

Advisory Committee on Construction Safety and Health
I2P2 (Illness and Injury Prevention Program) Workgroup Meeting
November 28, 2012 10:15 am-12:15 pm

The meeting was called to order by workgroup co-chairs Tom Marrero and Tish Davis. There were 40 attendees. (See attached sign in sheet.)

Following introductions, Jim Maddux of OSHA gave a brief update on the status of the I2P2 proposed rule. They are still preparing for the SBFRA review and hope the review will be started soon.

Tom Marrero gave a brief recap of the minutes from the May 9, 2012, I2P2 Workgroup meeting. This was followed by input (via phone) from Shannon Lusk, Vice President and Safety Director of Missouri Valley, Inc, a mechanical contracting firm with about 60-75 employees. He raised concern about the need to hire additional staff to implement the I2P2 rule, and asked for more guidance from OSHA regarding details on the specifics of what the program would entail e.g. what is meant by worker participation and management involvement. Kristi Barber seconded the concern about potential costs for the small employers and need for more guidance on details. She emphasized that for some small employers with 20 or less employees, safety is not a primary concern. They are concerned with simply trying to survive as a company and that it is difficult to create a culture of prevention in a survival atmosphere.

Shannon Lusk also raised concern about the threshold of number of employees per company that I2P2 would affect. Smaller contractors would have more difficulty complying *with* the proposed standard. Jim Maddux indicated that this has yet to be determined.

Kevin Cannon suggested that OSHA should consider taking a look at the 1989 SHMP guidelines and revise them so that they apply to I2P2. Rob Matuga from the NAHB expressed support for the OSHA focused inspection approach. He suggested looking into the 1994 memo on the focused inspections that required a written program to qualify for abbreviated inspections focusing on the four major hazards. This provided an incentive for employers to develop these programs. Jim Maddux reported that this is still in place.

It was also suggested that stakeholder meetings are not bringing in sufficient small employers but Pete Stafford indicated that the SBREFA process focuses on this.

It was a concern to some that the I2P2 program might be another method of citing under the General Duty Clause and a back door way to ergonomics. There was also a suggestion that "battleground" items like this should be identified ahead of time.

Mr. Thad Nosua from Insurance Services Group reported that NACSH has recommended that OSHA hold a best practice symposium to educate stakeholders about I2P2.

Next the workgroup followed up on the recommendation from the May, 2012, meeting that OSHA and NIOSH with input from ACCSH "develop guidelines to assist Federal State and local government with performing safety prequalification assessments for construction work." Pete Stafford and others from the Building Trades provided the workgroup with a initial draft of a pre-qualification health and safety check list to start the discussion. Their intent was to develop a relatively simple list that could be used by procurement staff not necessarily familiar with construction safety.

Workgroup members were generally supportive of the concept. Staff of DOL/ETA present at the meeting also expressed support. They indicated that a check list would be useful. They also indicated willingness to help work on it.

The issue of accountability was raised, i.e. the need for some additional documentation to verify the checklist items. *It* was suggested that there is a need for a companion document describing what contractors need to submit. These requirements could be built into the solicitation packet.

The workgroup agreed to proceed with developing the checklist. Comments on the draft checklist and companion document should be provided to the workgroup co-chair (Tish Davis and Tom Marrero) within 60 days. OSHA will share Pete Stafford who will work with others to develop a second draft for the next meeting. It was suggested that we also seek comments from other agencies that already have health and safety pre-qualifications in place.

Jessica Douma gave a brief update on a job hazard analysis tool OSHA is developing to assist employers in conducting these analyses. The tool will be similar to a SIMS game, involving a construction worksite and multiple phases of construction. It should be ready for review by the next ACCSH meeting.

One meeting participant who had seen the tool under development said some of the content is not correct in terms of best practices and there is a missed opportunity to provide information about appropriate controls. He suggested that safety professionals should have the opportunity to provide input earlier in the process.

Although I2P2 rule is paused given the SBREFA process, ACCSH members and OSHA agreed that the I2P2 workgroup should continue to address the above issues as they are relevant to I2P2. It was also suggested that OSHA collect best practice examples for implementing the six major components of the proposed I2P2 programs on multi-employer sites.

The meeting adjourned at noon.

Injury and Illness Prevention Program Workgroup meeting
November 28, 2012

Attendees, organization:

Tom Shanahan, NRSA
Travis Parsons Laborers
Thad Nosal, ISO
Kevin Turner, Hunt Construction Group
Jennifer Levin, DOL/SOL/OSH
Lynn Folcy-Hering, Matrix SME
Dylan Hardison, National Assoc of Home Builders
Rob Matuga, National Assoc of Home Builders
Chris Williams, Associated Builders and Contractors
Courtney Murray, OSHA/DOC/OCS
Danezza Quintero, OSHA/DOC/OCS
Fredrick Steward, DOL/ETA
Jeffrey Saylor, DOL/ETA
Carl Campbell, OASAM/BOC/OAMS
Ben Bare, OSHA
Don Ellenberger, CPWR
William Mott, Hunt Construction Group
Bruce Rolfsen, Bloomberg/BNA,OS+HR
George Kennedy, ONCA
Keith Wrightson, Public Citizen
Scott Schneider, LIISFNA
Kevin Cannon, AGC
Chuck Stribling, KY Labor Cabinet
Walter Jones, LHSFNA
Jeremy Bethancourt, ACTA Safety
Don Pratt, CECS ofMI
Michael Payne, OHSA/DOC/OCS
Jessica Douma, OSHA/DOC/OCS
Thomas Marrero, Tradesman International, Inc
Tish Davis, MA Department of Public Health
Bill Herring, Matrix/SME/TAUC
Roger Erickson, MOST/IBB
Kristi Barber, Glenn Barber & Assoc, Inc
Pete Stafford, CPWR
Chris Trahan, CPWR
Matt Gillen, NIOSH
Jerry Rivera, National Electrical Contractors Assoc.
Wayne Creasap, TAUC
Robb Weben, The Penta Building Group