

## **Executive Summary**

### **Advisory Committee meeting for The Maritime Advisory Committee for Occupational Safety and Health (MACOSH)**

**February 8, 2007**

**The Sheraton Inner Harbor Hotel, 300 South Charles Street, Baltimore, MD  
20607**

#### **Roll Call**

Committee members in attendance: James Thornton, Stewart Adams, John Castanho, Marc MacDonald, Captain Teresa Preston, Stephen D. Hudock, Charles Lemon, Donald V. Raffo, Captain Lorne W. Thomas, and Earnest Whelan. After the committee roll call, OSHA staff and the public participants introduced themselves.

#### **Welcome and Approval of Minutes (pg. 13 of the transcript)**

Chairman Thornton explained the agenda for the day and asked that each workgroup leader report on their group's deliberations, recommendations, and any ongoing action. The committee approved the executive summary with the understanding that the list of topics that came out of the brainstorming session will be attached to the executive summary as an appendix or addendum to the executive summary.

#### **Welcome by: Jim Maddux (pgs. 4 – 36 of the transcript)**

Mr. Maddux updated the committee on recent OSHA activities. The direct final rule updating the NFPA standards in the shipyard fire protection standard has been completed. The guidance product on shipyard and abrasive blasting was recently published. OSHA is continuing to work with the Department of Homeland Security concerning radiation.

OSHA has also been revising its ionizing radiation standards. OSHA is planning to hold four stakeholder meetings later this year, targeted to specific industry groups and sectors that use radiation in the workplace. The stakeholder meetings will focus on: security operations, the healing arts, accelerator-operations, and industrial radiography.

The Agency published a guidance document to help employers in general industry prepare for a potential flu pandemic. Mr. Maddux said that OSHA is particularly interested in the committee's views as to whether or not additional guidance on pandemic flu is required for the maritime industries.

OSHA will soon publish the final rule for Subpart S electrical standards for general industry. The standard is applicable to marine terminals for electrical safety, and in shipyards for electrical safety for all land side operations, and has some limited application on board vessels when temporary power is brought from the land side onto the vessel.

OSHA recently published an Advanced Notice for Proposed Rule (ANPR) for the third phase of the Standards Improvement Project (SIPS-3), a series of rulemakings that OSHA has undertaken to improve and streamline standards. The SIPS-3 ANPR discusses several potential changes to the maritime standards and committee members were encouraged to review the ANPR and provide OSHA with additional ideas for things that OSHA should address in the maritime and the general industry standards.

Mr. Maddux announced that the Agency would be renewing their alliance with the Shipyard Council of America upon the conclusion of this public meeting.

Chairman Thornton stressed the importance of the work that the committee is doing, and asked the committee to make every effort to attend and participate in every MACOSH meeting.

Mr. MacDonald asked if the elements of SIPS-3 could be discussed within MACOSH if the work group desires to. Ms. Sherman told the committee that the agency can only be advised on what it wishes to be advised on, and MACOSH can't discuss anything that's not on the agenda. Mr. Maddux informed the committee that the SIPS-3 comment period ends soon and that the dates for OSHA receiving comment for the rulemaking in the pre-proposal stage are not as firm as they are for a formal proposal. He explained different ways to have their comments considered by OSHA.

**Health Work Group Report by: Stephen Hudock (pgs. 40 – 77 of the transcript).**

***Beryllium*** – A survey of the working group indicates there is no current concern with beryllium in the maritime industries. Mr. Hudock asked if the full committee would be willing to go back to their memberships and personnel, to see if there is a beryllium issue of which the workgroup is unaware. The workgroup believes there is no additional information to add to what OSHA already has in the beryllium package and therefore the workgroup would like to take beryllium off of the list of issues for the Health workgroup.

***Radiation exposure*** – Radiation exposure is a concern for marine terminal workers who are exposed to low levels of radiation through the use of new devices (VACIS) that scan containers. The workgroup would like to look at more literature on radiation exposure for port workers. The workgroup requested that OSHA keep them updated through continued participation in the study and risk reduction plan that is mandated by the Safe Port Act. They would also like to see the contradiction between “as low as reasonably achievable” and zero risk resolved. The workgroup recommended that OSHA publish a fact sheet that lists the sources of radiation, and the various exposure levels. The recommendation was unanimously accepted by MACOSH.

***Welding fumes*** – The workgroup recommended that OSHA cross-link the current welding information that is available on the OSHA website for shipyards to the longshoring pages. The recommendation was unanimously accepted by MACOSH.

***Diesel exhaust exposure*** – The workgroup would like to continue working and pursue the baseline information that is available, and develop the information as they go forward.

***Pandemic flu*** – The workgroup requested that OSHA provide them with a copy of the guidance document to review. Mr. Maddux agreed to provide the workgroup with copies of the document.

Mr. Hudock concluded the health workgroup report by informing the committee that the issues that were not reported on (i.e., hearing protection, etc.) are not high on the prioritized list of issues. They may, however, move up the list once the group gets through the first four prioritized issues. During the discussion, a public participant stated “there's some research that's being done at NIOSH, that's showing that even with effective hearing conservation programs, a good percentage of employees are still losing their hearing. So it's something that the Committee may consider.”

**Longshoring workgroup report by: Marc MacDonald (pgs. 77 – 108 of the transcript)**

**Radio communication** – The fact sheet for radio communication was given to the workgroup for review. The workgroup recommended that the committee approve the document and forward it to OSHA for publication. The committee unanimously accepted the recommendation. The committee discussed the document and made changes and recommendations. (See transcript for specifics). Mr. Maddux agreed to track changes to the document. The fact sheet was submitted into the record as Exhibit #1.

**Traffic safety guidance document** – The workgroup reported that they were told that the guidance document is awaiting review by the solicitor.

**Ro-Ro guidance document** – The workgroup reported that the guidance document is in development within OSHA and they are waiting for its completion so they can review it.

**IMO ship design** – The IMO working group is currently working on draft 5 of a new annex for the cargo securing code. They are also reviewing other draft annexes and related IMO regulations. Once the next draft of the cargo-securing annex is released and sent to industry for the longshoring workgroup will discuss it. The workgroup recommended that OSHA continue to use MACOSH and the longshoring workgroup to keep stakeholders informed of IMO actions, and to ensure that comments to IMO are consistent with OSHA regulations for worker safety. The committee unanimously accepted the recommendation.

**Break bulk operations** – The workgroup proposes to capture the experience and techniques for safe handling of break bulk cargoes, (especially the paper and paper rolls and pipes), and include other materials on break bulk handling and provide them to the workforce. The workgroup intends to create a task statement for this project.

**Chassis maintenance** – The workgroup reported that the comment period for the Federal Motor Carrier Safety Administration draft regulations on chassis maintenance will end in March. The workgroup suggested there should be a separate list for chassis items, to help direct OSHA inspections. The workgroup recommended that the task statement be amended to specifically note that the chassis checklist will be developed by the workgroup. During the workgroup discussions, a participant suggested that OSHA should update publication 2254 -- Training Requirements in OSHA Standards and Training Guidelines.

**Cranes and falls workgroup by: Stew Adams (pgs. 108 – 158)**

**Personal Flotation Devices (PFD)** — OSHA requires employers to use Coast Guard certified PFDs. The workgroup questioned whether the Type 5 Coast Guard-approved PFD approved for commercial use on limited and special vessels would be acceptable to OSHA. The workgroup recommended that OSHA develop some type of information bulletin to let the public know that a Type 5 inflatable PFD with the Coast Guard certification with approval for limited use on commercial vessels is acceptable. Mr. Maddux suggested that OSHA could try to generate such a document that could be brought to MACOSH for review and comment. The committee unanimously accepted the recommendation.

**Scaffolding** – The workgroup stated that there's little direction for erecting scaffolding. The last MACOSH proposed a maritime hanging staging scaffold guidance document that was issued by OSHA. The workgroup has decided to attempt to identify the different types of scaffolding used in shipyards that aren't identified in the current standards. The workgroup has a lot of work to do on this issue, and there is no recommendation at this time.

***Working under suspended loads*** – The workgroup would like to define the term “suspended.” The workgroup will continue to work on this issue, and there is no recommendation at this time.

***Personal fall protection devices aerial work platforms*** – An aerial work platform is defined as a vehicle-mounted elevating or rotating work platform. When workers in the shipyard or maritime industry are working over water on an aerial work platform, should they tie off as is required in the general industry standard, or should they wear a personal flotation device. The workgroup will try to develop some recommendations. They will address the inconsistencies in how the rules for aerial lifts and the use of PFD’s are enforced, how the standard is written, and how it applies to the shipyard industry. The workgroup members and the public expressed their frustration that the rules are interpreted differently in different regions of the country. Chairman Thornton suggested that the committee could explore best practices or things that make the practice safer. The workgroup will continue to work on this issue, and there is no recommendation for the committee to endorse at this time.

***Shipyard workgroup report by: Don Raffo (pgs. 159 – 197 of the transcript)***

***Safety and Health Injury Prevention Sheets (SHIP’s) for Ship fitting*** – The scope of the document was discussed, and the workgroup had several questions concerning the draft document for. The workgroup recommended they complete the final editing of the document, and consider MACOSH for approval at the next meeting. The committee unanimously accepted the recommendation.

***Welding, cutting, and heating in the way of preservative coatings*** – The committee was initially tasked to review a specific section of the standard as it related to what is commonly called the four-inch strip back requirement. The workgroup made a commitment to review Subpart D and provide OSHA with some feedback, with the goal of updating Subpart D to incorporate modern work practices and controls. The workgroup will continue to work on this issue; there is no recommendation at this time.

***Surface preparation and preservation*** – The workgroup discovered that spray-painting regulations are being used quite differently at different shipyards, resulting in vastly different practices when using similar coating systems. The workgroup will continue to look at specific issues, with the goal of developing a guidance document that lays out a step-by-step guide for a spray operation. The document would also include the different options in spray painting that allow different operations to go on at the same time and conduct spray paint operations safely. After discussing the issues, the committee unanimously accepted the recommendation. The workgroup’s PowerPoint presentation was submitted in the record as Exhibit #2.

***Shipyard and maritime terminal injury and illness data by: Daniel Youhas (pgs. 197 – 220)***

The Shipbuilders Council of America (SCA) injury and illness survey is issued quarterly to its shipyard members. In 2004 the SCA collected data by asking its members how many times each "root cause" occurred, breaking it down into 12 categories that the SCA Safety Committee members identified. The top four categories and one “undetermined” root cause category were developed from that list. The top four accounted for 56% of why injuries occurred. The SCA learned through the collection of information from its participating companies that the information was good, but it was not enough and they needed to collect more useful information in order to create a safety and health information bulletin. In the meantime, the SCA informed MACOSH that they had an open area in the 2007 injury and illness survey and might be able to use the open section to collect the causes of injury and illnesses in shipyards. They offered to work with MACOSH in order to create a data collection system for their member shipyards.

The criteria for “near misses” were left to the individual shipyards. The goal was to collect enough information to create a complete safety and health information bulletin with OSHA. They also collected near miss information, believing that such information might reduce future injuries and illnesses in the shipyards.

Captain Preston informed MACOSH that the outreach workgroup defined near misses as anything that didn't result in an accident that involved injury or property damage. She went on to explain the “12 whys” as a list of possible causes. She also stated that the SCA was offering to return to the workgroup with information collected from the safety seminar so the SCA can introduce whatever it is the workgroup would like to use for data collection to all the SCA members. Mr. Youhas' presentation was submitted in the record as Exhibit #3

**Outreach workgroup by: Captain Terry Preston (pgs. 220 – 277)**

***Longshoring and shipyard pocket guides*** – The workgroup recommended that OSHA continue publishing the two pocket guides for shipyards and longshoring and that the shipyard pocket guide be updated as soon as practicable. There was a discussion on the recommendation and the committee voted unanimously in favor of the recommendation.

***Root cause analysis*** – Originally, the workgroup task was to review the data collected by the SCA, including the causal definitions of near-misses that were reported and determine whether the workgroup wanted to continue the data collection, if additional data collection is required, and if more definitions are needed. During the workgroup meeting the NTSB reported that the Navy had a near miss data collection system that MACOSH might be able use. The workgroup decided that it is not ready to make a recommendation to MACOSH. In addition, the workgroup is considering discussions with other organizations about contributing data to this project.

***Leading indicators*** – There is no task sheet for this issue. The workgroup leader will make copies of an article on intervention effectiveness research and give it to the committee. There is some research on leading indicators, however there is not enough to act upon. The workgroup will continue to work on this issue; there is no recommendation at this time.

***Non-English speaking workers*** – The purpose of this task was to ensure that employees, who do not speak English at an adequate level, receive training workplace or safety in their native language, at least until they can learn English. The workgroup's first recommendation is that OSHA assist in the distribution of the translated fatality videos for ship breaking, ship building and ship repair. The workgroup recommended that OSHA use its outreach efforts to encourage employers to use English as a Second Language (ESL) courses to improve the English speaking capability of their workforce. Mr. Whelan informed the committee that his company sponsored an ESL program. He explained how the program was paid for and its success. Ms. Sherman asked, and Mr. Whelan agreed, to provide information on the cost of the program. There was additional discussion on the motion, the committee unanimously voted in favor of the recommendations.

***E-Tool*** – The workgroup recommended that OSHA start working on a health section to the E-Tool on the OSHA maritime web page. Captain Preston explained the history of the project and what the workgroup would like to see coming from the project. The workgroup offered to review new documents. The committee unanimously voted in favor of the recommendations.

***Substance abuse*** – The draft task statement is aimed at developing a standard application or a standard set of guidelines for a drug and alcohol program that OSHA could endorse, or put on their website. The workgroup informed the committee that there is much more work to be done on the issue and there is no recommendation at this time.

The committee asked Mr. Maddux if they could look at promoting future fatality videos along the lines of Volumes 1 and 2 that OSHA is translating into Spanish. Mr. Maddux informed the committee that numerous shipyard safety directors have asked him to have MACOSH review it, to see if the committee has any influence in finding the funds to produce other award-winning videos.

A member of the public asked if the outreach workgroup could link the MACOSH and the E-Tool information to the MARAD library, because this is where all the ship scrappers go to get their information on everything related to the ship scrapping.

***Open Discussion (pgs. 277 – 302 of the transcript)***

Chairman Thornton asked for feedback from the committee on what they thought of working with the task cards. The majority of the committee stated that they thought that the process was a good idea. For example, Mr. Hudock stated, “I think the way we have it set up now, with working conference calls for the scheduled MACOSH meetings is an obviously good thing to do. Again, whether you can get one or two or three of them in, depending on how far in advance the next meeting is, is a good thing.” Another committee member stated, “The task cards are wonderful, and I agree. You get two things out of them. One, it keeps us on track. Secondly, if we do end up having to hand this over to another committee, they'll know where we were coming from.” Another committee member stated, “We've got to make sure all of the committee members and subcommittee members have the essential documents, like the most up to date version of the task statement, the most up to date version of the fact sheet.” Captain Thomas stated “I would recommend at some point, once a task firms up, you assign a number to it from the record. If you can associate all the activities and the deliverables with a certain task statement, it would improve the record.” Ms. Sherman responded and stated that OSHA is required to do a committee management report and that might be an appropriate time to associate the results with the task card.

***Closing remarks by: Edward Foulke (pgs. 302 – 325 of the transcript)***

Mr. Foulke addressed the committee, saying "thank you" for what the committee is doing, for being involved, and their commitment to safety and health. Mr. Foulke stated that what MACOSH is doing by being dedicated to help improve safety and health in the maritime industry would also probably help other industries. Mr. Foulke also stated that the work the committee is doing allows people to go home safe and sound, back to their families each night. He also told the committee that they are helping OSHA accomplish their mission to reduce injuries, illnesses and fatalities, and at the same time, they're helping the safety and success of the maritime industry.

Mr. Foulke reviewed the list of the committee’s recommendations to OSHA: republishing the shipyard digest, providing welding fume information to longshoremen via the OSHA web site, improved crane radio communication fact sheet and recommend publication, to use MACOSH to communicate with the International Maritime Organization; clarification on inflatable PFDs, and help distribute Spanish versions of OSHA animated fatality videos. Mr. Foulke informed the committee that OSHA has a translation service that’s available to anyone in Agency, but it’s used primarily for inspections, were OSHA workers can call in 24 hours a day for translation of some 170 different languages.

The last item on the list was expanding shipyard E-Tools to cover health hazards. Mr. Foulke informed the committee that the Agency is going to take the recommendations to heart. However, it is difficult to say which ones OSHA will be able to act on quickly, which ones will take a longer time to act on, and which ones the Agency will not be able to do.

A committee member asked Mr. Foulke if he would commit to holding the next MACOSH meeting on the West Coast. Mr. Foulke responded by stating that he would consider the offer, but part of the decision is budget-driven. Afterwards, Chairman Thornton adjourned the meeting.