

The entire transcript of this meeting can be viewed at www.regulations.gov at Docket Number OSHA-2015-0014-0011 "[Exhibit 011: September 2, 2015 MACOSH Meeting Transcript](#)"

MEETING SUMMARY
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
MARITIME ADVISORY COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH
(MACOSH)

Wednesday, September 2, 2015

University of South Florida, Marshall Student Center
4103 USF Cedar Circle
Tampa, Florida 33620

MACOSH Members Present:

James R. Thornton (American Industrial Hygiene Association, MACOSH Chair)
Kenneth A. Smith (U.S. Coast Guard)
James S. Rone (Washington State Department of Labor & Industries)
Chelsea Woodward (National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services)
Lesley E. Johnson (International Brotherhood of Electrical Workers)
Tim Podue (International Longshoremen's and Warehousemen's Union)
Robert Godinez (International Brotherhood of Boilermakers)
Kelly J. Garber (SSA Marine)
Donald V. Raffo (General Dynamics)
Solomon Egbe (Ports America Chesapeake)
Amy Sly Liu (Marine Chemist Association)
Daniel R. Harrison (American Society of Safety Engineers)
Antonio Rios (Special Agency Liaison, Office of Worker Compensation Programs)

MACOSH Members Absent:

George Lynch (International Longshoremen's Association)
Kristine Gilson (U.S. Department of Transportation, Maritime Administration)
Karen I. Conrad (North Pacific Fishing Vessel Owners' Association)

OSHA Staff:

Amy Wangdahl, Designated Federal Official, Director, OSHA Office of Maritime and Agriculture
Vanessa Holloway, OSHA, Office of Maritime and Agriculture
Nicholas Carr, OSHA, Office of Maritime and Agriculture
Jennifer Levin, Committee Counsel, Office of the Solicitor
*Danielle Watson, OSHA, Office of Maritime and Agriculture (*Absent)

Members of the Public and Other OSHA Staff Present:

Woody Collins, American Equity Underwriters
Stephen Wodering, Shipbuilder's Council of North America

Chuck Caskey, Standard Concrete Products
Mike Podue, International Longshore and Warehouse Union
George Lujaniowu
Fred Gilliam, International Longshore and Warehouse Union
David Turner, APM Terminals
Jerry Swanson, Pacific Maritime Association
Dorinda Folse, OSHA, Region 6
Tony Schulz, Southern Recycling – EMR
Chris Green, Southern Recycling – EMR
John McGowan, NAVSEA
Kevin Sullivan, OSHA, Region 2
Ron Allen, Signal Administration
Matt Pauli, OSHA Anchorage Area Office
John Casper, OSHA Portland Area Office
Scott Ketcham, OSHA, Region 10
Dennis McLaughlin, OSHA, Region 5
Thomas Carle, OSHA, Region 3
Steve Butler, OSHA, Office of Maritime Enforcement
Katie Nishimura, OSHA, Region 1
Larry O’Mohundro, OSHA, Region 7
Ray Benavente, International Longshore and Warehouse Union
Les Grove, OSHA, Tampa Area Office
John Vos, OSHA, Region 4
Kurt Petermeyer, OSHA, Region 4
Paul Comolli, OSHA, Office of Maritime Enforcement
Jack Romeo, OSHA, Region 9
Ed Ferris, International Longshore and Warehouse Union
Ryan Whitman, International Longshore and Warehouse Union
Keila Ashman, University of South Florida, OSHA Training Institute
Emily Buie, University of South Florida, OSHA Training Institute
Bill Perry, OSHA, Directorate of Standards and Guidance

Opening Remarks, Roll-Call and Introduction of Members

James Thornton, MACOSH Chair

Amy Wangdahl, Director, OSHA Office of Maritime and Agriculture

The following discussion can be found on pages 6–22 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Chairman Thornton called the meeting to order and introduced himself. He welcomed everyone and thanked them for their time and efforts in traveling to the meeting. The roll of members was called and three members were marked as absent. Mr. Thornton recognized the OSHA support staff and had all others in attendance introduce themselves on the record.

Review of February 25, 2015 meeting minutes – The Committee reviewed the February 25, 2015 (Washington, DC) MACOSH meeting minutes. Mr. Smith proposed a minor editorial amendment and the committee unanimously accepted the minutes as amended.

The February 25, 2015 MACOSH Meeting Minutes were entered into the record at Docket Number OSHA-2013-0007 as [Exhibit 37](#).

The Chairman reviewed the meeting agenda and briefly described the day's presentations. Minor schedule changes were discussed and the modified agenda was unanimously accepted.

The September 2, 2015 MACOSH Meeting Agenda was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 12](#).

Chairman Thornton updated the Committee about the expiration dates of the current MACOSH Charter and the current Committee membership. He noted that the current charter expires in May 2015 and the current membership expires in January of 2016. Amy Wangdahl, MACOSH Designated Federal Official, spoke about the status of the charter renewal package. She explained that once the charter renewal is complete, the membership process will begin. The next meeting is tentatively planned to be in the fall of 2015.

Summary of Recent Activity – OSHA Directorate of Standards and Guidance

Bill Perry, Director, OSHA Directorate of Standards and Guidance

The following presentation can be found on pages 22-50 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Perry introduced himself, thanked the University of South Florida for hosting the meeting, and recognized Amy Wangdahl and her staff for putting the meeting together. He explained the silica rulemaking and noted that thousands of public comments were received, which OSHA is now reviewing. The final rule for the general industry fall protection standard (29 CFR 1910 subpart D) has been drafted and is currently under review by the Office of Management and Budget. A proposed rule was published recently regarding occupational exposure to beryllium and the comment period is currently open until November 5th. OSHA proposed lowering the permissible exposure limit for beryllium to 0.2 micrograms per cubic meter. Initially, shipyards and construction were not included in the proposed rule, although OSHA is considering public comments in those areas. Mr. Perry then discussed the request for information currently being drafted for shipyard fall protection. OSHA is working with the Office of the Solicitor to complete the request which will reflect new technologies, current industry practice, and to harmonize the requirements with general industry and construction. OSHA has also recently rebranded several maritime guidance products with a new layout that is eye-catching and easier to read. He then discussed two other initiatives OSHA is pursuing: updating the 1989 guidelines for safety and health programs and the recent beginning of the emergency response and preparedness rulemaking.

Mr. Perry then moved on to discussing the current MACOSH charter and membership status. The charter was recently renewed by the Secretary of Labor and is valid through April 2017. The current membership terms of all members expires in January 2016. He thanked the members for all of their hard work throughout the term, and noted that MACOSH is the most productive advisory committee at OSHA. Mr. Perry was asked a question about OSHA moving away from producing Quick Cards. He stated that OSHA still intends to produce documents in a format that are "worker friendly," and asked the committee to provide input on document formats that would suit their needs of getting the information in front of their workers. A public representative of the shipyard industry then asked Mr. Perry why shipyards were not included in the beryllium proposed rule. Mr. Perry responded by explaining that the proposal requests comment from shipyard establishments so that OSHA can gather information to consider creating a path forward for including shipyards in the final rule. He concluded by thanking the committee members for their work and the University of South Florida for supporting the meeting.

The presentation entitled "Summary of Recent Activity; OSHA Directorate of Standards and Guidance" was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 3](#).

Maritime Activities in OSHA Region 4

Kurt Petermeyer, Regional Administrator, OSHA Region 4

The following presentation can be found on pages 52–95 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Petermeyer introduced himself and discussed his background with OSHA Region 4. Region 4 includes North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Florida, Alabama, and Mississippi. The first four are state plan states in which OSHA retains maritime jurisdiction. He talked about the structure of administrators in the region and noted that there are 12 offices. Region 4 handles enforcement responsibilities, manages 22 whistleblower statutes, compliance systems and training, and oversees the OSHA voluntary protection and safety and health achievement recognition programs. Mr. Petermeyer noted the diversity of maritime operations in the region, ranging from small shipyards, to cruise ships, to the third-largest and busiest marine terminal in Savannah, GA. He then spoke about two unique maritime incidents and shared fatality data for maritime activities in Region IV for recent years. Region 4 oversees two emphasis programs: programmed maritime inspections and shipbuilding and repair. He then discussed the number of maritime inspections in recent years. Some of the areas that Region 4 will focus on this year are ergonomics, workplace violence, chemical exposures, and criminal referrals. He also talked about the emphasis on protecting temporary workers. Mr. Petermeyer then answered questions from the audience surrounding the number of voluntary protection programs, frequent causes of fatalities, and temporary worker guidance.

The presentation entitled “Maritime Activities in OSHA Region 4” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 4](#).

Overview of OSHA Region 4, Tampa Area Office

Les Grove, Area Director, Tampa Area Office

The following presentation can be found on pages 96–119 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Grove gave an overview of the Tampa Area Office which includes a staff of 34, including 24 compliance officers. He touched on the regional emphasis programs that Mr. Petermeyer mentioned, and noted that maritime inspections are based on referrals, complaints, and site-specific targeting. Mr. Grove then discusses two maritime inspections that involved shipyards that lacked adequate fall protection and exposed workers to respiratory hazards, including isocyanates. He then discussed the citations issued and the accompanying fines. After the presentation, Mr. Raffo commented that input from OSHA regions about what hazards are commonly noted on maritime inspections would help drive the MACOSH workgroups in developing guidance documents to address these hazards. Mr. Grove also answered questions related to temporary workers and common hazards noted in maritime inspections across the region.

The presentation entitled “Overview of OSHA Region 4, Tampa Area Office” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 5](#).

Field Report – Stack Gas Exposures, OSHA Region 10
Matthew Pauli, Industrial Hygienist, Anchorage Area Office

The following presentation can be found on pages 120–136 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Pauli introduced himself and talked about the unique maritime environment in Alaska. He noted that Alaska is a state-plan state. However the Alaska state plan does not include jurisdiction over maritime industries, which is why OSHA is there. He then talked about a particular crane operation in the Port of Anchorage in March 2014 that resulted in an OSHA inspection. The employer representative filed a complaint regarding environmental conditions. A crane operator complained of allegedly being exposed to generator stack gases from the vessel being unloaded due to its berthing position and prevailing winter winds. Due to the age of the cranes, windows often had to be opened to provide ventilation and visibility to the operator. The company had noted previous illnesses reported by employees on the OSHA 300 form in the form of stinging in the eyes, ringing of the ears, odors, headaches, dizziness, and nausea. A previous recommendation was made for vessels to use shore power while unloading, but that was not available in the Port of Anchorage. Mr. Pauli took air samples over the course of two days on two different vessels. He discussed the sampling methods, as well as the mooring configuration of the vessels over the two day period. After analyzing the samples taken, the results were zero, or none detected. This was due to these particular vessels being moored in a way that isolated the generator stacks from the area in which the crane was operating. The employer noted that they were aware of the potential for crane operators to be exposed to the stack gases even though they were not in this particular configuration, and they were limiting the exposure through administrative procedures. Mr. Pauli then discussed a fall protection citation that was issued during the remainder of the inspection. He then answered various questions from the audience surrounding the hazards of number six bunker oil before concluding.

The presentation entitled “Field Report – Stack Gas Exposures in OSHA Region 10” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 6](#).

Update from the Maritime Steering Committee

Stephen Butler, Director, OSHA Office of Maritime Enforcement

The following presentation can be found on pages 139–154 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Butler thanked the committee for the opportunity to speak and gave a brief background of the Maritime Steering Committee (MSC). The committee is made up of OSHA field representatives from all regions except region 8 and most MSC members attend MACOSH meetings. The MSC generally meets after MACOSH meetings have concluded for the day. Their primary focus is to get input from the field to identify the needs of the field offices and to identify issues of concern for the National Office. Topics raised at the previous day’s meeting from the field included whistleblower protections, temporary workers, vessel access, emergency action plans, certification of barges, and local and national emphasis programs. The MSC also discussed the shipyard and longshoring/marine terminal standards courses which are held annually and the approximate timeframe for the 2016 course offerings. Mr. Butler also brought up the shipyard personal protective equipment (PPE) directive to solicit comments from the field. Mr. Butler mentioned that the MOU on ship disposal with the U.S. Navy, U.S. Maritime Administration, and the Environmental Protection Agency is currently in the process of being renewed. After that is complete, they will be releasing the national emphasis program for shipbreaking. Mr. Butler then answered questions from the committee regarding the shipyard PPE directive and the sharing of issues raised by OSHA field offices.

U.S. Coast Guard and International Maritime Organization – Update on Maritime Industry Issues

Ken Smith, U.S. Coast Guard, Office of Vessel and Facility Operating Standards

The following presentation can be found on pages 154–201 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Smith introduced himself and described his work with the U.S. Coast Guard and the International Maritime Organization (IMO). The IMO is a function of the United Nations made up of flag administrations and non-governmental organizations to develop international maritime standards. Mr. Smith has worked on several IMO projects such as securing of cargo, safe working conditions for container lashing on-deck, and the code for the carriage of timber. Mr. Smith presented on three USCG topics – liquefied natural gas (LNG) as a maritime fuel; commercial diving regulations; and cargo securing manuals, as well as three IMO topics – cargo safe access plans; verification of container weights; and the global Approved Continuous Examination Program (ACEP) database. LNG as a fuel has been around for approximately 20 years and is beginning to come online globally. LNG transporters have been in-use for several years and several LNG-fueled ships are currently being built. LNG regulations do not currently exist, but the USCG has put out four policy letters regarding LNG design and operations. The USCG is working with the America’s Alliance for Natural Gas (ANGA) to develop an industry partnership in creating LNG safety regulations. Mr. Smith then talked about the hazardous and non-hazardous properties of LNG as well as emergency response plans for facilities. The USCG published a Notice of Proposed Rulemaking in February 2015 to update its commercial diving standard. The main points of the proposed diving rule are to update standards to reflect industry best-practices, allow third-party organizations to conduct audits, and to establish training and dive team size requirements. The USCG is also about to publish a policy document entitled “Guidance for Cargo Securing Manuals.” This stems from an initiative started by the Coast Guard back in 1997. It proposes that the USCG require cargo securing manuals on vessels of 500 gross tons or more. The manual would also describe how the loss of cargo at sea must be reported. IMO is working on an amendment for safe access plans which would include requirements for lashing platforms, handrails, walkways, ladders access covers, and general container stowage. This document will apply to existing ships, as well as influence the design and construction of future container ships. The IMO has also been discussing the accuracy of declared container weights for several years. The new requirement for this topic comes into force on July 1, 2016 and requires that any containers loaded aboard a ship be certified by having the entire container weighed, or its contents. The global ACEP database for containers is still in the working group phase at the IMO, but hopes to be finalized this year. The purpose of the database is to develop a central database that administrations can use to record information related to their container approval programs and personnel, such as those responsible for maintenance and ownership. Mr. Smith then answered questions from the Committee and public related to LNG bunkering, the accuracy of containers transported via rail, and the anticipated placement of LNG refueling facilities.

The presentation entitled “U.S. Coast Guard and International Maritime Organization – Update on Maritime Industry Issues” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 7](#).

Longshoring Workgroup Report

Kelly Garber, Longshoring Workgroup Chair

The following presentation can be found on pages 202–225 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Garber began by giving a brief summary of work completed at the monthly Longshoring Workgroup (LSWG) conference calls. He discussed the development of the porter safe lifting techniques Quick Card, development of a lashing safety document, and research into creating a document for mechanics safety. Mr. Garber then discussed the following projects that have been completed since the last MACOSH meeting:

1. **PORTER SAFE LIFTING AND BAGGAGE HANDLING TECHNIQUES QUICK CARD -**
This document was produced as a follow-up to the Cruise Ship Terminal Safety document and in response to the comparatively high number of injuries occurring in cruise ship terminals related to baggage handling. It is intended for workers and covers proper lifting techniques and ergonomics. The document was created to specifically target the high number of strains and sprains as a result of picking up and moving baggage. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.

Mr. Garber then discussed the Longshoring Workgroup's next projects:

1. **SAFE LASHING PRACTICES** – A high number of injuries in the longshoring industry are directly related to lashing. The LSWG has identified several areas to address and plans to create a comprehensive document to address work safety during lashing activities. The LSWG anticipates initial development of this document before the next full committee meeting.
2. **MECHANIC SAFETY** – This document will summarize the most common injuries that occur to mechanics and break-out specific sections of best-practices for various types of mechanics. Statistics were discussed that show mechanics are injured in various work environments on a wide range of equipment and tasks. The LSWG intends to address these variables in the document.

The presentation entitled “Longshore Work Group Report” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 8](#).

Shipyard Workgroup Report

Don Raffo, Shipyard Workgroup Chair

The following presentation can be found on pages 225–239 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Raffo began by giving a brief summary of the work completed at the monthly Shipyard Workgroup (SYWG) conference calls. Several products were being worked on simultaneously. Mr. Raffo discussed the following projects that have been completed since the last MACOSH meeting:

1. **EVALUATION OF SHIPYARD COMPETENT PERSON PROGRAMS** – The SYWG expanded on a document the Coast Guard uses to assess the knowledge of a shipyard competent person when addressing confined spaces. The checklist allows employers to evaluate their shipyard competent person program to see if it's adequate and if the program is working as

written. The document also incorporates best practices. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.

2. **FIRE AND RESCUE SERVICES** – The SYWG produced this guidance document in similar fashion to the Competent Person Program document. This document evaluates the adequacy of fire and rescue services in a shipyard through the use of a checklist developed based on a document used by the Coast Guard. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.
3. **SAFETY ABOARD COMMERCIAL FISHING VESSELS - HOUSEKEEPING AND SANITATION PRACTICES** – This Quick Card came from the Fact Sheet that was developed on the same topic earlier by the workgroup. It discusses best practices for cleanliness and housekeeping that aid in safety. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.
4. **TRANSLATION OF EXISTING DOCUMENTS INTO SPANISH** – Mr. Robert Godinez, a member of the Shipyard Workgroup, translated one existing OSHA Quick Card into Spanish: “Mechanics Working in the Yard.” A motion was made and passed for the Committee to accept the translated document and recommend them to OSHA for publishing.

Mr. Raffo then discussed the Shipyard Workgroup’s next projects:

1. **REVIEW/COMMENT OF THE SHIPYARD ETOOL** – OSHA has asked the SYWG to review the eTool data and note any updates that are needed. The workgroup has begun their review and continues to develop the process.
2. **SPANISH TRANSLATION OF EXISTING OSHA DOCUMENTS** – Robert Godinez will begin translating three existing OSHA documents: “Lockout/Tags-plus Coordination” Fact Sheet, “Safely Operating and Working Around Cargo Handling Equipment” Quick Card, and “Person in the Water” Quick Card.
3. **TEMPORARY WORKERS IN SHIPYARDS** – The SYWG intends to explore creating a document regarding guidelines for training temporary workers in shipyards.
4. **HAZARD ABATEMENT FOR PAINT EXPOSURE** - The intent of this document is to address the four-inch strip-back rule as well as assist in the selection of personal protective equipment based on the hazardous ingredients found in various paints and coatings.

The presentation entitled “Shipyard Workgroup Report” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 9](#).

MACOSH 2013-2015 Charter Recap

Amy Wangdahl, Director, OSHA Office of Maritime and Agriculture

The following presentation can be found on pages 240–245 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Ms. Wangdahl was asked by a member of the Committee to provide an update on the status of where various OSHA guidance documents were in the publication process that were recommended by MACOSH. Since 2009, OSHA has published 19 of the recommendations made by the LSWG. The

“Person in the Water” document is currently in the clearance process before publishing, and will be followed by “Break-Bulk” and “Log-Handling Operations.” For the SYWG, OSHA has published 12 of their recommendations since 2009. “Pedestal Crane Safety” is currently in the OSHA clearance process. The Office of Maritime and Agriculture has published over 30 MACOSH documents since 2009, and 11 documents overall in the past two years.

The presentation entitled “OSHA: Status of MACOSH Guidance Documents” was entered into the record at Docket Number OSHA-2015-0014 as Exhibit 10.

Open Discussion, Closing Remarks, Adjournment

The discussion and closing remarks can be found on pages 246–272 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

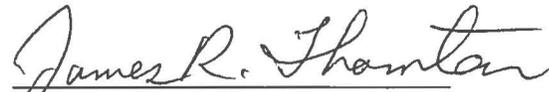
Chairman Thornton discussed the status of the current membership group and thanked the University of South Florida for hosting the meeting. The current membership expires on January 16, 2016. He specifically thanked Mr. Garber, Mr. Podue, and Mr. Smith for their hard work on MACOSH, since each of them will be departing from the Committee. Each MACOSH member took an opportunity to provide feedback on what worked well during this meeting. Mr. Thornton closed the meeting by expressing his appreciation for the opportunity to serve as Chairman. He discussed the important work done by MACOSH, and how their accomplishments are having a direct effect on improving worker safety in the maritime industry. Mr. Thornton thanked all of the presenters, as well as the committee members, workgroup chairs, and the public for attending both days of meetings.

The meeting was adjourned at 3:48pm EST.

The September 2, 2015 MACOSH Meeting Transcript was entered into the record at Docket Number OSHA-2015-0014 as Exhibit 11.

I hereby certify that, to the best of my knowledge, the foregoing minutes are an accurate summary of the meeting.

Submitted by:



James Thornton
MACOSH Chair
Date: 11/16/2015