

**Oregon OSHA**  
**Construction Advisory Committee**  
**Tuesday, November 12, 2024**

**Meeting Minutes**

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**Attendees:**

Al Lee-Lennar	Eric Bongen	Mike Brunenkant
Amanda Davies	Eric Fullan	Mike Jacobs
Amanda Keister	Eden Berestoff	Nathan Taylor
Annmarie Earl	Forrest	Phillip Wade
Barbara Hanley	Greig Lowell	R. Goodwin
Barry Moreland	George Lundberg	Robert Miller
Bash Mumuni	Holt Andron	Ryan Leffell
Bill Haskins	Ilene Ferrell	Sean Tinker
Brad Nanke	Jake Errico	Stephanie Baird
Bryan Davis	Jamey Goodman	Stephen Cannon
Bryon Snapp	Jim Mahar	Stephen Heaven
Caleb Harris	Joe Mullens	Steve Barrett
Chris Dahl	John Frank	Tammi Stevens
Connie Graybeal	Josh Schwabauer	Ted Bunch
Craig Ley	Kirsten Adams	Thomas Price
Dale Lindstrom	Maggie Gerlicher	Tim Moore
David Davidson	Mark Spring	Troy Stroud
David Rekdahl	Mars Gracida	
David Smiley	Mary Lou Wilson	

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The meeting was called to order by Dale Lindstrom.

Thank you all for joining the hybrid meeting. Introductions of people in person were made.

**Previous Meeting Minutes.**

The October meeting minutes were approved.

**Lessons Learned & Safety Suggestions:**

A member talked about safety committee citation trends. They said this used to be viewed as coachable moments, and now it is cited more. Not sure if it is the new compliance officers doing their jobs, or if they haven't gotten used to how things used to be.

-Bryon responded, If we have a rule, we have employee exposure, we have employer knowledge, we evaluated the hazard (it may be serious or other-than-serious), then we have to move forward with alleging the citation. We encourage you to call Oregon OSHA, we have a consultation program to assist companies confidentially without the enforcement program knowing. Oregon OSHA is a regulatory agency.

-An in depth conversation was had on how Oregon OSHA compliance officers work.

Oregon OSHA always looks at illness and injury records regardless of type of inspections. We look at safety committees, and safety minutes if you qualify for that, and if the temperature is above 80 then we will look at heat programs.

A company asked about Manganese and the stance on using stored tests. Can the stored tests/data be used, or does it need to be from each job. What is the correct process?

Dave responded, it depends on the job. You have to demonstrate how the samples that you have meet the requirements. We designed the safe harbor tables in the rule so you can use that in place of your own data. We used numerous years of sample data from Oregon and Washington. [Airborne Exposure Limit for Manganese](#); [Personal Protective Equipment](#)

### **OSHA Spotlight:**

Bryon Snapp [presented the top 5 violations for 2024](#). The new penalties went into effect January 1, 2024.

The 2024 data shared is January through end of October. The 2023 data shared was January through end of December.

Oregon OHSA historically had the lowest penalties, and we are now at the highest penalty level, roughly equivalent with federal OSHA.

Looking at historical data taken from the annual AFL-CIO Death of the Job report back to 2009, it used to take Oregon OSHA approximately 24 years to be able to inspect every employer within our jurisdiction. As of the current report, Oregon OSHA is currently sitting at approximately 65 years, and Federal OSHA is 186 years. This is highlighting that we are able to inspect more places of employment than Federal OSHA.

### **Senate Bill 592 (2023):**

- created a new type of comprehensive inspection.
- increased the existing penalty amounts
- annually adjusts the penalties based off the CPI-western region.

It did not change how Oregon OSHA Compliance Officers evaluate 'probability' and 'severity'.

First instance related to how Oregon OSHA establishes repeat violations:

First instance means the 1<sup>st</sup> time you are cited related to a specific rule or substantially similar condition.. If you can go 3 years between the opening of a current inspection, looking backwards to when your last citation of the same or substantially similar rule was delivered, then the repeat count starts over. If you do get an citation within 3 years that is the same or substantially similar, then that is when the repeats begin to occur. Federal OSHA has a 5 year look back window for repeats while Oregon only looks back 3 years.

[Oregon Occupational Safety and Health : Violations and penalties : State of Oregon](#)

### **Top 5 construction violations:**

This is available to everyone- A-Z website, top- top 25 violations. Enter the information you want to look at and it will give you a report.

We will look at 2023 and 2024 numbers. The report looks at calendar years, not the federal fiscal year that we use.

#6: PPE- Eye/ face protection.

#5: Fall protection training program.

#4: Ladder Safety

#3: Documentation of Safety Committee Meetings

#2: [Certification of Fall Protection Training](#). Rule 437-003-0503(2) page31

#1: Fall Protection.

### **Rule Updates:**

[Federal and Oregon OSHA Minor Corrections](#): minor corrections and updates of spelling and grammar. There are 63 rules being modified but nothing substantial and nothing new added. Adopted September 2024

[HAZCOM](#): 1910.1200 standard. Federal OSHA updated and we have updated ours to be at least as effective as. We will be working in on.

[Lead](#) is still being worked on, and will pick back up fully after the new year.

### **Monthly Accidents and Fatalities Report:**

If there is an accident or a fatal incident that you would like more information on let Nathan and Jeff know so we can track it and can discuss once the case is able to be discussed.

*The following is preliminary information as reported at the time of the accident intake.*

#### **Accidents –**

1. October 25<sup>th</sup>, Seaside

The employee was struck by a log. They (the employee, at least one co-worker and supervisor) were cable logging. The employee had set the chockers. The employee did not clear away far enough. The supervisor and co-worker(s) took him out and the supervisor drove the injured employee in his pick-up to the hospital. Injuries included a broken arm and three broken ribs.

2. October 23<sup>rd</sup>, Eugene

Employee was working from a ladder connecting a residential house electrical service. The house gooseneck connection broke free and the electrical cable pulled the gooseneck into the ladder and employee causing him to fall approximately 15 to 17 feet. Employee was transported by ambulance and was hospitalized.

3. October 23<sup>rd</sup>, Eugene

An employee was standing in a doorway with her hand resting in the door jam on the hinge side of the door talking to a patient. Another employee, without seeing her hand in the doorway attempted to shut the door. When the door closed on the employees hand it caused a partial amputation of the tip of the employees ring finger on the left hand.

4. October 22<sup>nd</sup>, Bend

Employee, a mechanic, was using a portable power grinder on the surface of a hydraulic hammer used in excavation, when the hammer slipped off of the blocking it was resting on and landed on the employee's right foot, crushing a portion of two toes. The employee was transported to St. Charles hospital in Bend by a co-worker. The employee was admitted after evaluation and surgery was performed where a portion of the right big toe and second toe (adjacent to the big toe) was surgically amputated.

5. October 19<sup>th</sup>, Ontario

Pallet was being retrieved by a fork lift operator. There were cases of food product on the pallet and employee was caught between the pallet and a non-motorized conveyor and sustained deep contusions.

6. October 11<sup>th</sup>, Madras

Seasoned (3 yr) fully trained employee reached from the right side, under the guard and across the blade opening of a chop (jump) saw to remove end pieces that had fallen into a gap on the left side of the cutting table. The motion of his body rotation inadvertently triggered the knee activated trigger which caused the blade to pop out and amputate his right hand between the palm and wrist, including thumb and all fingers. Employee taken to Madras hospital, then life flighted to Bend for surgery. Remains in hospital at this time.

7. October 8<sup>th</sup>, Medford

An employee had an event apparently related to a pre-existing medical condition.

8. October 10<sup>th</sup>, Paisley

The employee was riding a personal, young horse when it became spooked. The horse began bucking and scattering along a fence line. The employee became caught on a T post, causing the femur to twist and break and was later drug by the horse. The employee was transferred to the hospital receiving surgery on the leg including rods and pins. At the time of the report the employee was able to walk.

9. October 8<sup>th</sup>, Blue River

Employee was carrying a full box of office supplies up the stairs in their RV and slipped and fell resulting in a broken right femur. Overnight hospitalization for surgery.

10. October 4<sup>th</sup>, Springfield

An employee came in for their shift approximately one hour early and stated that they were not feeling well. They were admitted to the hospital and will be kept for a couple days. Blood clot in brain.

11. October 8<sup>th</sup>, Myrtle Point

The employee was spooling line onto the mainline drum when the employee slipped and was caught in the drum as it was spooling, resulting in the employee sustaining a broken right leg and abrasions.

12. October 3<sup>rd</sup>, Arlington

Employee's hand was crushed under a container. Container was on the track in a rail car, the employee must undo the lock and move back to allow the top pick to grab the container. At times, it gets the lock gets stuck and needs to be manually removed. The procedure is to bring it to the ground to remove. Employee tried to grab the ISO-twist lock on one side, the other side did not release. The top pick operator saw this and lowered the container and the employee's hand was caught under it the container. The employee was hospitalized due to the injury. Employee is hospitalized at OHSU.

13. October 1<sup>st</sup>, Heppner

At approximately 8:50 AM, a work crew was preparing to move a crane assembly to a new location. While one of the outrigger cylinders was being retracted the injured employee was pulling the pin to remove the float from the leg stand. When the cylinder reached the top of the float it came into contact with a protruding plate at the bottom side of outrigger causing a sudden shift (movement). The movement caught the employees left hand in-between the bottom of the beam and the float plate. Fractured hand.

14. October 24<sup>th</sup>, Beaverton

An employee got out of their vehicle, and was standing next to the van when she had a seizure and hit her head on the van. Another employee assisted her to the ground, alerted other staff, and 911 was called/she was transported to the hospital.

15. October 14<sup>th</sup>, Portland

The meat cutter cutting meat with the meat sawyer as he cut his left ring finger. Ambulance took him to a hospital.

16. October 8<sup>th</sup>, Portland

Store Donation Attendant was working at or near the donation door and was discovered sitting on a stack of totes hunched over/non-responsive. EMS was called and transported the employee who was partially responsive upon their arrival to a local hospital for further observation.

17. October 24<sup>th</sup>, Salem

The witness and injured employee were working together as mechanics on the forward-rear axle of Peterbilt truck trying to reinsert a pin of the torque rod. The witness was operating a lift while the injured employee was manipulating by hand the torque rod of the truck, when he had his left index finger inside of the torque rod bracket he had the witness lift the torque amputating injured employee's left index finger just above the third knuckle.

18. October 15<sup>th</sup>, Manzanita

Employee finishing a concrete patio made contact with the overhead power line with a concrete finishing tool (bull float).

19. October 29<sup>th</sup>, Hillsboro

The employee was experiencing light headedness. ER believes it was due to an eye surgery she'd recently had on both eyes. She had walked into an empty classroom when she felt her body push forward like she was passing out. She hit her head on a shelf, fell down on her right side, specifically her knee. 2 other teachers came in right after she fell and helped her up- she was conscious at that point. Unknown if she lost consciousness. Her daughter then picked her up and took her to the hospital. Reason to admit to hospital was due to hospital thinking surgery on knee would be needed- specialist looked at it and spoke to her at 1:44PM, and discharged her right after as no surgery was needed, only physical therapy.

**Fatalities –**

1. October 15<sup>th</sup>, Portland

The employee stood up from their desk and lost their balance, striking their face on the computer screen, desk, and then falling to the floor. Apparent medical condition 53 year old male.

2. October 13<sup>th</sup>, La Grande

Employee was tending a sheep herd . At approximately 7:00pm the employee pulled out of the field he had just been in, onto a paved road, driving a side-by-side ATV. A vehicle travelling the same direction as the ATV came up from behind and struck the ATV in the rear. The collision pinched the cab of the ATV together, crushing the employee. 28 year old male.

3. October 14<sup>th</sup>, Portland

The employee had just reported to work, clocked in and attended the morning stretch meeting. Employee was walking around the office communicating with coworkers when they collapsed. Employee had not performed any work, no chemical contact and no strenuous work prior to collapsing. Employee was transported to the hospital via 911 and was pronounced deceased at the hospital. 72 year old male.

4. October 11<sup>th</sup>, Mulino

The person was trimming trees inside a backyard of a resident house as he fell to the lower level with head injury and passed away at the location transferred to a Medical Exam office. 27 year old male

5. October 11<sup>th</sup>, Portland

The victim was a semi-truck driver parked at a truck stop and was found deceased. There was drug paraphernalia next to the victim's seat which included syringes and white powder which tested presumptive positive for fentanyl. 55 year old male

6. October 10<sup>th</sup>, Portland

The fatality occurred at a parking lot. An employee (subcontractor) found the deceased in the backseat of their personal vehicle. EMS was contacted as well as the police. The deceased may have died from a drug overdose (OD) due to the drug paraphernalia found inside their vehicle. 42 year old male

7. October 7<sup>th</sup>, Elkton

The crew were in the process of logging a unit using a Yoder type yarder. The rigging crew were approximately forty feet below the landing standing off to the side. As a log was being lowered to the ground, hit another log causing that log slide down the hill. The yarder engineer blew a long whistle to warn the crew. The crew saw the log go by them and looked down the road-line. The Hook tender/victim was down below the rigging crew hanging ribbon. The crew stated they did not see the employee get hit. The crew discovered the employee. 48 year old male.

### **Anonymous Questions:**

*If you have anything you would like to bring up at the meetings and would like to stay anonymous, let Rick McMurry, or Dale Lindstrom know, and they will bring it up for you.*

Question: We heard there is a potential that OSHA (at least potentially OR OSHA) is considering extending the general industry standard for hearing conservation (whole or in part) to construction.

Answer: What is in the General Industry rule is applicable to everyone, including Construction. We have not moved forward with anything, and we currently don't have plans. We may do that in the future, and we will involve external stakeholders.

Question: Doing some research on our current model of hard hat, and it mentioned that the shell lasts for 5 years, but the suspension is only a year. I was wondering if you had any experience with this. I guess my question is: how seriously does OSHA take this? I don't mind changing out suspensions on a yearly basis, but that seems unnecessarily frequent to me. I realize it is the manufacturer spec, so we want to use that for our standard, but I'm guessing many companies aren't tracking items such as this and their corresponding expirations. Or, leaving it up to employees to do the necessary tracking.

Answer:

Rule: 437-003-0134(2)(a) [Division 3, Subdivision E, Personal Protective & Life Saving Equipment](#)

(2) Equipment.

- (a) Where employees provide their own protective equipment, the employer is responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.
- (b) All personal protective equipment must be provided, used, and maintained in a sanitary and reliable condition.
- (c) Defective or damaged personal protective equipment must not be used.
- (d) Each employer must maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers.

Bryon added, when setting up a PPE inspection program, reviewing what the manufacturer says is a good starting point, then build upon it. If you can show that you have a good PPE inspection system in place that considers how the PPE is actually used and what it has been exposed to, under certain situations you can go outside what the manufacturer guidelines are and Oregon OSHA would not be able to allege a violation simply because you exceeded the PPE manufacturer's recommendation or written limitations. However, you could still be cited if the hard hat or safety helmet is damaged and does not provide the necessary protection even though it has not reached the replacement cycle established by the manufacturer.

#### **Round table:**

Locates issues: there has been movement on this issue of companies not doing the locates. PUC has opened an investigation on quality control and training, etc.

If you have any topics that you would like Oregon OSHA to talk about to the group, please let [Alta Schafer](#) or [Rick McMurry](#) or [Dale Lindstrom](#) know.

#### **Next Meeting:**

Dec. 10, 2024