

Oregon OSHA
Construction Advisory Committee
Tuesday, December 12, 2023

Meeting Minutes

Attendees:

Al Lee-Lennar	Eric Elkins	Monty Foust
Alex Garcia	Hailey Latherow	Phillip Wade
Alta Schafer	Ilene Ferrell	Rachel Madjlesi
Angelica Valdivieso	Jake Errico	Rick McMurry
Annmarie Earl	Jason Dunton	Robert Miller
Barbara Hudson Hanley	Jeff Wilson	Roberto Aguilar
Barry Moreland	Jeremy Lawson	Roy Shawgo
Bash Mumuni	Jim Anderson	Ryan Leffel
Bryan Davis	Joaquin Diaz	Sean Tinker
Bryon Snapp	John Mastromonaco	Stephanie Baird
Chris Dahl	Josh Schwabauer	Stephen Heaven
Dale Lindstrom	Justin Scott	Steve Barrett
David Davidson	Laird Blanchard	Tammi Stevens
Dave McLaughlin	Maggie Gerlicher	Travis Stone
David Smiley	Mark Myers	Troy Stroud
Eden Berestoff	Mike Brunenkant	
Eric Bongen		

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 October meeting minutes were approved.

Lessons Learned & Safety Suggestions:

A company is doing mock OSHA inspections to make sure we are prepared and doing things safely.

One of our job sites had the super gone for a few days and there were some things going on at the site with employees not working safely during that time. They addressed the issues. Make sure you have a plan in place due to absences.

Company setting up the vacation calendar to see where there are “blind spots” to ensure everyone can do their jobs safely.

A company is aggressively evaluating their pre-task plans and getting out in the field to make sure employees have what they need and maintain their concentration. Having more supervision out on the sites in the morning has helped.

Status of Rulemaking:

Bryon Snapp shared the new SB592 and SB907 information.

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.

907 changes nothing with our statute and no new language. It just clarified language and more closely to the Federal OSHA. The test is through BOLI, and not Oregon OSHA. It has been in place for 50 years.

592: Comprehensive Inspection changes: new type comprehensive for cause. Program planned for inspection for cause.

There are 4 triggers to these inspections.

1. When we open a fatality investigation and issue a citation and it was a caused or contributed finding to that fatality. A comprehensive for cause will be conducted within 365 days from the closing conference.

2. a comprehensive for repeats. If a company receives 3 or more repeats of same or similar violations in 1 year. the calendar doesn't restart on January 1st, it is a rolling date.

3. 3 or more willful violations in 1 year. they do not have to be the same violation.

4. based off of the administrators discretion. The Administrator can look at the history of an employer and see if there are accidents, fatalities, repeats, willful' s, etc. then they could get a comprehensive inspection.

The penalty effective date will go into effect on any inspection that is opened on or after January 1st. the counter for the caused or contributed started as of the date the Governor signed the bill. We have been keeping track of those accidents and fatalities.

We have a penalty assessment chart that will show the brackets.

The numbers in blue are first instance penalties.

The numbers in green are for repeats, and there is only 1 size reduction for 50 or less employees statewide.

Caused or contributed to a fatality are in purple and magenta; there will be no size adjustments.

The base penalties went up and we are to adjust annually based off the western CPI.

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

Fact Sheet: <https://osha.oregon.gov/OSHAPubs/5632-2024.pdf>

Violations & Penalties page: <https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx>

Record Keeping:

Federal OSHA has updated their requirements for [recording keeping](#). We are adopting the federal changes and will be effective January 1, 2024.

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

[Lead rulemaking](#) working on currently.

[Non-Entry firefighting](#) rulemaking: There 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. Looking at proposing in March 2024.

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

Program Directive: National emphasis for falls in construction from Fed OSHA.

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. November 21st, Albany
Maintenance employee was helping to align the EB furnace when the right index finger was caught in a chain and sprocket nip point. The fingertip experienced an avulsion. The company emergency response team responded then EMS paramedics responded. Employee was transported to the hospital where 3/8 to 1/2 inch of finger bone was removed in order to close the wound.
2. November 10th Coos Bay
Installing a fireplace in a new construction home. Employee was on a ladder approx 12-14 feet. The ladder was accessing the second story. appears EE was stepping from the ladder onto the metal roofing, ladder slipped out and EE fell to the metal roofing on the first story, approx 12-14 foot fall. Resulted in a broken arm, wrist, rib, and vertebrae.
3. November 3rd, Hermiston
An employee's right ankle was fractured after steel framing became dislodged and fell on an employee's ankle while two employees were attempting to remove the steel framing from the shipping pallet. After the incident, the employee was transported to the Good Shepherd Medical Center in Hermiston where the employee was kept in the hospital from Friday evening to Monday evening. Surgery was performed on the employee's ankle.
4. November 13th, Portland
Business is an asphalt paving company. A grading crew was working at a mobile site, a skid steer (2023 Case TV370B) operator pulled up next to the victim, who was on foot, to give him a chop saw that was in the cab of the skid steer. The skid steer operator opened the door to the cab, which should have disabled all functions of the machine, but did not. The victim reached into the cab to grab the chop saw and bumped the left joystick forward causing the skid steer to roll over his leg. 911 was contacted and an ambulance transported the victim to Legacy Emanuel Hospital, where he was admitted overnight with a broken leg.
5. November 2nd Boring
Employee was preparing to unload concrete. Employee passed out and hit his head. Ambulance came to jobsite and transported to hospital.
6. November 21st, Portland
Employee Standing on an A frame ladder (6-10 ft) outside putting up posters on the corner of Main and Park. The ladder was place on flat even sidewalk. Ladder became unstable and employee extended left foot in an effort to stabilize himself. Ladder tipped over and the

employee suffered a compound fracture of his left ankle and broke his elbow. 911 was called and he was transported via ambulance to a medical facility. He is currently pending surgery.

Fatalities

1. November 28th Portland

At approximately 10 AM on Tuesday November 28, 2023, an employee fell and in the process of falling broke the bathroom door creating a loud crash. When responding to the crashing sound others found the worker on the ground moaning and then unresponsive. CPR was started and 911 was called. The fire department arrived approximately 10 minutes later, and the worker was transported to Adventist Medical Center where he later passed away. 37-year-old male.

2. November 27th Gresham

Employee arrived at dealership to deliver/pick up corporate mail. Spent about 10 minutes walking around talking with other employees. Went back to car, put the car in reverse and slumped over. Another employee spotted deceased in car, noticed he was unresponsive and foaming at the mouth. Began CPR, EMS arrived and transported employee to hospital. 76-year-old male.

3. November 21st Alsea

The log truck was loaded and parked on the landing. The employee walked back to the trailer, went to the front of trailer, called someone on the CB then went back to the trailer to release airbrake. While the employee was at the back of the trailer, the truck rolled back over the employee and crushed him. The truck went down an embankment. EMS responded, and the employee was transported and did not survive. 51-year-old male.

4. November 17th, Springfield

Employee was a delivery driver for the pizza company and had been working there a short time. He had notified the company that he had a medical condition. On the day of the incident a co-worker noticed that the employee was staring off into the distance and was non-responsive. 911 was called and the employee was taken by ambulance. The employer was notified of the employees passing when the employees mother came to pick up his vehicle. 43-year-old male.

5. November 8th, Bend

This was an employee that slipped/fell on 11/08/2023 and declined medical attention at the time. The employee was found unresponsive at his home. 47-year-old male

6. November 6th, Portland

Suicide. 41-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 Rick McMurry, or Joaquin Diaz know and they will bring it up for you.

Question:

When performing brazing on HVAC, there is exposure to off-gasses from the brazing. Can we use a fan to disperse the fumes so we don't need a respirator? The time frame is 1-2 minutes of exposure per unit.

Answer:

There are variables that need to be considered.

What are you exposed to, where are you doing the work, etc. you would need to look at the hierarchy of controls.

Many hvac units are metal alloys, so can have a number of fairly toxic material as part of them (Mg, Al, CrIII/VI, etc) If by fan they mean, drawing the air away and moving it to outside – that would be good. If they're actually talking about a fan where they're just blowing the material around, that would not be good. Ultimately, they need to sample if there is any chance of Mg, Cd, Pb, Cr – and wearing a respirator is dependent on the exposure found. Recommend they contact our consultation section.

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. Dale Lindstrom would be interested in being the vice chairperson.

-CSS- new schedule is up for 2024. January guest speaker is ... Lake O. the 4th Tuesday of the month.

Meeting adjourned.

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

Next Meeting:

January 9, 2024

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