

Oregon OSHA
Construction Advisory Committee
Tuesday, February 2, 2021

Meeting Minutes

Attendees:

Al Lee	David Ellis	Manny Molina
Alta Schafer	Dede Montgomery	Mark Tobiasson
Amme Standing	Dennis Bonin	Mary Lou Wilson
Andrew Haymart	Dennis Cox	Michael Wood
Andrew Johnson	Doug Pettyjohn	Mike Jacobs
Barb Epstien	Eden Berestoff	Milton Stamp
Barbara Hanley	Emily Crews	Nathan Taylor
Barry Moreland	Eric Bongen	Nevin Mclain
Bill Haskins	Eric Fullan	Nick Naramore
Brad Nanke	George Goodman	Paul Magrone
Braxton Chambers	Guy Silvey	Quincy Attaway
Bryan Ortiz	Hailey Latherow	Rachel Everett
Bryon Snapp	Holt Andron	Rhett Beecher
Charlie Short	Jacob Errico	Robert Nichols
Chastilynn Tittle	Jameson Goodman	Robert Miller
Chris Grover	Jared Ottinger	Roy Shawgo
Clark Vermillion	Jeremy Lawson	Sean Tinker
Connie Graybeal	Jim Mahar	Shane Jundt
Dale Lindstrom	Joaquin Diaz	Soren Bjerregaard
Dalton Gensch	Julie Love	Stephen Heaven
Damon Vickers	Kathy Miller	Ted Zacher
Darren Dikeman	Ken Garoutte	Tony Howard
Darren Toy	Laird Blanchard	Tosha Gilpin
Dave Jacobsen	Lane Ellison	Troy Stroud
David Davidson	Lynn Craig	

The meeting was called to order by Nathan Taylor and Mark Tobiasson. Mark will be the chair for 2021.

Nathan will chair in 2022.

Roberto Aguilar will chair in 2023.

The January meeting minutes were approved.

Lessons Learned:

A company has put HEPA filters in the trailers to the highest MERV they could for the ventilation.

Incident- Employee on a 2 x 4 dimensional lumber to reach the work of installing hurricane clips. The 2 x 4 broke in half. Is it considered scaffolding if a 2 x 4 is across porch railings 5 feet off the ground. What does the rule require? When does a plank become scaffolding?

Does the plank have to be 18 inches wide no matter how high up?

Bryon Snapp: what was it being used for? was it a temporary use, or a permanent use?

Most likely it would end up under our supported scaffolding rule.

Jeff Wilson: OSHA would consider it a scaffold, and to put a board between 2 ladders would be a violation with our rule.

Scaffold means any temporary elevated platform (supported or suspended) and its supporting structure (including points of anchorage), used for supporting employees or materials or both. Michael Wood added, the requirement on the plank width doesn't have a trigger height. Once you are using the plank for elevation the scaffolding rule applies and the plank width applies. Bryon Snapp said in Division 1, we have a rule that says you have to use a safe means of access.

Performing test proof with a water truck and driving forward and backward, and as the operator was backing up, the sun glare obstructed his view and he backed into portable toilet. The lesson is to stop if you can't see. Also, the spotter didn't communicate. No one was hurt and GC took appropriate action.

-Mark T. you have to have communication with people on the ground. If you can't see, Stop. Don't keep backing up.

-Tony suggested administrative controls, such as; Put in walk ways separate from the drivers, and try to get the workers on the ground away from the equipment.

A company was looking at line spot cameras. We want to get away from having humans around as spotters. We had a near miss with a spotter and we just started looking into this. Looking at putting them on forklifts and big machinery.

Bryon Snapp asked if they are field testing, how are you keeping backup camera clean enough to regularly see. Cameras can help but they can create other problems. They could start to rely only on camera and not use their mirrors. Any experience with cleaning cameras.

The company is still evaluating and will report back with the progress.

Dennis said it is the driver responsibility to check during vehicle checks. They also need to be placed up higher. They do have another system that came out: RFE System. Even with cameras the driver can still make an error.

Lane: company created their own camera wiper for their vehicles. They put another washer container under the hood of the vehicle and ran the tubing to the back so you could spray the cameras while in the vehicle.

Monthly Accidents and Fatalities Report:

If there is an accident or fatality incident that you would like more information on let Nathan and Jeff know so we can track it and can discuss once the case is able to be discussed.

The following is preliminary information as reported at the time of the accident intake.

Accidents

1. January 15th Albany

An employee fell when he was stepping from a 36-inch countertop onto a ladder. He was transported via ambulance to the hospital where he was admitted and treated for multiple fractures. The employee has a broken knee, a fractured collar bone and an injured ankle. 65-year-old male.

2. January 8th Ashland

An employee, working on a new school construction project, went under the construction warning line to the edge of new floor sheeting, near installed joists, slipped, falling down through joists to a concrete surface approximately 15 feet below, resulting in a fracture of the elbow. The injured worker was not wearing fall arrest/restraint devices.

3. January 4th, North Bend

Employee was moving things out of a burnt garage when she slipped and fell, breaking her right wrist. She was transported to the hospital by another employee and received medical treatment.

4. January 18th St Helens

Employee using angle grinder and Dewalt drill to sharpen tungsten electrode. Was wearing face shield but not safety glasses (safety glasses were required). After sharpening, he lifted the face shield and removed the electrode from the drill, which flew up and hit him in the eye. Employee was taken to urgent care, then to the ER at OHSU, where he had surgery on 1-19-20 and was released. He reported the surgery went well and is not expected to lose the eye. Employee is a new employee (first day on the job) and was working swing shift.

5. January 18th Hood River

Employee cutting wood blocks on a table saw with a push stick. Lost his balance and fell into the saw, cutting his left hand and thumb. A guard was not in place at the time. Employee taken to ER, where he received sutures and antibiotics and was released. He had surgery on 1-19-21 to remove the tip of the left thumb (amputation). First day on the job for employee. Table saw was purchased used but is new to the employer, not clear if guard was included. No witnesses.

6. January 15th Sublimity

Employee was walking from his vehicle to the jobsite. He was walking next to a crane delivering trusses when the main line swung toward him. The crane had made contact with the power line, and when the employee protected himself from the swinging line, he got electric shock.

7. January 15th Sublimity

A crane operator of a mobile hydraulic truck mounted crane, was unloading manufactured roof trusses for a construction project. As he picked up the load the hoisting line came into contact with the power lines. There was a construction framer (employee) on the ground by the load and when the line became electrified he was thrown back about four feet from where he was standing. 911 was called and responders came and picked up the injured employee. Soon after the crane operator started going into shock and first responders came back to the site to assist the other worker. Both employees were taken to the hospital. The crane operator was released within hours and the framer is still being treated.

Fatalities

1. January 27th, Medford

Employee had worked his shift and nearing the end of shift when found by co-workers slumped over his desk. The employee had several serious medical conditions. 58-year-old male.

2. January 26th, Silverton

The deceased was walking in the warehouse when he was struck by a front-end loader that was backing up. The deceased was knocked to the ground by the front-end loader then ran over. 55-year-old male.

3. January 21st Burns
An employee was in their personal vehicle on their way to Vail, Colorado, from Klamath Falls, OR for the employer and was in a single-car motor vehicle accident in Burns, Oregon. (Male age not reported)
4. January 19th Portland
COVID positive: EE normal shift exposure to COVID positive Co-worker, contact tracing revealed unmasked contact within 6 feet of co-worker. Both employees are friends outside work so exposure is unclear where it took place. 61-year-old male.
-Question: Was it reported by the employer? No, It was reported by the hospital.
-It was asked if this was considered a workplace fatality. OR-OSHA is not sure at this point. Bryon said if there is a suspicion that it is work related then we will investigate. We are not there to prove that it was work related but see what controls you have in place to reduce the risk of the transmission of COVID.
-Q: How do employers protect themselves from potential liability of transmission of COVID? OR-OSHA will get back to you on this.
-Did the Legislature pass a law that the school district can't be held liable?
Proposed legislation - HB2638 Limiting Liability for certain claims related to COVID-19. Not specific to schools though.
<https://olis.leg.state.or.us/liz/2021R1/Downloads/MeasureDocument/HB2638/Introduced>
5. January 18th Butte Falls
Loaded Log truck accident resulting in fatality - one occupant, driver only.
Driver drove off the road and the loaded log truck rolled upside down resulting in a fatality. No witness to the accident. 45-year-old male.
6. January 13th Sandy
Road crew and flaggers were on site as a utility was changing a pole on the side of the road. A utility pole truck backed over the flagger. EMT called time of death on site. ME arrived shortly after. (female age not reported)
7. January 12th Estacada
Employee found slumped over the steering wheel of the log truck.
Appears to be natural causes according to deputy medical examiner who arrived on site. 45-year-old male
8. January 5th Portland
Security officer 78 years old, was found non-responsive in the restroom, CPR was performed until EMS showed up and took over, was transported to hospital, approximately 1 hour after the incident the hospital contacted the employer and reported that the employee passed away from natural causes, heart related.
9. January 6th, Coos Bay
The employee was working underneath the yarder when a piece of clothing was caught in the drive line. The employee / victim then became entangled resulting in a fatality. 40-year-old male.
10. January 4th, Toledo
Employee was found by another driver deceased in cab of truck. EE was sitting in his truck in the mill yard awaiting to dump his haul. Employee hauling wood chips. Reported to work as normal, routine business day with no complaints of feeling ill. 67-year-old male.

Continuing Business: **Status of Rule Making:**

Infectious Disease Rule Making:

Proposed the permanent COVID-19 rule. We added to the temporary rule and clarified language. There is no expiration date, but can be repealed if needed.

We have virtual hearing set up for Feb. And March. Comment period ends April 2nd and looking to have effective before the temporary rule expires in May.

We will address other Infectious Diseases at a later date.

Q: There was a discussion in the RAC on why the effort on future Infectious Disease was paused at this moment.

-The group voted to focus on the COVID rule for now. The employers were still working on training from the temporary rule and this would let them continue focusing on this.

On March 10, 2020, Governor Brown issued [Executive Order 20-04 \(EO 20-04\)](#) that provides directives to certain state agencies in an effort to reduce greenhouse gas emissions (GHGs) and mitigate the impacts of climate change. EO 20-04 includes a directive to the Oregon Health Authority (OHA) and Oregon OSHA to jointly develop a proposal for standards to protect employees from workplace exposures to excessive heat and wildfire smoke. In response to EO 20-04, Oregon OSHA, in collaboration with the OHA, advisory committees, and stakeholders, will work towards developing two separate proposed standards:

Protection from Unhealthy Levels of Wildfire Smoke

Smoke from wildfires is composed of harmful gases and fine particles that can present a significant health hazard to workers exposed to it. These health hazards can continue after fires have been extinguished and cleanup activities begin. The potentially detrimental health effects from exposure to unhealthy levels of wildfire smoke can affect anyone, but workers with asthma, Chronic Obstructive Pulmonary Disease (COPD), or heart disease are at higher risk of serious or fatal health effects when their condition is exacerbated from exposure to wildfire smoke.

Preventing Outdoor Heat-related Illness

Outdoor workers who are exposed to sudden or excessive heat are at risk of developing heat-related illness. Heat-related illnesses include, heat rash and cramps, heat exhaustion, and heat stroke. As temperature and humidity increase, so does the level of risk to workers of developing potentially a life-threatening condition, especially when the body is generating its own heat when performing physical work. This situation is particularly serious when hot weather arrives suddenly or early in the season, before workers have had time to adjust to warm weather.

Please Contact Tom B if you are interested on being on the stakeholder committee.

Synopsis:

Bryon shared an accident case from November 2020 in Grants Pass. No citations issued. We did not open an inspection; We received the employer investigation and determined that it was sufficient.

Clark: Shouldn't the shield be flat on the ground? That is the process I have observed for 24 years. How about having United or Falcon do a presentation on "Best Practice" for disassembling a trench box.

Anonymous Questions:

If you have anything you would like to bring up at the meetings and would like to stay anonymous, let Mark Tobiasson or Nathan Taylor know and they will bring it up for you.

“When running an excavator or other heavy construction equipment to install underground utilities or site clearing, what is the minimum clearance distance we must maintain from overhead power lines? Are there differences for uncoated primary power lines compared to secondary insulated lines that commonly go to homes or small commercial buildings?”

Bryon Snapp: Please see OAR 437-003-3600 in relation to 1926.600(a)(6) on page “O-3” [page 7] of the following = <https://osha.oregon.gov/OSHArules/div3/div3O.pdf>

- The answer is a minimum of 10 feet for line rated 50 kV or below for equipment such as an excavator or other heavy construction equipment.

There are other electrical encroachment rules specific to scaffolding that allow a closer distance; however, that was not the question asked.

Eric B. If we coordinate with PGE, we can encroach closer to the line based off their guidance.

- Snapp: Don't want to give a blanket yes, but the preplanning is necessary to eliminate the hazard. If you can't eliminate the hazard, you would have to get a variance. You can work with the utility, and it needs to be specific to the location, not a blanket answer; and reach out to Oregon OSHA also. We would want to see the conversation with the utility company.

Bill Haskins with PGE: if there is a way to safely work within the 10 feet is to PGE's benefit too. They will work with contractors to be safe and within regulations.

Round table:

Construction Safety Summit: February 23, 2021; SIF- AGC, Dennis Bonin. Zoom meeting.

Final reminder for the COVID Construction Task Force: if you haven't completed the short survey about sharing COVID info for construction and trades please do. I will close survey this Friday. Anyone working in trades and construction in OR encouraged to complete survey. Thank you! https://ohsu.ca1.qualtrics.com/jfe/form/SV_1H6J8VTJ6mlszjv You can reach out to me at montgond@ohsu.edu if you have questions.

Bryan Ortiz 2/10: AGC S&H Council <https://web.agc-oregon.org/events/Safety%20Health%20Council%20Technology%20in%20Construction-7056/details>

Hoffman is seeking a Safety Professional for sustaining work at a large data center jobsite in Prineville, Oregon. Looking for someone willing to permanently relocate. Relocation package available. Interested qualified candidates may apply at www.Hoffmancorp.com/careers>HCC>SafetyProfessional

If you are interested on being on the steering committee contact Mark - Mark@weitmanexcavation.com or Nathan - NathanT@agc-oregon.org

If you have any topics that you would like Oregon OSHA to talk about to the group, please let [Alta Schafer](#) or [Mark Tobiasson](#) know.

Next Meeting:

March 2, 2021
Zoom Meeting