

Oregon OSHA
Construction Advisory Committee
Tuesday, April 11, 2023

Meeting Minutes

Attendees:

Al Lee-Lennar	Doug Pettyjohn	Mary Lou Wilson
Alden Streatly	Eden Berestoff	Maggie Gerlicher
Alex Garcia	Eric Bongen	Mike Brunenkant
Alta Schafer	Eric Fullan	Mike Souder
Amme Standing	Greig Lowell	Nathan Taylor
Andrew Johnson	Hailey Latherow	Nikki Haebler
Angelica Valdivieso	Holt Andron	Pam Ahr
Annamarie Earl	Ilene Ferrell	Phillip Wade
Barbra Anderson	Jake Errico	Rick McMurry
Barry Moreland	Jared Ottinger	Roy Shawgo
Bash Mumuni	Jeff Cordill	Royal Willard
Bryan Davis	Jeff Wilson	Sean Tinker
Bryan Ortiz	Jeremy Lawson	Seth Randall
Bryon Snapp	Joe Forest	Stehanie Baird
Craig Ley	Josh Schwabauer	Stephen Heaven
Dale Lindstrom	Justin Scott	Steve Barrett
Darby Ramos	Kelsey Jamison	Tammi Stevens
Darren Dikeman	Kyan Bartel	Tony Howard
Dave McLaughlin	Kyle Smith	Travis Stone
David Davidson	Laird Blanchard	Troy Stroud
David Smiley	Lisa Pickert	
Dennis Bonin	Lisa Wisler	
Doug Biron	Mark Hurliman	

The meeting was called to order by Rick McMurry.

Thank you all for joining the hybrid meeting. Introductions of people in person were made.

Previous Meeting Minutes.

The March meeting minutes were approved.

Lessons Learned & Safety Suggestions:

Nothing was shared

Status of Rulemaking:

Covid-19- effective April 3rd suspended Oregon OSHA Covid-19 rules. Voluntary masking is permitted but at the cost of the employee. If the employer requires it, the employer must provide it.

If the employer requires testing, the employer must pay for the test, time, and travel.

Federal OSHA is working on permanent Covid rules that once it is adopted, we will have to adopt rule that is at least as effective as.

Oregon OSHA Spotlight:

you have any ideas on what you would like covered please let Nathan Taylor or Joaquin Diaz

Mark Hurliman, Oregon OSHA: VPP/ SHARP program. [PowerPoint presentation](#)

SHARP Concept, giving employers tools to better manager safety and health and develop a culture of safety.

SHARP is a series of comprehensive consultations. Yearly evaluation of program. Create an action plan and implement. There are expectations that need to be followed.

SHARP in construction- we have had 20 Oregon contractors go through this process. General Contractors in construction is being piloted

VPP: Mobile workforce- Program Directive. A-241

Outstanding safety and health management, systems approach, cooperative and effective program, beyond the standards.

Correct issues that are found.

The evaluation process is 2 steps. Evaluation of SHMS and then a site evaluation.

Pre-approval, Star and Merit.

Expectations: Hazzard correction within 30days and a final report issued.

Benefits of the programs:

Improved safety and health management systems and performance.

Enhances labor and management relations

Create economic benefits.

If you are interested in more information please contact Mark Hurliman @

Mark.E.HURLIMAN@dcbs.oregon.gov

Contractor Spotlight:

Seth Randall: Clark Construction

[Clarks journey to Better Head protection](#)

In March 2016 NIOSH released a study on construction workers were at risk for head injuries. Traumatic brain injury vs “other injury”

In 2014 we were introduced to the helmets for this industry, but there was no interest for our company.

In 2016 we had an employee fall from a trailer and struck his head on the pavement.

Laceration to the head, and fractured to the orbit. We began the demo of the helmet after this incident.

We wanted to ensure effectiveness without sacrificing the comfort. We bought some helmets and sent them for 3rd party testing against hard hats to test the effectiveness.

In June 2016 Clark Construction switched to helmets only.

They are working with regulators to update ANSI Z89.1 to add head protection for working heights.

Questions:

We are dealing with the vanity issues, how did you get through that?

Seth: it wasn't easy at first. We did a hard stop on the hard hats and mandated the helmets. When you are the only one not wearing it, it becomes why are you not wearing it.

Rick: Rain issue?

Seth: rain is something we deal with, there are products out there to help with it.

Denise: transient work force, who are not there for a long time. How do you manage the cost?

Seth: we give it to every new hire, they might last a day, a week, a month. Even if they leave they take it a wear it with their new company, or they come back and bring it with them.

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. March 31st, White City

The employee was in the process of setting up a moulder when his entire right thumb was amputated. There were no witnesses to the accident.

2. March 7th, Albany

The injured employee was apparently on a 10-foot extension ladder, in the employer's shop. He lost his balance which caused him to fall. Arturo was discovered on the ground with injuries. No witness to the fall, resulting in a concussion, broken ribs, lung, shoulder and chest injuries.

3. March 29th, Portland

While employee was climbing down a partially tied-off ladder, leaning against a crane, fell to the ground fracturing the pelvis.

4. March 29th Estacada

During well drilling activities an approximately 2000lb hammer operated by a cable system came disconnected from the cable when the cable broke and came down and struck a worker in the head. The worker was transported to the hospital and received stitches and is being kept overnight in the hospital. Employee lost consciousness in the event but is awake, communicating, and generally in good spirits.

5. March 8th, Portland

Injured employee caught their right small finger between the tailgate and truck, causing a crush injury leading to digital nerve injury and a partial amputation.

6. March 2nd St Paul

Employee was driving a work truck home from work and stopped to pick up drinks (location of stop has not been identified by the employer). On way from the stop to his residence he went off the road colliding with a tree. Employee was transported to Salem Health Hospital where he was admitted and kept overnight for observation. Injuries listed as bumps and bruises.

7. March 1st, Newberg

Employee was cutting a piece of furring strip with a power saw. The saw hit the index finger of the employee's left hand. The portion of the finger above the knuckle was cut off.

Fatalities

1. March 4th, Salem
Coworker found employee on floor in cubicle, unresponsive. EMS arrived, employee regained consciousness and was transported to hospital. Employer was notified on 4/5/23 that employee had passed away on 4/4/23, presumed heart attack. 53 year old male.
2. March 30th, Clatskanie
Employee was on break in the break room and suffered a fatal heart attack. One co-worker came into the break room and no one was there. He left went to get coffee. Approximately 8 minutes later another co-worker went into the break room and discovered the victim laying on his back. Life saving measures were taken immediately and 911 was called. Employees used the AED but was not effective. Approximately 5 minutes after the call was made to 911, emergency services arrived and took over live saving measures. The victim passed away on scene. Fire, Sherriff, and ME responded. 57 year old male.
3. March 28th, Portland
Deceased employee was walking with coworkers when he collapsed. 911 was called and employee was transferred to Legacy Emanuel via ambulance. Employee passed at the hospital about 8:30 PM due to a cardiac event. 62 year old male.
4. March 29th, Willamina
Employee was delivering a load of logs when he was found collapsed outside is truck. CPR was started, EMS arrived and transported employee to hospital. It was determined at the hospital that the employee suffered a cardiac arrest. 53 year old male.
5. March 23rd, Glide
The employee was driving a box truck and was travelling east on highway 138W near milepost 19 when the truck crossed the center line before correcting back across the center line and leaving the road way on the eastbound shoulder and striking an oak tree on the driver side of the vehicle. The driver was pronounced dead at the scene by the Douglas County Sheriff Medical Examiner's Office. 68 year old male
6. March 22nd, Hillsboro
Two employees were moving a conveyor belt from inside the warehouse to partially outside the warehouse like they do every morning. While they were moving today a tension wire broke, the conveyor fell down hitting the employee who hit his head in the concrete. Josue was caught between the conveyor and the concrete. The other worker, who did not get injured contacted the (Manager) who then contacted 911. By 7:00 am the ambulance was gone with the injured worker. 52 year old male
7. March 20th Alsea
Deceased was contract cutter from out of state, hired a month prior to run yarder. Offered to cut a few trees along the hwy at job site. While owner was moving vehicle, employee walked over to tree, appeared to slip, other employee ran over, realized deceased had collapsed and was unresponsive began CPR. Flagger was sent to get cell service and call 911, Corvallis EM and Benton County Deputy arrived at scene approximately an hour later, pronounced deceased at site, presumed heart attack. 64 year old male.
8. March 9th Maupin
Employee was traveling on Hwy 26 en route to delivery when the employee suffered a cardiac event. Employee was able to safely stop the vehicle without an accident and was

assisted by a good Samaritan and was pronounced deceased on scene by emergency responders. 54 year old male.

9. March 18th, Harrisburg

Employee driving freightliner with trailer, heading south on I-5, began swerving to the right. Made contact with bridge barrier where the truck stopped. Police on scene stated impact would not cause death, presumed medical event. 50 year old male.

10. March 5th Sutherlin

The employee was reported to have gone down to breakfast at the Best Western in Sutherlin, Oregon. The employee collapsed in the hotel and the hotel staff contact EMS. The employee was taken to Mercy Medical Center in Roseburg where the employee was pronounced deceased. Cause was believed to be a heart attack according to the hospital. 63 year old male.

Anonymous Questions:

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

How do you decide if the case involved restricted work?

Restricted work activity occurs when, as the result of a work-related injury or illness, an employer or health-care professional keeps, or recommends keeping, employees from doing the routine functions of their jobs or from working the full workday they would have been scheduled to work before the injury or illness occurred.

What I've been told, by multiple OSHA representatives, both consultants as well as compliance officers, is that if the doctor's work release contains work restrictions, then it is considered modified duty (which is not how I read that definition).

So, my question is:

If the doctor's work release restrictions don't limit the employee's ability to do their work, is it modified duty?

Specifically – union carpenters have written into their contract, the requirement to complete continuing education classes every year. They also are required to “menial” tasks as part of their regular work day. If a carpenter gets hurt... hanging drywall for example, and the doctor returns them to work with restrictions of not lifting, pulling, or pushing more than 15lbs. or working overhead. If we have that employee come to work (same location as the “injury” took place) and work on his/her continuing education class(es), organize gang boxes, sweep work areas, and help with ordering material (all of which are expected of even journey level carpenters at some point), would that be considered “modified duty?”

To contrast:

If an office worker was injured on the clock... and they were given a work release to return to work immediately with the same restrictions (15lbs, no lifting, pulling, or pushing, or working overhead). Would that be considered “modified duty,” simply because the doctor included restrictions in their work release?

Dave:

Section 6 Restricted Work:

If there is something that they would do on a weekly basis.

Round table:

Denise: Professor in psychology. Teach critical stress: 4/25 at noon at AGC Wilsonville

5/3 NW college of construction: Consultation from OR OSHA will be presenting.

<https://web.agc-oregon.org/events/2023NWUCAAGC%20Safety%20Forum-12549/details>

Amme: SafeBuild Alliance is having a Safety Week Kick-off event on April 27th. Craig Weber will be the guest presenter. It will be a great program!

<http://safebuildalliance.com/meetings>

Renee: worker memorial. AFLCIO hosts. It will be in Salem, April 28, 2023 around the noon hour.

Safety break Oregon is in May.

National safety week is May 1 -5. <https://www.constructionsafetyweek.com/>

Safety stand down in May 10th

Meeting adjourned.

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

Next Meeting:

May 9, 2023

Oregon OSHA Portland Field Office / Zoom Meeting –