

**Advisory Committee on Construction Safety and Health (ACCSH)**  
 Minutes December 2, 2015, Meeting

U.S. Department of Labor  
 Frances Perkins Building  
 200 Constitution Avenue, N.W.  
 Washington, DC 20210

The meeting of the Advisory Committee on Construction Safety and Health (ACCSH) was called to order by Chairman Erich J. (Pete) Stafford at 8:34 a.m. on Wednesday, December 2, 2015. The following members and OSHA staff were present:

<b>NAME</b>	<b>SECTOR REPRESENTED</b>	<b>TITLE &amp; ORGANIZATION</b>
Alejandro G. Beltran	Employee Representative	Director of Training, International Union of Painters and Allied Trades
Christine M. Branche	Federal Representative	Principal Associate Director, CDC-NIOSH, and Director, Office of Construction Safety and Health, CDC- NIOSH
Kevin R. Cannon	Employer Representative	Director of Safety and Health Services, The Associated General Contractors of America
Steven L. Rank	Employee Representative	Executive Director of Safety and Health, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Cindy DePrater	Employer Representative	Vice President, Director Environmental, Health and Safety, Turner Construction Company
Roger Erickson	Employee Representative	MOST Administrator, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, AFL-CIO
Steven D. Hawkins	State Representative	Administrator, Tennessee Occupational Safety and Health Administration
Palmer Hickman	Employee Representative	Director of Safety Code Training & Curriculum Development, Electrical Training ALLIANCE

NAME	SECTOR REPRESENTED	TITLE & ORGANIZATION
Jeremy Bethancourt	Public Representative	Co-Owner and Program Director, Arizona Construction Training Alliance
Donald L. Pratt	Employer Representative	President & CEO, Construction Education and Consultation Services of Michigan
Thomas Marrero, Jr.	Employer Representative	Safety Director, OTS Holdings
Jerry Rivera	Employer Representative	National Director of Safety, Power Design Inc.
Erich J. (Pete) Stafford	Employee Representative	Director of Safety and Health, Building and Construction Trades Department of the AFL-CIO; Executive Director of CPWR-The Center for Construction Research and Training
Dean McKenzie	Designated Federal Office	Deputy Director, Directorate of Construction, U.S. Department of Labor - OSHA
Lisa Wilson	ACCSH Counsel	Office of the Solicitor, U.S. Department of Labor

**Opening Remarks**

**Speaker: Chairman Pete Stafford**

Chairman Stafford welcomed the attendees and requested self-introductions of the committee members and the audience. He provided an overview of the half-day meeting agenda. He also stated that, to the extent possible, the meeting would be open for public comment prior to the conclusion of the meeting.

**OSHA Update**

**Speaker: Mr. Kirk Sander, Chief of Staff**

Mr. Sander provided a brief summary of his background prior to OSHA and welcomed all the attendees and two new ACCSH members, Alex Beltran and Steve Rank, to their first meeting. He informed them that the Agency has been busy. He announced the new inspection weighting system, and that moving to this new system more complex inspections will have a higher value.

**Additional issues addressed include:**

**Safety & Health Program Management Guidelines:** The 1989 guideline was updated in the last month to add a multi-employer section at the end of the document. An invite was extended for participation at the December 9<sup>th</sup> public town hall meeting with Dr. Michael's to discuss this update.

**Whistleblower Protection Guidelines for Employers:** The Whistleblower Protection Advisory Committee put out a suggested update to the guidelines and it was released for public comment due by January 19<sup>th</sup>. The update is to help employers deal with employees who raise concerns.

**Severe Injury Reporting Rule:** The rule went into effect January 1<sup>st</sup>, 2015, and we're currently on track to hit 12,000 reports. We're getting 200 to 250 reports a week and inspecting around 35 to 40 percent depending on the region. Rapid response investigations are getting about 50 percent. We're putting out a class at the OSHA Training Institute (OTI) on incident investigations and developing a guide on incident investigations and non-accident investigations. It will be up for public view.

**The Confined Space Rule:** The agency has delayed enforcement until January 8, 2016. We are currently under litigation and in negotiations.

**Silica:** The agency is working very hard and moving forward on rulemaking. We hope to have something out by the end of the administration.

**Recordkeeping Modernization:** It's currently at the Office of Management & Budget (OMB) for review.

**Fall Protection Campaign:** The 2016 campaign Stand-Down will be held the week of May 2<sup>nd</sup>.

For a full account of Mr. Sander's presentation, refer to page 15 (Line 8) of the December 2, 2016 meeting transcript and Exhibit 1, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

**Directorate of Construction Regulatory Update**  
**Speaker: Dean McKenzie, Deputy Director**

Mr. McKenzie welcomed everyone and stated that Jim Maddux, Director, Directorate of Construction, who will be retiring at the end of December, was unable to be present due to illness. He then presented the construction update, which included the official date for the 2016 Fall Prevention Stand-Down scheduled for the week of May 2<sup>nd</sup>. We're pushing close to 4 million people being touched by this Stand-Down over the last 2 years. Confined Spaces is in full enforcement for everything but residential construction. We are still in pending litigation and hope to have that completed in the coming months. The residential extension will expire January 8, 2016. Silica is still in progress. Three weeks of hearings were conducted and thousands of comments submitted. The Crane operator qualification is very close in getting to

the clearance process. The Standards Improvement Project has a new item attached, SIPS 4 and is ready to go into clearance if we can get it into the system. Crane amendments came into ACCSH including adjusting the scope on forklifts and stabilizers. It's in SOL for review. A Small Business panel is being considered for the spring on Back-overs. Efforts are being made to get Back-over prevention rolling in June. Communication Towers is a big issue. We're close to having another joint FCC meeting in 2016, to try and keep moving forward on the issues. A new ANSI standard on Comm Towers is coming out. We're still working on the 1,300 comments from the RFI. We hope to have a best practices guide published in early 2016 on Communication Towers. The American Railroad Association filed a suit regarding the crane standard and we have settled the case, however, the settlement will require rulemaking.

For a full account of Mr. McKenzie's presentation, refer to page 35 (Line 4) of the December 2, 2016 meeting transcript, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

**2015 National Safety Stand-Down Update**  
**Speaker: Ms. Jessica Bunting, MPH, CPWR**

Ms. Bunting presented statistical data analysis information on the 2015 campaign Stand-Down and provided a comparison to the 2014 campaign data. The data was collected from the OSHA certificate of participation database. She provided pictures of successful events and a sample certificate.

For a full account of Ms. Bunting's presentation, refer to page 45 (Line 7) of the December 2, 2016 meeting transcript and Exhibit 2, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

**Eliminating Requirements for Employee Social Security Numbers from OSHA Standards**  
**Speaker: Mr. Andrew Levinson, Deputy Director, Directorate of Standards and Guidance**

Mr. Levinson indicated that the agency is proposing the elimination of all mentions of social security numbers in all of OSHA Standards in the upcoming Notice of Proposed Rulemaking for SIPS 4 in May 2016. In doing so, the agency is hoping this will help reduce identity theft and requested a recommendation from the committee to proceed on the proposal.

*Motion: Mr. Stafford moved that ACCSH recommend that OSHA delete requirements to include Social Security numbers in exposure monitoring and medical surveillance records. The motion was seconded by Steven Rank. It passed unanimously.*

For a full account of Mr. Levinson's presentation, refer to page 83 (Line 7) of the December 2, 2016 meeting transcript and Exhibit 3 & 4, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

## **OSHA Data Update**

**Speaker: Dr. Rebecca Bilbro, OSHA, Office of the Assistant Secretary**

Dr. Bilbro presented an update on the serious injury report data. She indicated that the data collected thus far wasn't mature enough to do a thorough analysis. However, the agency had five months of data that could be analyzed. The agency received 8,586 serious injury reports; 523 weren't valid because it wasn't necessary for them to be reported. There were 3,094 reports that resulted in inspections and 4,969 that resulted in rapid response investigations.

For a full account of Dr. Bilbro's presentation, refer to page 100 (Line 4) of the December 2, 2016 meeting transcript and Exhibit 5, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

## **Temporary Worker Initiative Workgroup Report**

**Speaker: Mr. Tom Marrero, Employer Representative**

Mr. Marrero presented the workgroup report. On Dec. 1, 2015 the workgroup began discussion of the recent NACOSH Temporary Worker Initiative (TWI) draft (initially began in April 2015) for the Injury/Illness Prevention Program (I2P2). The draft was constructed to assist OSHA in their efforts to address the TWI and to create guidelines that may assist host employers, staffing agencies, and others who supply temporary workers to keep them safe. The committee also discussed expanding the TWI to address other forms of temporary labor that was different than the host employer/staffing agency relationship, which is more relevant in the construction industry. The NAHB presented the committee with an insurance company handout that may assist in the effort that could be used as a guideline. The handout mainly focused on employee compliance and understanding. The consensus from the workgroup was guidance documents for employers be developed that aligned or compliment the document presented by the NAHB.

*Motion: Mr. Cannon moved that ACCSH approve the Temporary Worker Work Group report. The motion was seconded by Dr. Christine Branche. It passed unanimously.*

For a full account of Mr. Marrero's presentation, refer to page 114 (Line 15) of the December 2, 2016 meeting transcript and Exhibit 6, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

## **Training and Outreach Workgroup Report**

**Speaker: Mr. Roger Erickson, Employee Representative**

Mr. Erickson presented the workgroup report. On Dec 1, 2015 the workgroup began with the introduction of Ken Koroll, Director of the Office of Construction Safety Training at the Office of Training and Education. The workgroup revisited two agenda items; the Intro to OSHA module in both the 10 and 30 hour, and also the OSHA 502 update. Mr. Koroll reported that a revised Intro module was issued to pilot with a handful of Ed centers. The module remains at two hours. The recommendation had been to reduce the module to one hour. The module now contains 8 handouts versus 12; a reduction of slides from 48 to 36 and now the module takes an

average of 1 hour and 45 minutes. Workgroup participants provided suggestions as to how the 502 course could be modified to meet the stated goals of the course while also providing value to the program and students. The group also had a discussion regarding the foundations of safety leadership. Dr. Linda Goldenhar with CPWR - The Center for Construction Research and Training (CPWR) conducted a presentation on the status of the module, which is intended to be incorporated as an elective in the OSHA 30 hour training. The module is 2 ½ hours in length and covers key leadership characteristics.

*Motion: Mr. Stafford moved that ACCSH recommend that a DTE representative with authority be at every ACCSH Training & Outreach Working Group meeting and will respond in a timely manner to the Working Group's discussions and recommendations. The motion was seconded by Dr. Christine Branche. It passed unanimously.*

For a full account of Mr. Erickson's presentation, refer to page 143 (Line 6) of the December 2, 2016 meeting transcript and Exhibit 7, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

### **Health Hazards, Emerging Issues and Prevention through Design Workgroup Report Speaker: Dr. Christine Branche, Federal Representative**

Dr. Branche indicated that the workgroup discussed two emerging items of interest: 1) the potential for Construction Focus 4 Health, modeled in part on Construction Focus 4 Safety; and, 2) the potential for a noise app. It was recommended that OSHA consider supporting AIHA as it considers a proposal put before its Board to consider Focus 4 Health. The topics under consideration are temperature extremes; respiratory hazards; musculoskeletal illnesses; and noise. Furthermore, it was recommended that the effort begin with an emphasis on awareness across the industry. Additionally, it was recommended that OSHA considers packaging elements suggested by Scott Schneider into one app. It is not suggested that the Agency take on the development of the app, but compile the information. The group also discussed briefly Safety and Health Management Systems (SHMS).

*Motion: Mr. Bethancourt moved that ACCSH approve the Health Hazards, Emerging Issues and Prevention through Design Workgroup report. The motion was seconded by Mr. Alex Beltran. It passed unanimously.*

For a full account of Dr. Branche's presentation, refer to page 162 (Line 21) of the December 2, 2016 meeting transcript and Exhibit 9, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.

### **Public Comments**

#### **Mike McCullion, Director of Market sectors and Safety for SMACNA**

Mr. McCullion stated that he serves as chairman of a workgroup for ASSE, ANSI and the A10 Committee working on a Technical Report entitled "Prevention through Design for Construction and Demolition Safety and Health". The purpose of this Technical Report is to reduce injuries,

illnesses and fatalities in the construction industry by incorporating methods and features in the design stage and/or construction engineering phase of a new construction project and/or renovation or retrofit of an existing building or facility that make a building or structure safer and healthier to build, maintain, and demolish/deconstruct/decommission. This document is intended to provide guidance for designers, architects, engineers, constructors and owners/developers on these methods and features. Hopefully, a first draft will be available in 2016. Mr. McCullion welcomed any ACCSH input to the Technical Report moving forward.

**Kathy Stieler, Electronics Research/ Representative of the National Association of Tower Erectors, (NATE)**

Ms. Stieler discussed the need for a national minimum standard for the telecommunications industry. NATE recommended standard A10.48 “Criteria for Safety Practices with the Construction, Demolition, Modification, and Maintenance of Communications Structures” is under review and is expected to be out in 2016. A10.48 is a solid standard that will be efficient and effective with moving tower safety forward. It’s truly the only guidance document for access on tall towers and cluttered towers.

**Matt Compher, Senior Vice President of PLH Group**

Mr. Compher spoke about his support for the reduction of the Intro to OSHA for the 10 hour program. He believes we need to keep the 10 hour on hazards and use the 30 hour program for supervisor training. Mr. Compher also commented on temporary workers and encouraged the Committee to take a look at what that temporary definition means and what the repercussions of the temporary worker definition are.

Mr. Stafford wished everyone safe, happy holiday season and adjourned the meeting at 11:58 am.

For a full account of Public Comments and the committee’s ending discussion, refer to page 169 (Line 16) of the December 2, 2016 meeting transcript and Exhibit 10 & 11, in Docket No. OSHA-2015-0002 at <http://www.regulations.gov>.