

Meeting Minutes
The Maritime Advisory Committee for Occupational Safety and Health (MACOSH)
April 19- 20, 2011

The Maritime Advisory Committee for Occupational Safety and Health convened its first meeting of the reestablished committee under its new charter at approximately 8:30 a.m. on April 19, 2011, at the U.S. Department of Labor, 200 Constitution Avenue, Washington, D.C. 20210. The meeting adjourned at 2:34 p.m. on April 20, 2011.

In accordance with the provisions of the Federal Advisory Committee Act, Public Law 92-463, the full Committee meeting and the workgroup meetings held on April 19 and 20, 2011, were open to the public.

Committee members present:

James Thornton, Chairman – American Industrial Hygiene Association
Charles Lemon – Washington State Department of Labor and Industries
George Lynch – International Longshoremen’s Association
Tim Podue – International Longshore and Warehouse Union
Donald Raffo – General Dynamics
Philip Dovich – Marine Chemist Association
Ken A. Smith – U.S. Coast Guard
Captain Cheryl Fairfield Estill – National Institute of Occupational Safety and Health
Christopher John McMahon – U.S. Department of Transportation
Kelly Garber – APL Limited
Arthur T. Ross – Texas Terminals, L.P.
Karen Conrad – North Pacific Fishing Vessel Owners Association
Robert Godinez – International Brotherhood of Boilermakers – Iron Shipbuilders

OSHA Committee staff in attendance:

Joseph V. Daddura, Designated Federal Official
Susan Brinkerhoff, Counsel
Veneta Chatmon, OSHA Exhibits Manager
Christie Garner, Administrative Assistant
Danielle Watson, Shipyard Workgroup Representative
Vanessa Welch, Longshoring Workgroup Representative

Staff of the Occupational Safety and Health Administration in Attendance:

Dr. David Michaels, Assistant Secretary, OSHA
Dorothy Dougherty, Director, Directorate of Standards and guidance
William Perry, Deputy Director, Directorate of Standards and Guidance
Stephen Butler, Director, Office of Maritime Enforcement
Paul Comoli
Christie Garner
John Voss
Jack Reich
Randy White
David Schuler

Members of the Public in attendance:

Chairman Thornton introduced himself and welcomed the new committee to the first meeting of the reestablished MACOSH committee. Mr. asked the committee to review the minutes of the last MACOSH committee minutes and provide comment. Hearing no comments from the committee, the document entitled “Minutes of the MACOSH meeting” was entered into the Docket under OSH-2011-0007 as Exhibit 2.

Mr. Thornton discussed the agenda with the committee. The document entitled “MACOSH Agenda” was entered into Docket OSH -2011-0007 Exhibit #1.

Opening Remarks
Dorothy Dougherty, Director
Directorate of Standards and Guidance

Ms. Dougherty welcomed the reestablished committee and thanked them for accepting their positions as members of the Maritime Safety and Health Committee. Dougherty talked about the accomplishments of the preceding committee and its development of several guidance products as well as reviewers of several OSHA guidance products. She informed the committee that this committee has been the model committee for the Agency and others are trying to figure out the secret. Ms. Dougherty gave the committee a brief synopsis of the agenda, which included presentations from various Directorates in OSHA and Departmental personnel, a review of the previous committee’s accomplishments, and a workgroup breakout session to brainstorm future work products. Ms. Dougherty apologized to the committee for the late meeting notice and informed them of the Federal Advisory Committee Act requirement to provide 15 days advanced notice to the public. She reminded the Committee that all of the full MACOSH committee meetings and workgroup meeting are open to the public. Ms. Dougherty Thanked Chairman Thornton for accepting the position as Committee Chair, and recognized the OSHA staff for their hard work. Next, Ms. Dougherty asked as Joseph Daddura, Director, Office of Maritime Standards and Guidance, MACOSH (DFO), Susan Brinkerhoff, Office of the Solicitor – OSH Division, Committee Counsel, and the MACOSH members, the DFO, and Committee Counsel to give a little background on their role and interests in MACOSH.

Ms. Dougherty turned the floor over to Chairman Thornton. Mr. Thornton directed the committee to page 12 of MACOSH handbook and them, especially the new members to peruse through, the minutes, so they could get a sense of the kinds of things MACOSH was working on at the end of the last charter. The minutes were entered into the record under Docket OSHA-2011-0007 as Exhibit 1.

MACOSH accomplishments/recommendations
Joseph Daddura, Director
Office of Maritime

Mr. Daddura to talk about some of the previous committee’s accomplishments and the items that were carry-over items for the current committee. The previous committee produced and reviewed several products such as, quick cards, fact sheets, and guidance documents. The products listed below were given to OSHA for publication, Quick cards: First Aid in Marine Cargo Handling, Gangway Safety in Marine Cargo Handling, Lifesaving Facilities in Marine Cargo Handling. Guidance documents: Ro-Ro, and Rigging, Shipbreaking, Longshoring and shipyard pocket guides/digests, and the Safety and Health Injury Prevention Sheets (SHIPS). **Carry over items from the previous committee:** Evaluations of Regulations of 1915, Subpart C, "Surface Preparation and Preservation; shipyard related employment; electrical arc flash; scaffolding and fall protection for safety of workers involved in intermodal container repair, break bulk cargo handling in marine terminals safety, traffic lane and safety zone in marine terminals, traffic lane and safety zone in marine terminals, controlling speed in marine terminals “guidance language” to be inserted into traffic safety in marine terminals guidance document, marine cargo handling terminals with on dock rail capabilities, dealing with stuck cones in corner castings of containers, mechanics working in “the yard” in marine cargo terminals, mechanics working on power equipment in “the yard” in marine terminals, safe plugging and unplugging of reefer container units in marine terminals. Mr. Daddura explained the difference in the various guidance products. Mr. Daddura also explained the dynamics of the two workgroups (shipyards and longshoring and marine terminals) and how they work together in regards to the full committee and the work products they produces and submit to OSHA. The document entitled “Maritime Advisory Committee Recommendation/Accomplishments 2008 – 2010“was entered into the record under Docket OSHA-2011-0007 as Exhibit 2.

Chairman Thornton perused through meeting agenda and provided a brief description of some of the agenda items. The document entitled "Meeting Agenda for MACOSH, April 19-20, 2001" was entered into the record under Docket OSHA-2011-0007 as Exhibit 3.

Welcome – Opening remarks

Dr. David Michaels,
Assistant Secretary for Occupational Safety and Health

Dr. Michaels welcomed the Committee and informed the Committee that on January 25th the Secretary of Labor signed the charter reestablishing MACOSH and selected the to begin serving. The last MACOSH meeting was in July 2010 and it has been a while since MACOSH has met. There are seven new members, and eight returning members. This is the most diverse MACOSH committee in OSHA's history; and, it brings diverse views and members from across the country. OSHA is extremely grateful to the selected members as part of this committee to advise the Agency. Michaels told the committee, "I greatly look forward to working with you. I've heard nothing but good things of the work of this committee in the previous version; and your great chairman, Jim Thornton, and so you really have quite a legacy to uphold. This has been one of the most active and productive advisory committees in the agency." The committee has developed and produced a number of materials that had been very important to OSHA and to the maritime industry. Under the previous committee, OSHA Public guidance products, including roll-on, roll-off ship and dock safety, and safety health prevention sheets for rigging. The Director of Standards and Guidance is considering 15 additional products. Two of the products will be published soon: Fall projections for commercial fishing and Working safely in confined spaces in fishing vessels, which will be a very important contribution to the safety and health of workers across the maritime industry.

Subpart F -- OSHA will soon publish a final rule for Subpart F, General Working Conditions in Shipyard Employment. The rule will update and clarify regulations in workplace safety health in shipyards.

Japan Disaster -- It appears that the contamination coming from Japan has been extremely low, a level below OSHA's standard. OSHA continues to monitor the situation very carefully. OSHA has been working very closely with the Coast Guard and the Customs and Border Protection to keep stevedores and longshoremen informed of all the actions taken to ensure that workers are protected. Regular monitoring is being conducted to protect workers. Michaels thanked workers and their unions for their cooperation and assistance as OSHA works to put procedures in place. OSHA has been part of an interagency team based out of the White House. John Ferris and Denise Matthews of OSHA's Emergency Response Directorate are leading OSHA's efforts. The emergency management team was involved in monitoring and responding to the issues around the Deep Water Horizon oil spill last year.

Budget – Dr. Michaels told the committee that he is very pleased that the committee was able to meet today. He stated that it was some weeks ago there would have been discussions about the likelihood of a meeting. Fortunately, a budget agreement was reached. Although the budget was originally passed by the House of Representatives, OSHA received a very large cut in funding. However, it did not move forward and in the final budget agreement, OSHA kept its funding. Michaels stated, "Without adequate funding, we can't proceed and your work is very much dependent on that".

OSHA at 40 – In two weeks, April 28, will be OSHA's 40th anniversary. 40 years ago, the OSH Act went into effect and the Department of Labor started the Occupational Safety and Health Administration. Michaels told the committee the OSHA's change over the past 40 years has really been a remarkable change and we take OSHA for granted now, and assume the workers have the right to a safe work place. In 1970, about 38 workers died on the job every day from injuries. With the workforce now that is almost twice as large, there are about 12 deaths a day, so the impact has been huge. Some of the impact is obviously based on industry mix and some industries moving overseas or closing, but in fact the industries in the US have are safer across the board. However, there are still over 4,000 fatalities a year and 3 million injuries or more are reported every year, so there is still a ways to go. Dr. Michaels told the committee, "I think together we've had a great impact." OSHA will have a number of upcoming events to recognize 40 years of OSHA.

Deep Water Horizon catastrophe – April 20 is the one-year anniversary of the explosion on the Deep Water Horizon that killed 11 workers, and subsequently resulted in an oil spill where millions of gallons of oil were released into the Gulf. OSHA played an active role in the aftermath to ensure workers involved in the clean-up stayed safe and healthy. Several agencies mobilized at OSHA and worked very closely with NIOSH and the Coast Guard to ensuring that the health of the 60,000 "clean-up" workers on boats and on the beach were protected. There were no fatalities and very few

injuries and illnesses were reported. OSHA focused very much on heat stress. The spill beginning in April with the oil spill reaching the beach in May and, the clean up began in May and went through July. Workers were working in hundred-degree or more temperatures, and high humidity. They were wearing Tyvek outfits in some cases, chemical resistance boots, gloves, and in some cases, hardhats. The risk of heat exhaustion and heat illness was high. With the help of the Coast Guard, OSHA implemented a work rest matrix used by the military. Although there was hundred of heat stress reported, and workers were taken off work, given hydration, in some cases actually taken to emergency rooms, there were no serious illness and no fatalities from heat stress. Every year dozens of people die from heat across the United States. This summer OSHA will focus on heat stress around the country. OSHA believes this is scenario where they could have an impact. Dr. Michaels informed the committee that Mary Ann Garrahan would provide the committee with a complete presentation of OSHA's in the Gulf. Dr. Michaels told the committee that he is counting on them and their perspective to help OSHA fulfill its mission to keep workers in the maritime industry safe and healthy on the job every year. OSHA is committed Secretary Hilda Solis's vision "good jobs for everyone". OSHA understands that the only good jobs are safe jobs. Michaels then told the committee, "If there's anything I can do or the Director of Standards and Guidance, run by Dorothy Dougherty, can do to make your work more productive, please let me know". Dr. Michaels thanked the committee and requested that the committee commemorate the day with a photograph. Dr. Michaels asked the committee to introduce themselves and provide a little background on their experience in the maritime industry.

After the introductions, Dr. Michaels provided the committee with more information about OSHA's 40th anniversary. Michaels stated that OSHA is not going to be huge activity because OSHA feels that there are better things to spend money on. OSHA has a short video will be on the OSHA web soon. In the video, you will see many of the points in OSHA's history are its standards, because standards have had a big impact. Some OSHA's programs were not as well represented there, but they are certainly in the video as well. The worker, the advisory committees, the guidance products, things like that, are not as easy to point to a specific guidance practice, there are so many of them. OSHA will host an event at Center for American Progress. OSAH will talk about efficient government.

Injury and Illness Prevention Programs – Dr. Michaels told the committee that the injury and illness prevention program is OSHA's the most all encompassing regulatory initiative. The standard is attributed to what OSHA has learned about ways to reduce risks, injuries, and chemical exposure in workplaces. Those employers doing a good job understand safety and health management systems have to be used by all employers in the country who have hazards in their workplace. OSHA is not getting away from specific standards, like silica or confined space, and OSHA is working on those important rules. However, OSHA realizes that they need to go beyond those types of standards for several reasons. Standards cannot address every hazard. There are many hazards that OSHA just cannot have a specific standard for. OSHA believes that by having a safety management system in place workers and their employers can move toward embracing a culture change. A day or two after Dr. Michaels started with OSHA; Jim Thornton told him "You know every employer has a management system for safety and health, just not all of them know it. Dr. Michaels said that he has never forgotten that statement. The injury and illness prevention programs will leave it to the employer to figure out their hazards and involve their employees while addressing those hazards, and come out with a plan on how to address those standards. OSHA is wrestling with the standard, because this is different turf. OSHA is not going to be able to go in and enforce the standard as they would a traditional standard. OSHA wants employers to set goals. OSHA is not going to enforce those goals, but want them to say how they are going to improve safety and health and how they are going to prevent injuries and illnesses. Dr. Michaels told the committee that he would like their input on the standard. OSHA has been working for the standard for a year and it will be going to the small business process soon with some proposed regulatory text. OSHA will be looking to get input from small business employers first. Dr. Michaels told the committee that it would be very important for them to get involved in this and to have discussions, either as a group or just individually, and get the information to OSHA.

Chairman Thornton stated, "I think I'm speaking for myself here, but I think we are 40 years into the agency's history and perhaps some would argue that you might have an 12-P2 standard, might have been one of the first standards that OSHA might have drafted in its infinite wisdom, but maybe better late than never. So perhaps this industry or this committee might help play a role and help shape the particular standard".

Chairman Thornton, Don Raffo, Tim Podue, and Philip Dovich commented on Michaels' statements regarding OSHA's injury and illness prevention programs. All of the commenter's stated that the standard would be very helpful for small employers and they would be happy to provide OSHA with any assistance needed. Ken Smith stated that safety management systems have become very popular on coast guard vessels and facilities and that safety management system

is broad and a safety and health plan would need to be a key component in a safety management program. Mr. Smith also stated that the Coast Guard is look further into the Coast Guards regulations that have a concept similar to OSHA's the injury and illness prevention programs. Dr. Michaels asked Mr. Smith to gather more information about exactly what the Coast Guard is doing so that OSHA and the Coast Guard could harmonize their move in the same direction. Dr. Michaels encouraged the committee and the public's participation in the rulemaking process.

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Q: Mr. Dovich asked why is it that it seems that OSHA is increasing penalties for violations, and what OSHA is planning to do to show the maritime industry that OSHA is not only interested in penalties, but is more interested in helping the industry accomplish safety and health for workers.

A: Michaels explained how the penalties are assessed and stated that some larger companies are not impacted by large fines so larger fines do not bother them as it relate to safety. However, there are employers that are encouraged to do the right thing when it comes to safety, and they know they face OSHA violations with citations and penalties attached. For those employers doing the right thing, OSHA can help them, because they either need either education, or resource. That is where the OSHA consultation program can help. The consultation program is an OSHA program, but it is not an enforcement program and does not impose penalties. They do provide resources, education, and hazard awareness to employers seeking help. OSHA conducted 50,000 site visits last year. Although the consultation program is an OSHA funded and monitored program, it ran by the State government.

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Directorate of Standards and Guidance update
Bill Perry
Deputy Director, Directorate of Standards and Guidance

Mr. Perry welcomed the committee and thanked them for agreeing to serve on MACOSH. Perry talked about OSHA's upcoming rulemaking projects and explained what OSHA the process mandated by OSHA's Occupational Safety and Health Act as well as several other pieces of federal legislation to issue a final rule. Prior to issuing a proposed rule OSHA must comply with the Small Business Regulatory Enforcement Fairness Act. OSHA regulatory projects listed on the regulatory agenda:

1915 Subpart F – General Working Conditions in Shipyard Employment will be published soon.

Q: Mr. Thornton asked if the maritime industry will be allowed a grace period to comply with the new standard.

A: Mr. Perry explained, that standards are not effective the day of publication, in some cases, industry is given a grace period from 60 to 90 days to comply with new OSHA standards, or sometimes certain phases provisions of the rule may be phased in to allow employers to come into compliance with the rule. Subpart F is reflective of current industry practices and technologies. This standard has specific requirements for control of hazardous energy, lock-out/tag-out provisions. The lock-out/tag-out provision was previously proposed in the General Industry standards. However, after receiving a number of comments from the maritime industry, OSHA found that the general industry rule would not work for the Maritime industry. Several other areas of the standard have changed, for instance, motor vehicle safety, medical services, and first aid.

Hazard communication – OSHA is revising the hazard communication standard to conform to the globally harmonized system of hazard communication. Parts of hazard communication that are affected by this rule will be the process for making hazard determinations and to assess hazards of chemicals, which will become standardized under GHS than it is under the current standard. In addition, once the standard becomes effective, signs, labels, and material safety data sheets will all have common pictograms and hazard phrases that must be used throughout the standard. This should mean that different material safety data sheets from different manufacturers with the same chemical products should read the same with respect to the hazard statements in pictographs.

Q: Chairman Thornton asked would the standard affect manufacturers and suppliers more than users.

A: Mr. Perry stated, “My sense would be in general yes, because they're the ones that probably generate the labels and safety data sheets. However, downstream users, if they're reformulating or they're creating their own chemical products, are going to have to generate their safety data sheets for their product as well. An absolute or end user not supplying chemicals will not have to generate safety data sheets, because they would be considered as the customer. Employers will however, have to train their workers in the new system, particularly how the pictograms and hazard phrases mean. There is training requirements for the downstream users. Upstream companies will have to do both, in terms of generating the SDS's and labels, and training their workers as well”.

The record closed last year and OSHA is analyzing the record and developing regulatory options and decisions for final action. The standard should be published in August.

Walking working surfaces – The standard revises Subparts D and I OSHA’s General Industry Rule that addresses primarily falls from heights and fall protection systems. Subpart I will be a new subpart that incorporates requirements from many different kinds of consensus rules on the design criteria for personal fall protection systems. The proposal was published last year and hearings were held this past January. There were a few large issues that came up in the record, rope descent systems, and the concept of a qualified climber. These issues actually came up in the prior proposal back in the 90’s when OSHA last proposed to revise these sections. OSHA had provisions dealing with a qualified climber. A number of people commented on that provision, and what was called fall protection for rolling stock (material on train cars, and trucks, etc). Some if the revisions in the rule will make the General Industry rule similar to some aspects of the construction rule. There is no date for issuing a final rule, because the rule is not that far developed.

Standards Improvement Project – Recently, President Obama issued a new executive order calling for increased transparency in rulemaking in consideration of impacts, particularly on small businesses. Part of that executive order addresses evaluating the effectiveness of standards and getting rid of obsolete or unnecessary requirements in standards and easing the burden on employers to comply while maintaining the effectiveness of standards. OSHA has been out in front of this game for some time with its standards improvement project, which is an effort by OSHA to clean up some of their rules, get rid of obsolete, redundant, duplicative requirements.

OSHA issued two final standards in prior years to accomplish this, and the third phase is nearing completion now. OSHA proposed a number of requirements and about 27 different standards in general industry, construction and maritime. OSHA does not believe that the changes made has had a material impact on safety nor the burden imposed on employers, but will make OSHA standards easier to comply with because they'll be simpler. OSHA is developing a final rule now. OSHA published a proposed rule again last summer and only received 16 comments on that rule, so there wasn't a large record to analyze, and OSHA is developing a final rule now, which is scheduled to be in June.

Electric Power Generation is Subpart B -- Covers electric power generation, transmission and distribution, a highly complex standard that requires a lot of electrical engineering. Chairman Thornton asked Mr. Perry to explain the slide in his presentation that stated "will make the general industry construction standard uniform." Perry stated that the standard revises parts of the Subpart B construction to make it more consistent with requirements in general industry; and it only deals with sort of power generation and distribution stations transmission points. One of the big issues that came up in the rulemaking and one of the reasons OSHA reopened the record, was the minimum reproach distance. It covers how close workers can get to power lines when they have a certain amount of voltage running through them before personal, protective equipment is needed. As OSHA was developing the final rule the IEEE consensus committee discovered a mistake in their model for estimating minimum reproach distance, so OSHA had to go back and reevaluate all the data, reopen the record to get additional comments, which caused a delay in getting the standard out. Subpart B should be published within this calendar year.

The MSD column – This is a modification to OSHA's recordkeeping requirements, specifically would modify the OSHA 300 log with an additional column for employers to check a box if a recordable injury was a muscular skeletal disorder. This was actually a requirement that OSHA had in effect some time ago and then the column was withdrawn, now OSHA is proposing to put the column back in. OSHA published a proposed rule January of 2010, held a public meeting similar to a hearing, but it wasn't technically a hearing. A few months later OSHA received numerous comments, and decided after publishing the proposal and looking at the comments, to OSHA decided to work with the Small Business Administration to get additional small business input. Last week OSHA held a series of conference calls with those small business representatives to get additional input on what their concerns were with respect to adding this MSD column to the OSHA injury and illness log. The notes from the conference call will be entered into the public record and OSHA will publish a Federal Register notice announcing the opening of the record to solicit additional public comment in response to the teleconferences. OSHA will analyze all the comments and will make a decision on its position.

Combustible dust – OSHA published an advance notice of proposed rulemaking to solicit additional data and comment. OSHA held stakeholder meetings, and determined that they need to engage in the SBREFA process. OSHA is developing regulatory options and a regulatory flexibility analysis that will be needed to engage small business owners and get additional comments, opinions, and ideas from them.

Crystal and silica -- This rulemaking is a very large rulemaking, probably one of the largest health standards OSHA will have issued. It covers 21 broad, general industry, construction and maritime sectors, and about 22 million workers potentially affected the vast majority in the construction industry. Crystal and silica is still a problem in this country today. There's been vast improvement with silica exposures and declines in silica related disease over the last several decades. Nevertheless, still today, about 160 or so deaths per year are recorded where silicosis is identified as the cause, either the principal cause or underlying cause of death that OSHA is aware of. Undoubtedly, many other silicosis deaths are not detected. In addition, the death toll from silica related lung cancer and obstructive pulmonary disease and renal disease that are not counted in that figure. OSHA believes the toll is actually much higher than these particular statistics indicate. OSHA is expecting to issue a proposed rule that will be a comprehensive health standard, very much like other OSHA health standards establishing a permissible exposure limit and having a variety of other ancillary requirements covering medical surveillance, worker training, exposure assessment and various other requirements. The draft proposed rule is currently under review by OMB. It could be published a proposal as early as May or June, depending on OMB's approval for publication.

Beryllium – OSHA completed a scientific peer review of a risk assessment and revised the assessment based on that review. OSHA is going to conduct a peer review of the draft economic analysis for the standard and will be issuing a proposal, but there's no date for publication yet.

Infectious diseases -- In very early stages, OSHA published a request for information last year and received very useful comments. OSHA is trying deciding how to approach the problem. OSHA is continuing to collect information on risks, and the regulatory options, and the scope of coverage should be for those standards. A lot of focus on the healthcare industry, but there are other industries OSHA should be looking at as well. This standard is in the early stages of development.

Injury and Illness Prevention Programs – OSHA's number one regulatory priority and is something that OSHA intends to move as quickly as they can. In 2008: 3.3 million serious injuries, 4300 fatalities; and these cost the U.S.

economy about a billion dollars per week for workers compensation cost alone, and that's not including some of the other direct costs that are associated with these events. OSHA is looking at all of the core elements and has not made any decisions with respect to the scope or the content of the proposed rule. Injury prevent programs, safety and health management systems, or safety and health programs, whatever they are called, need to have certain basic core elements that are important for an effective program. The core elements of the program should include: management duties or management commitment to establish policies and set appropriate goals; employee participation; maintaining and evaluating the program; hazard identification and assessment; identifying hazards; conducting workplace inspections; assessing and prioritize hazard abatement; developing hazard identification tools and deciding which hazards need to be controlled; controlling and evaluating hazards and; evaluating the effectiveness of those controls; and education and training to make ensure the controls maintain their effectiveness.

Evaluating the program -- Is it working? How well is it working to correct deficiencies? This is probably where the continuous improvement aspect is felt, always looking at how well the program is working and ways to improve the performance of it; and then communication of multi-employer worksites, a very important aspect and employers will have to work together effectively. OSHA has been conducting outreach and education and talking to people to learn what makes for effective programs. OSHA has held five stakeholder meetings and summaries of meeting notes are available on OSHA's website. 217 people participated representing various organizations: large and small employers, labor unions, professional trade associations, and even some individual workers at some of the meetings. What OSHA learned from the testimony is that the standards should be flexible, yet enforceable. Standards should be simple, yet detailed and safety committees are effective, but may conflict with National Labor Relations Act. Management systems are desirable, yet small businesses may not implement them. OSHA should write a performance standard, but tell employers and compliance officers exactly what is required. The industry and OSHA are struggling to figure out if any standard should be a performance standard. It would appear that this is a performance standard, but what are the expectation of this standard? What does OSHA really want people to do? Everyone should have a written program, but written programs tend to sit on a shelf unimplemented. This standard is going to be complicated, definitely doable. However, it's certainly going to be a challenge to find just the right balance between the degrees of specification and permitting employers the flexibility they need to implement the right kind of program for their establishment. OSHA is moving towards SBREFA process in a couple of months. Once OSHA gets to the stage where they have recruited some small business owners, OSHA will engage them in teleconferences. The teleconferences are usually held in Washington, D.C., and they are open to the public. OSHA has been performing many outreach and education efforts. OSHA has designed a new web page that goes live today for injury and illness prevention programs. The new web page will replace OSHA's topics page, and it features Chairman Thornton. OSHA will be holding a roundtable meeting at the Industrial Hygiene Conference in Portland, Oregon next month on injury and illness prevention programs. Mr. Perry concluded his presentation and opened the floor for questions from the committee and the public.

Q: Chairman Thornton asked if there's anything, the committee could provide OSHA with help on.

A: Perry responded, "We could talk about injury and illness prevention programs either information collection efforts or some sort of activity that would be helpful".

Q: Mr. Garber informed Mr. Perry that Washington State and California already have injury and illness prevention programs. He went on to ask would those state programs meet the requirement for OSHA.

A: Perry responded, "It's too early to tell. We've looked at all of the state requirements. I think there were over 20 states that have some kind of injury and illness prevention program requirement on the books now, and of course, they vary amongst themselves. So certainly, we're looking at them."

Q: Mr. Lemon asked if the lock-out/tag-out provisions in Subpart F apply to 1917 and 1918.

A: Mr. Perry informed Mr. Lemon that the provision did not apply to 1917 and 1918.

Mr. Perry stated, In particular, that could be useful to OSHA where you think the General Industry Rule doesn't work or isn't effective. What we're really interested in is how would a program for longshoring need to be different in order to be effective." Mr. Lamaestra with Pacific Maritime stated, "Our concern is that we provided electronically for a large number of our employers on the West Coast and if this comes into effect, it is not an easy fix. We need time in order to fix those electronic documents and everything, because it really does get us into a quagmire. Therefore, if this does happen, we really do need some heads-up and some time to put this all together. Mr. Perry stated, "I appreciate the comment. The implementation period is something the project team is having a lot of discussion on. We know chemical companies can't just turn around over night. Some of them are doing this now with their MSDS's and labels, because they market overseas, and some countries have already adopted GHS. Time is something that we have to consider."

That concluded Mr. Perry's presentation. Mr. Perry's presentation "DSG Standards and Guidance Update", dated May 2011 was entered into the record under Docket OSH-2011-0007 as Exhibit 4.

Federal Advisory Committee Act
Nalini Close,
Committee Management Officer, Department of Labor

Ms. Close introduced herself as the Committee management officer at the Department of Labor. The CMO is responsible for overseeing advisory committees to ensure compliance with the Federal Advisory Committee Act (FACA). FACA was passed by congress in 1972 to promote public participation and transparency in government while limiting the undue access of special interests.

Under FACA, committees generally exist for limited duration. Meetings must be announced in the Federal Register at least 15 prior to the meeting, and they are open to the public with public access being provided to committee of records. Committee membership must be balanced with respect to the viewpoints represented when compared to the committee's purpose. Members generally serve defined terms and committee advice resulting from the committee's work must be from the committee's independent judgment. MACOSH is a discretionary advisory committee that was established by the Department of Labor under its own authority rather than being mandated by law. It is subject to the Federal Advisory Committee Act and must operate in accordance with it. In addition to FACA's requirement that each department sponsoring advisory committees have a CMO, each committee must also have a designated federal officer who is responsible for managing the committee. Joe Daddura is the DFO for MACOSH. The DFO must be present at all committee meetings, may adjourn committee meetings when it is in the public interest to do so. The DFO is also responsible for taking minutes at all meetings, which must be available for public inspection after being certified by the chair within 90 days of the meeting. In fact, the DFO is responsible for maintaining all committee records for the duration of the committee, and the records must be made available for public inspection as well. Additionally, the DFO may be called to serve as the committee's chair and is required to prepare an annual report on the committee's activities.

FACA requires that all committees be chartered. The charter is the committee's governing document, and sets forth the committee's purpose, scope, and membership plan. Charters generally expire within two years. However, a committee cannot operate without an active charter on file. Ms. Close informed the Committee that they should have all received the committee's charter with their appointment letter and urged the committee to review the charter to understand how they assist the department. Ms. Close directed the committee to contact the Joe Daddura (DFO) if they have any questions. Just as charters expire within two years, committee members generally serve defined terms. MACOSH members normally serve two-year terms at the discretion of the secretary. In the realm, the advisory committee's quorums are generally insufficient, and the absence of even one member can affect balance, which may undermine the work product of the committee. Information regarding committee meetings, membership costs, and reports can be found at the government's public database on advisory committees, which can be found at www.fido.gov. Ms. Close told the committee, "I urge you to refrain from discussing committee business during breaks from the meetings or via e-mail, and, even in the meeting setting, please understand that the discussion must be limited to the announced agenda. The DFO or the committee's chair should guide the discussion to stay on point, and, by law, the agenda must be set by the department and not by the committee. Likewise, decisions to call meetings, to use workgroups, or anything else that requires expenditure of federal funds must be made by the department. While the department values the committee's participation, the role as a committee member does not entitle members to speak on behalf of the United States or the Department of Labor. Additionally, if a committee member is approached by the press or the public regarding matters related to the committee's service, contact Joe Daddura (DFO) for guidance as to how to handle. The recommendations that you collectively work towards will be submitted to the secretary through OSHA and will be filed with the Library of Congress. The recommendations must be rendered from the committee's independent judgment, and will receive due consideration from the department. Ms. Close told the committee that the Department appreciates their willingness to assist the department. She urged the committee keep her comments in mind. There are no civil or criminal penalties for failing to comply with FACA, but there could be other consequences for non-compliance, such as the department being enjoined from using committee recommendations or facing congressional scrutiny or scrutiny from the press. Ms. Close informed the committee that they should have received a FACA booklet with their appointment letters and if they needed another copy to contact Joe Daddura. With that, Ms. Close concluded her presentation of the Federal Advisory Committee Act.

Ethics Presentation
Rob Sadler, Ethics Official
Office of the Solicitor

Mr. Sadler introduced himself and informed the committee that he was there to talk to them about their role as representatives. Mr. Sadler also informed the committee that the ethics materials could be found behind tab 9 of their handbook. Sadler instructed the committee to ignore the ethics pamphlet “special government employees” and informed the committee again that they serve as representatives. There are two different, of advisory committees. One that is composed of special government employees; and the second, which is the more common variety, who are representing particular viewpoints, or particular organizations that had been brought to the committee because of that viewpoint. MACOSH falls into this the latter category for non-federal individuals, because members are not employees of the United States Government.

Although Mr. Sadler informed the Committee that they fall under the “representative” category, because none of them is Federal employees, Susan Brinkerhoff informed Mr. Sadler that the Committee did indeed have three federal employees on the roster.

Mr. Sadler instructed the committee to call him or Joe Daddura, if they had any ethics questions. Mr. Sadler told the federal members on the committee that the “ethics rules for federal employees” does apply to them. He also told the federal members if they had questions, they are welcome to ask him, but informed them that they have employing agencies and really, under the ethics rules, they are supposed to go to your ethics official. However, because it involves MACOSH, they can certainly feel free to call him if they have questions.

Q: Chairman Thornton asked if the first part of tab 7 would apply to the three government employees.

A: Mr. Sadler stated, “I could be wrong, but my understanding was that it's tab 9 and, actually, there are full-time employees, special government employees, and non-federal employees. Actually that portion, part does not apply to anybody on this committee, whether you're full time employees or you're representatives to the committee”. Mr. Sadler told the committee that tab 9B is the relevant information for those persons on the committee who are representatives. For those members who are full-time government employees, their agencies would probably have copies of their ethics rules.

Mr. Sadler directed the committee to the second page of interior of the document and explained there are ethics officials like him with every executive branch agency. The positions were enacted by Congress 1978, and since then, rules have been developed govern government-wide for all federal employees to follow. Serving on an advisory committee makes members subject to certain of requirements. **Misuse of government resources** -- When engaging in activities or authorized activities of the advisory committee, members are certainly welcome to make use of government resources that are made available to them to help carry out functions of the committee. Examples of misuse of government resources can be found in the ethics document provided to the committee. **Misuse of government information** -- during the course of the Committee’s work the committee may share information with one another by the agency that is confidential. All meetings are held in the public domain, things that are given to and made privy to the committee will generally become available to the public. If the committee has questions about whether information that has been distributed is releasable in terms of being made public, they should ask Joe Daddura. Again, the committee was provided with some examples of information that may fall into this category. The last topic, at the bottom of page 3, is probably the most important. The permissible to use of the title “committee member” of MACOSH or affiliation with the department in the “committee member” capacity while actively engaged, or with related functions concerning the advisory committee and what the advisory committee is doing. It is not permissible to use this affiliation to conduct personal activities or give people the impression that the “member” is acting on behalf of the committee unless, it's been authorized by the chair in consultation with the agency to make sure that activities are known to and authorized by the agency. It is certainly permissible to list for members to list their membership on the advisory committee while serving their term on the committee. Membership on this committee does not give members an opportunity for their entity to garner personal benefit to the individual or benefit from a members’ organization because of their inside access on the advisory committee. Sadler warned the committee that they needed to be very careful about that. He also told the

committee that it does not prevent their agency/employer from sending a different representative to the agency to talk about particular issues. He cautioned the committee against combining their functions and performing official activities on behalf of the advisory and carrying out other activities on behalf of their organization with the agency during their service. As the Country is approaching an election cycle, it is not permissible to conduct partisan, political activities. If a committee member is actively engaged on behalf of a political particular partisan, it is not permissible to have discussions with them concerning those activities in the federal building or while on federal property. Mr. Sadler wished the committee luck during their service with the advisory committee and encouraged the committee to funnel any questions they may have for him through Joe Daddura and he would be happy to entertain them. The document entitled "Ethics Presentation" was entered into Docket OSH-2011-0007 as Exhibit 4.

Presentation on Administrative Functions

Christie Garner
Administrative Assistant

Ms. Garner welcomed the committee and introduced herself. Ms. Garner informed the committee that her presentation would cover tabs 10 and 11 of the MACOSH handbook. The presentation will provide the members overview of the travel regulations for invitational travelers. It will highlight the temporary duty travel regulations applicable in DOL. However, it is not a complete substitute for the full set of travel regulations. The General Services Administration, or GSA, on behalf of the government translates federal travel law into regulations and publishes those regulations in what is called the federal travel regulations. Ms. Garner informed the committee they could find the full set of travel regulations at www.GSAdot.gov. A travel authorization (TA) needs to be prepared and approved prior to travel. Ms. Garner informed the committee that she is the person who will be preparing their TA's. The TAs will include airfare, lodging, meals, and incidentals. Incidentals can include such expenses as taxis, use of privately owned vehicles (POVs) to and from the airport, baggage fees, and parking fees at the airport. The expenses are generally estimated in the TA, but if there is a need to exceed them, prior DSG approval is required, except for extenuating circumstances.

Invitational travelers are expected to use the "prudent person" rule. This means that the same recurring expenses that a prudent person would use if traveling on personal business. Excessive costs, extended routes or luxury accommodation and services, unnecessary or unjustified in the performance of this official business are not permitted, and any additional expenses incurred for personal preference of convenience will not be reimbursed, i.e., in-room movies or cocktail. The Department of Labor's official travel agency for obtaining transportation reservations is Carlson Wagonlit Travel. The most common forms of transportation are airplane, but members can also use rail or bus services. The use of POV or privately owned vehicles may be used if members can show that it is advantageous to the government. OSHA will not authorize rental cars for use while traveling for the committee. If a member should choose to rent a vehicle while traveling for the committee, the member will be expected to cover all costs associated with the rental.

Members are not allowed to make their own transportation reservations. Christie is the designated person to provide those services for the committee. Garner informed the committee that she would do her best to book flights to fit member schedules, but unless there is a special need, which must be approved ahead of time, I will have to use the government contract carrier.

Members will be expected to make their hotel reservations using their own personal credit card. Often, there will be a block of rooms set up at the hotel for the meetings. Members may use any hotel as long as they don't exceed the government rate for the locality the meeting is held. Christie will provide the rates to you, so you will know how much lodging is allowed. Sometimes, the government rate will be unavailable, and actual substance for lodging will must be authorized and approved by the agency. If that happens, notify DSG immediately, for approval of actual lodging substance. If you fail to notify the office, you will be responsible for any amount over the lodging per diem rate. Lodging taxes are reimbursable and will be included as a line item on your travel vouchers. Ms. Garner directs the committee to a slide in her presentation that showed an example of the breakdown of breakfast, lunch and dinner components at the maximum daily reimbursement or per diem rates for meals and incidental expenses (M&IE) while on travel. The M&IE rates differ by travel location. For future trips, Christie will provide the committee with the M&IE rate for the meeting location. Note that on the first and last day of your travel that the rates are calculated at 75%. Travelers are allowed to use POVs when advantageous to the government and when traveling to and from the airport. Ms. Garner directs the committee to the slide that contains the rates per mile for reimbursement. Ms. Garner directs them to the travel request form. She informed the committee that they would need to fill out a travel request form for each trip. Upon completion of the trip members will need to submit receipts (within two weeks of your return) for all

your expenses, except for your food purchases, which are covered under the M&IE, so your vouchers can get processed to receive your reimbursements in a timely fashion.

Q: Don Raffo asked if the committee would be allowed to get their receipts, scan them and e-mail them.

A: Ms. Garner replied, “Yes, definitely. As a matter of fact, that’s probably easier, I think, for most of you. At the bottom of the travel form, is my email address. Ms. Garner concluded her presentation and the document entitled “Maritime Advisory Committee’s Temporary Duty Travel Guide”, dated April 19 was entered into Docket OSH-2011-0007 as Exhibit 5.

Establishment of Workgroups

Chairman Thornton identified the two MACOSH workgroups. The Longshoring workgroup Ken Smith, (workgroup leader), Charles Lemon, Tim Podue, A.T. Ross, Kelly Garber, George Lynch, and Vanessa Welch (OSHA support and contact person). The Shipyard workgroup Don Raffo, (workgroup leader), Phil Dovich, Cheri Estill, Karen Conrad, Chris McMahan, Leslie Johnson, Robert Godinez, and Danielle Watson (OSHA support and contact person). Chairman Thornton reminded the committee to check the MACOSH membership sheet to make sure the member contact information is correct. Chairman Thornton explained the workgroup breakout sessions to the members. Each committee talks about issues that are peculiar to their workgroup. Since there are some carryover work that was referenced earlier, the workgroups will start with those and new ideas and issues that the workgroup might want to work. The purpose of the workgroup discussions is to set an agenda for the work the workgroups would like to complete by the end of the charter. The Chair also pointed out that workgroups are open to the public and encouraged their participation. Thornton concluded by stating, “I know a lot of you have traveled a long way to attend these meetings and we’d like to see your opinions count, so please engage, if you will.”

Welcome to MACOSH

Don Raffo, Shipyard workgroup leader

Goals for the current committee – The presentation was put together the committee was composed of new members. Don stated that several years ago, he was a new member, and came in wondering what to do. How do we do it? What were you supposed to do? The presentation is designed to provide a brief idea of MACOSH’s direction, MACOSH products, and looking forward. The committee is here to provide information on reducing industries, helping outreach programs and expediting 5 development and promulgation of maritime standards. MACOSH provides help to the agency as requested periodically. The agency is going to come to the committee and say we, or we have a problem we would like MACOSH to work on it. MACOSH will help the agency as requested. MACOSH is here to suggest methods to reduce maritime injuries. MACOSH is here to support and review standards as necessary, and to develop injury reduction products. MACOSH looks at what the past products that have been delivered to the agency such as

Quick Cards – Quick cards are 4 x 9 small laminated cards that provide safety, health and worker information in brief, plain language; almost always a printed document for workers. In most cases one-side in English, one-side in Spanish, or some other languages as applicable to the industry. Mr. Raffo pointed out a document in the presentation the quick card on heat stress.

Safety and Health Prevention Sheets (SHIPS) – SHIPS started with a previous MACOSH committee, and are now being completed and implemented. They are informational, to be used for safety meetings, and toolbox talks, etc. SHIPS contain a lot of photos, posters, and information for the employer to provide to workers. Mr. Raffo directed the committee to one of the slides in his presentation on the ship fitting (SHIPS) document.

White papers – White papers are unique to the committee. White papers are position or implement information documents presented to the agency on various topics that would represent suggestions, positions, guidance or information from MACOSH. The shipyard workgroup produced a white paper on Subparts D and C, in the shipyard standards. MACOHS has taken information, made suggestions to the agency, because the committee cannot write standards. Mr. Raffo pointed out in one of the slides one the white papers the shipyard workgroup developed. The workgroup discussed the document with OSHA. The shipyard workgroup went through the document, through trade by

trade and provided the white paper to the agency so they could better understand the different occupations and what they may do outside of the shipbuilding industry, but maybe within the shipyard.

Guidance documents – Guidance documents are for employers and workers. The larger documents are usually for employers. These get into details of hazards that are not covered by a standard, or it can be more of an explanation of a current standard. At times, the committee will produce guidance document along with a fact sheet. Raffo pointed out one of the Shipyard workgroups document. Barge safety, a 36-page guidance document on deck barge safety and a two-page fact sheet on the spud barge accident.

Mr. Raffo stressed to the committee not to come in with their own agenda and not try to push things through OSAH just because you don't like certain standards, or sections of a standard. Standards promulgation takes a lot of time, so don't waste time trying to capitalize on your own agenda. Spend the wisely on the five aforementioned products. Mr. Raffo perused through the shipyard products submitted to OSHA and the topics left over from the previous committee. The committee is expected to homework, participate on conference calls, and to use its expertise and context to provide the agency and with the best products possible.

Q: Mr. Daddura asked what was the most frustrating thing that you saw in the last committee as workgroup leader?

A: Mr. Raffo said the most frustrating thing that I had from the last committee was members being at the meetings. He also stated, "I'm being blunt here, promising to do something "I'll do that. I'll take that on. I'll get it done, and I call them and call them, and call them and call them. I don't get calls back and on the plane trip, here to the next meeting they're working on getting something done. So I would ask you and I'm sure Ken will ask 4 you if you sign up for something, if you volunteer for something, put your full effort into it so we can actually get it done".

MACOSH is the Cadillac of OSHA's advisory, because we produce work and deliver products. Mr. Raffo explained how the two workgroups work together to produce products. Any products the workgroups produce are review by the workgroups in advance. The workgroups provide comments to one another and each workgroup will accept or reject the others comments and provide explanations why. Once the full committee meets, everyone has knowledge of what the two workgroups are doing and it makes for an easy transition into moving products forward to OSHA. Mr. Raffo encouraged the committee as the break off into their assigned groups to be mindful of what's important to industry. What issues will enhance worker safety? That's why the committee is here. Mr. Raffo concluded his presentation and the document entitled "Welcome to MACOSH" was entered into Docket OSH-2011-0007 as Exhibit 6. The document entitled "Maritime Advisory Committee Handbook" was entered into Docket OSH-2011-0007 as Exhibit #7. Whereupon, at 1:51 p.m., the meeting was adjourned.

Enforcement activities update

Tom Galassi, Director
Enforcement Programs

Mr. Galassi introduced himself and Mr. Steve Butler, Director, Office of Maritime enforcement. OSHA'S Mr. Galassi started with information on OSHA's National Emphasis Programs (NEP) (Hexavalent Chromium, Lead, Combustible Dust, Crystalline Silica, Amputations, Trenching, Chemical Facilities, Refineries, Primary Metals, Nursing Homes and Primary Care Facilities, Isocyanines, and Ship breaking. Mr. Galassi explained how OSHA conducts inspections in relation to the NEPs; penalties; number of violations; data; targeted areas; tracking; start of the programs, and the differences between National Emphasis Programs and Local Emphasis Programs.

Next, Mr. Galassi thanked Mr. Butler and explained how OSHA's directives assist COSHO's and the regulated industry. Mr. Galassi stated, "a directive which is really a primary policy vehicle for the Agency on some topic, and then you will get questions and you'll get issues, and we may issue letters of interpretation and memos, and things like that, and it is not always easy for our compliance officer, but for you in the regulated community, to understand all the issues we are looking at in that area."

Directive for Part 1915 Subpart B Confined Spaces and Enclosed Areas -- Currently in clearance. The directive incorporates the new findings, and new interpretations. The Commercial Diving and Cargo Gear directives will also incorporate new findings and new interpretations.

Shipyard tool bag directive -- Addresses the areas of 1915, OSHA is looking at possibly the new Subpart F standard, and the longshoring marine terminal tool shed directive, which will collapse a number of directives. It will also deal with the VTL rulemaking, once that is resolved.

IMIS for the 1919 marine cargo gear program – The program has been fairly successful for OSHA in making the move to this process, and OSHA is already at version 1.8 the update of the software. This really has helped OSHA streamline and track the results of this program, in terms of certifying the marine cargo equipment.

Enforcement projects and initiatives:

Deepwater Horizon accident – The accident occurred in the Gulf one year ago, where 11 workers died and a number of workers were injured. Mr. Galassi told the committee that OSHA was fully engaged with the response to clean-up and worker protection in a number of areas, surveying under it with the Coast Guard and the unified command, ensuring that the 50,000 plus workers performing clean-up, had proper training, had proper equipment, in those areas were hazards were being addressed. OSHA did interventions, and air sampling, but, OSHA’s role under the national contingency plan, worked to support the unified command. Another issue with the workers performing clean-up activities in the gulf was heat. When OSHA looked at the issue, along with NIOSH, other federal agencies, and discussions with BP, as far as how to balance PPE with the heat load and not to cause heat stress. As a result, a very effective heat stress program was launched. Although there were serious heat issues, they were controlled and no fatalities.

Fukushima Daiichi nuclear disaster in Japan -- OSHA is going to have a role and will be involved. The issue is not only the reactor and federal workers over in Japan, but the products, the materials, the equipment coming into the coast, the baggage coming into airports, the cargo coming into the ports, the packages coming into the post office all raised worker issues. There were some issues on the ports and OSHA worked with the Customs and Border Protection, and other agencies to ensure there were appropriate protocols in place to monitor and decontaminate, if appropriate, materials, equipment, containers coming into the ports. If any containers were identified, they were taken care of and the workers were not exposed to any radiation.

Q: Mr. Podue asked who is in charge of enforcement, of the enforcement end of checking these containers.

A: Mr. Galassi responded, “The responsibility and it depends on the mode, you know, or so for the containers, it would be Customs and Border Protection and they have the responsibility and the wherewithal, and so they are working with other federal agencies to overcome the technical and procedural issues. Because health physics, obviously, is kind of a narrow group that really grapples with that, in trying to understand that. Airlines would be FAA and Customs and Border Protection and the post office has a role still it's Customs and Border Protection.” Mr. Podue stated that it’s hard to get information from the CBP on safe exposure levels, and the levels worker exposure. Mr. Galassi responded that is something he would address off line and he would assist with obtaining that information from the CBP. Mr. Galassi concluded his presentation and the document entitled “Directorate of Enforcement update was entered into Docket OSH-2011-0007 as Exhibit 8.

Directorate Update

Lee Anne Jillings,

Deputy Director, Directorate of Cooperative and State Programs

Ms. Jillings introduced herself and began with an update on activities within DCSP related to cooperative programs, small business activities, and state plan efforts.

Data figures related to cooperative program participation. There are currently 2,439 volunteer protection program participants in federal and state jurisdiction. OSHA newest and challenging cooperative program is a program in which third party administrator’s work with individual work sites to guide them through a three-tier process to implement a safety and health management system successfully. This program has 193 participants across the country.

OSHA's strategic partnership program. There are currently 105 partnerships in place across the nation. SHARP, which is the recognition element of the on-site consultation program designed to assist small and medium-sized businesses in high-hazard industries, there are currently 1,497 SHARP sites and 324 alliances in place across the country.

The alliance program. The alliance program designed to promote workplace safety and health, to develop and disseminate compliance assistance, resources, and to focus on sharing information to prevent injuries and illnesses in the workplace. Last summer, OSHA came out with revised criteria on how OSHA should proceed when entering into alliance agreements. Key focus areas are, resources, outreach, and information for workers. OSHA will inform employers and workers of opportunities to provide input and comments through the public process on rulemaking activities. Once rules are finalized and published, employers and workers in the program are encouraged to be active participants in helping OSHA disseminate, raise awareness of new requirements, and produce and disseminate resources to workers and others on how to comply with new requirements. The program also continues to focus on training and education. There is also an ongoing focus on outreach and communication, this relates to having opportunities for agency representatives to have a closer communication and working relationship with the various organizations. For example, under alliances by signatory type, there are 34 alliances that have unions as signatories, and 10 with consulates. OSHA has entered into a number of alliances with Mexican consulates in support of the letter of agreement that was signed last spring by the Secretary. Through these consulate relationships OSHA go out often and join the consulate personnel in performing mobile consulates, meeting with individual workers who may have questions about their rights, or offering opportunities to inform them about their rights under OSHA. OSHA has increased the number of participants in community and faith-based organizations. OSHA has had success in reaching into many vulnerable worker communities through connections through the community and faith-based organizations. OSHA has 10 alliances with other non-traditional partners. OSHA has had a very successful alliance with the shipbuilding industry. The most current alliance was signed in September 2010, with the American Shipbuilding Association, the National Shipbuilding Research Program, and the Shipbuilders Council of America. However, American Shipbuilding Association withdrew their participation in the agreement. Through these relationships, OSHA has focused on a number of hazards within the maritime industry: ergonomics, hearing loss, exposure to lead, and other issue. OSHA has developed a series of five safety alerts for workers as the key audience. These products were translated into Spanish, which is something OSHA focused on in providing resources to workers in various industries that have a high number of Spanish-speaking workers. OSHA also developed toolbox talks on hearing conservation in the shipbuilding industry. The alliance program has a number of safety and health topics pages, eTools that are on the OSHA website that, were created with input and expertise from varying organizations. OSHA is consistently adding additional case studies and success stories about effective relationships, and outreach to the community. OSHA is focusing on compliance assistance for low literacy and non-English-speaking workers. Over the last five years, OSHA has received a number of inquiries through OSHA 800 line and E-correspondence system in the Spanish language.

Voluntary Protection Programs -- Since 2004, OSHA has recognized sites in the ship, boat building, and repair industries, participants in OSHA's VPP. As of April 20, there are 14 active VPP participants within the industry. Twelve of the sites are star program participants; the other two have merit program participation level recognition.

Strategic partnership program – The strategic partnership program is a cooperative program with active maritime industry participation. As of April 20, there are two active regional partnership agreement sites in the maritime industry.

Consultation programs – OSHA is required by law to implement this program in all 50 states and territories. The program is designed to assist small and medium-sized employers in high-hazard industries on finding ways to reduce and prevent accidents. The program provides free training and assistance, as well as a wide of scope on-site visit help. The consultation can be a limited scope visit, looking at something as narrow as a particular piece of equipment, or it can be a comprehensive visit at the work site.

Q: Chairman Thornton asked if all 50 of the states in the US have consultation programs.

A: Ms. Jillings responded “there are two states and one territory that administer the consultation program as part of their state plan: Washington, Kentucky, and Puerto Rico. But every state offers consultation service.”

At the end of September, OSHA visited over 31,000 small and medium-sized businesses across the country, reaching more than 1.5 million workers during those visits. Last September OSHA published a Federal Register notice proposing changes to 29 CFR 1908, which are the implementing regulations for the consultation program. There were three major proposed changes: a broader definition of what sites may receive an enforcement inspection during an exempted status; to allow COSHAs to conduct visits because of a referral; and the third was to limit the length of period from deletion from the program inspection list for those sites participating in the SHARP program. The comment period ended in early November. OSHA is reviewing the 90 comments received during the comment period. According to the regulatory agenda, it is scheduled to become a final rule in September 2011. OSHA recently updated the consultation and small business web pages and encouraged the committee to check it out and share with others.

State plan states -- There are 27 state plan states across the country. Some state plans cover public sector workers only. Illinois became the most recent public sector-only state in the country. Each year the state plans conduct just over 57,000 inspections, which are more inspections than Federal OSHA conducts. As a result, state plans issue more violations, with more of a universe to issue the violations. The states typically, issue fewer serious citations through their enforcement efforts and Federal OSHA. Over the last year, OSHA has had a greater focus on state plans and their administration. Last Fall OSHA conducted and published enhanced FAY reports. There was a series of articles in the Las Vegas Sun that focused on potential issues of concern within the Nevada state plan. OSHA conducted an enhanced review of the Nevada state program, which resulted in an enhanced review for all the state plan states. Last month OSHA worked directly with the states and issued corrective action plans to identify avenues to proceed with correcting or finding solutions to correcting deficiencies found in the enhanced FAY reports. OSHA is currently conducting monitoring for fiscal year 2010, which will be enhanced FAY follow-up monitoring reports. The reports will focus solely on the corrective action plan areas identified the previous year. On March 31, the Office of the Inspector General (OIG) also published a study on state plan effectiveness compared to federal OSHA. OSHA issued an initial response to the study and is currently working with the OIG on the four recommendations they put forward.

Q: Mr. Dovich asked if OSHA have any current alliance programs going on right now.

A: Ms. Jillings responded, "We have just over 300 alliance agreements nationwide. Most of those are in the regions and area offices, although we have approximately 40 that are National agreements, of which one is the shipbuilding alliance."

Directorate update

MaryAnn Garrahan,

Directorate of Technical support and Emergency Management (DTSEM)

Ms. Garrahan introduced herself and began with a little background on the DSTEM offices. DSTEM offices are located in Washington, D.C, Salt Lake, and Cincinnati. DSTEM has developed special expertise in a number of areas to ensure OSHA's capabilities are state-of-the-art with regard to occupational safety and health. These areas include, industrial hygiene, ergonomics, specialized engineering, chemical and sampling analysis and equipment calibration and repair. DSTEM supplement other OSHA programs, and provide specialized technical expertise and advice

Office of emergency management and preparedness – This office develops policies to protect workers involved in emergencies. The office also assists during emergency responses to ensure that controls are in place, and workers have the necessary equipment and training to protect their safety and health. DSTEM'S staff participates in a number of inter-agency committees, work groups, and exercises. They also develop plans to ensure that OSHA can continue to perform its mission-essential function, should an event affect the ability to work in the national capital region, other known as the COO plan, continuing our operation.

Office of technical programs and coordination activity – This office maintains the variance program, which includes processing applications for variances from specific provisions of OSHA standards. OSHA is currently processing an application for a permanent variance from the requirements of the maritime standards, which restrict working under suspended loads. This office also maintains the nationally recognized testing program or the NRTL program. Many of OSHA's standards require certain equipment or products to be NRTL approved. The NRTL

approval specifies products in the workplace required by OSHA standards, such as, the requirement in 1915 in the shipyard employment for fixed fire-extinguishing system components, or extinguishing agent.

Office of science, technology, and assessment -- This office evaluates and assesses emerging issues, previously unrecognized hazards, and technological advances. They develop hazard and operation-specific technical information and guidance, and this includes resources for OSHA's field, such resources as OSHA's technical manual, and resources for employers, such as safety and health information bulletins, fact sheets, best practice documents, and resources for workers on fatal facts, fact sheet, and job information sheets. The office also supports OSHA's emergency management and preparedness office.

Office of occupational medicine – This office is staffed by a variety of health care professionals, all of whom are board certified in occupational medicine. The goal of this office is to provide medical, toxicological, epidemiologic expertise to enable OSHA to ensure that every working-man and woman in the U.S. has a safe and helpful workplace. They provide assistance to OSHA's compliance and enforcement activities, policy and standards development, and agency outreach programs.

Office of occupational health nursing – This office is staffed with health scientists with expertise in occupational health nursing. The staff provides technical assistance to support all agency activities, similar to our occupational medicine office, and they lead the Agency's distracted driving initiative and young worker initiative.

Technical data center – This office operates a technical information resource center, and the OSHA docket office. The technical information resource center provides safety and health information to OSHA staff, other federal and state agencies, and the general public, and coordinates technical safety and health information resources with OSHA's national office and field staff. The docket office serves as OSHA's central repository and dissemination center for OSHA rulemaking, the Paperwork Reduction Act clearance requests, and advisory committee documents. OSHA staff use information in the docket to develop and support rulemakings, litigate contested citations, and develop compliance interpretations. The docket office receives numerous requests for information, and requests for authentication of documents for litigation. The Cincinnati Technical Center activities include providing the field staff with equipment, servicing, and equipment engineering, such as evaluations and calibration procedures. It provides numerous field support programs related to providing expandable supplies and load equipment for inspections, property management, guidance and oversight, and other programs to the field offices. The Salt Lake City Technical Center provides technical leadership, expertise, and services in the evaluation and control of workplace hazards through field assessments and support, laboratory testing, emergency preparedness and response, website resources, and consultation and guidance. It serves as the home of OSHA's health response team and the investigation team. Salt Lake City provides a multi-disciplinary approach in support of OSHA's complex and highly visible investigations, and includes scientists, engineers, and other safety and health experts. The health response team is a national asset comprising of unique, highly trained and experienced staff of safety and health professionals who maintain and deploy with specialized equipment and incident investigation management skills. The investigation team supports field compliance activities, often in conjunction with the health response team, and provides a multi-disciplinary approach to complex and unusual fatality investigations.

Over the last decade, the Directorate's major focus has been on providing safety and health support for workers engaged in emergency management activities in response to disasters, both natural and manmade.

The Japan disaster at the Fukushima nuclear power plant -- The immediate concern for workers was potential exposure to harmful levels of radiation. On March 17, President Obama stated, "We do not expect harmful levels of radiation to reach the United States, whether it's the West Coast, Hawaii, Alaska, or U.S. territories in the Pacific." Furthermore, the Center for Disease Control and Prevention and public health experts do not recommend that people in the United States take precautionary measures, beyond staying informed. Following the incident, OSHA was engaged in several interagency efforts to provide information and guidance to workers and the public. OSHA had many conference calls and meetings with the White House national security staff, Health and Human Services, and NIOSH, the Coast Guard, and the Customs and Border Protection, regarding potentially contaminated cargo. All levels of radioactive contamination were well below levels of concern. OSHA has also been working with NIOSH to provide guidance to workers on our website. The NIOSH website has question and answers, that have been cleared by OSHA, and OSHA worked with NIOSH on preparing those questions and answers for workers.

EPA has been monitoring the situation, and as of today, no harmful levels of radiation have reached the United States.

The Deepwater Horizon catastrophe -- OSHA played an active role in the aftermath to protect the safety and health of workers involved in the response and clean-up activities. Heat stress was the most serious hazard for workers during the response. OSHA worked with the Coast Guard and BP to implement a heat stress management program which, included work res requirements, shaded rest areas, hydration, liquids, and on-site heat monitoring. Outside the source of the oil release, the exposure monitoring data showed that chemical exposure levels were well below occupational exposure limits (OELs). Based on this monitoring data, OSHA and NIOSH recommended that respirators protection should be considered as a last resort, because they can be physical taxing on the body, and workers were already conducting activities in extreme heat conditions. However, respirators were recommended for decontamination operations, as well as operations near the source. One observation during the response was that providing raw data without an explanation of the context of a measurement generate concerns with the public and stakeholders. Providing data without a description of what personal protective equipment being employed at the site prevents the audience from understanding how workers were being protected. OSHA will be launching a nationwide campaign about the hazards of working outdoors in extreme heat. OSHA's heat campaign will include a webpage and new educational products geared to workers who do not speak English or who have limited reading skills. The campaign's focus is outreach and guidance. Today, as part of our outreach, Secretary of Labor is recording a public service announcement, and our Assistant Secretary, Dr. Michaels, is recording a video message. Both of these video will be on OSHA's website later this month. OSHA is working with the National Weather Service to publicize the use of the heat index to make sure that extreme heat advisories also include warning messages about outdoor workers. Chairman Thornton offered the Committee's support to OSHA's heat stress campaign.

DSTEM has provided support to MACOSH in the past in developing products. The safety and health injury prevention sheet (SHIPS) on rigging is the latest example of DSTEM support that involved the committee. OSHA published and posted SHIPS on its website in April. SHIPS provides real-world hazard information and solutions that are written in plain English and includes graphics and posters. Other past support has been the similar prevention sheets on ship fitting, unit assembly, and hot work, welding, cutting, and brazing.

Emerging Issues -- OSHA is designing a system to proactively identify and address emerging issues in workplace safety and health.

Hydraulic fracturing -- OSHA's concern is there has been no study on worker chemical exposure. OSHA's regional office in Denver and NIOSH are collaborating on NIOSH's oil and gas industry initiative, which is working on an exposure assessment for workers performing hydraulic fracturing activities.

Formaldehyde exposure from working with hair smoothing and straightening products -- OSHA's medical office published peer-reviewed letters and conducted outreach to pathology training programs. OSHA is also working with NIOSH to co-brand the use of their resources in certain products.

Spirometry -- Helps provide information required by the asbestos standard. The information is helpful and useful for workers with potential exposure to a variety of respiratory hazards, including silica, epoxy resins, and other materials encountered in the maritime industry.

Distracted driving -- OSHA's distracted driving campaign is focusing on the growing danger by drivers who send text messages or emails while driving or operating a motorized vehicle. Texting is just one form of distracted driving. Last fall, the President took the first step with an executive order that forbids all federal employers while texting while driving when driving a government vehicle, or when driving a privately owned vehicle while on official government business, or when using electronic equipment supplied by the government while driving. The executive order encourages voluntary compliance with the text messaging policy while off-duty. OSHA is calling upon all employers to follow the lead of President Obama, the Department of Transportation, and 30 state laws that prohibit drivers from texting to send a clear message to workers and supervisors that their company neither requires nor condones texting or emailing while driving. OSHA is asking employers to declare their vehicles text-free zones. OSHA's message is that it is the employer's responsibility and legal obligation to have a clear and enforceable policy

against texting while driving. The PowerPoint presentation entitled "Directorate of technical support and emergency management" was entered into the record as Exhibit No. 9.

Office of Communications update

Deborah Berkowitz,
Chief of staff, Acting Director, Office of Communications for OSHA.

Mrs. Berkowitz informed the committee that she was involved in getting the committee nominations approved by the Secretary of Labor and that she knows most of names. She also stated "I think this is really an incredibly committee, in terms of the skill level that you bring to it." Berkowitz informed the committee that Thursday is OSHA's 40th anniversary. April 28, 1971 was the first day OSHA opened its doors. A couple months ago, OSHA launched its website called, "OSHA at 40", and OSHA will unveil a 4-minute video, about looking back at the 40 years and the difference that OSHA has made. Jim Thornton is in the video. The Office of Communications, coordinate and assist the entire Agency in its outreach and communications function. OSHA's mission is to prevent injuries, illnesses, and deaths on the job. The office of communications coordinates the entire outreach programs for the Agency. OSHA communications and outreach goals to the American, stakeholders are to make sure that everyone is involved. OSHA really, we want to communicate what they are doing, what they are thinking. The Agency may be doing, new initiatives, and new products, information that people need to be aware of on the job to make sure injuries and illnesses are prevented. OSHA accomplishes this in a number of ways. One is the OSHA website, which is more accessible to the public and the community. There are about 170 million visits to the website a year. The OSHA website tries to let people know what the Agency is doing and let people know OSHA is thinking of new standards, and where the Agency is on that process, and try to engage the public in the process. OSHA also has press releases on the website, which informs new products. OSHA Quick Takes is a newsletter it is published every two weeks and is distributed to about 80,000 people. The Quick takes include any speeches that Dr. Michaels or the Secretary gives on health and safety, all new initiatives OSHA is thinking about or, where we they need public input, and big citation cases. OSHA has a new special emphasis enforcement programs, and have a whole section in the Quick Takes that focuses on compliance assistance, and especially on the state compliance assistance efforts. All 50 states have a consultation program that provides on-site assistance, and OSHA just wants employers to know about this free service and to use it. OSHA publicizes stories about the program and cover activities in the state plans. Mrs. Berkowitz informed the committee that OSHA would love to have their feedback on the OSHA Quick Takes. OSHA receives about 10 requests from the press every day for interviews. Compliance Assistance is a big part of the Agency and assists to large employers, small employers, workers, community groups, professionals, doctors, and the medical community, on OSHA standards, hazard awareness, and abatement. The Office of Communications provides materials in guidance products, such as, fact sheets, guidance documents, and quick cards. OSHA has published products in several languages. Guidance products are developed in the field, the national offices, such as, standards and guidance, and enforcement. OSHA has hundreds of fact sheets and thousands of publications all over the website, and links to other publications. OSHA has many alliances and those products are funded through the Harwood grants. OSHA links the alliances products on the website and OSHA is trying to put more on the website so people can access it. The third thing that communications does is stakeholder meetings, outreach conferences. The Communications office coordinates the OSHA information booth that displays OSHA information at conferences, and stakeholder meetings. Don Raffo and Phil Dovich commended the Agency on its Quick Takes. A. T. Ross commended the Agency on the low literacy campaign. Mr. Dovich asked if the Agency could possibly provide all of the data and references and fact sheets on a CD disk for the mariners and fishermen that do not have access to the Internet once they are at sea, but have access to computers. Berkowitz told Mr. Dovich that OSHA put it all the information together in one place on the web, and then someone can burn a CD. Mr. Thornton stated, "right on the front of the OSHA webpage each day there is a mention of fatalities, and I think that is very important, to remind us of why we do what we do, and sort of keeping that front and center. So I applaud the Agency for doing that." Mrs. Berkowitz responded and stated that about a year ago OSHA decided that information should be posted on the OSHA website for industry awareness fatalities. A. T. Ross asked what OSHA is doing about their image as an enforcement agency that beats industry over the head with a gavel. Ms Berkowitz stated compliance assistance is such a huge part of OSHA. She talked about the number of OSHA's on-site compliance assistance visits and enforcement inspections. She also stated "but I think OSHA had a reputation or image that somehow, from, like, 1971, that people still carry through in their head. It is like making a mistake in seventh grade and then you are 50 and you meet someone who says, "Oh, my God, you were the person that," whatever, and it is like, "no, that was a long time ago". OSHA spent a lot of time and effort in the QuickTakes on consultation and compliance assistance. Every area office has compliance assistance specialist whose job is to reach

out to employers and to workers and to help them. OSHA is trying to do its best to get the word out that the agency is more than regulatory and enforcement. Mr. Daddura added that industry should try to communicate with their area directors and state that you have a problem. If industry does that, it does not mean OSHA is going to “come down, site you, and close you up. OSHA is here to help.” Jack Reich, with OSHA Region 9, stated that he is the labor liaison and the maritime contact and he has been working with the ILWU on the West Coast and other marine organizations, the shipyards and so forth. He is constantly on the phone with them or emailing. In fact, he was talking with the ILWU about an alliance between OSHA and the IOWU to promote safety on the waterfront. Mrs. Berkowitz’s presentation was concluded.

Shipyards workgroup report

Don Raffo, workgroup leader

During the workgroup discussions, the workgroup came up with 16 topics for consideration. Through voting, five of the 16 topics were selected for the workgroups initial effort. Fire protection – the workgroup is looking at developing three quick cards for fire watches to include training, the requirements of being a fire watch, and equipment. Karen Conrad and Philip Dovich will lead the project. Injury and Illness Prevention Programs -- is sort of safety and health management programs. The workgroup will develop a white paper to provide the Agency with ideas the big shipyards use, while being sensitive to some of the requirements of small shipyards. The shipyard workgroup would like the longshoring work group to work with them to get their ideas also. Cheryl Estill is going to try to provide some outlines that the workgroup use to better define the project. Toxic metals –The workgroup discussed bulk sampling of paint, and how PPE is used while work is actually being performed. The work expects to produce a guidance document on this topic. The workgroup would like to better define the product, the goal, and ideas. Don Raffo will lead this project. Safety entry and cleaning practices for vessel sewage tanks – The workgroup would like to develop a fact sheet. Best practices for eye injury reduction -- The workgroup is looking at gathering data to try to see if any shipyard group has a good method to reduce eye injuries. This project has not been assigned a leader. Confined space ventilation – Mr. Godinez will lead this project. He was given the last iteration of the fact sheet previously issued by OSHA. If he can use the information contained in the fact sheet, the workgroup will send it to the longshoring workgroup. If there are additional items he thinks, wants, or desires to be in the fact sheet, the workgroup will revisit it and provide a better product for the workers. Secondary items on the shipyard workgroup list – The workgroup would like OSHA to consider the negotiated rulemaking process as 1915 standards or regulations are developed. The workgroup would develop a white paper or position paper from MACOSH to the Agency. Crane Safety – will focus on small shipyards and the workgroup would develop a fact sheet for this project. Safe spray paint practices – is expected to develop as a fact sheet to focus on best practices for this project. The workgroup discussed why and how 1915 employers in the shipyard industry are cited under 1910 or 1926 standards. The workgroup would develop a white paper to develop a scope for shipyard industry. Safe work practices during the repair of shipboard refrigeration systems – expected to be developed as a fact sheet for use by employees. Respirator use and applications – the workgroup is thinking about a fact sheet or a quick card, for employee use. Joe Daddura informed the workgroup that OSHA has pamphlet on respiratory and the Agency is also working on videos. Mr. Raffo asked Mr. Godinez to look at the guidance OSHA has and see if it will answer some of the questions and issues that he has. Hydrogen sulfide hazards -- a potential fact sheet. Safe work practices for hot work on sewage tanks and piping – a potential fact sheet for employees. Safe work practices for surface preparation prior to painting – a potential fact sheet. Suspended loads – The workgroup is aware of a variance moving forward within the Agency. The previous committee provided a submission to the Agency, and Robert Godinez will look at those items. Safe work practices for urethane foam -- in regards to ship repair and overhaul, and other hazards that may be released from the foam, especially in regards to hot work. This project is a low priority on the list. Mr. Raffo informed the committee that he added an additional item to the list. OSHA gave the shipyard workgroup two fact sheets, which were reviewed by the previous committee. Ventilation in combined spaces was discussed earlier and Robert Godinez is working on that. The second is the review of OSHA fact sheet on welding shade protection – the fact sheet will help to decide the right shade to use during different types of welding operations. The workgroup is going to review the document again to see if any additional information or changes are needed. Once the shipyard workgroup is done with its review, they will send it to the longshoring workgroup for review and eventually full committee approval. Mr. Raffo informed the workgroup that the workgroup would start to contact one another by email and conference calls. Mr. Thornton reminded the committee that the committee’s charter expires January 25, 2013 and as the committee develops products and services to keep in mind an end, and to make sure you can complete the products. As the committee completes products on the prioritized list, the products on subsequent lists will be added to the prioritized list, so a rolling list of sorts. Keep in

mind that white papers to take more time and more energy, so don't bite off more than you can chew, before the clock has run out. Mr. Daddura reminded the shipyard workgroup that the ship's review or continuation of the ship's product that previously discussed was not on the list. OSHA is preparing information for the work group to review to see if it is worth pursuing. Daddura also informed the committee that 1915 Subpart F, would be posted in the Federal Register on April 29, and published on May 2. Mr. Raffo concluded the shipyard workgroup presentation and the committee unanimously accepted the motion to accept the shipyard workgroup report. The document entitled "Shipyard Workgroup Report, April 20, 2011" was entered in to the record as Exhibit No. 10.

Longshoring workgroup report

Ken A. Smith, workgroup leader

The workgroup prioritized the list of approved recommendations and passed on to OSHA to publish. The workgroup proposes OSHA publish in the following products in the following order. Traffic lane safety zone quick card and guidance document; Controlling speed in marine terminals – an addendum to the Traffic safety in marine terminals guidance document published by OSHA; Break bulk guidance document; Dealing with stuck cones; Dock rail safety document; Mechanics working in the yard; Safe plugging and unplugging of reefers; Mechanics working on power equipment; and Intermodal container repair. The workgroup brainstormed new topics and prioritized the list. The committee came up with nine, but only prioritized five of the items. Radiation fact sheet, or hazard alert – during discussions, the workgroup talked about developing a radiation fact sheet to help terminal workers get a better understanding of the hazards associated with radiation coming from Japan. Multi-piece rim wheels -- this is addressed in 1917.44(o) and the committee could possibly produce a fact sheet for Mechanics Toolbox, quick card, or a possible hazard alert. There have been some incidents in regards to rim wheels. Person in water or water retrieval – the workgroup will develop a fact sheet or possibly guidance document. The work group felt that there is a need to have a way of getting people out of the water after they fall in. The NMSA technical committee has a fact sheet that may be helpful in developing a fact sheet or guidance document on water retrieval. Mr. Thornton commented that the issue of water retrieval maybe something the longshoring workgroup could on work with the shipyard workgroup this, because of his experience with workers falling into the water at his shipyard. Cargo handling equipment – the work group is thinking about possibly providing some general basic rules about working around various types of equipment. The committee is thinking about including various types of equipment and maybe having multiple quick cards that address safety-related features associated with different pieces of equipment. Safety zones between rail cars and cargo handling equipment -- an issue that concerns the workgroup and the workgroup is thinking of possibly amending either the rail document that's already out there, or developing a quick card to address providing sufficient space between the rail cars and the cargo handling equipment when men are working the cargo loads. The aforementioned products are the longshoring workgroups top five items to produce. Additional work items that the group identified -- Preventing chassis drivers from jostling, or moving around in the cabs when a container attached to a chassis is lifted, or when a container is dropped from a height onto a chassis. This product could be developed as a quick card. PPE -- personal protective equipment, posters or quick cards to illustrate various types of PPE equipment or guidance document to describe recommended PPE for common working environments. The concept is related to trying to illustrate in some pictorial form the PPE requirements in the longshoring regulations. Several workgroup members indicated that they have good illustrations that could be useful to developing posters or other information that may be distributed or posted within the work place to help workers identify what proper personal protective equipment should be, or look like. Testing between deck pontoon –The document would provide information for testing hatches for hazardous atmospheres and encapsulated spaces prior to welding, cutting, or burning. The workgroup discussed the issue and are not sure what to make of it, but one of the members of the work group raised the issues, and it certainly was something that workgroup wanted to have discussion with the entire committee. Maybe the shipyard workgroup is aware of other guidance that could be useful in creating a guidance product. Mr. Raffo commented that he and Mr. Dovich have expertise in that area and can offer any help the longshoring workgroup needs. Combustible dust in marine terminals – the workgroup would like to possibly expanding on the existing fact sheet by adding additional information related to other combustible dust scenarios that may not be have been discussed in the existing document. One concept would be adding wood pellets. Mr. Dovich commented on the presentation and stated that as far as testing hollow structures for toxic or flammable atmospheres, OSHA has a standard for that, 1915.54 that requires a competent person to drill into the hollow structure and test the atmosphere before commencing any hot work. If a toxic or flammable atmosphere were found, the space would have to be ventilated and tested again before hot work. Tim Podue introduced a letter this letter sent to him for the PMA from Eagle Marine Services. The document discusses accident prevention and security information paper, CBP procedures for radiation screening on cargo originating in Japan. The most

important thing is radiation screening and the CBP procedures for car carriers. The concern there is that the CBP is not doing any pre-screening on any of the auto vessels, and many of the issues have been raised, as far as the auto industry is coming from Japan. Many of those autos are being made in possible affected areas. Therefore, it is somewhat questionable to the long shore workers on the West coast as to why would the CBP need to screening autos after the fact, and exposing longshore workers to a possible danger. Mr. Daddura asked Mr. Podue, if the procedures discussed in the document have implemented. Mr. Podue responded, "as far as I know." There was a lengthy discussion on the matter and it was suggested that the longshoring workgroup work with DSTEM on this matter. Mr. Swanson, with PMA stated the DBP is going onto the ships to screen for radiation prior to longshore workers board the ship and driving the vehicles off the ship. Mr. Daddura asked if there is a possibility where a long shore worker could enter a hot car and receives an over-exposure to radiation. Mr. Swanson stated that there is probably always a slight possibility, but if the CBP has any evidence or believes that their testing, their pre-screen was not complete, or there was a hazard, they would not allow the vessel to perform the cargo operations. Mr. Raffo suggested that the workgroup maintain the item on their list and go back to the table to define the product. Mr. Smith concluded the longshoring workgroup presentation and the committee unanimously accepted the motion to accept the longshoring workgroup report. The document entitled "MACOSH longshoring workgroup report, dated April 20, 2001 was entered into the record as Exhibit No. 11. The document entitled, "PMA Accident Prevention and Security Information Paper: CBP Procedures for Radiation Screenings on Cargo Originating in Japan" was entered into the record as Exhibit 12

Open discussion Full committee

Chairman Thornton suggested that while the committee prepares the various guidance products, to be mindful of language barriers. The Committee should try to use pictures, pictograms, and graphics to make the product more user friendly.

The Committee established dates for the next MACOSH meeting, June 15 -16, August 2 - 4, and September 7 – 9, as dates that are agreeable with the committee. OSHA staff will begin working the dates along with possible meeting locations. Chairman Thornton asked the Committee to provide feedback on the meeting. Mr. McMahon stated, "I think it was a great meeting, and I think the way the meetings are run is excellent, as well as the support of the staff is also fantastic." Mr. Godinez stated, "I think that it was a very good learning experience, very democratically-run. I am real proud of the chairman and, you know, the leader for the shipyard, and also for the long shore." Mr. Lemon stated, "I also believe that we have a pretty good formula, if you will, or a way that we do business, meeting, and the working groups getting together, the conference calls. I really like that we share our data with them ahead of time, so when the full committee meets there is no surprises, if you will and I think that's a good formula, and we ought to stick with that." Mr. Garber stated, "I believe the format for the meeting was appropriate for our first meeting. I think this was a good introduction for the new members on the committee. I appreciate your efforts to make that happen. I also appreciate the fact that the meetings are well run, they are very crisp, they are a good use of our time." Captain Estill stated, "I would like to thank you, thank everyone for the opportunity to be on this committee and I am learning a lot about the maritime industry and I really appreciate OSHA's efforts to present the different aspects of OSHA's directorates. Mr. Raffo stated, "I think that we have a good format for our two work groups. We have worked it together before, it has worked out well, and I think that has worked out very well. I want to thank my shipyard work group for the work that they have done so far. I think we could have benefitted from a second break-out session." Ms. Brinkerhoff stated, "I think it's going to be really interesting to see the whole entire group work on a couple of projects because, there are areas that overlap, and that hasn't been done before. The only time the entire group meets together is in this formal session. So, I think a more informal session, where you're all working together on one thing is going to be really interesting and fun to watch." Ken Smith stated, "I am really glad that you're the chairman, and you set a perfect example for me to follow. You are very well organized. I want to thank you, as everybody else probably does, for the introduction that you gave at the beginning. That was outstanding, and it just goes to show you are anticipating how things work, it helps me out, and it helps everybody out. So just thank you very much." Mr. Ross stated I greatly appreciate being here. I have been in public service all of my life, and I have had a great passion that is still there. It is good to see other people with that same passion. I believe that we are all public servants. We have a service that's due to our employees." Mr. Podue stated, "I am honored to be on this committee once again and I think our organizations feel privileged to be able to participate at this level. It is a great way to get our input in, and let people know how we feel about the safety and health of our members. We've got a lot of work ahead of us in our work group." Ms. Conrad stated, "I want to thank you for the

opportunity to serve on the MACOSH. I really appreciate the efficiency and the expertise of the people on the MACOSH committee, and the OSHA staff and I really enjoyed the different OSHA departments coming up and explaining what they do, and how they come and relate to one another, and also our committee.” Mr. Dovich stated, “I’m very impressed with the knowledge, experience, and the caring that every board member has shown, and especially the leadership of the chairman, and the work group leaders, Don and Ken. You show a very high level of professionalism and leadership. There are a lot of things for us to learn from you.” Mr. Daddura stated, “One thing I would caution all the new members, is to participate in the phone conferences. If you cannot make it, call the work group chair find out what you missed. Because I will guarantee you, from this moment on, spring training is over. The season starts when you walk out this door, and they will not wait for you. If you want input on products, make sure you agree to the dates of the conference calls. Overall, the committee has a big task ahead of them. We want to do so much in so little time, you know it is imperative that we bring as much experience or reaching out to the public. I want to thank Vanessa, she is not only instrumental in this meeting, she is also instrumental in putting the committee together, doing all the paperwork and all the products -- I mean the package was hundreds of pages long to get approval. Danielle Watson, you know, no matter what I assign her to do, she does it. It is all business. All these people that make it happen, you know, it’s phenomenal, the way it just falls into place.” Mr. Thornton stated, “thank you, and I guess I am humbled and honored to be asked to chair this group. I really think we have raised the bar with this group. Nothing against the other groups, but we tend to continue to expand, to get different viewpoints, different diversity and we have a heck of a lot of experience here. The reason -- you talked about being busy people -- the reason you are on this committee is because, you are busy. I want you to think about what I just said. That is the reason you are on here. You were not picked because you were idle. Busy people always find a way to do it. I know I speak for Ken and Don when I say if you say you are going to do something, do it. Do not volunteer and say, you know, "I'm going to do it", and then let them down. There has been a lot of thinking of the staff, I, too appreciate that take care of me in many ways that you all do not see, and I appreciate that. I also want to thank the public and I appreciate your participation. I believe OSHA would tell you, this is the most effective advisory committee.” So with that, I am deeply honored to lead the group. I promise to do my very best, to make a difference out there and I think we can. I think we have the horsepower to do so. So, with that, I am going to call for a motion to adjourn this meeting.” Whereupon, at 2:34 p.m., the meeting was adjourned.