

**Confined Space Advisory Committee
November 26, 2013**

An advisory group met on November 26, 2013 to discuss the Oregon Confined Space rules and issues. Those in attendance include:

Michael Wood – Oregon OSHA	Dennis Winn – Iberdrola Renewables
Clark Hilsop – Clearwater Environmental	Stephanie Carey - Iberdrola Renewables
Jennifer Carter – Emery and Sons	Tony Howard – Hoffman Construction
Mike Bryan – City of Albany	Chris Miller – AGC
Adrian Albrich – CIS	Troy DeYoung - SDAO
Mark Tobiasson – Coffman Exc.	Tony Barsotti – TCM
Peggy Munsell – Oregon OSHA	Maria Lemay – Intel
Dave McLaughlin – Oregon OSHA	Mark Veeley – Apollo Environmental
Bret Taylor – Cascade Shoring	Chris Poindexter – PGE
Doug Jenkin – PGE	Ken Seymore - NWN
Mary Lou Wilson - Wildish	Mark Hillyard - Mowat Construction
Andy Graham - Cummins, Goodman, Denley & Vickers, P.C.	Steve Eversmeyer – Port of Portland

- A question was asked if there would be an opportunity for the group to review the appendices to the rule. Oregon OSHA pointed out that the appendices are available now on the website. There was concern that any appendices can be viewed as requirements rather than advisory. Oregon OSHA explained that, unless an appendix is mandatory, it is a guideline and not a requirement. None of the appendices in the confined space rule are mandatory. Oregon OSHA also explained that, while the requirement for a written agreement between an employer and a third-party rescue provider will be removed from the rule language, it may be included in the appendix as a best practice.
- The group continued to discuss the issue of sewer plugs. One attendee shared the instruction manual for sewer plugs with Oregon OSHA, and we will post that information so the group can review the instructions. Oregon OSHA expressed concern in the number of variables and considerations in selecting and using sewer plugs. A question was asked if there are universal standards for sewer plugs, such as ANSI. Oregon OSHA will research this.

The basic question that Oregon OSHA needs to determine is if sewer plugs control a hazard or eliminate a hazard, and if they do, what are the parameters that must be met. A comment was made that sewer plugs are safe and do not fail when they are used correctly.

Oregon OSHA may also look at very specific criteria for sewer entry that establishes a middle ground between permit entry and alternate entry.

- There was discussion regarding hazard elimination vs. hazard control. Oregon OSHA will look at the definitions for possible revisions.

- A question was asked regarding who would be cited for deficiencies in rescue if a third-party rescue provider is used. The answer is that it could be both, depending on the nature of the deficiency and which employer had responsibilities regarding the situation.
- There was concern regarding rescue for medical issues when an employee enters a space under alternate entry. It should be noted that there are no requirements for rescue when an employee enters a confined space or a permit space under alternate entry, but if there is a medical emergency and emergency services are called, the confined space rules in Division 2/L 437-002-0182, Oregon Rules for Fire Fighters, will still require that the emergency responders evaluate the situation and take all necessary steps to ensure their safety if they enter the space.
- There was discussion regarding the difference between mobile workplaces and fixed workplaces. Oregon OSHA will look at the definitions for possible revisions, although it may be more in the definition of mobile worker or mobile workplace.
- There was discussion regarding the definition of access and egress. 1910.146 does not define this term explicitly. Part of Appendix A of the Oregon rule discusses what this means. The problem with a specific definition is that it does not fit all circumstances.
- There was discussion regarding whether atmospheric testing of a space constitutes a potential for a hazardous atmosphere. An attendee explained that they test every confined space, not just the permit spaces. There was discussion regarding potential hazards. It was pointed out that the rule defines potential hazards as reasonably-anticipated hazards. It should be noted that the Program Directive addresses the difference between situations where an atmospheric hazard can be present and situations where potential hazards do not exist but the atmosphere is tested anyway.
- A comment was made to re-introduce the term non-permit required space. An attendee explained that his employees had a difficult time understanding the difference between a permit space and a confined space without the terminology of non-permit space. Oregon OSHA's Administrator suggested that the terminology is part of the problem when one has a permit space that does not always need a permit in order to enter.
- There was discussion regarding parts of paragraph (5), referring to the permit program, that may be more appropriately placed in paragraph (6), regarding the permit entry process. Oregon OSHA will review this and determine if or how to change this.

Oregon OSHA will have a preliminary rule draft for the January 14, 2014 meeting.