

Oregon OSHA
Construction Advisory Committee
Tuesday, August 8, 2023

Meeting Minutes

Attendees:

Al Lee-Lennar	David Smiley	Mark Spring
Alex Garcia	Eric Bongen	Mary Lou Wilson
Alta Schafer	Erik Elkins	Matt Kaiser
Amanda Davies	Erin Flynn	Mike Brunenkant
Angelica Valdivieso	Greig Lowell	Monty Foust
Annmarie Earl	Hailey Latherow	Nathan Taylor
Barbra Anderson	Ilene Ferrell	Oriana Davis
Bash Mumuni	Jake Errico	Penny Wolf-McCormick
Bill Haskins	Jason Dunton	Phillip Wade
Bryan Davis	Jeff Hooper	R. Beecher
Bryan Ortiz	Jeff Wilson	Renée Stapleton
Bryon Snapp	Joaquin Diaz	Rick McMurry
Caleb Harris	Joe Miller	Roy Shawgo
Chris Dahl	John Mastromonaco	Sean Tinker
Craig Ley	Josh Schwabauer	Stephanie Baird
Dale Lindstrom	Julie Love	Steve Barrett
Darren Dikeman	Katia Costa	Tammi Stevens
David Davidson	Lynn Craig	

The meeting was called to order by Joaquin Diaz.

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

Previous Meeting Minutes.

The July meeting minutes were approved.

Lessons Learned & Safety Suggestions:

A company said that they are finding the Employers know the heat rule, and are letting employees monitor themselves. If they need a break they take a break, they get water, they get shade.

Comorbidity in accidents and fatalities: How are companies dealing with these situations: Do you have nutrition programs, health programs, etc.?

One company have wellness programs and gym membership discounts through their insurance programs.

Union employees don't have access to that, so we are trying to figure out how to get it out into the field staff and not just into the office staff.

The State of Oregon has some programs available for state employees, but getting people to utilize them has been a challenge.

Acclimatization: Is there a sample plan out there for onboarding new hires to test the acclimatization they have so we can help keep them safe. Could Oregon OSHA create a fact sheet or tools to help?

You don't want to just rely on a check list, you want to be aware of other hazards also.

Companies are starting to see watercoolers on job sites now rather than cases of water. They can fill up their water bottles with cold water, and there is less waste.

Can we start on guide lines for acclimation with a list of factors to consider, how to tailor fit to each employee?

Maybe this group can create a group for that. Oregon OSHA can help with this group. Jeff Wilson, Nathan Taylor, Rick McMurry, and Joaquin Diaz volunteered to be in the group.

Status of Rulemaking:

COVID-19 rule was a temporarily repealed and Oregon OSHA is now in the process to make removing the rules permanent. Comment period closed 8/4/23. Permanent rule to be effective September 2023.

Div 1- SB592 penalty structure, comprehensive inspection after fatality. The next meeting is 7/20/23 via zoom. It was passed with an emergency clause so we are moving quickly on this rulemaking. Intent to have in place January 1, 2024.

SB907: right to refuse work, is also meeting at the same meeting as above.

Q: what is the percentage going up and why?

There was a bill in the legislature that requires us to increase our penalty amount.

There are a lot of questions on SB592 and Renee is happy to answer any questions anyone has on it. Her number is 503-947-7400.

This bill was introduced due to our historic low penalties. It is a national conversation that advocates have had across the country. Additionally, federal OSHA has shared concerns on our penalties for quite some time. This is a great time to reach out to consultation to see if there are any recommendations for your safety and health program. There is a lot of information about the process on the rulemaking here:

<https://osha.oregon.gov/rules/advisory/penalty/Pages/default.aspx#billsummary>

Lead rulemaking is starting to meet: nothing has been proposed yet. If you would like to be part of this rulemaking, please reach out to Linda Pressnell, Linda.S.Pressnell@dcb.oregon.gov.

Non-Entry firefighting rulemaking: Three have been meetings held, and is currently being worked on.

Consultation in public entity's rulemaking: Drafting the rule.

Standards improvement process: this is clean-up of rule; minor editorial scripeter errors.

Ag Labor Housing is being worked on. Meetings being held.

Upcoming:

Federal OSHA is working on a heat rule, but we have not heard any updates or further information.

Emphasis on warehouses that Federal OSHA has given us.

Emphasis on falls in construction and general industry. We have had one but we are going to adjust ours to be at least as effective as.

General Discussion

AI concerns:

You can go into Chat GPT and type in “develop a safety plan for putting a ladder up”. It gave a pretty good plan and the concern is, are employers going to rely too much on AI and miss important things in there.

There are employers that are using AI to create plans and they don't actually read what is in it. This can be a problem.

We currently have employers that pull a plan from someone else in a different state and they don't read it; they just have it because it is a requirement.

It is a tool that a good company could use to make their plans stronger, but there are not so good companies that could use it and not correctly.

The safety professional will not be replaced, you still need the human portion.

A presentation on this topic is requested.

Lagging indicators, is that a good bench mark to use? there is a study that came out from Dr. Matthew Hallowell. The group had a discussion on rates and they are not great indicators because you can have a high dart rate, but a low EMR. And, they don't tell a story effectively. Are we using the right metrics to focus on effective change? Look at the incidents rather than the incident rates.

Leading indicators, are they the right ones to be focusing on?

Maybe we can have someone come give a presentation on the lagging and leading indicators.

Follow-up: Dr. Matthew Hallowell will be giving a presentation at the next advisory meeting.

Citation question:

A company brought up Oregon OSHA using “in the alternative” on their citations.

Bryon Sapp: We discuss it and provide a few examples in our FIRM (Field Inspection Reference Manual). <https://osha.oregon.gov/OSHArules/enforcement/firm.pdf>

Renée added Federal OSHA also uses "in the alternative", this is not unique to Oregon OSHA.

Phone numbers:

Contractors have Oregon OSHA staff asking for personal phone numbers for employees, and they think it is weird to give a personal number out to them so they do not give it. They contacted OSHA to ask if this is happening, and yes, they can ask for this information.

– While conducting an employee interview they may have follow up questions to ask or they may just want to make contact to interview that person depending on the situation.

Penny added that normally we'd most often ask the employer for the employee # if we can't catch the employee at work for an interview. Or if we have follow-up questions. It's not uncommon at all - though I can see where it might look odd.

Renee said everything will be case specific based on what is going on. In some instances, we may need to subpoena employee information.

Oregon OSHA will bring this up at their next staff meeting.

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. July 24th, Port Orford

Employee was working on a staged scaffold which was 10-feet high according to the owner. The employee was taking measurements in preparation for laying out the rafters for the house when he stepped back on the scaffold then fell 10-feet to the subfloor of the house. The employer was not on site but was notified and arrived shortly after the accident to take the injured employee to the hospital in Bandon. The Bandon hospital did not have the means to address the employee's injuries so he was transported to Sacred heart hospital in Eugene.

2. July 24th La Grand

A sales rep. out of the Atlanta area was working at a grand opening event at the store. The employee was working outdoors, out of a pull behind trailer, when he started sweating profusely and became hot. Another employee called 911 and he was taken to the local hospital for treatment. The employee as admitted the same day and is expected to be released on 7/25/23

3. July 6th Wilsonville

Employee was picking up a man hole cover to grab/remove the drainage pipe. As the employee lowered the man hole lid back down he pinched his left middle finger and slightly amputated the tip of his finger.

Fatalities

1. July 27th Vale

An employee collapsed while working at a portable conveyor belt transporting onions into a building. The employee was transported to Saint Alphonsus Medical Center in Ontario, OR and later transferred to Saint Alphonsus in Boise, ID where he passed away on Saturday, July 29, 2023. 57-year-old male.

2. July 28th, Hillsboro

The employee was found deceased in his vehicle in the parking lot of the employer. 34-year-old male.

3. July 24th, Portland

Employee was a welder working on reskinning a cone shaped above ground storage tank. The employee was connected to a cable grab fall protection system. It is alleged that the fall protection system failed and the employee suffered a 40-foot fall to inside of the tank. 52-year-old male.

4. July 24th, Springfield

Employee was out in parking lot, talking with a man and women driving a U-Haul. Surveillance video shows the employee appears to be making a call on her phone. Male customer exits driver side of the vehicle and grabs phone out of employee's hand. Female customer exits passenger side of the vehicle and gets into driver side. Male customer then

gets into passenger side of vehicle, as the customers begin to drive away, employee jumps onto the outside door of vehicle, customers continue to drive away. Employee falls from door and is crushed by the vehicle. 33-year-old female.

5. July 22nd, Portland

Employee death due to a shooting at Floor 5 outside the Family Birth Center. The employee killed was a Security Officer for the Hospital. Shooter was family member of a patient (father of baby) who had a weapon and was causing problems. Staff attempted to keep family member of the unit, unit was locked out, staff called police, before police arrived shooter shot employee in the head. Employee was pulled into a stairwell and then taken to ICU, then transferred to Legacy Emanuel. Declared dead at 12:50 pm. 44-year-old male.

6. July 16th, Portland

Employee was working at a mental health residential treatment home when they were stabbed by a client. 26-year-old female.

7. July 14th, Salem

Maintenance worker was found deceased in a tool storage shed by another co-worker. Use of narcotics has been indicated as cause of death. 42-year-old male.

8. July 7th, Lebanon

Employee (Clinic Medical Assistant) was walking down a hall, a co-worker heard a sound and went to check, found employee on the ground, non-responsive. Co-workers initiated CPR and 911. Apparent natural causes. 65-year-old female.

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.

In Portland (and other cities) our contractors have had many issues with break-ins on their jobsites (even after hiring guards onsite 24/7). Are there any Oregon OSHA rules regarding employers in the use of electric fencing to dissuade this activity? Any specific voltage that are too high (or amperages)? What about barbed wire, or razor wire on/around the fencing?

Bryon Snapp:

Oregon OSHA does not have a security fencing rule. Employers should think about their employee exposure. We don't have jurisdiction over the safety of the citizens trying to climb over / through these fences. We do have jurisdiction over employees exposed to them.

You may need to install some type of barrier to prevent employees from contacting the hazard. Example = Razor Wire around a tower crane. If employees are exposed while going up the ladder, guarding may need to be installed between the ladder and the fencing. We have general PPE rules that should be considered when installing, adjusting, maintaining these fences, such as PPE Hazard Assessment and Hand protection as examples.

We have electrical rules as well as Control of Hazardous Energy (LO/TO) rules that may apply while installing or maintaining these electrified fences.

Mary Lou: we have had things stolen in Portland, know who did it and the Portland Police said there is nothing they can do about it.

Round table:

Nothing shared

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:

September 12, 2023

AGC / Zoom Meeting –

9450 SW Commerce Circle Wilsonville, OR 97070