

Maritime Advisory Committee for Occupational Safety and Health Meeting Minutes

Del Mar Marriott, San Diego, CA

July 20, 2011

Committee Members Present:

James Thornton, Chairman - American Industrial Hygiene Association
Karen Conrad - North Pacific Fishing Vessel Owners Association
Philip Dovinh - Marine Chemist Association
Captain Cheryl Fairfield Estill - National Institute of Occupational Safety and Health
Michael Flynn – International Association of Machinists and Aerospace Workers
Kelly Garber - APL Limited
Robert Godinez - International Brotherhood of Boilermakers - Iron Shipbuilders
Les Johnson – International Brotherhood of Electric Workers
Charles Lemon - Washington State Department of Labor and Industries
Christopher John McMahon - U.S. Department of Transportation
Tim Podue - International Longshore and Warehouse Union
Donald Raffo - General Dynamics
Arthur T. Ross - Texas Terminals, L.P.

Committee Staff in Attendance:

Jordan Barab – Office of the Assistant Secretary for Occupational Safety and Health, OSHA
Dorothy Dougherty – Directorate of Standards and Guidance, OSHA
Bill Perry – Directorate of Standards and Guidance, OSHA
Joseph Daddura – Office of Maritime Standards, OSHA
Susan Brinkerhoff – Office of the Solicitor, DOL
Vanessa Welch – Office of Maritime Standards, OSHA
Danielle Watson – Office of Maritime Standards, OSHA
Veneta Chatmon – Office of Communications, OSHA
Theresa Clark – Directorate of Standards and Guidance, OSHA

Federal OSHA Staff in Attendance:

Jack Reich – OSHA Region IX
Randy White – OSHA Region X
John Vos -- OSHA Region IV
Mike Seymour – OSHA National Office
Katie Nishimoura -- OSHA Region I
David Doucet -- OSHA Area Office, Houston North
Steve Butler – OSHA National Office
Jay Vicory – OSHA Area Office, San Diego
Pete Mulberry – OSHA Area Office, San Diego

Public in Attendance:

Jeff Brown -- Safety and Environmental at Eagle Marine Services, San Pedro, CA
Vince Lamaestra -- Pacific Maritime Association
Gerald Swanson -- Pacific Maritime Association
Tracy Burchett, ILWU
Pete Favazza -- ILWU
Peter Riley -- Cal-OSHA
Bob Massey -- General Dynamics/NASSCO
Stewart Adams -- U.S. Navy
Polly Parks -- Southern Recycling
Ed Hughlett -- Ports America
Harvey Porter -- Continental Maritime, San Diego
Russ McCarthy -- Continental Maritime, San Diego
Trent Willis -- ILWU
Paul Wieser -- ILWU
Andrew Ramirez -- ILWU

Welcome

Dorothy Dougherty

Director, Directorate of Standards and Guidance

Ms. Dougherty welcomed the Committee. She informed the Committee that she has heard that the Committee has developed several guidance products since its previous meeting in Washington, DC, in April. Ms. Dougherty informed the Committee that OSHA will be putting those products into plan just as soon as the Agency is capable of doing so.

Opening Remarks

Jordan Barab

Deputy Assistant Secretary

Mr. Barab welcomed the Committee, and informed them that the Agency takes the term “advisory committee,” as well as advice from such committees, very seriously. He also told the Committee, “We are here to protect workers in this country. It’s an important job. We cannot do without your input.” Mr. Barab thanked the Committee members for all their input. He talked about OSHA’s 40th anniversary and noted that OSHA protects workers, which helps businesses because safe workplaces result in good jobs, and good jobs are essential for a successful economy. He also expressed disappointment that 8 million public employees do not have the same protections that OSHA affords private-sector employees.

Mr. Barab showed the Committee a video presentation on “OSHA at 40”. As the Committee viewed the video, he talked about some of the worker fatality and injury statistics since the founding of the Agency to the present. Mr. Barab stated that the Agency is focusing on reaching out to the hard-to-reach workers, such as immigrant workers, Hispanic workers, and Asian workers, who very often are working day to day in the underground economy in this country.

Enforcement – The Agency’s primary focus is enforcement. After discussing the relatively low penalties that are set by Congress, Mr. Barab noted that OSHA is reviewing the number of significant and egregious cases. A significant case is any case over \$100,000. Egregious cases are very large cases where OSHA often cites each infraction individually rather than grouping them, and they often add up to significant penalties. Between the States and feds, there are only about 2,000 inspectors to deal with 8 million workplaces. OSHA is sending a message out by publicizing enforcement cases, especially for smaller citations, to show employers that OSHA is here and active. The Agency issues standards and enforces those standards. OSHA does not just cite companies to punish or sanction. OSHA is trying to send a message that a worker’s right to have a safe work place is taken very seriously.

Standards and Guidance – Standards and guidance is one of OSHA’s most important functions, because the Agency bases enforcement on OSHA standards. Mr. Barab pointed out that regulations, rather than killing jobs, make businesses more efficient at controlling hazards and, consequently, save lives. He described a number of OSHA standards that are in progress.

- **Injury and Illness Prevention Programs** -- The Injury and Illness Prevention Programs standard is one of OSHA’s priorities. The focus of the standard is to try to help all employers develop a systematic way to address health and safety hazards in the workplace.
- **Harmonizing Chemical Hazard Communication** – OSHA is preparing to issue the final standard.
- **Silica** – The standard is under OMB review, and OSHA will be issuing a proposal.
- **General Working Conditions in Shipyard Employment** – The final rule was issued in May 2011. Some issues have been raised, and OSHA encourages the maritime community to raise those issues and do whatever they need to do to make OSHA standards better.
- **Other OSHA Standards** – Standard in electrical, construction work, and confined space are due out.

Compliance Assistance – OSHA’s philosophy on compliance assistance is that every employer should have enough information to protect workers. More important, workers need to know about the hazards they face in the workplace, and they need to know about their rights under the law. OSHA’s compliance assistance focuses on helping workers who have the hardest time knowing about workplace hazards, their rights, and exercising those rights. Often, those workers are immigrant workers.

Minority Workers – OSHA has hired bilingual staff to help the Agency communicate with workers from Latino and other ethnic communities.

Consultation Programs -- OSHA has an outside consultation program that provides free assistance to small businesses. Many smaller companies are unaware of the consultation program, yet 30,000 on-site visits are conducted each year, for which OSHA provides 90% of the funding. OSHA believes that it is very important for small employers understand how to protect workers.

Heat Campaign – OSHA’s heat campaign focuses on providing water, rest, and shade for outdoor workers.

Harwood Grants – OSHA provides Harwood grants to nonprofit organizations to conduct training and compliance assistance. OSHA’s focus is educating hard-to-reach workers in high-hazard industries on health and safety.

Maritime Safety, Health, and Training – This is a very important part of OSHA’s training program. Mr. Barab thanked the Committee for their participation and help in putting the training program together.

Catastrophic Events -- OSHA was involved in several catastrophic events around the world. OSHA was somewhat involved in the nuclear power plant disaster in Japan, making sure radiation didn't come to the U.S., especially on ships and the materials coming to the U.S. from Japan.

Cooperative Programs – Contrary to a misconception, OSHA is not getting rid of these programs. However, a couple of years ago the Agency proposed to take the funding for the Voluntary Protection Program off OSHA’s accounts and make it self-funding. There was pushback from some congressional members over that idea, so OSHA pulled the proposal back. However, self-funding of this program may be something the Agency may want to look at again. OSHA will discuss the issue with its VPP members. There has also been a lot of controversy around VPP sites where fatalities occurred. The conclusion was that OSHA does not do a good job monitoring its VPP program. The fact is, OSHA has rarely if ever kicked anybody out of VPP despite fatalities and willful citations. The Agency will issue some new policies to ensure that the program has integrity. OSHA’s goal is to highlight the best of the best and to make sure everybody in VPP belongs there.

Whistleblower Program – OSHA now administers 21 different whistleblower laws, with about the same staff as when the Agency administered just one whistleblower law—the OSH Act. Through congressional efforts, and national and field office restructuring, OSHA is trying to change the effectiveness of the program.

Budget – Fiscal year 2011 will end September 30, 2011. Congress will not have passed the 2012 budget by October 1. Even while not knowing what is going to happen with the debt limit, the Agency is working on the 2013 budget. Mr. Barab encouraged the Committee members to talk to their congressional representatives and let them know what the workers that they represent are facing in the workplace. Mr. Barab concluded his presentation and the PowerPoint presentation entitled “PowerPoint Presentation by Jordan Barab” was entered into the record under Docket # OSHA-2011-0007 as Exhibit 13.

Q: Mr. Podue (MACOSH member) stated that the ILWU feels privileged to participate on the Committee. He also stated that this been a great experience for him and his organization, and his organization takes health and safety seriously. Mr. Podue stated that the Committee and specifically the longshoring work group worked hard developing various guidance products and would like to see OSHA publish them. Mr. Podue stated, “The documents will make a tremendous impact on workers on the waterfront.”

A: Mr. Barab stated that he appreciated the ILWU’s contribution, and has enjoyed working with ILWU members. He also stated, “Nothing is fast with the federal government, whether it's a regulation or a guidance document. And . . . sometimes it is money.” He also commented on the multiple layers of review that are necessary before a product is published. Ms. Dougherty added that OSHA is reviewing some of the guidance products the Committee worked on. She also informed the Committee that OSHA needed to coordinate with the Office of Communications about the budget available to produce those products, and that OSHA is moving forward with producing the guidance products.

Q: Mr. Trent Willis (Public) commented on OSHA’s statistics that identified Latino workers as the most injured on the job, wanted to know why Latino workers have the highest injury rates, and asked where OSHA got the information from.

A: Mr. Barab stated there are a number of reasons why Latino workers suffer a higher rate of injuries and illnesses than non-Latino workers. Statistically, the main reason is that a higher percentage of the work they perform is in the construction industry, which is very hazardous. In addition to that, Latino workers face barriers such as language, intimidation, fear, and lack of education. OSHA is trying to address all those issues.

Vince Lamaestra (Public) reemphasized Mr. Podue’s concerns in regards to OSHA producing the longshoring work group’s guidance products. He stated the products will make an impact on the longshore and marine terminal workforce.

Mr. Raffo (MACOSH member) also echoed Mr. Podue’s comments. He also thanked the maritime staff for all the work they do to help MACOSH do their job. He stated, “You have really great staff here and we all appreciate the help that they give us.”

Mr. Thornton (Committee Chair) stated that MACOSH is probably the most effective advisory committee in OSHA. He also stated that because of this Committee and the products and services they provide, the injury rate in the maritime industry is down, and other industries do not compare in terms of injury rate reduction. Mr. Thornton urged the Agency to continue MACOSH, because MACOSH is making a difference. Mr. Thornton also echoed Mr. Raffo’s statement about the OSHA staff that supports MACOSH.

Review of the MACOSH Minutes from Washington, DC, April 19, 2011.

Chairman Thornton (MACOSH Chair) asked the Committee to review the minutes. The Committee reviewed and accepted the comments. Mr. Thornton called for discussion on the minutes.

Ms. Polly Parks (Public) stated that her statement opposing OSHA's participation in the IMO convention was not reflected in the April 20, 2011 MACOSH Committee meeting minutes. Ms. Parks stated that she wanted to amend the minutes to reflect that domestic ship recycling is opposed to the IMO convention, because it will lower U.S. environmental and safety standards.

Mr. Thornton informed Ms. Parks that the Agency would revisit her comment and OSHA will make the call on amending the minutes. Mike Flynn raised the issue of whether or not the public comments should be included in the minutes. Susan Brinkerhoff stated that the Agency normally includes all significant comments from the public or the Committee in the minutes. Susan also stated that she would consult with her colleagues in reference to amending the minutes to include public comment. The document entitled "Minutes from the April 19 and 20, 2011, MACOSH Meeting" was entered into the record under Docket # OSHA-2011-0007 as Exhibit 14.

Region IX Presentation

Jay Vicory, Area Director for the San Diego Office, and Jack Reich

Federal OSHA shares jurisdiction for maritime activities with Cal/OSHA in Region IX.

- **Current Work in the Region** -- Cal-OSHA is handling the shore operations while Federal OSHA is handling the shipboard operations for the ship-breaking inspections at Mare Island.
- **Inspection Data** – Cal/OSHA conducts, on average, 42 inspections and OSHA conducts about 65 each year in shipbuilding and repair. About 66 longshoring inspections are conducted by OSHA and 36 by the state. There are 26 ports in Region IX. Approximately 5,200 ship visits in the Port of Los Angeles, 5,000 visits in the Port of Long Beach, and 2,000 in the Port of Oakland are conducted per year. Most of the vessels are container ships, with some cruise ships.
- **Maritime Workers** -- There are approximately 9,000 longshoremen and approximately 10,000 ship repair workers in the Region.
- **Ship Repair Operations** – Currently, 14 ships are undergoing repair in the San Diego area. Three new ammo cargo-carrying vessels (Lewis and Clark class) are under construction at the NASSCO facility. Two mobile landing platform ships are being worked on. OSHA also has the NASSCO facility, and BAE was recently awarded a five-year multi-operational contract for guided missile restoration.
- **Maritime Safety and Health Training** -- 1,800 workers received training on the 30-hour course, and 300 supervisors went through the 10-hour course. All were part of a Susan Harwood grant.
- **Voluntary Protection Program** -- BAE Systems was reviewed for recertification in VPP. All BAE production workers must produce an OSHA ten-hour maritime training certificate or a Port of San Diego Ship Repair Association eight-hour course certificate.
- **Other Notes** – In FY 2010, Continental Maritime became a VPP site. Continental Maritime is currently waiting to become a Star site. Pearl Harbor naval shipyard will have a VPP site review in October 2011.

The Region IX presentation was concluded, and the document entitled "PowerPoint Update from Region IX" was entered into the record under Docket # OSHA-2011-0007 as Exhibit 15.

Q. Ms. Parks (Public) asked if the 2011 statistics for the number of the shipbuilding/ship repair workers in the region were for commercial and government contracts, or just for government contracts.

A. Mr. Reich (OSHA) stated that he did not know the answer to Ms. Parks's question.

Mr. Podue told Mr. Vicory and the Committee that are actually 7,000 longshoremen in Southern California.

Q. Mr. Flynn (MACOSH member) asked if Region IX has a specific program for radiation on containers and shipments coming in from Japan.

A. Mr. Reich stated that Region IX does not have specific programs in place. However, he did inform the Committee that Customs and Border Patrol walk through their process with state officials, longshoremen, and any other interested parties, and explained how their radioactive meters work.

Injury and Illness Prevention Programs Presentation

Mike Seymour, Director, Office of Technological Feasibility

Directorate of Standards and Guidance

Mr. Seymour introduced himself and talked about the PowerPoint presentation he had shown the Committee the previous day. The PowerPoint presentation outlined the underlying concepts of the Injury and Illness Prevention Program. Mr. Seymour explained to the Committee that the purpose of the current presentation is to provide them with an opportunity to ask additional questions, to give the Committee a brief explanation of the program's status, and then move on to the new Injury and Illness Prevention Program web page. The new Injury and Illness Prevention Programs webpage both provides information to the public and serves as a place to exchange information as the rulemaking moves forward. OSHA strongly believes that the program is good for workers, employers, and America. Every day 12 workers are killed on the job, and more than 9,000 workers suffer serious job-related injuries. Injury and illness prevention programs will save lives and prevent injury on a daily basis.

The web site's "Buzz" box is a place for the public to tell OSHA how well their injury and illness prevention programs work or do not work. It will also contain white papers prepared by OSHA that discuss injury and illness prevention programs. Currently, it contains a very detailed, well-researched white paper by the American Industrial Hygiene Association.

The site's "hot topics" box contains documents and results from the stakeholder meetings OSHA held last year. The box also contains frequently asked questions and answers.

Four pages behind the web site's main page contain related documents: standards and other background documents, effective programs, program resources, and links to state programs.

Q: Mr. Flynn (MACOSH member) asked about the process for how documents and videos get into the buzz box.

- A: Mr. Seymour stated that a video featuring Mr. Thornton was included because it was germane and pertinent to the topic. OSHA asked the AIHA for permission to put its white paper on the website because OSHA thought the paper presented very good research and a very balanced approach for injury and illness prevention programs.
- Q: Captain Estill (MACOSH member) asked if there is an actual proposed rule on injury and illness prevention programs that OSHA will be submitting to a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel, and is there an outline on the web site of what the proposed rule might look like.
- A: Mr. Seymour stated that he did not believe there is an outline of the proposal. OSHA developed a rule in the late '90s that actually went through the process and became public. That particular document is on the website. OSHA is working diligently to produce draft regulatory text and begin the SBREFA process, and will put the document on the OSHA website about six weeks after initiation of SBREFA.
- Q: Captain Estill (MACOSH member) asked if the proposed rule is going to be like other proposed rules, where OSHA conducts a full economic analysis.
- A: Mr. Seymour replied that OSHA has a team of economists that are working on the economic analysis and will look at the cost and benefits of the rule. Mr. Seymour asked the Committee members to provide the Agency with model programs representing good practices in longshoring and shipyards to assist other businesses that may not have the resources to develop programs on their own.
- Q: Mr. Raffo (MACOSH member) asked Mr. Seymour to provide the PowerPoint he presented the previous day to the Committee, so they can share it with their industry.
- A: Mr. Seymour told Mr. Raffo he would make the presentation available to the Committee. The presentation entitled "Mike Seymour's PowerPoint Presentation of the Agency's Injury and Illness Prevention Program" was entered into the record under Docket # OSHA-2011-0007 as Exhibit 16.

Shipyard Work Group Report

Don Raffo, Shipyard Work Group Leader

Fire Watch Quick Card – The quick card was finalized during the June 15, 2011, conference call. The quick card was submitted to the longshore work group for review. All the longshoring work group's comments were incorporated into the quick card. The work group will provide OSHA with pictures for the quick card. The Committee approved the quick card and voted to submit the fire watch quick card to the Agency, and for OSHA to produce it in English as quickly as possible. They also asked that OSHA consider publishing it in additional languages after the initial copies have been distributed.

Ventilation Fact Sheet – The ventilation fact sheet is a carry-over item from the previous MACOSH Committee. The work group started doing some initial reviews of the document and getting into details during the conference calls and during the work group session. The work group

decided that the document contained too much information that led to too many questions. The work group decided to submit some suggestions on how to break up the document to provide the industry workers with specific and varied topics that will flow from the fact sheet, which could be a series of quick cards on specific topics.

Welding Shade Fact Sheet – The fact sheet was developed for workers to select the proper weld shade depending on the operation or type of welding, the thickness of the steel they were working on, and the electrodes. The document contained a table/chart that recommended the thickness of the welding shades. Both OSHA and the NCAWS have charts that recommend shade darkness, but the charts did not match up and OSHA's was hard to read. The work group is going to make the OSHA table easier to read and incorporate the most recent ANSI and American Welders Society's recommendations for welding shade selection into the fact sheet. The shipyard work group would like to finish the document during the next conference call, and submit it to the longshore work group before the next meeting.

Eye Injury Reduction -- Eye injuries account for approximately ten percent of recordable injuries. There was a lengthy discussion in the work group meeting yesterday on how to reduce eye injuries, how they occur, and some of the different types of glasses, goggles, and new products out there. The work group will focus on developing a white paper on eye injury reduction and submit it to the Agency. The white paper will discuss the problem, provide a discussion on some of the products that are available to protect workers, and why these injuries keep occurring and will recommend ways to protect workers from eye injuries. The work group developed an outline for the white paper and will start working on the product.

Hot Work On Hollow Structures – Upon request by the longshoring work group, the shipyard work group provided a draft paper on basic issues regarding hot work on hollow structures in shipyards to incorporate into a product that the longshoring work group is working on.

Heat Stress -- The Agency asked the Committee to review OSHA's information on heat stress for missing or new information that could help the maritime industry. It is the shipyard work group's opinion that the Agency has done a good job disseminating information on heat stress not only to the maritime industry but to all the industries throughout the country and does not see any areas where they could add to OSHA's information.

SHIPS Documents – The Agency had asked the work group if the SHIPS documents were useful, helpful, and worth the tremendous effort and time to produce them. Most of the smaller shipyard agreed that the SHIPS document were useful. However, the larger shipyards don't think the documents are useful, and one of the larger shipyards thought the SHIPS documents were elementary and not useful. Some of the smaller shipyards that do not receive as much training as the larger ones see the SHIPS documents as a valuable tool and use them for their toolbox safety talks. Before the work group makes a recommendation, they are going to ask the Shipbuilders Council of American (SCA) how they feel about SHIPS since SCA represents the big yards and a significant number of small yards throughout the country.

Mr. Raffo concluded his presentation, and the document entitled "PowerPoint Presentation on the MACOSH Shipyard Work Group Report-out dated July 20, 2011" was approved by the Committee

and entered into the record under Docket # OSHA-2011-0007 as Exhibit 17. The Document entitled “Fire Watch Safety Quick Card” was entered into the record under Docket # OSHA-2011-0007 as Exhibit 18.

Longshoring Work Group Report

Chuck Lemon, Acting Work Group Leader

Radiation Guidance -- The work group mentioned that they would develop a guidance product on radiation at the previous MACOSH meeting in April. During the five work group conference calls since the last meeting, the work group discovered that there were several documents addressing the radiation issue, and there was no need to develop an additional document. The work group has decided not to pursue this topic and has taken it off the longshoring work group’s priority list.

Quick Card on Servicing Multi-piece and Single-piece Rim Wheels – The longshoring work group provided a copy of the quick card to the shipyard work group for review prior to the meeting. The longshoring work group addressed all the shipyard work group’s concerns or recommendations prior to the Committee meeting. The Committee voted to accept the quick card on servicing rim wheels and to submit it to the Agency with the recommendation that OSHA print it in English on one side and Spanish on the other. The document entitled “Quick Card on Servicing Rim Wheels” was entered into the record under Docket # OSHA-2011-0007 as Exhibit 20.

Fact Sheet on Servicing Multi-piece and Single-piece Rim Wheels Applicable to 29 CFR 1917.44(o) (tube-type tires) and 29 CFR 1910.177 – The fact sheet will help employers and workers performing duties such as servicing, mounting, installing, repairing, and assembling rim wheels in marine terminals. OSHA has two regulations that address rim wheels, 1910.177 and 1917.44(o), but 1917.44(o) specifically covers servicing of wheels containing tube-type tires mounted on multi-piece rims. A long discussion ensued regarding tire pressure terminology and other technical issues. See this discussion at pages 107-113 of the transcript for this meeting, found in Docket # OSHA-2011-0007. At the end of the discussion the Committee unanimously voted to accept the fact sheet as written and to submit it to the Agency with the recommendation that OSHA print it in English on one side and Spanish on the other. The document entitled “Servicing Multi-Piece and Single Piece Rim Wheels applicable to 29 CFR, 1917.44(o) (tube-type wheels) and 29 CFR 1910.177” was entered into the record under Docket # OSHA-2011-0007 as Exhibit 21.

Person In Water (PIW) Guidance Document – This draft guidance document was developed to provide employers with recommendations for water retrieval plans when recovering a person who has fallen into the water at a marine terminal. The shipyard work group stated that this document can be useful for their industry, too. The longshoring work group will send the draft document to the shipyard work group for review and comment.

Person In Water (PIW) Quick Card – The longshoring work group is also developing a worker-targeted quick card for recovery of a person who has fallen in the water at marine terminals.

Cargo Handling Equipment – A proposed guidance product will address general rules for working around equipment, from an on-the-ground perspective. The document will include various types of equipment.

Safety Zones Between Rail Cars and Cargo-Handling Equipment – As envisioned, a guidance document, an amendment to the existing On-Dock Rail Guidance, or a quick card will focus on keeping workers safe while working between rail cars and cargo-handling equipment.

Preventing Chassis Drivers From Jostling In The Cabs – The work group will look into developing a quick card or a poster to provide guidance to chassis drivers to prevent them from being jostled while in the cab. Most often, this happens when a container has not been completely released from the chassis. When the container is lifted by the crane, the unreleased chassis is lifted also, and when the chassis releases from the container, then the chassis falls and jostles the driver around in the cab, possibly causing injury.

Testing Between Deck Pontoon Hatches -- The topic was added to the longshoring work group's list during its meeting in April 2011. The shipyard work group has drafted something for the longshoring work group to review. The longshoring work group will keep the subject on its priority list until they review the shipyard work group's information.

Combustible Dust in The Marine Terminals – The work group will look at expanding an existing fact sheet to include wood pellets.

Injury and Illness Prevention Programs – The longshoring work group will try to develop a model program for longshoring and marine terminals.

Mr. Daddura (MACOSH DFO) suggested that the longshoring work group take another look at the on-dock rail guidance document to see if they can incorporate the "Safety Zones between Rail Cars and Cargo Handling" information prior to OSHA preparing the document for publication to eliminate the possibility of OSHA pulling the document back after publication. Mr. Daddura also encouraged the work group to voice their concerns on dust to OSHA as soon as possible. He also encouraged the longshoring work group to provide the Agency with pictures, so OSHA can address their concerns and possibly get the information to the team working on the dust standard before the Agency moves forward. Finally, Mr. Daddura described the process by which documents are translated to other languages: the translation is done by the Department of State, which sometimes holds things up.

Mr. Lemon concluded the longshoring work group report. The PowerPoint presentation entitled "Report of the MACOSH Longshoring Workgroup dated July 20, 2011" was approved by the Committee and entered into the record under Docket # OSHA-2011-0007 as Exhibit 19.

Open Discussion

Full Committee

The entire Committee thanked one another and the OSHA staff for their support. The members also echoed one another, thanking their respective work group leaders for their leadership and guidance. Mr. Ross stated that he would like the Committee do more work geared towards low-literacy workers. Mr. Flynn suggested that a member of each work group attend the meetings of the other work group while documents from the other work group are being reviewed for purposes of clarification. Mr. Daddura thanked his staff and explained to the Committee the exchange of work products between the work groups, and how it helps his staff proceed with their work. Mr. Daddura also told the Committee that he would like to have four MACOSH meetings this year.

Mr. Thornton suggested that the Agency prepare and keep a “running score card” for the Committee documents being worked by OSHA, and bring it to the next meeting.

Public comments

Polly Parks (Public) stated, “As an industry person, I find it bizarre, to say the least, that this stuff is being sent to the State Department for their contractors to translate. I'm sure that OSHA can get their own contractors to translate this material. It's important for the industry to have these materials in the languages of the people who work for us. Some people speak English, some people speak Spanish, some people speak Vietnamese, some parts of the country they speak a number of other languages. The demographics of this nation have changed, and if OSHA wants to stay relevant, and other federal agencies want to stay relevant, [they] are going to have to be able to speak in the languages of the people of the United States. About . . . four or five years ago I was told that we couldn't translate things into Spanish in OSHA because it didn't directly translate into Spanish. To me these are all excuses.”

Ed Hughlett (Public) mentioned a few guidance documents he would like to see produced and stated that the maritime industry needs these documents because of the high incidence of injuries in the industry.

The MACOSH meeting was adjourned at 2:38 p.m.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

James Thornton, Chairman
Maritime Advisory Committee for Occupational Safety and Health