

Oregon OSHA
Construction Advisory Committee
Tuesday, June 7, 2016

Meeting Minutes

Attendees:

Alta Schafer	Eliot Lapidus	Lisa Pickert
Bret Taylor	Emily Nye	Mark Hillyard
Bruce Roller	Gary Beck	Mary Lou Wilson
Bryan Davis	Glenn Curry	Melissa Diede
Bryon Snapp	Greg Heroveld	Mike LaVella
Candice Vinson	Illa Gilbert-Jones	Pat Brunson
Clark Vermillion	Jeff Wilson	Paul Magrone
David Davidson	Jeremiah Murphy	Rick McMurry
Dede Montgomery	Jim Gibson	Roger Dale-Moore
Demetra Star	Lisa Holland	Robert Miller

The meeting was called to order by Nathan Taylor.
Self-introductions were made.
Minutes of the May meeting were approved.

Lessons Learned:

There was a warning sign that there was a road closure and there was what appeared to be a pilot vehicle that was from the NWFF environmental services with flashing red lights. It was driving fast through the construction zone. It was asked if these types of vehicles could have the lights it was using and if they should have been driving that fast.

[ORS 816.350 Prohibitions on number and kind of lights for certain vehicles](#)

-These types of vehicles are allowed to have to have the red lights.

[The NWFF Environmental \(NWFF\)](#) is a Hazardous / Non-Hazardous Incident response company designed to provide full service oversight and cleanup of land and marine releases.

A few people commented that their Safety Stand Downs went great this year, but they should be held more often than just once a year.

Heat stress/exhaustion can affect more than just people who work outside all day. Alta shared that over the hot weekend she was in air conditioning and did not drink water, then when she went to work she had lunch outside in the direct sun. When she went back in to work after 30 minutes she began to feel sweaty and clammy, and then got sick. She realized it was due to the heat so she applied cold cloths to her body to cool down and drank cold water to try and get her body temperature down. Lesson learned is to drink water no matter what temperature you are in, and stay out of the sun.

SDS manufactures have finally started releasing the updated sheets.

When you are looking for an SDS sheet online here is a tip on how to "Google" the query.

If, for example, if you are looking up Chevron soluble oil, type "chevron soluble oil" "sds" - MSDS filetype:pdf. Be sure to add all shown punctuation. You may also include other terms (put in quotes) that are guaranteed to be on the sheet such as CAS numbers.

Continuing Business:

Status of Rule Making:

Employer Knowledge (Division 1)

Summary: Oregon OSHA plans to complete rulemaking that addresses the issue of employer knowledge and the role of reasonable diligence in determining whether an employer has “constructive knowledge” of a violation in the worksite.

Timetable: Oregon OSHA had initial discussions with a small group of stakeholders in July and August, 2015 and reconvened on April 28, 2016. A meeting was held on May 20, 2016 with more discussion around the proposed rule language for employer knowledge and reasonable diligence. There was a suggestion to convene a smaller sub-group to discuss rule language.

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Occupational Exposure to Respirable Crystalline Silica (Divisions 2, 3, and 5)

Summary: Federal OSHA adopted the Occupational Exposure to Respirable Crystalline Silica standard on March 25, 2016, into general industry, construction, and maritime. OSHA convened a stakeholder group on May 27. Oregon OSHA is purposing rule development that combines Division 2, general industry rules and Division 3, construction rules as many of the same sets of rules are found within each division. A mock up of what those rules would like was handed out. Follow-up with the stakeholders is scheduled for June 26; rule drafts will be presented.

Timetable: Oregon OSHA will be purposing final rules by July 15 following by public hearings (date and location to be determined.)

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Permissible Exposure Limits (PELs)

Summary: Oregon OSHA will be tackling the challenge of the outdated permissible exposure limits (PELs), possibly 5-7 PELs. No meeting is scheduled with stakeholders at this time.

Electronic Tracking of Workplace Injuries and Illnesses

Summary: Federal OSHA [adopted rules](#) for electronically reporting of workplace injuries on May 12, 2016. If you are required to keep records or this new rules requires you to keep records, electronic records must be submitted to Federal OSHA. Federal OSHA has not developed the entry data base. The submission deadlines and form types are listed in the table below.

Submission year	Establishments submitting under paragraph (a)(1) of this section must submit the required information from this form/these forms:	Establishments submitting under paragraph (a)(2) of this section must submit the required information from this form:	Submission deadline
2017	300A	300A	July 1, 2017.
2018	300A, 300, 301	300A	July 1, 2018.

There was a discussion about incentive programs and drug testing policies as described in the Federal Register. These programs and policies should not deter or discourage a reasonable employee from reporting work-related injuries and illnesses and that the evidence in the rulemaking record shows that blanket post-injury drug testing policies deter proper reporting.

Timetable: Oregon OSHA has 6 months (by November, 2016) to adopt a final rule. Recordkeeping and Reporting are national standards; Oregon OSHA will be adopting the Federal Language. Stakeholder meetings will be convened in the near future.

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There was a contractor that was in a court case based on employee discrimination. The plaintiffs' attorneys claimed that the contractor was discriminating by drug testing for some employee incidents and not for others. The contractor believes that having a blanket post incident drug testing program and sticking to it was what aided them in beating the discrimination lawsuit.

The group discussed Drug testing practices and retaliation concerns
https://www.osha.gov/recordkeeping/finalrule/finalrule_faq.html

May an employer require post-incident drug testing for an employee who reports a workplace injury or illness?

The rule does not prohibit drug testing of employees. It only prohibits employers from using drug testing, or the threat of drug testing, as a form of retaliation against employees who report injuries or illnesses. If an employer conducts drug testing to comply with the requirements of a state or federal law or regulation, the employer's motive would not be retaliatory and this rule would not prohibit such testing.

Bryon Snapp is the acting Standards and Appeals Manager for OR-OSHA.

Oregon OSHA is exploring the topic of occupational [heat related illness](#) in Oregon. We plan on holding a heat stress meeting and are looking for a cross-section of industry representatives to discuss how to best keep workers safe in the heat. Oregon OSHA will discuss what we are currently doing in terms of enforcement and outreach. We will touch on how federal OSHA and other states address heat related illness, which in some states include a rule component for outdoor or indoor heat exposures.

Note: The first meeting was scheduled for July 26th. That meeting was canceled. Oregon OSHA will schedule another meeting in the fall, presumably in September.

There was a fatality in Florida in the Ag industry. A worker was on his way to the hospital and he couldn't get his temperature under control. His co-workers were driving him, but that should have been a 9-1-1 call. Emergency personnel have the ability to start an IV, or other measures to cool a person down until they can transport to the hospital.

Monthly Accidents and Fatalities Report:

Accidents

There were no accidents in the construction industry!

Fatalities

1. May 5th, Portland

Employees were installing a sewer line for a residence. Two employees were working in an improperly shored trench that was about 10 feet deep. The victim was between two sections of shoring that were spaced about 15 feet apart when the wall of the trench collapsed. Approximately 6 feet of dirt covered the victim. 29 year old Male

2. May 7th Coquille

Deceased was falling an Alder when the tree next to him uprooted striking him across the back, head, and neck. 61 year old male.

3. May 26th Riddle

Logging crew arrived at the job site and found the watchman deceased in his camp trailer. 64 year old male.

Round table:

Dede- Oregon Institute of Occupational Health Sciences held a Spring Symposium in May on How to Create and Sustain a Culture of Safety. They discussed what it takes to create and sustain a safe workplace culture. They illustrated the importance, role, and power of leadership, effective supervision, and employee engagement. You may access the information that was shared at this link, <http://www.ohsu.edu/xd/research/centers-institutes/oregon-institute-occupational-health-sciences/outreach/safety-culture.cfm>

Robert- Does OR-OSHA have a Ladder labels and weight capacity rule. OR-OSHA doesn't have a load capacity rule, but employees and employers need to be knowledgeable in the load capacity of the ladder they are using.

Illa- Gave handouts for GOSH 2017. The conference will be March 6-9, 2017 at the Oregon Convention Center – Portland, Oregon. If you have any topics, questions, or ideas please email her at gilberil@ohsu.edu.

Bret was pressure washing at his residence over the weekend in flip flops. He decided against safety, and he had skin come off his middle toe when he ran the water over his foot as he was trying to untangle the hose.

Glenn- He saw a city employee standing on top of box on the work truck with his caution lights on cutting bushes above his head with a saw above the trigger height. When confronted the employee said that he was exempt because he works for the city.

-Public employees are not exempt in Oregon.

The Construction Safety Summit is June 28, 2016 at John's Incredible Pizza Co. in Beaverton. The subject is Fall Protection and is a 3 hour workshop with Dustin Schneider. Starts at 11:00 am.

Next Meeting: July 5, 2016 OR-OSHA Portland Office
Durham Plaza
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