

**Oregon OSHA
Fire Service Advisory Committee
October 12, 2017
Meeting Minutes**

Attendees:

Tom Bozicevic
Rebecca Carroll
Heather Case
John Derr
Trever Elmer

Sean Hoxie
Jason Jantzi
Dave Phillips
Dave Pickhardt
Renee Stapleton

Brian Stewart
John Tacy
Trena VanDeHey

Attendees by phone:

Steve Silver
Bob Horton
Eric Wiess

Meeting called to order at 1:10 p.m.

The group introduced themselves.

Opening Remarks

Tom explained that Oregon OSHA is resuming this advisory committee after a hiatus after the last rulemaking under Division 2L – Rules for Firefighters. The advisory committee will start with members we currently have, and then the committee will identify and reach out to groups within Oregon’s fire service industry where there is lack of representation on the committee.

New Business/Discussion

Fire Service Advisory Committee Membership and Charter

Tom passed out paper copies of the FSAC charter to the group. He also informed the group (and those on the phone) that a link to the charter document is located on Oregon OSHA’s website, on the Firefighter (Fire Service) advisory committee page. The original adoption date of this charter was in 2005. Oregon OSHA recommended the group adopt the charter as the operations document for the advisory committee, and highlighted the major points. This included the idea that the chair of the committee would be a member of Oregon OSHA (previously the chair was a member of the stakeholder group), and quarterly meetings.

The group discussed potential additions of agencies or types of agencies that should be represented (this list is on page two of the charter) and made suggestions to Tom as to other groups to reach out to. Tom also added that if members later remembered a group they think would be beneficial to reach out to, to let him know. These additions included: The OFCA safety and health section, Metro fire safety officer’s association, a clarification of special districts to include the special district association of Oregon and City and County insurance representatives.

The group also discussed meeting dates. The group reached a consensus that meetings should start at quarterly in order to get reacquainted and strengthen relationships, then potentially move to a semi-annual meeting schedule. Oregon OSHA suggested, and the group agreed, that if active rulemaking begins, meetings could potentially be monthly while working through the rulemaking. Additionally, the group reached consensus on a meeting schedule- January, April, July, and October. This would avoid the worst of fire season. The group agreed that meetings would take place on the second Thursday of the meeting month.

The group adopted the Oregon OSHA Firefighter Advisory Committee Charter as written, with the additions to the group representatives.

The group closed this section with a discussion of the purpose of the advisory committee, to provide consultation as subject matter experts to Oregon OSHA and to help with interpretation and guidance, as well as to advise Oregon OSHA on matters which concern the industry. Oregon OSHA appreciates everyone's time and willingness to participate.

Oregon OSHA Jurisdiction

Renée spoke with the group to clarify Oregon OSHA's enforcement jurisdiction over the firefighting/emergency services employers. Oregon OSHA has jurisdiction over employers with one or more employee. This includes volunteer firefighters.

Renée also spoke about what happens when Oregon OSHA shows up on scene when there is an active incident. There are three different times Oregon OSHA could show up on scene:

- When Oregon OSHA has jurisdiction over who the first responders are caring for. For example, when an employee has an accident on a worksite, Oregon OSHA may show up to investigate the accident, but emergency services is there too. In this case, Oregon OSHA would not be investigating the actual firefighters, and would not intervene during the lifesaving processes.
- When Oregon OSHA is opening an inspection on a fire service agency and shows up during an active event. In this case, Oregon OSHA will not intervene during the lifesaving processes.
- However, there is a difference between showing up during lifesaving activities and training activities. If Oregon OSHA shows up during training activities, they may stop procedures if hazards are observed.

In short, Renée wanted to stress the point that Oregon OSHA will tell you why they are there if they show up at a station or on a scene. Compliance Officers will let you know if they are opening an inspection. If Oregon OSHA shows up at a fire station for an inspection, compliance officers do not want to stop or hinder the station's emergency response activities. During such situations, a compliance officer may ask what is going on and when to return to complete the inspection.

Oregon OSHA representatives took questions and comments regarding Oregon OSHA jurisdictions and operations. The group asked if there was still a START team, which was a big picture technical response team for major events. Right now there is not a START team, but that is something that Oregon OSHA can re-evaluate. In response to questions, Renée explained the difference between federal OSHA and a state plan state. Oregon is a state plan

state. However, in Oregon, federal OSHA does still have jurisdiction over navigable waterways, reservations and federal employers. Consultation services are available to all employers, regardless of which entity has jurisdiction.

The group also clarified the difference between when the rules in Subdivision 2L apply, and when the other general industry rules would apply in Division 2. Oregon OSHA outlined the difference in addressing safety hazards during an emergency scene and during a situation that is not an emergency, and what rules would apply.

Internal Training

In 2007, Oregon OSHA held a week-long training for enforcement and consultation staff at a fire station to help them in doing inspections and consultations. Oregon OSHA is planning on doing that again and is putting it together now. Oregon OSHA is seeking a new location to conduct the class. Multiple members offered their fire stations as training facilities. Oregon OSHA presented the idea to the group, what do we need to emphasize to compliance officers and consultation staff? The group suggested the following subjects/ideas:

- Emphasis on communication among compliance officers especially. Fire services employers use different acronyms, have different safety procedures and different internal enforcement procedures. It would help if Oregon OSHA staff knew and took time to understand the employers process and helped the employer understand where Oregon OSHA is coming from. There was also a comment that there needs to be a discussion of the industry standards with regards to pre-use inspections, particularly between career fire stations and stations with only volunteers.
- The group would like compliance officers to know and be able to discuss when/where Oregon OSHA has adopted industry standards into the rules (like NFPA) or when Oregon OSHA has chosen not to. The committee can also take a look at the rules and recommend changes with regards to this.
- Building relationships. The group would like compliance staff to work to bridge the cultural disconnect between the enforcement process inside the industry (which has an emphasis on coaching) and the enforcement process within Oregon OSHA. Where enforcement actions come from and the factors that come in to play should be communicated to employers. Renée briefly explained the reason for Oregon OSHA citations on initial observation of a hazard to the group and they felt that would be good information for all industry employers to know.
- The group thought it would also be a good idea for some training within their industry, to help employers understand how Oregon OSHA enforcement works.

Penalties, Appeals and Citations

The group discussed citations of public entities, and urged Oregon OSHA to potentially allow penalty dollars to go towards fixing citations instead of paying penalty amounts. Renée explained that our statutory structure does not allow for that to happen, but reassured the group that citations are scrutinized and go through an extra level of review before being issued. The group also discussed the appeals process and informal conferences as well as settlements.

Oregon OSHA also notified the group of an upcoming rule proposal regarding penalty changes. (See the Handout “Oregon OSHA Regulatory Update”) The group discussed penalty maximums and the idea that Oregon, as a state plan state, has to make rules that are at least as effective as the federal rules. Tom and Renée discussed that, when federal OSHA raised their penalties, we could not just ignore that rulemaking. Currently, because of the increased enforcement presence Oregon OSHA has, the state’s base penalties do not have to be as high as federal OSHA, but they do need to go up somewhat in order to be considered by federal OSHA as at least as effective.

Overnight Hospitalizations & Fatalities Review

The committee reviewed the overnight hospitalizations and fatalities handout. This is a review of accidents reported to Oregon OSHA from 1/1/17 through 10/10/17 and a similar review will likely happen at each committee meeting. There were 4 overnight hospitalizations and no fatalities. Tom reminded the group that these are what were reported to Oregon OSHA, and did not include events that were not reportable or events that did not get reported to Oregon OSHA (even if they should have been). Tom noted that a couple cases may have been late in reporting according to the report date and the event date.

This led to a discussion of the reporting requirements among the group.

New Hazard Alert: Rhabdomyolysis

Tom presented the group with a handout for a draft hazard alert Oregon OSHA has created on rhabdomyolysis. Two of the overnight hospitalizations discussed had to do with this medical condition. This is a serious medical condition in which damaged muscle cells rapidly break down and release a substance into the bloodstream which can be harmful. Symptoms may mimic heat stroke but it is not the same as heat stroke. The group discussed the pressure recruits may place on themselves to overexert and not take breaks as being a contributing factor within their industry. Tom asked the group to provide him feedback on the content of the hazard alert if they had any. The hazard alert layout and visual appearance will be different on the final product. This hazard alert is meant to communicate with the public in general.

Additional Discussion Re: Charter, Member Responsibility and Lessons Learned

The committee returned to discussion regarding the charter and previous advisory committee activities during rulemaking. The group was clear about ensuring that there was as much representation from different stakeholder groups within the fire service industry as possible. Tom had taken notes on who was to be added and passed around a sheet to allow committee members to identify their affiliation. This will allow Tom to know which groups are not yet represented and be clear on which groups to reach out to. There was a discussion of the difference between employer associations and employee or labor groups and how the group can ensure we are as all encompassing as possible. To people outside the fire services industry, organization names can make it hard to tell what kind of group it may be and what representation they can provide.

The group discussed member responsibilities. They wanted to ensure that everyone who comes to the advisory committee meetings as a representative of an organization makes sure they return information to that organization and bring their organizations’ comments and concerns back to the advisory committee. The group also expressed that they would not have a problem

with Oregon OSHA listing committee member's names and organization affiliations on the advisory committee page in order to identify representation.

Members of the group identified some lessons learned last time through the rulemaking process that they would like to remember going forward into any potential rulemaking:

- There needs to be input at the table and members need to be able to work with the agency
- Make sure group members understand the rulemaking process and the role of advisory committees in that process.
- No one can force committee members to attend meetings, but people can be invited and encouraged to attend.

Housekeeping- Meeting Places and Committee Name

The group discussed the name of the committee. The group approved a change to the committee name. The committee name is changed from "Firefighter Advisory Committee" to "Fire Services Advisory Committee"

The group also discussed where to meet in the future. Members said that the DPSST building is a pretty neutral place. Others in the group wanted to wait and see what kind of membership the group gets as its growing before changing the place. For now the group decided to keep the meetings at the DPSST building but to re-evaluate that as people join.

Roundtable:

There was a discussion regarding listing who we have representing different organization in each meeting minutes.

The group also discussed the presence of rules for employees as well as employers within Oregon OSHA's rules.

There was discussion of the amount of communication Oregon OSHA has with Worker's Compensation providers/the Worker's Compensation Division.

The idea was brought up regarding identifying member's ranks when addressing them in the minutes. The group stated that they did not need to be identified by rank within the minutes.

Renée asked the group if receiving reports on accidents in other industries that would relate to the fire services industry would be helpful. For example, many employees in fire services deal with ladders – would receiving reports on ladder accidents be helpful in the Overnight Hospitalization & Fatality Reports? The group said yes, and they can weed through them if they don't specifically matter at that time. However the group stated the information could be useful to their safety planning.

The group discussed recurring business that should be present on subsequent meeting agendas:

- Regulatory Update (The group would like to receive this handout for review before the meeting)
- Overnight Hospitalizations & Fatalities (The group would also like to receive this handout for review before the meeting)
- Organization representation.

The group also expressed appreciation that this advisory committee was starting up again.

Meeting adjourned 4:05 p.m.

Next Meeting:

When: Thursday, January 11, 2018, 1:00 PM

Where: DPSST Building, 4190 Aumsville Hwy SE, Salem, OR 97317