

Oregon OSHA
Construction Advisory Committee
Tuesday, October 10, 2023

Meeting Minutes

Attendees:

Aaron Colmone	David Smiley	Matthew Hallowell
Al Lee-Lennar	Eden Berestoff	Mary Lou Wilson
Alex Garcia	Eric Bongen	Mike Brunenkant
Alta Schafer	Eric Elkins	Mike Jacobs
Amme Standing	Eric Fullan	Mike Souder
Angelica Valdivieso	Greig Lowell	Nathan Taylor
Anmarie Earl	Hailey Latherow	Nicholas Hanks
Barbara Hudson Hanley	Ilene Ferrell	Penny Wolf-McCormick
Barry Moreland	Jake Errico	Renée Stapleton
Bash Mumuni	Jim Anderson	Rick McMurry
Bryan Ortiz	Jeff Wilson	Roberto Aguilar
Bryon Snapp	John Hamilton	Roy Shawgo
Caleb Harris	Josh Schwabauer	Ryan Leffel
Chris Dahl	Julie Love	Sean Tinker
Dale Lindstrom	Justin Scott	Stephanie Baird
Darren Dikeman	Kirsten Adams	Stephen Heaven
David Davidson	Laird Blanchard	Steve Barrett
Dave McLaughlin	Lisa Wisler	Tammi Stevens
		Travis Stone

The meeting was called to order by Nathan Taylor.
Thank you all for joining the hybrid meeting. Introductions of people in person were made.

Previous Meeting Minutes.

The August meeting minutes were approved.

Lessons Learned & Safety Suggestions:

Nothing shared

Status of Rulemaking:

Div 1- SB592 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.

There are public hearings scheduled and dates can be found on the [Oregon OSHA Website](#). Written comments are accepted until (11/3/23).

Question: will the comments even be considered since this is mandated?

Yes, there is a little wiggle room and does our approach make sense?

Renee added that the dollar values of top and bottom can't be changed, but there are things in the middle that can be open for discussion and our definitions. We would like to know your thoughts and opinions and will be considered for the record. We can share these comments with the Legislature and the Governors office.

We want to make sure we are clear and communicate the changes coming and want people to understand this came from a bill from the Legislature. AFL-CIO and Senator Taylor were the sponsors of this bill. And there were many advocates backing this bill as well. We anticipate that this is a movement across the Country.

Discussion on employee misconduct.

Discussed the Employer Knowledge rulemaking, and how that addressed employee misconduct. We haven't discussed the timeline of restarting the rulemaking on this topic, and what that would look like.

We look at employer due diligence, and employee misconduct and bridging the gap.

Q: the impact will happen more to companies that are not part of this group. What is Oregon OSHA going to reach those employers?

A: we have done a lot over the years to find mechanisms to reach those smaller employers, and we have been adding info into CCB. It is not something that will happen overnight, and it takes all of us to get info out. Our consultation section has been working on getting out to those businesses too.

Record Keeping:

Federal OSHA has updated their requirements for [recording keeping](#) so we need to review and update Oregon OSHA's.

Oregon OSHA offers record keeping classes and have [online training](#) on their website.

[Lead rulemaking](#) nothing has been proposed yet. If you would like to be part of this rulemaking, please reach out to Linda Pressnell, Linda.S.Pressnell@dcbs.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 scripser errors.

[Ag Labor Housing](#) is being worked on. Meetings being held monthly.

Upcoming:

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

Emphasis on warehouses from Federal OSHA.

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

General Discussion:

Safety focus heading into the holidays: what are you doing to maintain focus on safety.

Bliss: more emphasis on what is being worn by staff. Stretch and flex, and visibility issues.

Laird: fatality that had happened at the end of year. so we now put an emphasis on making sure we know who is working where and when and making sure our supers know to go check on the employees.

A company is making sure people are taking vacations and taking time with their families.

Bakers scaffolds:

A company has seen a couple injuries recently with these. Make sure you are using them correctly and set-up properly.

Discussion on experiences of what types they have seen being used.

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. Grants Pass, September 22nd
09/22/23 Employee worked full shift Friday and cut right index finger knuckle in the morning. 09/23/23 Saturday, employee's arm red / swollen so employee went to the ER, was admitted into the hospital, and kept five (5) days to treat infection.
2. Eugene, September 27th
EE working on flat roof installing flashing and all of a sudden, collapsed and went to all fours. Became sweaty and pale, CPR certified EEs identified issue (heart attack), called 911 and EMS responded took him to hospital. EE had an occluded blood vessel that contributed to their heart attack. They have already come out of surgery and have a good prognosis.
3. September 18th, Eugene
Employee was performing landscape cleanup, while searching around a bush, the victim was stung by "hornets" 7-8 times on his neck and arms. The victim was showing signs of a negative reaction to the stings and 911 was called. Victim was admitted on 9-18-2023 and discharged on 9-20-2023.
4. September 19th Eugene
Employee was driving company vehicle north on Van Buren St. and had heart attack. Unknown if vehicle stopped for stop sign on Blair Blvd and Van Buren St., Vehicle hit a power pole, vehicle continued to cross 4th Ave and came to rest against garbage cans.
5. September 13th Springfield
Fell 10'~ when clearing a clog in a bulk tank and broke his hip.

6. September 13th Albany
Employee was on a job at cutting material and accidentally cut his two fingers with a table saw. The employee's left index and middle finger were amputated. The employee was sent to hospital in Albany then sent to and released from Corvallis Hospital.
7. September 7th, North Bend
An employee was unloading a pallet of shower wall kits and shower doors. The employee was found next to the pallet unconscious and bleeding from the head.
8. September 25th, Portland
Victim was using a shovel to dig a ditch for electrical to run power, when he hit an existing wire that was 4" deep, causing him to get shocked. Victim felt a shock in his arm and sat down. Wires were spliced and not in any kind of protection box, no markings or burial tape was seen. Employer encouraged employee to seek medical attention, the foreman drove him to Salem Health Emergency Room, which was near his home. He was hospitalized overnight for testing and observation, released the next day and will be back to full duty work on 9/27/23.
9. September 19th, Sherwood
At ~8am on 9/19/23, employee was unloading a reel from a trailer with his crew. The employee slipped while unloading and landed awkwardly, fracturing his tibia (closed fracture).
10. September 12th, Portland
Employee was lifting something heavy and was hospitalized and treated for a hernia. Employee was moving a pneumatic hammer used for setting piles. Hammer weighs ~300 lbs,

Fatalities

1. September 28th, Keno
The employee parked his bull dozer Cat on a sloped road facing downhill. The employee lowered the blade of the Cat to the ground. The employee set the parking brake, got out of the cab and walked in front of one of the tracks. Parking brake failed, letting the Cat roll downhill resulting in the employee be ran over. 60 year old male.
2. September 26th Portland
Restaurant worker was found deceased and on all fours at approximately 9:55 a.m. on 9/26/2023. Victim collapsed during work duties. No evidence of head or body trauma. No heavy PPE or respirators used. No toxic chemicals used. Have a natural gas stove, but not in use when victim was found. Have no idea what may have contributed to incident. Found illicit substances in personal belongings. Will conduct toxicology. 44 year old male.
3. September 26th, Coquille
Tracked logging implement log loader. Traveling west to address some bunk logs in the middle of the cut. Moving over to the logs, on right side there was a depression in the ground and stump on the left. The tracked implement hit both at same time, driver was not seat belted in and the equipment flipped. Unsure of cause of death, possibly positional asphyxiation or a broken neck. 63 year old male.
4. September 20th, Toledo

A corporate loss control investigator was on site to investigate a recent incident at the plant, she was leaving to fly back to the corporate office, apparently talking to her mother in the rental car. The conversation went silent, her mother called the local police and the employer, they found her in the car unresponsive. No medical findings as of yet. Female, no age listed.

5. September 18th, Medford

The employee had delivered a load of lumber to the job site several days earlier and was told where it was delivered was too far from the job site. The employee arrived on site yesterday morning 9-18-23 to move the lumber closer to the job site. Another employee arrived on site to help move the lumber. The other employee stated when he arrived on site, he observed the employee moving lumber. As the employee was walking towards the employee, he observed the employee fall to the ground. The employee rushed over to see what was going on. The employee said he could see the employee was not breathing and started CPR. Other employees working nearby rushed over to help. 911 was called. When EMS arrived on site they started to work on the employee. EMS pronounced the employee deceased. 42 year old male.

6. The victim was driving a forklift and moving product from one end of the greenhouse to another. The employee took a break and went to the restroom. The employee did not return, another worker went into the restroom to check on the employee, he found the employee on the floor and non-responsive. 911 was called and company first responders began CPR and used an AED until Marion County Fire EMT's arrived. The EMT's continued CPR on the employee with no response, the employee was considered deceased. According to the risk and safety manager of a funeral home was then called to remove the body. No hospital was called and no witnesses. 44 year old male.

7. September 12th, Medford

An employer discovered a co-worker in a field unresponsive and not breathing. 911 was called and the co-worker was pronounced dead of a possible heart attack. 64 year old male.

8. September 7th Milwaukee

A football coach (employee) went into cardiac arrest while on a school bus with a school sports team. They were coming back from an away game. EMS was contacted, the employee did not survive. The employee was not exposed to chemicals, toxic substances or extreme temperatures prior to the incident. 59 year old male

9. September 6th, Madras

An employee was killed as a result of being ran over by a Hyster 155 Fortis while standing or walking in the forklift lane. 63 year old male.

10. September 2nd, Eugene

One employee was shot while working at a convenience store, he did not survive his injuries. Unsure of the actual time of death due to the nature of the injuries and organ harvesting. 32 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.

1. information regarding knuckle boom trucks and which certifications are necessary to operate one for non-construction purposes. The primary use of these trucks would be work performed by mechanics to assemble heavy equipment on job sites. I have read the standard 1926.1400, and the exclusions, but there is nothing in there about equipment assembly/disassembly.

A: Bryon, type of crane and there is some nuance with this type. If the larger equipment being assembled is a crane, there are rules in the construction rule. We would look at operator under Div 2, in material handling under 437-002-0228, paragraph 2. All cranes in GI. 4 things employer needs to do.

- Properly trained, who makes determination? It is the employers responsibility
- Document in writing, and maintain records.

Train them to the Div 3 requirements and you will know that they will be covered by the Div 2 rule. Will need to know who did the training, when was the training, what is the practical experience that was done.

2. For use of a scissor lift, when is it or is not required to use a PSFA? My understanding of the OSHA Standards is PSFAs are not required, yet I'm finding some GC's and site owners are requiring them.

A: PSFA's are not required in a true scissor lift, by Oregon OSHA. They are required to use guardrails.

3. How many 5-gallon buckets of **category 3 flammable liquid**, where the flashpoint is between (73.4°F - 140°F). Am I allowed to store inside a warehouse?
Can there be multiple locations within the warehouse? if so, does there need to be a fire-rated wall in between?

This material is received in a metal container. Unopened and delivered from the manufacturer.

The building is concrete; there is general/ natural ventilation but no forced air ventilation. **Is there a calculation for quantity vs square footage?**

Also, what are the Outside storage requirements?

A: if it is just the construction site: 25 outside cabinet.
66 in cabinet.

You have to comply with the fire codes for the local area.

If facilities itself, there is rule that specifies.

Most would fall under Div 2. 1910.106 Section (e) under haz materials.

All are under the local fire jurisdiction.

Round table:

-Rick McMurry will be the chair for 2024, and we will be looking for a vice chair. If you are interested let us know.

-Joseph Cervantes, work with international code council. Construction fire protection, NFPA 231, construction fire in North Carlonia, apartment building, identified need for communication. There was a 9-minute delay from the time fire dept. notified to the notification of employees there. There was only 1 stairway for evacuation. How are we identifying fire risks on job sites, and how are we notifying people on site? The group had a discussion.

-The November meeting will be cancelled due to conflicts.

-Problems with existing utility locating. Putting together a large file and going to raise the issue with the PUC on the companies that are failing to comply. If you would like to add to or ask questions, please reach out to [Eric Bongen](#).

-Tammy, there is an online course for record keeping and they will be updated once we have the rule completed.

-Dad joke of the day: Why does electricity hum? Because it doesn't know the words.

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:

December 12, 2023

Oregon OSHA / Zoom Meeting –
16760 SW Upper Boones Ferry Rd. Tigard, OR 97224