

**ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH
(ACCSH)**

MINUTES OF 11 – 12 SEPTEMBER 2008 MEETING

Occupational Safety and Health Administration (OSHA)
U.S. Department of Labor
200 Constitution Avenue
Washington, DC

The meeting of the Advisory Committee on Construction Safety and Health (ACCSH) was called to order by the chair, Mr. Linwood Smith, at 8:30 a.m. on Thursday, Sept. 11, 2008. The following members and representatives were present for all or part of the meeting.

NAME	SECTOR REPRESENTED	TITLE & ORGANIZATION
Elizabeth Arioto	Public	Elizabeth Arioto Safety & Health Consulting Services
Kevin D. Beauregard	State	Assistant deputy commissioner, Assistant Director, Division of Occupational Safety and Health, NC Department of Labor
Thomas A. Broderick	Public	Executive Director, Construction Safety Council
Matt Gillen	Federal Designee	Construction Program Coordinator, National Institute for Occupational Safety and Health (NIOSH)– Centers for Disease Control and Prevention (CDC), Office of the Director
Dale David Haggerty	Employee	Director, National Construction Agreements, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
Steven D. Hawkins	State	Asst. Administrator, TN Occupational Safety and Health Administration
Thomas L. Kavicky	Employee	Safety Director, Asst. to the President Chicago Regional Council of Carpenters
Robert Krull	Employee	Director of Safety and Health, United Union of Roofers, Waterproofers and Allied Workers
Frank L. Migliaccio, Jr.	Employee	Executive Director, Safety & Health International Assoc. of Bridge, Structural, Ornamental & Reinforcing Ironworkers
Dan Murphy	Employer	Vice President, Zurich North America
Emmett M. Russell	Employee	Director, Department of Safety and Health, International Union of Operating Engineers
Thomas R. Shanahan	Employer	Assoc. Executive Director, National Roofing Contractors Association
Linwood O. Smith	Employer	Vice President, Risk Management & Safety, T.A. Loving Company
Michael J. Thibodeaux	Employer	Consultant, National Association of Homebuilders
Daniel D. Zarletti	Employer	Vice President , Safety, Health & Environment, Kenny Construction Company
Sarah Shortall	ACCSH Counsel	Office of the Solicitor, U.S. Dept. of Labor
Noah Connell	Designated Federal Official	Acting Director, Directorate of Construction, OSHA
Michael Buchet	Alternate Designated Federal Official	Acting Director, Office of Construction Services, Directorate of Construction, OSHA

The following exhibits were entered into the record during the course of the meeting.

OSHA-2008-0029-0002

Approved minutes of the May 15-16, 2008, ACCSH meeting

OSHA-2008-0029-0010	Hard copy of PowerPoint presentation entitled “BLS Occupational Injury and Illness Data” by Janice Windeau, Bureau of Labor Statistics
OSHA-2008-0029-0011	Hard copy of PowerPoint presentation entitled “OSHA Data Sources and Uses” by David Schmidt, OSHA Office of Statistical Analysis
OSHA-2008-0029-0012	Hard copy of PowerPoint entitled “Mast Climbing Platform Work Group Update” by Pam Susi, Center to Protect Worker Rights – The Center for Construction Research and Training
OSHA-2008-0029-0013	“Final Review Draft Recommendations from the CPWR Mast Climbing Work Platform Scaffold Work Group,” September 2, 2008
OSHA-2008-0029-0014	Memorandum to ACCSH from OSHA Assistant Secretary Edwin G. Foulke on the proposed modifications to the Hazard Communications standard and requests for ACCSH input
OSHA-2008-0029-0015	Letter from Paul Lagerstedt, Super Anchor Safety, and attached document entitled “Super Anchor Safety User Liability Questions”
OSHA-2008-0029-0016	“Successful Collaborations: OSHA Cooperative Programs and the Construction Industry” report
OSHA-2008-0029-0017	Approved report of the Multilingual Issues on Construction Work Sites Work Group meeting on September 10, 2008
OSHA-2008-0029-0017.1	“Fatalities and Fatality Rates in Construction” prepared by OSHA and distributed to the Multilingual Issues on Construction Work Sites Work Group meeting on September 10, 2008
OSHA-2008-0029-0018	Andrew McIntosh, “Nail gun maker warned in 2002 that their safety efforts fall short, documents show,” The Sacramento Bee (www.sacbee.com), June 28, 2008
OSHA-2008-0029-0018.1	“Nail-Gun Injuries Treated in Emergency Departments – United States, 2001-2005,” Morbidity and Mortality Weekly Report, Center for Disease Control and Prevention, April 13, 2007
OSHA-2008-0029-0018.2	Hester Lipscomb et al., “How Much Time is Safety Worth? A Comparison of Trigger Configurations on Pneumatic Nail Guns in Residential Framing,” 123 Public Health Reports July-August 2008
OSHA-2008-0029-0019	Hardcopy of PowerPoint presentation entitled “Recent Construction Incidents Under Investigation” by Mohammad Ayub, Office of Engineering Services, Directorate of Construction

Approximately 40 members of the public attended at various times, as were a number of DOL/OSHA representatives.

Mr. Smith welcomed the attendees, reviewed the agenda and asked the members to introduce themselves. He discussed the ACCSH mission, which is to advise the Secretary of Labor regarding standards that might be promulgated. Mr. Noah Connell, Designated Federal Official, greeted the members. Mr. Smith then asked for a moment of silence in memory of those who lost their lives in the events of 11 September 2001.

Michael J. Thibodeaux moved that the minutes of the May 15-16 2008 ACCSH meeting, as revised, be approved. The motion was seconded and passed unanimously.

The members discussed the dates for the next meeting, and decided to meet the week of 1 December 2008

Thomas L. Kavicky then moved that ACCSH recommend to OSHA that an ACCSH meeting be held in Chicago on February 19-20 in conjunction with the Annual Construction Safety Conference. The motion was seconded and passed unanimously.

The Chair recognized Venetta Chatmon for her work in support of the committee.

Residential Fall Protection Work Group Report

Mr. Thibodeaux presented the report. Attendance was good with 27 attendees. The Co-Chairs reviewed the actions taken by the work group at its May 2008 meeting.

Tom Trauger, Winchester Homes, gave a PowerPoint presentation regarding fall protection in residential construction. He showed a bracket system his company uses on concrete forms and basements; he also showed applications using anchor points, lanyards and harness when workers are installing dry wall in two-story foyers, installing windows or painting.

Jim Green, NIOSH, reviewed a pilot project focusing on wood frame construction (trusses). The project will begin in October and will look at test methodology, anchor systems and bracing patterns. NIOSH is partnering with Wood Truss Council of America (WTCA) and National Association of Home Builders (NAHB) and other interested groups.

Kirk Grundahl, WTCA, will do testing on wall and truss bracing through the end of this year. They are exploring having the bracing used in truss erection be the permanent bracing.

Jeremy Bethancourt, LeBlanc Framing, advised that although they use conventional fall protection they also use a written fall protection plan. They use the plan to train employees.

Dave Barber, Petersen-Dean, Inc., uses written fall protection plans and trains each of their 2,500 employees. They use a "Buddy System" when on roofs, and periodically inspect their fall protection systems. All workers tie off on roofs.

Tom Bobick, NIOSH, discussed the Adjustable Roof Bracket-Safety Rail Assembly being tested by NIOSH.

Work group participants were asked to share information on new fall protection products with the Work group so ACCSH can be kept aware of what is available.

The participants recommended that the residential fall protection work group continue to meet.

Frank L. Migliaccio, Jr. moved that the Residential Fall Protection Work Group report from the September 9, 2008, meeting be approved. The motion was seconded and passed unanimously.

Thomas A. Broderik commented in regard to the presentations to the work group that the committee is probably losing an opportunity to collect DVDs, videos, etc for the website, and that work groups should try to get permission to post materials presented to them. Sarah Shortall commented that they should get a hard copy, and the committee needs to be made aware if the materials are copyrighted.

Remarks of the Assistant Secretary

Assistant Secretary Edwin G. Foulke, Jr. said that he had just come from the 9-11 memorial event and commented briefly on the sacrifices of those who died in New York, Pennsylvania and the Pentagon. He welcomed the committee members and thanked them for sharing their expertise and insight to help OSHA do a better job. Mr. Foulke emphasized that the bottom line is that everyone can go home each night safe and sound. He said that OSHA and ACCSH are making a difference in providing a safe and healthy workplace.

Assistant Secretary Foulke said that workplace fatalities dropped 6% from 2006 to 2007, and the rate of incidents per 100,000 workers dropped to 10.3. Although 52 less people died in the construction industry than in the previous year there was a 2% increase in deaths resulting from falls. OSHA is developing a web page devoted to fall protection and prevention.

The Assistant Secretary said that it is vital to continue to work to improve workplace safety and health because one fatality is one too many. Toward that end we must improve our outreach to Spanish workers. Hopefully the numbers will continue to drop. This year (2008) appears to be down from 2007.

OSHA ramped up in preparation for hurricane season. Cleanup work is dangerous and OSHA can provide technical assistance to identify hazards. In Louisiana there are some 15,000 electrical workers involved in hurricane related work. The crews strongly focus on safety. As the restoration progresses, the focus will be on residential construction.

Mr. Foulke indicated that the Cranes and Derricks standard will be in the Federal Register in the next few weeks. He discussed OSHA cooperative programs which provide opportunities for businesses to work with OSHA to address workplace safety and health issues. Participants can expect to see their injury and illness rates significantly reduced, resulting in increased insurance savings. There are 14 new alliances, including a number with Regional and Area Offices. The VPP program has 80 companies involved, and the Strategic Partnership Program has an increase of 43% in the number of people affected. Mr. Foulke will be meeting with Clark Construction Group regarding implementation of health and safety management systems during construction of the National Military Medical Center in Bethesda, MD.

Global Harmonization is moving forward and will be the subject of a presentation to the ACCSH members later in this meeting.

The Assistant Secretary thanked Noah Connell for his service as Acting Director of the Directorate of Construction. The permanent selection will be announced within a month or so. Bill Parsons is the new Director of the Office of Construction Standards and Guidance, and David Zwolak is the new Director of Construction Services.

Assistant Secretary Foulke thanked Mr. Smith and the members of the ACCSH committee. He said he is looking forward to seeing the ACCSH recommendations regarding the 10 and 30 hour training, and hopefully through the efforts of the committee and OSHA the country will have a better trained workforce.

Mr. Thibideaux inquired about the status of the possible rescission of OSHA's Interim Fall Protection Compliance Guidelines for Residential Construction, STD 03-00-001. Mr. Foulke indicated that work is still ongoing.

Mr. Krull asked if there are any new developments in the situation in Las Vegas. Mr. Foulke answered that there have been meetings with construction companies and hotel representatives to emphasize the need for construction safety.

Mr. Krull inquired about reappointments to ACCSH. Mr. Foulke answered that the recommendations have been submitted to the Secretary of Labor for review.

Report of the Diversity/Women in Construction Work Group

The Work Group meeting was attended by seven ACCSH members and 11 others representing a variety of construction companies and labor associations.

After self introductions the co-chairs explained the ACCSH decision to separate the Diversity/Multilingual Work group into a Multilingual Work group and Diversity/Women in Construction Work Group. The floor was then opened for discussion of safety and health issues for women in construction.

Carmen Shafer of Shafer Safety Solutions presented fact sheets and statistical data on fatality, injury and cause of injury information for women in construction

Items discussed by work group included women's perception that construction is a dangerous occupation; the need for experienced and trained mentors to new workers; harassment and workplace violence issues; women's strengths and capabilities; appropriately fitting PPE and the need for appropriate instructions in PPE use for women; and ergonomic concerns.

The work group recommendations to ACCSH are to create a resource page on the OSHA website to include links to women in construction groups and associations; create a directory of suppliers of PPE for women construction workers; update the 1999 HASWIC study "Women in the Construction Workplace: Providing Equitable Safety and Health Protection; Invite manufacturer/supplier representatives to discuss PPE issues at future ACCSH and work group meetings.

The work group recommends that it continue to meet.

Tom Broderick moved that the Diversity/Women in Construction Work Group report from the September 9, 2008, meeting be approved. The motion was seconded and passed unanimously.

The work group report and presentation materials were entered into the record as OSHA-2008-0029-0004 through OSHA-2008-0029-0004.6

Report of the Silica Work Group

The meeting was attended by two ACCSH members and eight representatives of construction companies and associations.

After introductions the co-chair, Mr. Thomas Shanahan, reviewed the May meeting minutes, and opened the floor to discussion. The idea of creating a matrix to identify silica exposure activities and work practices that address reducing or eliminating them was debated. Mr. Walter Jones will create a draft matrix for the group to consider. The group members agreed to work on this draft before the next meeting.

The group discussed OSHA activities regarding silica. Mr. Dave Zwolak offered to have a representative from OSHA Standards and Guidance attend the next meeting and provide an update.

The group members feel that many in construction are unaware of the dangers of silica, and how effective control methods can be. Dave Zwolak offered to bring all OSHA documents related to the subject. Co-chair Shanahan mentioned that NIOSH has developed some documents and that he will contact Matt Gillen to assist.

The group discussed CALOSHA and New Jersey regulations and it was decided that the group should review those laws with an eye toward recommendations to ACCSH.

There were no action items to recommend to ACCSH.

The group recommends that it continue to meet.

Mr. Robert Krul (Silica Work Group co-chair) moved that the Silica Work Group report from the September 9, 2008, meeting be approved. The motion was seconded and passed unanimously.

The report on the Silica Work Group meeting of September 9, 2008 was entered into the record as OSHA-2008-0029-0005

Report of the Trenching Work Group

Seven ACCSH members and 15 others representing OSHA as well as construction companies, associations and Government agencies attended.

After introductions the co-chairs gave a brief overview of the crane summit held September 9th at the request of the committee.

