

Oregon OSHA
Forest Activities Advisory Committee
Sept. 9, 2021
9:00 am - noon

Attendees:

Renee Stapleton	Mark Dvorscak	John Myers
Dave McLaughlin	Larry Kirkpatrick	Bryon Snapp
Tom Bozicevic	Kate Ryan	Tyson Losli
Ted Bunch	John Garland	Kevin Lyons
Jim Gahlsdorf	Teresa Lundy	Larry Fipps
Frank Chandler	Merrill Berger	Denise Dethlefs

Meeting Agenda:

- Introductions
- Motion to approve June 2021 meeting minutes
- Current rulemaking update, including temp rules [Excessive Heat](#) and [Wildfire Smoke](#)
- Tethered logging semi-annual report summary
- Quarterly Overnight Hospitalizations & Fatalities Report
- Roundtable (time permitting)

Meeting started at 9:00am and introductions were conducted.

Review of June 2021 meeting minutes.

Renee Stapleton motioned to approve, a member approved the minutes. No objections. Minutes approved.

Current Rulemaking update

- **Manganese, COVID-19, Non-entry firefighting (Renee Stapleton)**
 - Last week we approved Manganese rulemaking, started about 5 years ago. Now this makes an adjustment to PEL 1) down to .1 if want to monitor. 2) Or follow the Table in the rule that shows instructions based on type of welding being done. Effective date of **9/1/2022**. We encourage reaching out to consultation with questions: <https://osha.oregon.gov/consult/Pages/index.aspx>
 - COVID rule: adopted end of August 2021, the facial covering requirement back in place. Another change coming to healthcare, small revision. Proposing rules in the normal process to account for all ones we have done in the last 3-4 months that had been done in the temp fashion. Nothing new but trying to get it into normal rule formatting for when temporary rules die. Still the idea that the COVID-19 rule will be repealed at some point.
 - Non-entry firefighting picked back up that had been paused during part of the COVID-19 pandemic.
- **Wildfire smoke (Tom Bozicevic)**
 - Shared Wildfire smoke topic page on OSHA website: <https://osha.oregon.gov/Pages/topics/wildfires.aspx>
 - Reviewed the draft of the wildfire smoke rule (does not include smoke from prescribed burns, field burning, when such emissions do not include wildfire smoke).
 - Scope and application states when this rule applies.
 - Exemptions were pointed out.
 - If using the 5-3-1 visibility chart, encouraged to contact AOL rep and seek out training.
 - Q. Member: Please discuss the statement in Feasibility, "Oregon OSHA rules never prohibit work." If they don't have fit testing or medical clearance or don't pass or refuse, they are prohibited from working. AQI of 151 would mean that our staff would have worn filtering facepieces for 25 days.

- A. Tom Bozicevic: They would not be allowed to work by the employer, but not Oregon OSHA. If employer is choosing not to implement or follow respiratory protection standard. Or to allow employees to work if AQI 501 or more. If employees are refusing, that would be more of a human resources issue.
- A. Renee Stapleton per Dave McLaughlin: Not just filtering facepieces. Other respiratory protection can be used. Information shared in these meetings is important concrete data for us during rulemaking.
- Q. Member: Just to confirm: Wildland firefighters are exempt from this rule?
- A. Tom Bozicevic: Yes, except training component when feasible, at this time. We are talking about an emergency situations. When we started the permanent rule, it was suggested to use CA existing rule as a framework. That was an exemption in their rule. We don't want delay or interfere with their work. We have not come to a conclusion on the permanent rule on that. *(Rulemaking update since meeting: current rule draft includes requirement to provide filtering facepiece respirators for voluntary use when feasible and when use would not create a greater hazard.)*
- Q. Member: notification piece—inability of communication. Earmuffs on, no cell service. Impossible to notify these crews when AQI hits a certain level. Supervisor may not have ability to do a handheld reading or 5-3-1 reading, then convey to employees. Impossible to be compliant as written.
- A. Tom Bozicevic will make a note for the rule advisory committee meeting, as this current meeting is for information sharing. Talked about section on employers' good faith effort to comply. Shared how to participate in the rules' advisory committee meeting.
- Q. Member: Is there a means in place to examine the thousands of employees statewide who will suddenly need a medical clearance or resources for those willing to shave to get fit tested for a respirator? I can see a scenario in which an employer could have a willingness to implement the full respirator program for some employees without the resources to do so. This is new to logging and we don't know where to start to be prepared. Is there further data/resources?
- A. Tom Bozicevic: Respiratory protection is not a new concept in the workplace. It depends on if employers choose to have employees work during an AQI above 501. Encouraged employers to contact Oregon OSHA consultation services for help implementing, they can use the appendix of the rule for exposures under AQI 501 that does not require medical evaluations and fit testing, and members of AOL can contact reps for assistance.
- A. Renee Stapleton: We don't have enough information since rule has only been in place since August. We anticipate people using filtering facepieces below 501, and that few may choose to implement a full respiratory protection program.
- Member: Recently southeast of Molalla, we estimated it to be close to [AQI] 300. Chose to end work. We had enough people who were uncomfortable, and we anticipated high humidity levels.
- Member: This is new in *this* situation.
- Member: I recommend consultation as my company has done. This is out of our comfort zone. They can help with both heat and smoke rule.
- Member: Smoke is on atmospheric level. Mazullo Equipment Development study, can't do exhaustive work while wearing masks/respirators. Will see if I can find the information to share with this group.
- Bryon Snapp: We are expecting similar conversations with construction. Not necessarily same level of exertion but similar situation in that they can't always stop work when at a certain AQI.

BREAK

- Member: Regarding unemployment: If employees refuse to follow policy and or work rules they can be terminated for cause and denied UC benefits.
- **Excessive Heat (Ted Bunch)**
 - Shared Heat Stress topic page on OSHA website: <https://osha.oregon.gov/Pages/topics/heat-stress.aspx>
 - Reviewed the draft of the heat rule
 - Questions?
 - Q. Member: Regarding when [the heat index is] above 80 and access to shade, do we need to give them a break in the shade?
 - A. Ted Bunch: Yes
 - Q. Member: If we change their work setting so that they are working in the shade, can they continue to work if in the shade?
 - A. Ted Bunch: Not while they are on breaks.

- Q. Member: Realistically we don't have the option of getting workers to a shaded area or bringing it to them.
- A. Ted Bunch: Mentioned some other methods to cool down employees.
- Renee Stapleton: The feasibility component needs to really be thought about. There may be options even if they seem impractical (but not dangerous).
- Q. Member: Is there a reset when another heat wave comes back after a break from hot weather? For example, the crew was acclimatized, then there was a break, then another heat wave.
- A. Ted Bunch: We will be discussing this with permanent heat rule. Also issue in different areas of the state. We welcome suggested language on that.

Tethered logging semi-annual report summary (shared by Tom Bozicevic)

- Questions?
- Tom will be reaching out again to employers to remind them to submit variance information as required as part of the variance.

Quarterly Overnight Hospitalizations & Fatalities Report

- 9/7/21: Watchman found deceased in his camp trailer that was parked near the logging site.
- Renee Stapleton shared fatality unrelated to logging industry, but the tragic nature shows how making a decision to get work done quickly can result in a tragedy.

Roundtable

- Renee Stapleton: Have heard Fed OSHA plans to put something out on heat in the near future (but no real information on what that timing will actually be). Used to use the General Duty Clause. Have been petitioned for something additional on heat. New people on rotation into Technical.
- Bryon Snapp: Recruiting for 13 safety officers and 1 health officer, to fill currently vacant positions.
- Next meeting is Dec. 9. Still up in the air if that will be an in-person meeting based on COVID pandemic.
- Member: Wondered if Oregon OSHA has had discussion on cleanup of trees along roadsides that present hazards. Have been changes in handbook over time. Danger trees in regards to fires are not well covered in that handbook.
- Tom Bozicevic: A publication: state of WA was working with fed OSHA to make sure that those trees were dealt with to protect employees. Goes over types/characteristics of what is considered a danger trees.
- Member: Forest services, revising that booklet again and trying to add on that topic.

Meeting adjourned at 11:13am