundant in Division 2 Sub division S Electrical

437-002-0069 General. No employer shall require or permit any employee to enter or to perform any function in proximity to high-voltage lines, unless danger from accidental contact with said high-voltage lines have been effectively guarded against.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stat. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 4-1990, f. 1/23/90, ef. 1/23/90.

437-002-0071 Clearance or Safeguards Required.

(1) The operation, erection, or transportation of any tools, equipment, or any part thereof capable of movement; the handling, transportation, or storage of any materials; or the moving of any building, near high-voltage lines, is prohibited, if at any time it is possible to bring such object within 10 feet of high-voltage lines.

(2) For equipment in transit, on smooth surfaces, the clearance shall be a minimum of 4 feet for voltages less than 50 kV., 10 feet for voltages over 50 kV., up to and including 345 kV., and 16 feet for voltages up to and including 750 kV.

(3) A person shall be designated to observe clearance and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means.

(4) The 10-foot requirement shall not be reduced by movement due to any strains impressed upon the structures supporting the high-voltage line and upon any equipment, fixtures, or attachments thereon.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stat. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 4-1990, f. 1/23/90, ef. 1/23/90.

437-002-0073 Warning Signs Required. The employer shall post and maintain in plain view of the operator on each crane, derrick, power shovel, drilling rig, hay loader, hay stacker, pile driver, or similar apparatus, any part of which is capable of vertical, lateral, or swinging motion, a durable warning sign legible at 12 feet reading "Unlawful to operate this equipment within 10 feet of high voltage lines."

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stat. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 4-1990, f. 1/23/90, ef. 1/23/90.

437-002-0075 Notification to Power Company and Responsibility for Safeguards.

(1) When any operations are to be performed, tools or materials handled, equipment is to be moved or operated within 10 feet of any high-voltage line, the person or persons responsible for the work to be done shall promptly notify the operator of the high-voltage line of the work to be performed, and shall be responsible for the completion of the safety measures as required before proceeding with any work, which would impair the aforesaid clearance.

MANLIFTS

2F

§1910.68 Manlifts.

(5) Manlift. A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

(1) Application. This section applies to the construction, maintenance, inspection, and operation of manlifts in relation to accident hazards. Manlifts covered by this section consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that this section cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. This section applies to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) Purpose. The purpose of this section is to provide reasonable safety for life and limb.

(3) Design requirements. All new manlift installations and equipment installed after the effective date of these regulations shall meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1-1969," which is incorporated by reference as specified in §1910.6, and the requirements of this section.

SCAFFOLDING

3L

Oregon Administrative Rules
Oregon Occupational Safety
and Health Division

437-003-0071 Manually Propelled Elevating Aerial Platforms.

(1) When using manually propelled elevating aerial platforms as covered by ANSI/SIA A92.3-1990, the manufacturer's operating manual must be with the equipment. You must follow all operating and maintenance instructions and recommendations of the manufacturer.

437-003-0074 Scissor Lifts – Self-Propelled Elevating Work Platforms.

(1) When using self-propelled elevating aerial platforms, scissor lifts, as covered by ANSI/SIA A92.6-1990, the manufacturer's operating manual must be with the equipment. You must follow all operating and maintenance instructions and recommendations of the manufacturer.

437-003-0073 Boom Supported Elevating Work Platforms.

(1) When using boom supported elevating work platforms as covered by ANSI/SIA A92.5-1992, the manufacturer's operating manual must be with the equipment. You must follow all operating and maintenance instructions and recommendations of the manufacturer.

(2) Workers must use personal fall protection that complies with subdivision M of this division, when working in these devices.

Existing rules in S

437-002-0047 Working Near Overhead High Voltage Lines and Equipment.

(1) Definitions.

Insulating Barrier or Guard. A structure, installation, barrier, or guard (such as a wall, fence, pole, shield, or something similar) that stops movement and prevents all possible contact with the lines or equipment. Its design, material composition, and installation prevents possible conduction of electricity up to the maximum voltage of the system.

Restricted Space.

(a) For lines rated more than 600 V to 50 kV, restricted space extends 10 feet in all directions from the surface of the line or equipment.

(b) For lines rated over 50 kV, restricted space extends 10 feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the insulator (but never less than 10 feet) in all directions from the surface of the line or equipment.

(c) For equipment or structures in transit, on level surfaces, restricted space extends 4 feet in all directions from lines or equipment rated 50 kV or less, 10 feet in all directions for lines or equipment rated over 50 kV, and 16 feet in all directions for lines or equipment rated over 345 kV up to and including 750 kV.

Proper Notification.

The person(s) responsible for the (planned) activity must notify the owner/operator of the line or equipment, at their business office, at least 2 business days prior to the anticipated beginning of work (business days are Monday through Friday, excluding federal and state holidays). The notification must include:

- (1) the proposed date to start activity within restricted space;
- (2) the location of the planned activity;
- (3) a description of the planned activity; and
- (4) name and contact information of the contact person.

(2) **General requirement.** Do not enter, perform any function or activity (such as handling, erecting, operating, transporting, or storing any tools, equipment or materials, moving a building or structure) within the restricted space surrounding an overhead high voltage line or equipment unless:

(a) Proper notification is provided; and

(A) The line and/or equipment is de-energized and visibly grounded by the owner of the high voltage system or their authorized agent; or

(B) Accidental contact is effectively prevented by use of insulating barriers or guards. Barriers or guards must:

(i) Be erected or installed by the owner of the high voltage system or their authorized agent;

(ii) Not be attached to, or be part of the lines, equipment, or machinery;

Note: Overhead line covers are only for visual reference, and their use does not allow entry into restricted space. If used, they must be installed by the owner of the high voltage system or their authorized agent.

- (iii) Prevent all possible contact with the lines or equipment; and*
- (iv) Insulate against the system's maximum voltage; or*
- (b) You are the owner, an authorized employee, or authorized (in writing) agent of the overhead high voltage system: or*
- (c) Insulated lines (not tree wire) and equipment (designed and engineered to allow only incidental contact) are erected or installed by the owner of the high voltage system or their authorized agent.*

Note: Nothing in this standard shifts the responsibility for safe and healthy working conditions from the

person(s) responsible for the activity to the owner of the lines or their agent. **Note:** Nothing in this standard mandates that the owner of the lines or equipment, or their authorized agent must agree to de-energize, move, barricade, guard, or insulate lines or equipment, or take other action to allow entry into restricted space.

(3) Do not move, reposition, or reduce restricted space in any direction by applying stress or force to a line, equipment, or supporting structure.

(4) Operation of machinery or equipment.

(a) Do not enter restricted space when using insulating links or proximity warning devices on equipment.

(b) Post a warning sign on each piece of equipment which is capable of vertical, lateral, or swinging motion, such as a crane, derrick, power shovel, drilling rig, or pile driver.

(A) The sign must be made of durable material.

(B) It must be in clear view of the operator.

(C) The message must be legible to the operator when at the controls.

(D) The message must be understood by the operator.

(E) The message must clearly convey that it is "Unlawful to operate the piece of equipment within 10 feet of high voltage lines".

(c) Use an observer to provide audible warning (able to be clearly heard over surrounding noise) when it becomes difficult for an operator to identify restricted space by using visual means. The observer's only task is to watch the clearance and warn the operator if it appears that restricted space will be breached.

(d) Restrict, barricade, or otherwise make it impossible for a machine or piece of equipment to reach into restricted space if it is reasonable to anticipate that the operator's attention may be focused on the work process rather than the location of an overhead high voltage line or equipment (such as during excavating, or other fast-paced, repetitive work).

(5) Railway and commuter systems.

(a) Standard rail equipment used to transport freight and/or passengers, and relief trains or other equipment used in emergencies, may enter restricted space surrounding high voltage lines or equipment.

(b) Qualified employees, authorized and supervised by a person familiar with the hazards of the railway high voltage system, may perform normal repair or construction work within restricted space prior to compliance with the clearance and safeguard requirements in sections (1) through (4).