

**Oregon OSHA
Forest Activities Advisory Committee
June 8, 2023 meeting minutes**

Attendees:

Tom Bozicevic	Brandon Walston	John Garland	Dave McLaughlin
Greig Lowell	Greg Erb	Kate Ryan	Jennifer Stewart
Dave Boyd	Larry Fipps	Mark Dvorscak	Larry Kirkpatrick
Tim Moss	Thomas Price	Jim Gahlsdorf	Steve Pilkerton
Wayne Oja			

Meeting agenda:

- Introductions
- Approve March 2023 meeting minutes
- How to define “*clear worker safety*” on steep slopes where timber harvest operations are planned in, around, and below tree retention areas (submitted by Keith Baldwin, Forest Practices Field Coordinator, Forest Resources Division, Oregon Department of Forestry)
- Overview of Weyerhaeuser’s demonstration of the ExTeCOM90 Auto-Securing Log Truck
- Quarterly Overnight Hospitalizations & Fatalities Report
- Roundtable (time permitting)

Greig Lowell, Oregon OSHA Policy Manager, started the meeting at 9:01 a.m. and introductions were conducted.

March 2023 meeting minutes approval:

Member motioned to approve, another Member seconded. Minutes were approved.

How to define “*clear worker safety*” on steep slopes where timber harvest operations are planned in, around, and below tree retention areas (submitted by Keith Baldwin, Forest Practices Field Coordinator, Forest Resources Division, Oregon Department of Forestry):

Greg Erb (Road Specialist for Oregon Department of Forestry) presented “Clear Worker Safety” program overview regarding adopted changes to the Private Forest Accord in response to SB501. The Technical Guidance development includes worker safety associated with: Debris Flow Traversal Areas; Designated Sediment Source Areas; Road construction on critical locations.

- Safety considerations:
 - Q. Will there be additional Technical guidance spelled out on safety considerations?
 - A. We will probably not get into too much detail. We will likely leave that up to landowners and operators and OR-OSHA guidance on road grades.
 - Q. Roads (sub-roads) are there at all times and seasons and may be used by landowners to disperse water. We can't project when building roads how they will be used. What is the connection relative to the standards?
 - A. Cut off in road grade when out-slope is appropriate. The guidance is not completed yet as it is a big lift. Greg Erb will share information with Tom Bozicevic that can be shared with this group. This committee would like to be part of a review.
 - Q. In the harvest area, who is it who deems it a hazard?
 - A. Landowner/operator will determine that and provide it via written plan.
 - Comment: I see confusion of Oregon rules and the use of the word "Clear" (example "in the clear"). The use may not align with Oregon OSHA's Division 7 definition for that term. In Oregon wording, "clear" refers to a specific condition. In ODF wording, it seems to mean obvious or apparent.
 - A. If it presents a significant problem, we will possibly address that. We have to be careful making substantive changes to the rule language.

Overview of Weyerhaeuser's demonstration of the ExTeCOM90 Auto-Securing Log Truck:

Tom Bozicevic provided an overview of the March 23, 2023 onsite visit and associated FMCSA rules for securing logs.

Legislative update:

Greig provided an overview of legislated and associated rulemaking activities:

- SB592:
 - Oregon OSHA website:
<https://osha.oregon.gov/rules/advisory/penalty/Documents/SB592-enrolled.pdf>
 - Oregon State Legislature website:
<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB592>
 Section 1: Conduct a comprehensive inspection of any place of employment:

- “Whenever an accident investigation reveals that a violation has caused or contributed to a work-related fatality at a place of employment”
 - “Whenever three or more willful or repeated violations occur at a place of employment within a one-year period”
 - Section 2: Increase in minimum civil penalty for serious violation, willful, and repeat violations.
 - Requires Director of DCBS to submit annual report
- SB907:
 - Oregon OSHA website:
<https://osha.oregon.gov/rules/advisory/penalty/Documents/SB907.pdf>
 - Oregon State Legislature website:
<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB907>
 - “Provides employee with right to refuse to perform task assigned by employer under certain circumstances. Protects employee against disciplinary action for exercising right. Prohibits employer from retaliating or discriminating against employee for invoking right or prospective employee who, in good faith and with no reasonable alternative, refuses exposure arising from hazardous condition at place of employment. Allows employee to use sick leave to cover period when employee is not working due to employee's exercising right to refuse to perform assigned task.”

Quarterly Overnight Hospitalizations & Fatalities Report:

Tom provided an overview of the three fatalities due to natural causes, and the five struck-by hospitalizations.

Roundtable:

Greig – In regards to the OR-FACE training video we talked about during the March meeting, they have reached out to Oregon OSHA for assistance on the development/production.

Member – I observed a tree service performing work on private property. They were loading onto a flatbed truck on steep ground. When does that become a logging job? The question becomes, are they using traditional logging practices (types of equipment, for example)? Are they performing work that is in line with Division 7? In this example, we could look at the manufacturer's recommendations for the equipment.

Member: I am working on an article for a low-spark, longer-life harvester chain. Stay tuned.

Tom Bozicevic: In regards to the wildfire smoke protection standard, when we submitted our new rule, that went into effect in June 2022, to federal OSHA for approval, there was feedback regarding the unique and strict exclusion for medical evaluations and fit testing for filtering facepiece respirators for exposures under AQI 501. Although there is no federal rule, they sent a letter questioning Oregon OSHA rule exclusion. Oregon OSHA sent a response letter explaining how the associated rules were as effective as federal OSHA, which was accepted.

Member announcement: Cascade Occupational Safety & Health Conference, March 4 & 5, 2024 in Eugene.

Meeting adjourned at 11:46 am