

**Oregon OSHA
Forest Activities Advisory Committee
December 10, 2020
Meeting Minutes**

Attendees:

Lisa Appel
Steve Aulerich
Tom Bozicevic
Ted Bunch
Mark Dvorscak
Larry Fipps
Jim Gahlsdorf
John Garland
Barbara Hanley

Ben Henley
Matt Kaiser
Larry Kirkpatrick
Julie Love
Teresa Lundy
Kevin Lyons
Renée Stapleton
Jeff Wimer

Meeting called to order at 9:05 a.m.

The group introduced themselves. Members reviewed and discussed the September 10, 2020 meeting minutes and recommended two changes:

- Make a correction to the wording of the question on the need for sleeve shackles vs regular shackles.
- Under new business, in the first paragraph, change the word from “nominal” to “minimal.”

The group accepted the changes and then approved the September 10, 2020 minutes.

Current Rulemaking Update (information only)

Renée Stapleton gave an update on upcoming rulemaking. The follow topics are expected for action in the next six to twelve months:

- Agricultural Labor Housing
- Non-Entry Firefighting
- Employer Knowledge – [*Re-Proposed* Amendments in General Administrative Rules to Clarify Employer’s Responsibilities](#)
- Employer Penalties – [*Re-Proposed* Increase of Certain Minimum and Maximum Penalties for Alleged Violations](#)
- Manganese PELs – [Oregon OSHA’s Proposal to Reduce Manganese Permissible Exposure Limit](#)
- Permanent Rule on Infectious Disease to replace the temporary emergency rule for COVID-19
- Excessive Heat
- Wildfire Smoke

Additional is available at the [Upcoming Rulemaking webpage](#).

The Excessive Heat and Wildfire Smoke rulemaking are directed by the Governor's Executive Order given in February 2020. Both rules need to be proposed by September 2021. Ted Bunch will be working with Technical Section staff on this rulemaking. Wildfire Smoke is directed primarily for employees working outdoors in smoke; however the complete scope is to be determined. Excessive Heat is oriented towards climate-related heat, not related to heat generated from work activities. Members of the committee will be invited to participate in stakeholder rulemaking committees. Tom Bozicevic will send an email notification to committee members for those who are interested know how they can participate. The first meetings will be held virtually in January 2021 (*held March 4th*). Members asked if there are similar rules in development in California & Washington? Staff responded that CA has a wildfire smoke rule in place and WA is undergoing rulemaking on it. CA and WA already have excessive heat rules in place.

Update on COVID-19 Rulemaking and Resources (information only)

Matt Kaiser, Oregon OSHA Technical Specialist, provided an overview to the committee on the COVID-19 Temporary rule that went into effect on November 16, 2020. He reported that the agency is currently undergoing permanent rulemaking on infectious disease to replace the temporary rule. Oregon OSHA's website provides detailed information and updates:

- Background of rule and decision-making document
- Documents and resources, including a [COVID-19 Hazard Poster](#), Model Policy for Notifications, and templates for a Risk Assessment and Infection Control Plan. All resources can be found on the [Oregon OSHA workplace guidance and resources for COVID-19](#) webpage.

The committee had several questions related to the temporary rule.

Q. What is the accuracy of data collection at the county level?

A. Matt responded that Oregon Health Authority (OHA) has a broad description of what is work-related, therefore there is not a high-level of detail in the data about work-related COVID-19 outbreaks. For example, they do not use standard Occupational Codes related to positive tests results. The OHA collects more broad-level data and publishes weekly reports on public infections and deaths. Workers' Compensation Claims still follow the same data collection process as before, and this often takes six to twelve months to publish.

Q. Does the temporary rule specify the type of face mask and how it should be worn?

A. The rule defines face covering, and specifies what the agency intends to mean as a proper face covering. The standard also describes what rules apply to specific industries, contrasting between regular and high-risk workplaces. Specifically, page 6, section 3 lists requirements for all workplaces, including:

- Social distancing,
- masks must be in-line with OHA guidance, and

- sanitation requirements for common areas and shared equipment, requiring that employees have access to hand sanitization supplies.

Q. A member asked if “choker bells” are considered to be shared equipment?

A. Tom advised members to follow the applicable rules requirements, and if an logging operation is inspection while the rule is in effect, it is likely there would be an evaluation of the employer’s COVID-19 efforts. Employers must offer sanitization supplies to employees. Tom also explained that the rule has a feasibility component, and feasibility may come into play in operating logging equipment if operators are moving from machine to machine and there is no shared contact if they are wearing gloves; although the rules do not provide exception to COVID-19 rule requirements just because someone is wearing gloves.

Q. Are there requirements for ventilation equipment?

A. The temporary rule does not direct employers to purchase new ventilation equipment but specifies that employers should come into compliance with ASCME standards and conduct necessary maintenance and repairs. For example, employers should ensure that air filters are cleaned and replaced. Air Intake parts should be maintained and not impact performance of ventilation.

Matt shared additional information on the exposure risk assessment and the 13 questions that all employers should ask themselves to identify COVID-19 hazards, these relate to how sanitation is implemented, ventilation systems, and building a channel of communication between employers and employees, among other topics. The rules also help employers build their own infection control plan and a strategy to help them navigate routine and non-routine situations where they will possibly encounter COVID-19 (based on their risk assessment). There are also Oregon OSHA templates with mandatory language for employee notification if there is an infected employee.

Q. What are the COVID-19 OSHA training requirements?

A. Oregon OSHA provides a training that includes 4 of the 10 required elements, it can be accessed on the [COVID-19 Training Requirements online course webpage](#). The other 6 of the 10 employee training requirements are workplace-specific topics, and must be developed and provided by the employer.

Q. What are the requirements for transporting workers?

A. There are no longer restrictions on the number of employees allowed in a vehicle when transporting workers as proposed during rulemaking. However, everyone needs to be wearing a face covering if they are not from the same household.

Tethered logging report (continued from Sept.)

The group reviewed the complete Tethered Logging Variance Reports Summary January-June 2020. The report records total hours of operating tethered logging systems over 50 percent slope and total recordable injuries during tethered logging operations. In September 2020, not all the reports were submitted timely, and there needed to be clarification for better accuracy on the data that was collected. Some

employers reported total hours on machines on all slopes. There were no injuries reported for this reporting period. There was a mechanical failure incident captured in the report. Members noted the incident and did not have questions.

Tom shared that Oregon OSHA had received another request for variance by another employer for tethered logging.

Tethered logging in Chile overview

A member shared information about the use of tethered logging in the logging industry in the country of Chile. He has been working with them for 20 years. When he first began work they were using safety standards that dated back to U.S. practices from the 1940s, and have now progressed to safety and health standards equivalent to current Oregon OSHA's Division 7. During this time they have evolved to an industry of contractors and have good safety statistics. The industry has been steadily transforming to adopt tethered logging practices and now have approx. 138 systems in use. Tom asked if Chile has restrictions of use on slopes and if there are any new best practices to share. The member responded that there are no slope restrictions and they have regular safety inspections which has helped to reduce injuries to near zero for rigging crews. The member also stated their greatest challenges are related to machine maintenance and operator training.

Attached photo

A member shared a photo and requested feedback from the committee on open hooks on a machine used together for a guyline anchor. The landowner had expressed concern about the safety of their use due to the lack of closing latches. Some committee member did indicate concern if in the event of enough slack allowed the guyline to come off one or both hooks. The member who submitted the photo explained that the hooks were modified to be used with shackles to prevent such an occurrence.

A member asked a question about a Division 7 rule: *"Why do guyline extensions must have all pins facing the tower?"* Members did not have an answer for this. A member advised that a landowner requires this action if it is in the rules.

Quarterly Overnight Hospitalizations & Fatalities Report (Sept. – Dec. 2020)

The committee reviewed the Overnight Hospitalizations & Fatalities Report (9/1/20 – 12/2/20). There were five injuries and no fatalities. The committee asked for additional details on the first injury. Tom indicated that the incident is still under investigation and he will provide more information during the March meeting if available. Tom will put together a year-end summary for the next meeting.

Roundtable (time permitting)

A member shared a question from a former forestry student. He is clearing tree debris along highways burned in the September 2020 wildfires and was required to wear fall protection due to a fall hazard from working on very steep ground. He questioned whether or not Oregon OSHA requires fall protection for such logging activities. Tom

explained that Division 7 does have an additional applicability rule under the scope; it addresses those hazards not unique to forestry activities. There could be a case where you could be doing a logging activity in a uniquely hazardous situation where you are exposed to a fall hazard, and some means of fall protection would be needed. However, the use of a personal fall protection system would likely be problematic for escape route use when tree felling. Generally, if there is not a rule in Division 7 that covers a hazard, then the additional applicability rule could place a forest activity under the requirements of a Division 2 rule, which would be determined on a case-by-case basis. Basically, employers must ensure employees are protected from hazards, including serious falls to lower levels. Employers should use alternative methods if workers are unable to perform the task safely. Feasibility and greater risk are considerations.

(Added after meeting: Oregon OSHA's Rope Descent & Rope Access Systems under 437-002-2027, may apply in Division 7 situation when such systems are used.

<https://osha.oregon.gov/OSHARules/div2/div2D.pdf>)

Members opened up discussion about the hazards of logging on burned ground and the increased likelihood of falling. A member shared a recent situation where a worker slipped on the ground and nearly fell down the mountain. The burned ground is more slippery and less stable when wet, and extra loose when dry. Members discussed advising workers to keep an extra safe distance from edges when logging in these conditions. Tom shared that there is not a specific rule to address these dangers in logging, but employers have a general duty to protect workers from hazards.

Meeting adjourned at 10:38 a.m.

Next Meeting: March 11, 2021 (possibly virtual)