



Oregon OSHA Update

September 8, 2023

CWC ASSP Meeting

Renée Stapleton – Acting Administrator



1

Oregon OSHA Update

- Personnel Updates
- Federal OSHA Updates
- Recent Rule Adoptions
- Proposed Rules
- Pre-proposal Rulemaking

2

Oregon OSHA Update

- Personnel Updates
 - Renée Stapleton – Acting Administrator
 - Holt Andron – Statewide Consultation Manager
 - Penny Wolf-McCormick – Statewide Health Enforcement Manager
 - Stephen Lund – Administrative Service Manager
 - Greig Lowell – Acting Policy Manager
 - Nicole Zauner – Assistant Business Manager (Records Management Unit)
 - New Field Office Managers:
 - Brandi Davis – Portland Health
 - Bruce Hammill – Portland Safety
 - Gary Robertson – Medford
 - Chris Lynch – Portland
 - Eric Yates – Bend & Pendleton
 - Alba Johnston – Portland Region
 - Julie Love – Deputy Administrator
 - Bryon Snapp – Statewide Safety Manager
 - Dave McLaughlin – Standards and Technical Managers
 - Field Office Managers:
 - Aaron Colmone – Salem
 - Trena VandeHey – Central Region
 - Ron Haverkost – Eugene
 - Larry Fipps – Southern Region

3

Federal OSHA – Final Rule Stage

- Hazard Communication Update:
 - Harmonize the HCS to the latest edition of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS), and
 - Codify enforcement policies OSHA has issued since the 2012 standard.
 - Rule expected in December 2022
- Whistleblower Protection:
 - OSHA is updating procedures for handling and investigation of retaliation complaints under several whistleblower protection statutes to ensure consistency and provide uniform standards for procedural issues.
 - Rule expected in November 2022
- COVID-19 in healthcare:
 - On June 21, 2021, OSHA issued an ETS to address the grave danger of COVID-19 to healthcare and healthcare support workers in settings where people with COVID-19 are reasonably expected to be present.
 - Rule expected as of September 2022

4

Federal OSHA – Proposed Rule Stage

- Infectious Diseases (~5/23)
- Cranes and Derricks in Construction Amendments (~1/23)
- Shipyard Fall Protection (~12/22)
- Communication Towers (~3/23)
- Emergency Response (~5/23)
- Lockout/Tagout Update (~3/23)
- Tree Care (~12/22)
- Welding in Construction Confined Spaces (~3/23)
- PPE in Construction (~9/22)
- Powered Industrial Truck Design Standard Update (~7/22)
- Walking Working Surfaces (~10/22)
- Silica- Medical Surveillance Provisions Revisions (~5/23)
- Workplace Injury/Illness Tracking (~10/22)
- Massachusetts Initial State Plan Approval (Approved Plan)
- Arizona State Plan for OSHA (~4/22)

5

Federal OSHA – Pre-rule Stage

- Process Safety Management and Prevention
- Mechanical Power Presses
- Workplace Violence in Health Care and Social Assistance
- Blood Lead Level for Medical Removal
- Heat Illness Prevention

6

Oregon OSHA – Manganese Summary

(Adopted 9/1/21 – Effective 9/1/22)

- PEL was reduced to 0.1 mg/m³, as an 8-hour time-weighted average; and retains the ceiling limit of 5 mg/m³
- A simplified table was introduced that could be used in lieu of monitoring
- Substantive Changes to:
 - 437-002-0281 Manganese (new)
 - 437-002-0287 Toxic Preservative Coatings
 - 437-002-0288 Additional General Health Protection
 - 437-002-0297 Oregon Requirements for Welding or Cutting Containers
 - 437-002-0298 Supplied Air Respiratory Equipment
 - 437-002-0299 General Definitions
 - 437-002-0382/437-003-1000/437-004-0900 Table Z-1

7

Oregon OSHA - Manganese Summary

(Adopted 9/1/21 – Effective 9/1/22)

TABLE OR Q-2 for Manganese		
Welding, cutting or grinding tasks	Minimum Assigned Protective Factor (APF) for respiratory protection when performing the task listed during a single work shift within the range of times shown	
	APF = 10	APF = 25
Carbon Arcing	5 minutes – 60 minutes (1 hr.)	> 60 minutes
Flux Core Arc Welding (FCAW) or MIG-flux core welding	15 minutes – 120 minutes (2 hrs.)	> 120 minutes
Gas Metal Arc Welding (GMAW) or MIG-solid wire welding	30 minutes – 270 minutes (4.5 hrs.)	>270 minutes
Gas Tungsten Arc Welding (GTAW) or TIG-welding	150 minutes (2.5 hrs.) or more	N/A
Grinding Tasks directly related to the Welding process	15 minutes – 180 minutes (3 hrs.)	> 180 minutes
Hand-Held Torch Cutting	15 minutes – 150 minutes (2.5 hrs.)	> 150 minutes
Hand-Held Plasma Cutting	30 minutes – 300 minutes (5 hrs.)	> 300 minutes
Shielded Metal Arc Welding (SMAW)	10 minutes – 90 minutes (1.5 hrs.)	> 90 minutes
Notes for Table OR Q-2: <ul style="list-style-type: none"> • The symbol ">" means "greater than" the number of minutes that follow it. • See descriptions of the tasks included in OAR 437-002-0299. • Assigned Protective Factor (APF) is defined in 1910.134 Respiratory Protection. • Estimated exposures to Manganese within these guidelines were calculated using a more protective exposure target of 0.02 mg/m³. 		

8

Penalties and other Division 1 Rules Summary

(Effective 12/1/21)

- Required to adopt to be "as least as effective as" federal OSHA

Violations and Penalties

BASE PENALTY TABLE

Probability	Other than serious violation		Serious violation	
	Severity	Other than serious	Severity	Death
Low	\$0		Low	\$300
High	\$300		Medium	\$750
			High	\$2,150

ADJUSTED PENALTY TABLE

Adjustment	Penalty in dollars					
+30%	\$390	\$975	\$2,795	\$4,875	\$8,450	\$13,653**
+20%	\$360	\$900	\$2,580	\$4,500	\$7,800	\$13,653**
+10%	\$330	\$825	\$2,365	\$4,125	\$7,150	\$13,653**
Base Penalty	\$300	\$750	\$2,150	\$3,750	\$6,500	\$13,500
-10%	\$270	\$675	\$1,935	\$3,375	\$5,850	\$12,150
-20%	\$240	\$600	\$1,720	\$3,000	\$5,200	\$10,800
-30%	\$210	\$525	\$1,505	\$2,625	\$4,550	\$9,450
-40%	\$180	\$450	\$1,290	\$2,250	\$3,900	\$8,100
-50%	\$150	\$375	\$1,075	\$1,875	\$3,250	\$6,750
-60%	\$120	\$300	\$860	\$1,500	\$2,600	\$5,400
-70%	\$100*	\$225	\$645	\$1,125	\$1,950	\$4,050
-75%	\$100*	\$185	\$535	\$935	\$1,625	\$3,375
-80%	\$100*	\$150	\$430	\$750	\$1,300	\$2,700
-85%	\$100*	\$110	\$320	\$560	\$975	\$2,025
-90%	\$100*	\$100*	\$215	\$375	\$650	\$1,350
-95%	\$100*	\$100*	\$105	\$185	\$325	\$675
-100%	\$100*	\$100*	\$100*	\$100*	\$100*	\$100*

*The minimum adjusted penalty for a serious violation is \$100.
**No base or adjusted penalty amount greater than \$13,653

EMPLOYER SIZE ADJUSTMENT TABLE

Number of employees	Adjustment reduction
1-10	-75%
11-25	-60%
26-90	-40%
91-130	-30%
131-175	-20%
176-250	-10%
251 or more	No Size Adjustment

Size adjustments are based on state-wide peak employment.

REPEAT AND WILLFUL TABLE

Repeat occurrence	Serious	Other than serious
1 st repeat	x 2	\$200
2 nd repeat	x 5	\$500
3 rd repeat	x 10	\$1,000
4 th repeat	x 15	\$1,500
5 th repeat	x 20	\$2,000

Additional repeats Discretion of Administrator

WILLFULL x 25

Minimum Repeat Penalty of \$200
Minimum Willful Penalty of \$9,753
Maximum Penalty of \$135,653

For complete rule requirements, see
OAR 437-001-0135 through 437-001-0203.

440-9632 (7/21/COM)

Wildfire Smoke Protection Summary (Effective 7/1/22)

Scope and application:

Employees who are or will be exposed to wildfire smoke where the ambient air concentration for fine particulate matter (PM_{2.5}) is at or above 35.5 µg/m³ (Air Quality Index value of 101 for PM_{2.5}).

Full exemptions:

- Enclosed buildings with filtered air by mechanical ventilation
- Enclosed vehicles with filtered air by maintained cabin air filter – Excludes public transit
- Suspension of operations above AQI 101
- Working from home

Wildfire Smoke Protection Summary (Effective 7/1/22)

Partial exemptions – provide training and filtering facepiece respirators only:

- Emergency operations *directly* involved protection of life and property
- Wildland firefighting and support activities
- Intermittent employee exposure of less than 15 minutes in an hour over AQI 101 for a total exposure of less than one hour in a single 24-hour period.

11

Wildfire Smoke Protection Summary (Effective 7/1/22)

Rules Requirements:

- Exposure assessment
- Information and training
- Training documentation
- Employer two-way communication
- Exposure controls (engineering and administrative)
- Voluntary use respirators at AQI of 101-250
- Required use respirators at AQI 251-500 without medical eval/fit test
- Required use respirators at AQI 501 with full respirator program (1910.134)

12

Heat Illness Prevention Summary (Effective June 15, 2022)

Scope and application:

Employees who performs work activities, whether in indoor or outdoor environments, where the heat index (apparent temperature) equals or exceeds 80 degrees Fahrenheit.

Full Exemptions:

- Incidental heat exposures less than 15 minutes in any sixty minute period
- Exposures to heat generated from the work process
- Structures that have a mechanical ventilation system that keeps the heat index below 80 degrees Fahrenheit

13

Heat Illness Prevention Summary (Effective June 15, 2022)

Partial Exemptions:

- Employees who perform either “rest” or “light” workloads are exempt from the *some* of the requirements of sections only when the heat index is less than 90 degrees Fahrenheit. (Exempt from: shade, specified water amounts, rest breaks, specific emergency medical plan, acclimatization plan, prevention plan, and training)
- Associated support activities for wildland firefighters such as fire camp services and fire management are exempt only from acclimatization plan
- Employees who work from home are subject only to the training and documentation of training requirements

14

Heat Illness Prevention Summary (Effective June 15, 2022)

Rule Requirements:

- Access to shade at heat index above 80 degrees Fahrenheit
- Access to water and quantity requirements at heat index above 80 degrees Fahrenheit
- High heat practices (engineering/admin controls, communication system, identify those with symptoms, designate someone to call emergency services, work rest schedule)
- Emergency medical plan for heat
- Acclimatization plan
- Heat Illness prevention plan
- Training and documentation

15

Heat Illness Prevention in Employer Provided Housing Summary (Effective June 15, 2022)

Amended OAR 437-004-1120 to include heat provisions.

Section (27) covers the following:

- Cooling areas
- Minimizing Heat in Housing Units
- Temperature Awareness
- Employee and Occupant Information
- Access to Emergency Services

16

Proposed COVID-19 Rules for All Workplaces Summary

- Temporary rule adopted March 2022, will expire on 9/13/22
- Proposed rulemaking conducted through the normal process - using the temporary rule adopted March 2022 as a base
- Proposal reduces provisions from the December 2021 adoption:
 - Removed most required provisions and shifted them to section 5
 - Section 3 and 4 apply to exceptional risk workplaces
- Adoption expected soon

17

Proposed COVID-19 Rules for Employer Provided Housing Summary

- Temporary rule adopted March 2022, will expire on 10/09/22
- Proposed rulemaking conducted through the normal process - using the temporary rule adopted March 2022 as a base
- Proposal reduces provisions from the December 2021 adoption
 - Removed most required provisions
- Adoption expected soon

18

Pre-proposal Rulemaking

- Employer provided housing
- Non-entry firefighting
- Lead
- Consultation
 - Confidentiality
 - 21d funded consultants
 - Public entities
- Standards Improvement Project – Lite

19

Questions?

Ask our experts

Location: Salem central office
 Phone: 503-378-3272
 Toll free: 800-922-2689 (inside Oregon only)
 Email: tech.web@dcbs.oregon.gov
 Website: Online contact form

Consultations and evaluations

Location: Salem central office
 Phone: 503-378-3272
 Toll free: 800-922-2689 (inside Oregon only)
 Email: consult.web@dcbs.oregon.gov
 Website: Online request form

Conference information

Location: Salem central office
 Phone: 503-378-3272
 Toll free: 888-292-5247, Option 1
 Email: oregon.conferences@dcbs.oregon.gov

Education and training

Location: Salem central office
 Phone: 503-947-7443
 Toll free: 888-292-5247, Option 2
 Email: ed.web@dcbs.oregon.gov

Resource Center and AV Library

Location: Salem central office
 Phone: 503-947-7453
 Toll free: 800-922-2689 (inside Oregon only)
 Email: osha.resource@dcbs.oregon.gov

renee.m.stapleton@dcbs.oregon.gov
 971-719-6708

20