

Oregon OSHA

Forest Activities Advisory Committee Minutes

June 13, 2024 meeting

9:00 am – noon

Salem AOL office, Zoom meeting

Attendees: Bryon Snapp, Dave Boyd, David Grim, Denise Dethlefs, Greig Lowell, Jennifer Stewart, John Garland, John Meyers, Kate Ryan, Kevin Lyons, Larry Fipps, Mark Dvorscak, Steve Aulerich, Steve Pilkerton, Tom Bozicevic, Wayne Oja

Meeting agenda

- Introductions
- Approve March 2024 meeting minutes (attachment)
- Wildfire smoke protection: EPA's Air Quality Index (AQI) 2024 update
[Key requirements: Oregon OSHA's permanent rules for protection from wildfire smoke — revised May 2024](#)
- Top 25 Standards Violated (2024 to date) [DCBS - Report Catalog \(state.or.us\)](#)
- Action items from March meeting
- Quarterly Overnight Hospitalizations & Fatalities Report
- Roundtable (time permitting)

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- Introductions conducted.
 - March 2024 meeting minutes were approved.
 - **Wildfire smoke protection: EPA's Air Quality Index (AQI) 2024 update went into effect on May 6, 2024**
[Key requirements: Oregon OSHA's permanent rules for protection from wildfire smoke — revised May 2024](#)
 - The EPA's air quality standard for PM2.5 was updated and went into effect. The EPA now has a different range for AQI but the requirements under Oregon OSHA's Protection from Wildfire Smoke standards are unchanged. In the rule [437-002-1081](#) and [437-004-9791](#), where there is a concentration of PM2.5 measured in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), it is followed by the equivalent AQI value. AQI for mandatory filtering facepiece respirators will now be 277 or higher (used to be AQI 251 or higher).
 - A note and link will be placed in both Oregon OSHA rules.
 - [Updated AQI Wildfire Smoke Fact sheet](#)

Previous AQI values	New AQI values (effective May 2024)	Wildfire Smoke standards' key requirements for exposure level using new AQI values
101 - 250	101 - 276	<ol style="list-style-type: none"> 1. Assess and monitor air quality at each work location where employees are exposed 2. Provide and document employee training 3. Implement two-way communication system 4. Implement engineering and administrative controls 5. Provide NIOSH-approved filtering facepiece respirators for voluntary use
251 - 500	277 - 848	<p>Follow steps 1-4 above; and</p> <ol style="list-style-type: none"> 6. Provide NIOSH-approved filtering facepiece respirators for mandatory use by implementing a Wildfire Smoke Respiratory Protection Program in accordance with Appendix A, in the Protection from Wildfire Smoke standards
501 and above	849 and above	<p>Follow steps 1-4 above; and</p> <ol style="list-style-type: none"> 7. Provide NIOSH-approved respirators for mandatory use by implementing a Respiratory Protection Program in accordance with 29 CFR 1910.134 or OAR 437-004-1041

Employers with employees who are exposed to wildfire smoke levels for PM_{2.5} at or above 35.5 µg/m³ (AQI 101) only when engaged in a partially exempt activity or operation listed above, are required to provide information and training only on elements in subsection (4)(a) through (4)(g) in the standards, in addition to providing National Institute for Occupational Safety and Health (NIOSH)-approved filtering facepiece respirators for voluntary use.



- Both have exemptions for emergency responders: when employees are engaged in emergency operations directly involved in the protection of life or property, or the restoration of essential services.
- For wildfire smoke, there is a partial exemption for wildland firefighters in emergency situations.
- There is training on the Oregon OSHA website for both wildfire smoke and heat illness prevention, and samples of heat illness prevention plan that employers can edit and use to meet their needs.
- More information on [Heat illness prevention](#)
- More information on [Protections from Wildfire smoke](#)
- Member: Have there been tests or discussion on the engineering controls of AC in vehicles to see if they satisfied the filtering requirements to filter out PM_{2.5}. What if they drive through an area with PM_{2.5} or higher?
- Oregon OSHA: We don't have any performance requirements for that, similar to buildings.
- Member: We looked into a certain vehicle type, and its manufacturer said that yes, their vehicles do filter out PM_{2.5}.
- Oregon OSHA: Employers have the option to buy a device to directly measure PM_{2.5}. Follow manufacturer's guidelines.
- Oregon OSHA: There are limitations to each of the three choices:
 - AQI meter is used when there is not a station in the near vicinity. Comply if this is the only one used.
 - AIRNOW website
 - Visibility test. Train employees on this.
- Member: Where does Oregon OSHA stand on the use of outdated N95s? It seems like the concern was with the wear of elastic, not the filtering part.

- Oregon OSHA: Elastic bands could age and break. The rule says to follow manufacturer's guidelines which would include use-by date. There is a finite lifespan for some used around some chemicals. They should be stored in a cool, dry place, not exposed to certain light. Enforcement would have to prove a deficiency that employees are exposed to a hazard. It is more likely that a facepiece would be compromised in some way (covered in dust) even if it is still unexpired.

- **Worker Protection Reports** [Top 25 Standards Violated \(2024 to date\)](#)

- [DCBS - Report Catalog \(state.or.us\)](#)
- Note the Repeat column – there is now a required minimum of \$11,528 on repeats within three years. This is retroactive. Federal OSHA goes back five years for repeat violations, and has been pressing Oregon OSHA to also go back five years.

- **Action items from March meeting**

- Stretchers: [437-007-0220\(11\)\(h\)](#) *One stretcher or equivalent weatherproof litter at any three or more person worksite, and at all logging sites.*
Oregon OSHA would look at it like any piece of equipment. Employers should look at manufacturer's requirements and recommendations as a *starting point* (used over rocks, in rough terrain, for example). Employers would need to look at the terrain employees are working in.
- Equipment used must be in compliance with manufacturer's requirements and recommendations.
 - Member: The manufacturer's guidance may not be appropriate. Their approach is to take the least risk, and the equipment may actually work in those settings. What is the consequence to the employer if they decide it is suitable?
 - Oregon OSHA: It would be looked at case-by-case, looking at type of injury that occurred (e.g., broken ankle vs spinal injury, etc.).

- **Expectation / carpooling to work in an employer vehicle** – who is covered?

- Oregon OSHA: If employers expect employees to ride in an employer-provided work vehicle when carpooling to the worksite, then they are covered under OSHA's jurisdiction.
 - Member: What if there is not a crummy and employees are required to drive their own vehicle?
 - Oregon OSHA: If employees are allowed to ride in personal vehicle, then no.
 - Oregon OSHA: This would be the same scenario as with a general industry worker.
 - Oregon OSHA: An employee could be expected to use their personal vehicle to do a task that would be work related in their own vehicle (pick up parts for example). We would look at the level of the employer's direction and control. Employer provided vehicles must be in good operating condition. In some situations, workers drive their personal vehicles to a jobsite perimeter (not covered up to this point) and then transfer to work vehicle to go to jobsite (covered).
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- **Quarterly Overnight Hospitalizations & Fatalities Report, Year 2023**

- Member: How is it looked at if someone is struck by a skyline but was required to be under or close to the skyline to do their job?
- Oregon OSHA: We consider if the carriage made it down to where the chokers are down and come to a stop vs when the carriage is leaving the landing and worker is trying to cross over. A person must not be under or crossing when line movement is happening.
- In regard to the last fatality on the list, did this involve a regular logging crew?
- Oregon OSHA: It was a subcontractor solely hired to fell danger trees (fire damaged in this case). The crew was to fell trees and move on, and the general contractor would take care of the felled trees. This information is from initial intake, and the inspection may find different information.

- **Roundtable**

- There is an Oregon OSHA public hearing on June 20, 2024 for minor corrections.
- There will be a committee on an update to the Hazard Communication rule. Oregon OSHA has 180 days from the posting in the Federal Register to implement rulemaking. The first RAG meeting is June 27, 2024. Contact [Jennifer Stewart](#) or [Linda Pressnell](#) if interested.
- Oregon OSHA will be updating 5-year strategic plan that will look at how we do our work and how it is measured. There will be listening sessions with stakeholders likely in August. The plan will still have three goals: Reduce serious workplace injuries and the risks that lead to them; reduce serious workplace illnesses and the risks that lead to them; reduce workplace deaths and the risks that lead to them. The plan will still focus on elements such as outreach, customer service, and staff development.
- Oregon OSHA offers the Challenge Program through [Consultation](#).
- Member: Process when working behind locked gates. Our policy was always to leave the gate unlocked (referenced Emergency Action Plan). Private industry person (for example, a neighbor may have property through that gate too) stated to leave it locked even if crew is working back there. Another member had had this scenario too and had to keep it locked.
- Oregon FACE has completed their investigation and posted their report regarding a 2022 fatality in which an employee arrived to a fire and a tree fell over and killed them. Scroll down to Logging.
- Member: Do we know when the Forest Practices Act will have the timeline on tethered logging?
- Oregon OSHA: OSHA does not have a timeline. The ODF portion has a timeline, perhaps November 2025.
- Regarding [437-007-0830, Tree Pulling](#): (8) In tree pulling operations, the back cut may be below and on a horizontal plane with the face cut.
 - Oregon OSHA: Action item from March was to include a Note in rules.

Next scheduled FAAC meeting: September 12, 2024