

Oregon OSHA
Construction Advisory Committee
Tuesday, May 4, 2021

Meeting Minutes

Attendees:

Al Lee	Doug Pettyjohn	Megan McDonald
Alta Schafer	Eden Berestoff	Michael Sheldon
Andy Haymart	Emily Crews	Michael Wood
Angelica Valdivieso	Eric Bongen	Mike Jacobs
Annmarie Earl	Eric Fullan	Nathan Taylor
Barb Epstien	George Goodman	Nevin Mclain
Barbara Hanley	Hailey Latherow	Nick Naramore
Bash Mumuni	Holt Andron	Paul Magrone
Bill Haskins	Jacob Errico	Renée Stapleton
Braxton Chambers	Jeff Wilson	Robert Miller
Bryan Ortiz	Jeremy Lawson	Robirda Lee
Bryon Snapp	Jim Anderson	Roy Shwago
Caleb Harris	Jim Mahar	Ryan Leffel
Chris Grover	Joaquin Diaz	Sean Tinker
Chris Williams	John Mastro Monaco	Shane Jundt
Clark Vermillion	Julie Love	Soren Bjerregaard
Connie Graybeal	Kathy Miller	Stephen Heaven
Dale Lindstrom	Kirsten Adams	Steve Huson
Darren Dikeman	Laird Blanchard	Ted Zacher
Dave McLaughlin	Lisa Pickert	Tony Howard
David Davidson	Lynn Craig	Tosha Gilpin
Dede Montgomery	Mark Tobiasson	Troy Stoud
Dennis Bonin	Mary Lou Wilson	Tyler Robinson

The meeting was called to order by Mark Tobiasson.

Previous Meeting Minutes.

The April meeting minutes were approved.

Lessons Learned & Safety Suggestions:

Swing stages and inspection. It gets delivered and they set up the gear, and not reviewing the information to set up properly. Went on a job site and found there were issues. Inspect equipment/ scaffolding each time.

When you move personnel around job sites, walk them around each time they come back to the job site to ensure safety and get them familiar with the site.

Dede: Vaccine Equity Team. Mobile lab going to work places to give vaccines. Is there a need to do mobile vaccine events at construction sites, or community events, please let Dede know.

Q: there are people who have a reaction to the vaccine, is this an issue that you have thought about.

A: the workplaces so far that have done it, it has not been a concern expressed.

Q: if the employer supply's it and someone gets sick, is this a Workers' Comp claim?

A: George: it certainly can be a claim but not necessarily compensable.

A: Dave M.: it would be a recordable event if the employer Requires it. If it is voluntary, then not necessarily. You can reach out to Oregon OSHA with questions.

Q: Can an employer actually Mandate/require vaccination? Legally?

A: George said yes, they can.

Michael has a question on that answer. There are claims out there that there is a Federal Law that says you can't. Is this true?

A: George and Jim: Have seen both Fed and State that say you can require it.

Michael: There is no provision in the Oregon OSHA COVID-19 rule that says anything about vaccines.

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. April 13th, Eugene

When the employee lifted the guard up on the skill saw to be able to see the chalk line on the plywood he was cutting, the extension cord hung up. When the employee pushed hard on the skill saw, the cord loosened, causing him to sever the tip of left thumb.

2. April 5th, Ione

The worker was kneeling on his knees using a pneumatic nail gun (DeWalt model DW66C-1) nailing a board. When he stood back up, he raised his right knee up to the nail gun depressing the safety foot of the nail gun accidentally while pulling the trigger nearly at the same time.

TREATMENT -An incision to remove the nail and clean the wound.

3. April 19th, Hwy 197

An employee was driving a company truck home from work and ran off the road and hit a tree. Employee was getting a phone call and looked down at his phone and that is all he remembers.

4. April 19th Portland

The victim was operating a mini-excavator and moving a casing measuring approximately 10" x 20'. The load exceeded the excavator's capacity. The victim was not wearing a seatbelt. he victim was catapulted into the Rollover Protection System of the excavator. The victim sustained a fracture to the right tibia. The victim was transported to Legacy Emanuel and was admitted.

5. April 19th, Portland

The victim was walking up a set of stairs carrying boxes and materials for his task. The victim reached the second-floor landing when the stairway collapsed. The victim fell approximately two stories to the ground level. Co-workers heard the fall and found the victim lying on the floor. The victim was transported via ambulance to OHSU. Admitted to hospital with broken shoulder, broken hip and dislocated arm (all on left side). Victim has received surgery.

6. April 15th, Portland

Located in the cabinet shop, the injured employee was walking backwards and tripped on a clamp laying on the floor and fell to the floor. Employees saw him limping and no report of injury was made by the employee that day. Injury occurred at end of shift. Employee went to emergency room Thursday night and was admitted Thursday night and had surgery on Friday.

7. April 6th, Portland

At approximately 4:00 AM, the employee was scanning freight, while on a forklift, on the dock (near door 29). The employee leaned out of the forklift and placed their arm (currently unknown which one at the moment) into the cage/mast to scan a package. While he was leaning forward to scan the package, he leaned into the lever, engaged it and caused the mast to move downward, crushing his arm, causing a compound fracture and dislocation. The employee, thinking it was a deep cut (laceration) went to the office and notified his employer that he was going to drive himself to urgent care. The employer was concerned about the amount of blood coming from the wound and called 911. The employee was transported to Legacy Emanuel and received surgical treatment for his injury. Employee was kept overnight for observation only (no additional treatment at this time).

8. April 12th, Willamina

Employee fell from a loader bucket 16 feet in the air resulting in a fractured vertebra.

Fatalities

1. April 21st, Salem

An employee was talking with another employer when one of them pulled out their new gun to show it off. The gun went off and fatally injured one worker. 21-year-old Male.

2. April 18th, Imnaha

Employees traveling from jobsite to hotel in company work truck down a narrow, winding and rough road, drove off the road. The truck rolled several times. The truck came to rest 200 feet lower. The driver who was wearing their seat belt received minor injuries. The passenger who was not belted was ejected from the truck and received fatal injuries. 22-year-old male.

Lessons Learned: The compliance officer had to drive 42 miles away from the accident site to get cell service. There is a communication gap that employers should look at. Oregon OSHA is looking at satellite based cellular devices as well as cellular boosters. And employee will check in before they go into remote area, and when they come back out.

3. April 12th, Springfield

An employee was driving his personal car for a work-related task, when he drove over a curb and stopped. Springfield Police Department responded and told the employer that the employee had suffered a personal medical event and was pronounced deceased at the accident site. The employer stated the employee had a history of heart problems. 64-year-old male.

4. April 9th, Boring

An adult male employee died after his head was crushed by a trailer. The deceased was working on a dump trailer. 52-year-old male.

5. April 5th, Hillsboro
Deceased was found at the home unresponsive, attempted CPR, before calling 911. Employee had passed away. Cause of death and time of death are currently unknown. Presumed heart related. 67-year-old female.
6. April 2nd, Hazel Del
An employee left the jobsite on his motorcycle to go pick up a pipe fitting that was needed for the job. His motorcycle collided with another vehicle that was making a turn. He was pronounced dead on the scene. 47-year-old male.
7. April 1st, Klamath Falls
Deceased hired off Craigslist to haul off limbs and wood from a 62.5-foot dead oak tree. Deceased was under the tree when another sawyer was sawing the trunk of the tree which had multiple trunks and a branch of the tree fell on to the person (deceased) as he was gathering wood and limbs. 78-year-old male.

Case Synopsis:

2018 Fatality Case. Employee working alone on hill side when the rocks above gave way and pinned employee against equipment. Employee passed away.

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.

Continuing Business:

Status of Rule Making:

Wildfire Smoke and Excessive Heat Rulemaking: Stakeholder meetings are being held. They are working on a draft proposal.

Employer Knowledge and Penalties: working through the comments received.

COVID-19 Rule:

Temporary rulemaking expires tomorrow, May 5th. We have adopted the [Permanent rule for COVID-19](#). We did not put in dates that it will sunset, but we did add more language that we will be in continuous contact with stakeholder groups. The rule will be repealed when it is no longer needed.

It has facial covering and distance requirements in it. The rule appendices have been scrubbed to remove anything that did not have worker protection in it. We restructured the school appendix. We made it explicit that

Face shields are discouraged, but not prohibited.

Transportation: using multiple vehicle to transport multiple people are not required.

Ventilation: language has been clarified that there is no need for a ventilation expert needed to evaluate ventilation.

There is no language on vaccines.

Sanitation provisions have been scaled back to meet current CDC recommendations.

Record requirements may apply.

Construction: a discussion of physical distancing and facial coverings.

<https://osha.oregon.gov/rules/making/Pages/adopted.aspx>

Q: George: Has the agency put in place anything for companies who have 90% of staff who have gotten the vaccine.

A: Fed OSHA discourages this. We have thought about this, but as the vaccination rate picks up we may put in language on enforcement.

Q: Facial coverings: has this been fixed to match OHA requirements

A: Yes, it is addressed in the rule, and not just in an appendix.

Q: Ventilation: the employer needs to attest, and what about training?

A: We will put a model form up for employers to use. And on training: the original training is adequate unless your process has changed.

Please see this link on [Summary of Key COVID-19 Rule Issues](#).

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:

June 1, 2021
Zoom Meeting