



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

OSHSPA State Plan Report Renée Stapleton, Administrator

OSHSPA members meeting 5/14/2024

I. Significant Legislative/Programmatic Changes

Legislatively Mandated Rulemaking: None

Legislative Activity: The Oregon Legislative Assembly convened for its short session February 5 - March 10, 2024. The only legislative activity of note was that [HB 4002](#) (2024) passed, which among other things, directs Oregon OSHA to participate in a state interagency “Task Force on Improving the Safety of Behavioral Health Workers,” and focus on workplace violence prevention in those healthcare settings.

Other Rulemaking Activity: Oregon OSHA is preparing to propose a non-substantive rulemaking to adopt minor corrections in federal and Oregon OSHA rules, which includes correcting amendments in [2019-27114](#), [2020-00207](#), [2022-13907](#), and [2022-13995](#). Oregon OSHA is also working with a Rules Advisory Committee on changes to Lead rules in Divisions 2, 3, and 4.

II. New Developments/Activities/Notable Cases Activities:

Oregon OSHA News Releases:

- [Oregon OSHA and partners to put spotlight on workplace safety and health in Pendleton, offering learning opportunities for workers and employers](#)
- [Oregon OSHA fines Bend construction company \\$103,438 for repeatedly violating fall protection requirement](#)
- [Mid-Valley Commercial Construction in Salem graduates from Oregon OSHA program, demonstrating excellence in workplace safety](#)
- [Oregon employers, workers invited to take a ‘Safety Break’ May 8](#)
- [Oregon OSHA cites Portland environmental services company for multiple violations of confined space safety rules](#)
- [Conference in Eugene offers learning and networking opportunities to improve workplace safety and health](#)

Newsletters:

Oregon OSHA published the [March 2024 issue of its Health and Safety Resource newsletter](#):

- Oregon OSHA issues two new emphasis programs to protect workers
- Understanding requirements for abrasive wheels and machines
- Workers’ Memorial scholarships are open for applications



350 Winter St. NE
P.O. Box 14480
Salem, OR 97309



503-378-3272



tech.web@dcbs.oregon.gov



osha.oregon.gov

- Oregon OSHA’s “Everyday Ergonomics” online course is available in Spanish
- Administrator’s Message: With penalty changes comes a steadfast focus on putting all of our resources to work
- Going the Distance: SHARP Alliance grows a network devoted to improving workplace health and safety

Oregon OSHA Conferences Update:

- Mid-Oregon Construction Safety Summit partnered with Central Oregon Safety & Health Association (COSHA), January 29 & 30, 2024, Bend, OR
- Cascade Occupational Safety & Health Conference partnered with American Society of Safety Professionals (ASSP) – Cascade Chapter, March 3 & 4, 2024, Eugene, OR
- Oregon Pesticide Symposium, March 20 & 21, 2024, Salem, OR

Notable Case:

A mental health aide working the night shift at McCarthy Place, a 10-bed group home operated by Cascadia Health in Portland, was fatally stabbed by a resident at the facility. Police responded to a 911 call on July 16, 2023, from a co-worker who arrived at 7 a.m. for the day shift and found the 26-year-old woman lying on the ground just inside the main door in the building’s north wing; there were bloody footprints leading to the south wing where the resident lived.

Cascadia Health is a large Portland-based nonprofit that provides behavioral health and substance use treatment to Medicaid patients. Cascadia Health operates 32 residential programs that offer supportive housing services throughout the Portland metro area; employees are represented by the American Federation of State, County and Municipal Employees.

McCarthy Place provides transitional residential housing for adults with persistent severe mental illness. The north wing has five resident rooms, a kitchen, a medication room, and a staff office. The south wing has five resident rooms, a kitchen, a dining area next to the kitchen, a case manager’s office, and a meeting area. The two wings are separated by a courtyard and are nearly identical; the north wing also has a common area for residents that includes living room furniture and a TV. Many residents lived at McCarthy Place for more than three years.

Oregon OSHA fined Cascadia Health \$7,250 for not adequately controlling workplace violence hazards and for not providing crisis intervention training to two temporary services employees who worked with the residents at McCarthy Place

Key findings from the compliance officer’s investigation:

Cascadia health did not adequately control workplace violence hazards.

Cascadia Health employees experienced varying levels of physical assault from residents, at least 16 of which had been logged at its 32 residential programs since March 2023.

Cascadia Health also had an inconsistent approach to safety evaluations at its 32 residential programs. For example, at McCarthy Place the main entrance had visibility limitations because there were no windows in the door or in the walls adjacent to the door. Employees also risked being pinned in a room or space with no exit available. Nor had there been an assessment at McCarthy place to determine if cameras could reduce safety

risks by increasing employees' abilities to monitor the entire facility, and an audit of hazardous items had not been conducted. For example, some residential facilities did not have a lock box for sharps – though McCarthy Place did.

Before the incident, there been an inconsistent assessment of staffing levels needed to ensure that employees were safe; Cascadia Health added double-staffing at night at McCarthy Place after the incident.

Cascadia Health did not provide crisis intervention training to all staff who worked with potentially aggressive residents.

Two certified nursing assistants that Cascadia Health hired through a nurse staffing company worked shifts at McCarthy Place, but they had not received crisis intervention or de-escalation training. The training had been provided to other Cascadia Health employees as a primary means of workplace violence prevention, however.

The two nursing assistants had been filling in for swing shifts and day shifts at McCarthy Place for 9-10 years. They typically did tasks such as meal preparation, assisting residents with their laundry, and housekeeping. Although they did not work alone for extended periods, they could be alone with residents in one of the two wings of the facility due to its configuration. They had also been verbally threatened or had residents lunge at them during their work at McCarthy Place and sought safety in the case manager's office.

Cascadia Health had no policies or procedures for operating a centralized safety committee.

Cascadia Health had a variety of operations including administration, mental health clinics, secure residential mental health programs, and non-secure residential programs and safety committees were formed for each operation. But Cascadia Health did not have a centralized safety committee that represented the safety and health concerns of all its employees; nor was there a written safety and health policy that expressed management's commitment to the committee and:

- Required and described effective employee involvement
- Described how the Cascadia Health would hold employees and managers accountable for safety and health
- Explained specific methods for identifying and correcting safety and health hazards at each operation
- Included an annual written comprehensive review of the committee's activities



The victim was found lying just inside the main door at the far left of the photo.



A side exit door in the common area. The door opens inward and the lock does not have to be turned.



A knife drawer that the resident pried open with a spatula to get the weapon.



Oregon OSHA Online Training Resources:

ONLINE COURSES:

Confined Space Safety

Near completion, this online course includes 5 modules and covers the [confined spaces](#) rule that applies to Divisions 2 (general industry) and 3 (construction), as well as the Division 4 (agriculture) [confined and hazardous spaces](#) rule. The overall objective of the course is to explain the potential hazards involved with working in confined spaces; the rule requirements; and how to work safer in confined spaces. To enhance the course, our team also produced a new 14-minute video, *Practicing Confined Space Rescues*.

Recordkeeping and Reporting (English and Spanish)

The new year brought about a new reporting requirement to Recordkeeping and Reporting and the public education team revised both the [English](#) and [Spanish](#) online courses on January 26, 2024, to reflect the following rule changes:

1. A new requirement to report data from OSHA forms 300, 300A, and DCBS 801 to federal OSHA no later than March 2nd, for employers that had 100 or more employees the previous calendar year AND are listed (by NAICS code) in the new Table 8 (which is a subset of those industries listed by NAICS code in Table 7).
2. A new requirement that employers will now have to enter their legal company name into federal OSHA's ITA application.

Walking-Working Surfaces

The public education team continues to develop this online course, which is the 5th and final course in the [Fall Protection Suite](#). This course takes you through the general requirements to help keep employees safe on walking-working surfaces. We begin by taking a look at the reason for the rules, and then clearly identify responsibilities for employers to maintain safe conditions. We highlight a checklist of situations when fall protection is appropriate and delve into the many fall protection options available for different work environments, demonstrating how to apply each. Lastly, we cover the requirements of training.

Oregon OSHA Public Education Activity:

Social Media Activity (English and Spanish combined)

YouTube and Vimeo channel

Since its inception the Oregon OSHA YouTube Channel has amassed 4.7M views on [YouTube](#) and there are a total of 370 videos available. Since our last report, videos on Facebook have received 3,200 views and videos on Vimeo have received 91,448 views.

Video Resources

Propane Safety Discussion

The English Propane Safety Discussion video, that was launched in January 2023 to the public was translated into Spanish in November 2023. The video is hosted by Tom Meier and Craig Hamelund and is a byproduct of the Compressed Gas Rule Review Video. As Oregon OSHA has a separate rule governing propane when used outside of oxy/fuel, Tom covers the important points when it comes to propane and propane cylinders.



Senate Bill 592: Redefining Oregon OSHA's Penalty Structure

In 2023, the Oregon State Legislature passed Senate Bill 592 that brought about changes to how Oregon OSHA assesses penalties and introduced a new type of inspection. In December 2023, the public education team produced a 5-minute educational video in English and Spanish providing a brief overview of the changes.

PowerPoints for online courses

A PowerPoint presentation download is a newer feature for instructors that Public Education includes with all online courses. We have updated this tool in English and Spanish due to the rule change taking effect March 2024, for Recordkeeping and Reporting.

III. Areas of Concern: None

IV. Information Sought from Other State Programs: None

V. Administrative Changes: None

VI. Contact Information:

Internet: <https://osha.oregon.gov>, Phone: 503-378-3272, Fax: 503-947-7461,
Federal Liaison: Jenny Downen, Jennifer.A.Dowen@dcbs.oregon.gov



350 Winter St. NE
P.O. Box 14480
Salem, OR 97309



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tech.web@dcbs.oregon.gov



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