

UNITED STATES DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

ADVISORY COMMITTEE ON CONSTRUCTION  
SAFETY AND HEALTH (ACCSH)  
ANNUAL MEETING

DIGITAL TRANSCRIPTION

U.S. Department of Labor  
Frances Perkins Building  
Conference Room N3437-A/B/C  
200 Constitution Avenue, N.W.  
Washington, D.C.

Friday, May 11, 2012

8:20 a.m.

Diversified Reporting Services, Inc.

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## COMMITTEE MEMBERS PRESENT:

## EMPLOYEE REPRESENTATIVES:

Erich J. (Pete) Stafford, Chairman  
Building and Construction Trades Department, AFL-CIO

Gary L. Batykefer  
Sheet Metal Occupational Health Institute Trust

Walter A. Jones  
Laborers' Health and Safety Fund

Laurie A. Shadrick  
United Association of Plumbers and Pipefitters

Gerald Ryan  
Operative Plasterers and Cement Masons Intl.  
Association

## EMPLOYER REPRESENTATIVES:

Michael J. Thibodeaux  
MJT Consulting for National Association of Home  
Builders

Kevin R. Cannon  
Associated General Contractors of America

Thomas Marrero  
Zenith Systems, LLC

Daniel D. Zarletti  
Road Safe Traffic Safety Systems, Inc.

William E. Hering  
SM Electric Company, Inc.

## COMMITTEE MEMBERS PRESENT: [continued]

## STATE REPRESENTATIVES:

Charles Stribling  
Kentucky Labor Cabinet, Department of Workplace  
Standards

Steven D. Hawkins  
TN Occupational Safety and Health Administration

## PUBLIC REPRESENTATIVES:

Letitia K. Davis  
Massachusetts Department of Public Health

Jewel Elizabeth (Liz) Arioto  
Elizabeth Arioto Safety and Health Consulting Service

## FEDERAL REPRESENTATIVES:

Matt Gillen  
CDC/NIOSH

## DESIGNATED FEDERAL OFFICIALS:

Jim Maddux  
OSHA Directorate of Construction

Ben Bare  
OSHA Directorate of Construction

## COMMITTEE CONTACTS:

Damon S. Bonneau  
OSHA, Directorate of Construction

Veneta Chatmon  
OSHA, Office of Communications

## COMMITTEE COUNSEL:

Sarah Shortall

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1 P R O C E E D I N G S

2 (8:20 a.m.)

3 OPENING REMARKS/AGENDA OVERVIEW

4 CHAIRMAN STAFFORD: Good morning. I will go  
5 ahead and call the meeting to order. We have a quorum  
6 here of ACCSH members.

7 Jim, do you mind coming up and joining us at  
8 the table, please?

9 I don't have many announcements. Damon has  
10 reminded me especially for those ACCSH members to be  
11 sure to sign in. Having said that, I'm not sure where  
12 the sign in book is, but when it comes around, make  
13 sure it is signed.

14 For the public, we are due to adjourn today by  
15 12:00 noon. If you have public comments, please be  
16 sure to sign up and we will make time at the end of the  
17 meeting for that.

18 Sarah, do you have any other announcements  
19 this morning?

20 MS. SHORTALL: Yes, I have a few. First of  
21 all, for those of you who will be interested in looking  
22 at exhibits, they will be located at

1     www.regulations.gov.

2             All you have to do is type in the following  
3 docket, OSHA-2012-0011. Everything in that docket will  
4 pop up, and you will be able to look through that.

5             In addition, I don't know if Damon has  
6 mentioned it, but he would like to have all the work  
7 group reports submitted to him electronically some time  
8 in the next few days so it will be easy to upload them  
9 into the docket.

10            Thank you.

11            CHAIRMAN STAFFORD: Thank you, Sarah. I am  
12 going to start out this morning just on a housekeeping  
13 matter and this relates to our next meeting before the  
14 end of the scramble at the end of the day, Jim, and  
15 that's why I asked you to join us.

16            MR. MADDUX: Very wise.

17            [Laughter.]

18            CHAIRMAN STAFFORD: I just wanted to see what  
19 OSHA was thinking in terms of scheduling, to give the  
20 group an idea of what we're talking about for the next  
21 meeting.

22            MR. MADDUX: We are going to just do two

1 meetings this fiscal year. I think we talked about  
2 that at the last meeting.

3           What we're thinking about is shooting maybe  
4 for a meeting in November, probably around the same  
5 time as the last meeting that we had. I don't have a  
6 calendar. A good separation from the Thanksgiving  
7 holiday, try to go just before Thanksgiving or just  
8 after, if that works for everybody.

9           SPEAKER: Week of the 12th.

10           MR. MADDUX: The 12th might be a good option.

11           I also wanted to mention a couple of other things.

12           We are also going obviously through our  
13 nomination process. We have six members whose terms  
14 are expiring. Next week, we're trying to get into the  
15 clearance process to try to get that going. Obviously,  
16 before the next meeting, we have to get those new  
17 members or returning members, however that works out,  
18 out of the way.

19           That being said, I wanted to make sure we  
20 really give a really big thank you to everybody that  
21 serves on this committee.

22           We know you guys are doing this without being

1 paid by the Government to do it. It really is a huge  
2 service to us. It really does help us a lot. I  
3 especially want to thank the members whose terms are  
4 expiring. We just don't know what is going to happen.

5 CHAIRMAN STAFFORD: I appreciate that, Jim.  
6 Thank you. You had mentioned that to me. I didn't  
7 realize there were six that were coming due this time  
8 around.

9 MR. MADDUX: I think two employee reps, two  
10 employer reps, one state rep, and one public rep.

11 CHAIRMAN STAFFORD: Any other questions or  
12 comments for Jim?

13 [No response.]

14 CHAIRMAN STAFFORD: This is a point of order,  
15 Sarah. We have a couple of work groups this morning  
16 and three reported out yesterday. It is my  
17 understanding, and I just want to be clear, that the  
18 work groups between this meeting and the meeting in  
19 November -- we have lots of action items now. We plan  
20 on having work group meetings and conference calls.

21 Once we have the sign in sheets, as long as  
22 all work group members are notified of a call or a

1 planning meeting, whatever it is, we are good to go.

2 MS. SHORTALL: Yes. We will make sure that  
3 whatever meeting notice goes out for teleconferences.  
4 One, if people know of anyone else who wants to  
5 participate, they should do so, let them know about it.

6 I think we might do something else on our OSHA  
7 web page just to let people know about the  
8 teleconference in case they didn't happen to come to  
9 this particular meeting and didn't get on the list this  
10 particular time.

11 Generally, we would like to always tell people  
12 make sure you let OSHA know if there is any particular  
13 work group that you want to be participating in or  
14 keeping up on, so they can include you in the action.

15 As for the terms that would be ending, people  
16 continue to serve, according to OSHA's own regulations,  
17 after their terms have expired until they are  
18 reappointed or they are replaced by another person.

19 Even if a person's term has expired in June,  
20 they could continue to participate on the work group  
21 meetings.

22 CHAIRMAN STAFFORD: Okay. Yes, Gerald?

1           MR. RYAN: Just to clarify, if Kevin, Bill and  
2 myself want to have a conference call, we have to  
3 invite everybody or we can have one together, just the  
4 three of us; correct?

5           MS. SHORTALL: You certainly could as the  
6 three chairs. For substantive issues, it needs to  
7 include more than that.

8           CHAIRMAN STAFFORD: Everyone on the sign in  
9 sheet and everyone that responds --

10          MS. SHORTALL: Everyone may not be interested  
11 in participating. It's going to be quite a healthy  
12 self selection out of the process, because they don't  
13 have time or they happened to be here so they attended  
14 the meeting, as opposed to strong interest in  
15 participating.

16          Once again, I caution you, although anyone can  
17 participate in the meetings, only members of ACCSH can  
18 vote in any way.

19          CHAIRMAN STAFFORD: Any other questions or  
20 comments about the process? Matt?

21          MR. GILLEN: Co-chairs could talk to each  
22 other to plan the call?

1 MS. SHORTALL: Sure.

2 CHAIRMAN STAFFORD: Then in terms of -- I know  
3 this is getting down into the weeds here, but I want to  
4 be sure we all understand, and this may be more for  
5 you, Jim, once the co-chairs have a call and they  
6 decide to have a planning meeting or conference call,  
7 they would send that out directly to the full work  
8 group, or is that a staff function? How do you want to  
9 handle that?

10 MR. MADDUX: We can coordinate that with each  
11 of the work group chairs, whatever works for them.

12 CHAIRMAN STAFFORD: The work group chairs  
13 should coordinate directly with their staff designee  
14 for their work group on how that is going to happen.

15 MR. MADDUX: Yes.

16 CHAIRMAN STAFFORD: Okay. Thank you.  
17 Anything else on that? Any other issues before we get  
18 into the agenda? Jim, anything else?

19 MR. MADDUX: No. It looks like we may have  
20 two guest speakers at the end, two public speakers.  
21 I'm not sure what his schedule is, but I think David is  
22 trying to come up to sit in on the surveillance and

1 targeting discussion.

2 CHAIRMAN STAFFORD: Okay. Great. Thank you.  
3 Yes?

4 MR. BARE: Jim, did you want to mention we  
5 have the fact sheets, FAQs out?

6 MR. MADDUX: Thanks, yes. I mentioned  
7 yesterday these additional FAQs for the crane standard  
8 that we are publishing. Those finished their clearance  
9 process yesterday. We have printed out a number of  
10 copies that we have on the back table, if anybody is  
11 interested in taking a look at those.

12 It will probably take about a week to get  
13 through the process of getting them posted up on the  
14 Internet.

15 If you want an advance copy, they are  
16 available.

17 MS. SHORTALL: Mr. Chair, at this time, I  
18 would like to mark as Exhibit No. 20, OSHA's FAQs on  
19 Cranes and Derricks in Construction.

20 (Exhibit No. 20 was marked  
21 for identification.)

22 CHAIRMAN STAFFORD: Thank you, Sarah. Thanks,

1 Jim, appreciate it.

2 We are going to move on with the agenda. We  
3 have a couple of work group reports, starting with the  
4 Diversity Work Group. Liz, Dan, please.

5 DIVERSITY, MULTILINGUAL AND WOMEN IN CONSTRUCTION  
6 WORK GROUP REPORT

7 MS. ARIOTO: Good morning, everybody. The  
8 Diversity, Multilingual and Women in Construction work  
9 group has been meeting, and the co-chairs were myself,  
10 Liz Arioto, Laurie Shadrack, and Dan Zarletti.

11 We had self introductions and the last meeting  
12 minutes were discussed throughout the meeting.

13 The meeting started at 10:15 a.m. and we  
14 recorded 29 attendees, and it is attached to the back  
15 of the report.

16 Jim Maddux, Director of Directorate of  
17 Construction, opened our session with the following  
18 comments.

19 Mr. Maddux requested to see a draft of the  
20 Women in Construction website. After Denessa Quintero  
21 presented a copy of the web page to the work group, Mr.  
22 Maddux asked the group to review the web page and

1 provide feedback and information, which will also be  
2 listed on the web page.

3 He also requested the work group develop a  
4 guidance document on sanitation standards as it relates  
5 to women in construction. He is awaiting ACCSH's  
6 recommendations on this important matter.

7 Len Welsh, former Chief of Cal-OSHA and  
8 presently Chief of Workplace Safety with the California  
9 State Insurance Fund via teleconference explained how  
10 Cal-OSHA has succeeded in providing adequate sanitation  
11 facilities to women in construction.

12 This was not a controversial subject but  
13 rather quickly became the norm through the state.  
14 These safety practices also had a minimal effect on  
15 contractors from a monetary standpoint.

16 Mr. Welsh concluded that separate sanitation  
17 facilities are required if even one woman is present,  
18 and they appreciated a key lock procedure to assess the  
19 facilities with adequate security. There is an  
20 exception for five employees or less.

21 Dan Zarletti added that medical studies show  
22 the importance of regular urination, with women

1 generally needing to void more frequently than men.

2           Adverse health effects that may result from  
3 voluntary urinary retention include increased frequent  
4 urination of urinary tract infections, otherwise known  
5 as UTIs, and in rare situations, renal damage,  
6 epidemiology of frequent voiding and associated  
7 symptoms came from Mr. Zarletti.

8           Studies further confirmed that UTIs are a  
9 definite consequence of being denied frequent access to  
10 clean sanitation facilities and could be considered an  
11 OSHA recordable illness.

12           Dan explained the vicious cycle of women  
13 failing to drink enough fluids to remain hydrated while  
14 at work, they either find insufficient facilities or  
15 facilities that are not clean or secure, which can lead  
16 to heat related illnesses.

17           This is clearly a condition arising out of the  
18 workplace.

19           Walter Jones stated that OSHA recognized the  
20 gender issue but not as it relates to a hazard.

21           Gerald Ryan stated it is a common sense issue  
22 and why can't this issue just get done.

1           Pete Stafford agreed the work group proceed  
2 with a guidance document.

3           Michael Alvarez, former manager of Cal-OSHA  
4 Consultation Service, presented via teleconference an  
5 explanation of targeted programs developed by Dr. John  
6 Howard, Director of NIOSH, which include specific  
7 issues on discrimination and sanitation.

8           Mr. Alvarez suggested a campaign to confirm  
9 acceptance in the field along with a guidance document  
10 on the intent and mission.

11           Hand-out material included viable points of  
12 his presentation.

13           Steve Hawkins and Tish stated that a workplace  
14 violence directive had already been released.

15           Ms. Arioto attended a program sponsored under  
16 a Harwood Grant titled "Preventing Sprains, Strains and  
17 Repetitive Motion Injuries" produced by the State  
18 Building and Construction Trades Council of California,  
19 the AFL-CIO, to Laura Boatman, and the Labor  
20 Occupational Health Program at the University of  
21 California, Berkeley, and the lady's name is Nazim  
22 El-Askair.

1           Liz stated it was an outstanding training  
2 program and provided a copy of the entire course to all  
3 the ACCSH members.

4           Pete Stafford said that U.S. construction is  
5 made up of three percent women, which translates to  
6 approximately 300,000 workers, more than all the miners  
7 covered by MSHA.

8           Letitia Davis volunteered to work with the  
9 staff at CPWR to prepare a brief summary of statistics  
10 on employment of women in construction for inclusion on  
11 the OSHA website.

12           Bill Hering and Gerald Ryan volunteered and  
13 will be providing the work group with pictures to be  
14 uploaded to the web page.

15           Hand-outs included "Why Green is Your Color,  
16 Opportunities for Green Jobs," "Women in Construction  
17 Providing Equitable Safety and Health Protection,"  
18 CDC, "Women Safety and Health Risks at Work,"  
19 "Sanitation Standards for OSHA Shipyard and Cal-OSHA,"  
20 The Travelers Insurance Company's "Translator," and  
21 "Women's Building in California and the Nation." It  
22 was a flyer that was shown.

1           The meeting was adjourned at 11:45.

2           I would like to personally thank a few people  
3 here. I would like to thank Damon Bonneau, Tesfaye  
4 Guttema, Denessa, and a special thanks to Pete  
5 Stafford, because throughout this last month or two, he  
6 has been sending me lots of information and really  
7 helping me with this work group material, so I really  
8 thank you, Pete, for doing this for me.

9           I want to thank the whole work group for  
10 helping proceed in this matter.

11           Jim, thank you. I met with Jim and he gave me  
12 some really good guidelines. Thank you to everybody.

13           CHAIRMAN STAFFORD: Thank you, Liz. Any  
14 questions or comments? We will have to vet very  
15 closely any photos Gerald provided.

16           [Laughter.]

17           CHAIRMAN STAFFORD: No questions or comments?

18                                   M O T I O N

19           MR. RYAN: I make a motion we accept the  
20 minutes.

21           MS. ARIOTO: Second.

22           CHAIRMAN STAFFORD: I have a motion that has

1 been seconded. All those in favor, signify by saying  
2 aye.

3 [Chorus of ayes.]

4 CHAIRMAN STAFFORD: Opposed?

5 [No response.]

6 CHAIRMAN STAFFORD: Okay. Let's move on to  
7 the next work group report. I don't know how this is  
8 going to be handled between the three of you.

9 MS. SHORTALL: Before we start with the next  
10 group, I'd like to mark some exhibits here.

11 As Exhibit 21, the approved Diversity,  
12 Multilingual and Women in Construction Work Group  
13 report from the May 9, 2012 meeting.

14 As Exhibit 22, the OSHA draft Women in  
15 Construction web page.

16 As Exhibit 23, the hand-out on special  
17 emphasis plan for providing safety and health  
18 protection for women in construction developed by  
19 Michael Alvarez, Cal-OSHA.

20 As Exhibit 24, the U.S. Equal Employment  
21 Opportunity Commission Fact Sheet on Sexual Harassment  
22 dated December 14, 2009.

1           As Exhibit 25, CDC's Women's Safety and Health  
2 Issues at Work Fact Sheet.

3           As Exhibit 26, the U.S. Department of Labor  
4 Women's Bureau news release on the guide about women  
5 and green jobs.

6           As Exhibit 27, the brochure on "Women Building  
7 California and the Nation" conference sponsored by the  
8 State Building and Construction Trades Council of  
9 California and the Building and Construction Trades  
10 Department, AFL-CIO.

11           As Exhibit 28, the hand-out titled "Useful  
12 On-the-Job Phrases," English to Spanish, from  
13 Constructionary by Alberto Herrera.

14           As Exhibit 29, "Preventing Sprains, Strains  
15 and Repetitive Motion Injuries" Train the Trainer  
16 Course Instructor's Resource Guide, developed by the  
17 State Building and Construction Trades Council of  
18 California, AFL-CIO, and Labor Occupational Health  
19 Program, University of California, Berkeley.

20           As Exhibit 30, Correspondence from Laura  
21 Boatman, State Building and Construction Trades Council  
22 of California, giving permission to post Exhibit 29 in

1 the ACCSH on-line docket.

2 As Exhibit 31, "The Translator," developed by  
3 The Travelers Insurance.

4 As Exhibit 32, OSHA's toilet facilities  
5 standards in construction and shipyard employment.

6 (Exhibits No. 21 through 32  
7 were marked for  
8 identification.)

9 CHAIRMAN STAFFORD: Thank you, Sarah. Who is  
10 handling this? Kevin?

11 TRAINING AND OUTREACH WORK GROUP REPORT

12 MR. CANNON: This is the Training and Outreach  
13 Work Group report.

14 Gerald Ryan, co-chair, called the meeting to  
15 order at 1:00 p.m. Following introductions, Gerald  
16 provided a brief overview of the agenda for the  
17 meeting.

18 Jim Maddux, Director of the Directorate of  
19 Construction, then addressed the group stating that  
20 this work group once existed and now has been  
21 re-established.

22 Hank Payne and Jim Barnes with the Directorate

1 of Training and Education delivered a presentation  
2 highlighting OSHA training activities. The  
3 presentation provided an update on the Susan Harwood  
4 Training Grants, the OSHA Education Centers' Outreach  
5 Training Program, and training evaluations.

6 The presentation began with information on the  
7 announcement issued on April 4, 2012 soliciting grant  
8 applications. The deadline for submission has been set  
9 for May 17, 2012 at 4:30 p.m. Eastern Time.

10 The targeted topics for the construction  
11 industry include crane safety and fall protection.  
12 Total funding for fiscal year 2012 is \$10.7 million  
13 with approximately \$1.2 million allocated for targeted  
14 topic grants and training and educational development  
15 grants.

16 Both grants are for one year, and support the  
17 development of quality training materials and programs  
18 addressing workplace hazards and prevention strategies  
19 for employers and employees.

20 OSHA has designated the following topics,  
21 other than the two for construction, fall protection  
22 for general industry, grain handling operations,

1 workplace violence, hazard communication for chemical  
2 exposure, injury and illness prevention programs,  
3 electrical safety, agriculture, safety and health,  
4 ergonomics hazards, heat exposure, oil and gas and well  
5 operations, and shipyard safety hazards.

6 Mr. Payne highlighted that the current funding  
7 level is significantly lower than previous years.

8 Jim Barnes informed the work group that a  
9 website has been developed per an ACCSH previous  
10 recommendation, and the agency continues to populate  
11 the website with the materials.

12 The website is organized by topic, grantee and  
13 language, and he also noted there are currently 130  
14 grant material packets from 84 grants.

15 OSHA is currently seeking applications for new  
16 organizations interested in becoming an OTI Education  
17 Center. Existing education centers must also apply.  
18 Applications will be accepted from non-profit  
19 organizations with proficiency in delivering safety and  
20 health training, and the deadline for that is Friday,  
21 June 15.

22 He also provided an update on the OTI Ed

1 Center's website. It now allows visitors to search for  
2 details regarding the courses scheduled through their  
3 Education Centers.

4 He also highlighted the growth in numbers  
5 trained, which has increased from 12,087 in fiscal year  
6 2001 to 38,217 in fiscal year 2011.

7 He noted that approximately two-thirds of  
8 those courses were for the OSHA 500 Series courses.

9 Mr. Barnes then discussed the development of a  
10 new maritime industry course and the requirements. The  
11 course, which will be OSHA No. 5410, Occupational  
12 Safety and Health Standards for the Marine Industry,  
13 was piloted in March, and the national roll out is  
14 ongoing.

15 Beginning October 1, 2012, the course will be  
16 a required requisite to become an authorized OSHA  
17 maritime industry trainer.

18 The group discussed the possible inclusion of  
19 the wind energy into the program. It was reported that  
20 the program did not, and the issue is very complex  
21 since it involved multiple industries.

22 Another new training program targeting the oil

1 industry is currently under development, and OSHA's  
2 goal is to conduct a pilot course in the fourth  
3 quarter.

4 The recent program changes to the OSHA 10 and  
5 30 hour outreach training programs were then discussed.

6 The work group discussed the two hour  
7 requirement for the intro to OSHA sections, and the  
8 time requirement has been reported by trainers as too  
9 long. Most believe the time could be better utilized  
10 training employees on the recognition of hazards.  
11 However, others reported that the information required  
12 two hours or even a little longer.

13 Mr. Payne and Mr. Barnes indicated they would  
14 be open to recommendations from the work group  
15 regarding this section.

16 An update was also provided on the current  
17 status of the on-line outreach training programs. In  
18 January 2012, OSHA identified ten selected providers  
19 authorized to deliver the outreach training programs.

20 Currently, there are three to four of the ten  
21 with final approval. It was then reported that -- let  
22 me back up.

1           The question was if there were any additional  
2 changes planned for the future, and Mr. Barnes reported  
3 any future revisions would be limited to updating the  
4 PowerPoint presentations with graphics, et cetera.

5           Mr. Payne discussed DTE's focus on training  
6 evaluations and their importance to the Susan Harwood  
7 Training Grant Programs. He stated the evaluations  
8 demonstrate the positive impacts the various grant  
9 training programs have had on workers and employers  
10 which also assists in justifying the existence and  
11 funding of the grant programs.

12           Mr. Maddux and Matt Gillen provided a brief  
13 update on the recently launched falls campaign. The  
14 campaign focuses on preventing falls from roofs,  
15 ladders, and scaffolds.

16           Three websites have been developed by NIOSH,  
17 OSHA, and CPWR to promote and provide information on  
18 the campaign as well as access to other resource  
19 materials.

20           The campaign will provide updated materials  
21 throughout the Summer.

22           There was one motion. Pete Stafford moved

1 that the Training and Outreach Work Group recommend  
2 that OSHA review the two hour introduction to OSHA  
3 component of the OSHA 10 and 30 hour courses. The  
4 motion was seconded and passed unanimously.

5 The meeting was adjourned at 2:45.

6 CHAIRMAN STAFFORD: Thank you, Kevin. Bill or  
7 Gerald, do you have anything to add?

8 MR. RYAN: Excellent job.

9 CHAIRMAN STAFFORD: When we reconfigured the  
10 work groups after the last meeting, I was the one kind  
11 of pushing that training be added back because I think  
12 this is a very important area for all of us, not just  
13 the OSHA training, but training generally.

14 I don't think the work group in the future  
15 needs to be limited on just what Hank and his group is  
16 doing up in Des Plaines, but I think when issues come  
17 up, I hope it is clear that we as ACCSH would like to  
18 review what OTI is planning in terms of new policies or  
19 requirements for training in the construction industry.

20 I think that is very important and needs  
21 stakeholder input. This is the place they need to  
22 come.

1           My organization is an OTI. I know how  
2 important this is to the unions that we provide  
3 training for. Our peak in 2008, before the economy  
4 collapsed, we were alone as an OTI. We are processing  
5 about 120,000 cards a year, 30 and 10 hour cards. It's  
6 a very high volume of training.

7           The knee jerk reaction on the quality control,  
8 even though we are all very concerned about quality  
9 control, has put a lot of pressure on the OTIs in terms  
10 of this isn't a grant program, there is no funding that  
11 comes with running an OSHA training institute.

12           The reaction to the fraudulent issue of cards,  
13 for example, anybody walking into a 500 class and  
14 setting up a training program down at the local Holiday  
15 Inn and those kinds of things, you can understand there  
16 needed to be some reigning in.

17           On the other hand, those of us who think we  
18 are doing a very good job with the training because  
19 training is what we do, some of these things that have  
20 been pushed upon us have created quite a burden, and I  
21 think if you're going to change policy, if this  
22 committee that is charged with recommending standards

1 and providing guidance on policy, this is the place  
2 they should be coming to.

3 I think in the future, whether we need the OTI  
4 people to come to the next work group meeting or the  
5 work group meeting after that, it is really up to the  
6 chairs to decide when we think it's time to have the  
7 OTI folks come back and talk to ACCSH.

8 In the meantime, there is a lot of other  
9 training issues that we can be discussing. I think  
10 evaluation is one of those that I would like to see  
11 down the road in terms of what we might be able to  
12 guide in terms of overall training evaluation.

13 Any other questions or comments?

14 Dan?

15 MR. ZARLETTI: I would have a comment, that I  
16 think it's good for us to always encourage these OTI  
17 directors that come out here because I think it's a  
18 very important focal point for OSHA to have such  
19 education centers working as they do.

20 I also would recommend that we continue to  
21 promote what they do in all these ed centers. As I  
22 travel around and see different operations, I'm finding

1 that the key to the lack of compliance is definitely  
2 tied to the lack of training.

3           They may have given out half a million OSHA 10  
4 hour cards last year, whatever, and I think that's  
5 terrific. According to what I'm seeing, they could  
6 have given out a million and probably still been short.

7           I just really want to encourage and promote  
8 them because I think we should stay in close proximity  
9 to their actions, so we know all the cutting edge  
10 things they can provide for us, and then we can help  
11 disseminate that back to the areas of influence we may  
12 have.

13           CHAIRMAN STAFFORD: Appreciate that. Anything  
14 else? Matt?

15           MR. GILLEN: I currently don't do training. I  
16 used to do training years ago. What I wonder about is  
17 the variety of training out there as far as the  
18 quality.

19           From a content point of view, two courses  
20 could look the same. One course involved the old  
21 school, where there is a lot of highlighting passages  
22 in the OSHA standards on one end, and the other end

1 would be lots of interaction and more the kind of  
2 education that works and is more effective for adults.

3 I would like the training to move towards that  
4 because eventually, we have to evaluate training more  
5 and more. It is that kind of training that is going to  
6 be most effective.

7 How do we know what is the current level of  
8 quality of the training, even though it all seems to  
9 cover the same content, there could be quite a variety.

10 That's a question I don't know much about.

11 CHAIRMAN STAFFORD: Gerald and then Dan.

12 MR. RYAN: The building trades, I'm sitting on  
13 the Health and Safety Committee, one thing with our  
14 Smart Mark Program, which is our OSHA 10 and OSHA 30,  
15 we tried to get that standardized as much as possible,  
16 so the same thing is being used here in Maryland is  
17 being used in California.

18 Still, there is a variety of training. It  
19 gets down to sometimes craft specific areas. I think  
20 our goal has always been to try to get it as  
21 standardized as much as possible. That is why the  
22 Smart Mark Program was created.

1           Right now, we have a committee, and we are  
2 actually revising that, bringing it all up to date,  
3 kind of changing the way it looked and adding new parts  
4 with new standards.

5           Again, it's always about standardization, I  
6 think. Sometimes it's really hard to get to that final  
7 point.

8           Cement masons, they are focusing in this one  
9 specific area that deals with their workers maybe  
10 compared to what the sheet metal workers are doing now.

11           I think we are trying as hard as we can, and I  
12 know in the building trades, the unions are trying to  
13 do that.

14           CHAIRMAN STAFFORD: Thank you. Dan?

15           MR. ZARLETTI: Pete, just as an observation.  
16 I think the original format was designed to be a basic  
17 step in the process, but I know we can't assume that  
18 anybody taking this 10 hour course is at any level but  
19 introductory.

20           I also think as I have taught this over the  
21 year there could be various upgrade versions of the 10  
22 hour that you wouldn't want to repeat word for word if

1 you take the same group back through it in a couple of  
2 years, but rather have a refresher piece, and then move  
3 on to something more like Matt was saying about having  
4 it be more interactive and more of a learning piece.

5 Yes, they need to be reminded and refreshed,  
6 but they also need to move on. If we just repeat the  
7 original format, basically we're giving them the same  
8 thing over again. It may not be really developing  
9 their expertise in safety as much as it could.

10 I know when I've done it, we have always had  
11 the leeway to be able to tweak it a little bit and we  
12 have always tried to tweak it with some most recent  
13 things that have occurred and fire it up so these  
14 people really feel as though this was not only a  
15 refresher but it was a great learning experience versus  
16 just a canned repeat of what they took three years  
17 before.

18 CHAIRMAN STAFFORD: I appreciate that. I  
19 think a lot of folks strive to do that, and we  
20 recognize that. You are absolutely right. I think at  
21 the beginning, the 10 hour program was just that, this  
22 was intended to be your very basic, minimum things you

1 need to know to work in the construction industry.

2           At least on the building trades sides, a lot  
3 of unions, now this is a requirement of their  
4 apprenticeship training. You don't get your book until  
5 you take this course as a part of apprenticeship  
6 training.

7           On the refresher issue, I know we have talked  
8 about this. Before, Nevada was the only state that I'm  
9 aware of that now has a requirement for 10 hour  
10 training of all construction workers versus  
11 Massachusetts, example, just on certain projects over a  
12 threshold of the dollar value.

13           It also requires the 30 hour for all  
14 supervisory folks. I don't know how that program is  
15 working.

16           There is a lot of confusion. As an OTI, we  
17 will have building trades call from Nevada and say we  
18 want our Department of Labor OSHA 10 refresher card.  
19 There is no such thing.

20           I know some folks are developing their own  
21 refresher's, whether it's recognized by OSHA or not.

22           Chuck, Gerald and then Tish.

1           MR. STRIBLING: Thank you. I have two points,  
2 one on this subject and one on another, so I'll save  
3 the second one.

4           I was around when the OSHA 10 got started. I  
5 don't think anybody ever envisioned it being as popular  
6 as it is. We get calls at our workplace all the time,  
7 people looking for their cards. Like you said, they're  
8 transient and lost their card and call us because  
9 they're in Kentucky and they think we have their card,  
10 but we don't.

11           In retrospect, if the agency knew now what  
12 they didn't know then, I wonder if the agency would  
13 have set up a system where to maintain your card, you  
14 have to have a refresher.

15           It boggles my mind that so many people have  
16 the card and you could have got your card many, many  
17 years ago. There is absolutely no refresher  
18 requirement to keep your card certification, if you  
19 will.

20           You may have absolutely no knowledge about  
21 anything to do with the new cranes and derricks  
22 standard, or when confined space comes out, you will

1 just know about what you hear the guys talking about.

2           If you're fortunate enough to work for an  
3 employer that sends you in for refresher training,  
4 that's great.

5           I really do wish there was some mechanism -- I  
6 know a lot of people have invested a lot of money in  
7 sending their employees to training to get their 10 and  
8 30 hour cards. It would be a commitment to go into  
9 that re-certification mode, but I think it's something  
10 worth thinking about down the road.

11           It's just one of those things. We see people  
12 with the 10 and 30 hour card. Lots of times they get  
13 the 10 hour card because they have to get the card to  
14 get on that site. They may never -- other than toolbox  
15 talks, they may never spend any length of time talking  
16 about safety and health issues, as much as we would  
17 like them to. The reality is they work every day at a  
18 job, be it a trade or something else, and toolbox talks  
19 many times is all they receive when it comes to  
20 training.

21           If there was some kind of re-certification  
22 process, maybe they could have just a little sit down

1 time. I'm not saying it has to be a ten hour re-cert,  
2 an hour. Maybe once every three years, once every five  
3 years. Something that basic so you can learn about the  
4 newest standards out there, the new policies, that kind  
5 of thing.

6 I'm not suggesting we take that on now. I  
7 would suggest it is something we consider and maybe  
8 talk to the agency about somewhere in the future.

9 CHAIRMAN STAFFORD: Thanks, Chuck.

10 MR. RYAN: I kind of agree with what you're  
11 saying, Chuck. I think I'd like to see that it's  
12 mandated that they have an OSHA 10 or 30 hour card to  
13 begin with, then continue on.

14 I just wanted to kind of add to what Dan was  
15 saying, too, about getting more into the guts of each  
16 of these subparts or whatever you're covering.

17 Pretty much all of the building trades furnish  
18 programs. It's mandatory they have at least an OSHA 10  
19 hour card. What I'm seeing this year and I think most  
20 of the other guys can confirm that, you are seeing a  
21 lot of OSHA 30 hours being done in the last year or  
22 two.

1           We don't stop there either. Then we offer all  
2 these individual subparts, whether it's additional  
3 scaffold training, cranes, confined space, where we do  
4 extensive hours on those things, too.

5           We are kind of getting toward what you're  
6 asking for. That is what we in the building trades try  
7 to do, too. At least minimum awareness training to  
8 those areas.

9           CHAIRMAN STAFFORD: Thanks. Tish?

10          MS. DAVIS: As long as we are raising issues  
11 for the group to consider, the other is kind of the  
12 mobility of training. I'm totally in agreement about  
13 the OSHA 10 and the importance of it, but I also don't  
14 think it relieves employers of specific training, and  
15 that is a problem that we see with the small  
16 contractors.

17          I think the issue of mobility and certain job  
18 specific training requirements is another issue that  
19 could be on the agenda for the future.

20          CHAIRMAN STAFFORD: Thanks. Walter?

21          MR. JONES: Chuck, when I was chair of the OTI  
22 subgroup, they did come to us on a few occasions trying

1 to establish a refresher. At that time, I don't  
2 believe this committee was in full support of that.

3 I believe it revolved around the  
4 mandatory/non-mandatory nature of the card and the  
5 refresher.

6 I agree. I think that is something that  
7 should be brought up by the committee and reviewed  
8 again.

9 CHAIRMAN STAFFORD: Thanks. Bill?

10 MR. HERING: If you look at the nation's EMS  
11 system and EMT national registry and state plans for  
12 emergency medical technicians, I taught in that program  
13 for years and years, we have a refresher program. You  
14 have to do 13 core after three years to get your card  
15 renewed.

16 The initial course is that particular case for  
17 an ambulance EMT is 130 hours, ten hours in a hospital.

18 You do your 13 core, which is about 24 hours training  
19 for that. That is a little more intense than this.

20 If you look at the concept of that, we're  
21 looking at bringing the latest things that have  
22 happened in the last three years in emergency medical,

1 different changes, and the same thing in the  
2 construction industry.

3           If you took a ten hour course five years ago  
4 and you haven't taken one since, we have a crane  
5 standard now. The refresher course would probably be  
6 something we would have to look at and engineer so  
7 we're not going over and just doing a redundant 10 hour  
8 again.

9           The refresher course would have other  
10 components of the new state-of-the-art things. I think  
11 that is something we want to look at as a committee  
12 moving forward.

13           All the things that change and are changing  
14 all the time, whether we come to some resolve in the RF  
15 or something. All these other little things that we  
16 can take as a refresher. Maybe the refresher would be  
17 five hours, not ten hours.

18           We don't know. These are all things we can  
19 look at. I think it's a good idea. I think Hank and  
20 Jim would be receptive to that at OTI. I'm sure Jim  
21 Maddux and our crew here. I think that's something we  
22 need to look at and we can work on. It's a good

1 opportunity for improvement.

2 CHAIRMAN STAFFORD: Thank you. Liz?

3 MS. ARIOTO: I am a trainer of OTI in  
4 California. I just want to talk about contractors. I  
5 notice a lot of contractors actually do train their  
6 supervisors. A superintendent, it will be a 30 hour.  
7 If it's a project manager, 10 hours. I'm sure  
8 companies are different in that.

9 They also train them when new updates come up.  
10 It's protective for the company to know what the new  
11 regulations are, whether it's a new crane regulation or  
12 whatever. I think they get that already.

13 Companies are now having a two hour refresher.  
14 I think it's very good, to actually bring up the new  
15 regulations or new procedures.

16 Actually, in the courses I observed and I do  
17 training, I actually invite other people to come in and  
18 give a short presentation that may be more experienced  
19 in some sections than I am, and show different video's.

20 I cover the OSHA material that's required, and  
21 then I do little additions. I notice other instructors  
22 are doing the same.

1           I think it is really beneficial to the  
2 workers, but actually getting the classes involved, not  
3 just sit and train. You have to get that feedback from  
4 the people taking the classes. I think it is kind of  
5 working.

6           One other thing I'd like to say with the I2P2,  
7 whatever it is called now, they have a class already  
8 developed in California. It is called a California 8  
9 class. It's generally for supervisors. It's been kind  
10 of approved by Cal-OSHA.

11           It goes through all the elements we were  
12 discussing yesterday in the I2P2 Program. It's really  
13 good. They actually cover responsibility, who is  
14 responsible, what is required for training,  
15 inspections, accident investigations, recording. It's  
16 really a good training program.

17           If anybody would like to see that, I can send  
18 them a copy. I think it's a really good program.

19           CHAIRMAN STAFFORD: Thank you.

20           MS. ARIOTO: If anybody wants a copy, I can  
21 send it to you, or I can bring it here to a meeting and  
22 show it.

1           CHAIRMAN STAFFORD:   Okay.   Tish?

2           MS. DAVIS:   I just wanted to share that  
3   recently in Massachusetts -- we have contractor  
4   licensing, and our contractor supervisor's license,  
5   there are new requirements for continuing education.  
6   They have eight hours of education, two of the hours  
7   have to be safety.

8           It has really created an impetus.   A lot of  
9   them are getting the hour training, some are getting  
10  the OSHA 10 training.   That is an interesting  
11  experience to look at.   It's new.

12          Our vocational education trade teachers now  
13  have to have continuing education, and two of their  
14  hours have to be in health and safety training as well.

15          MR. RYAN:   When you said the contractors, just  
16  one person?

17          MS. DAVIS:   Any individual who is licensed as  
18  a contractor, supervisor contractor.   There are a bunch  
19  of different contractor licenses.   This is the  
20  supervising license.

21          They are looking at it for some of the others,  
22  roofing contractor licenses.   We have an elaborate

1 contractor licensing system. Obviously, not everyone  
2 who is out in the field has a license.

3 I can give you more information about that.  
4 I'll try to get more. We have had them come and talk  
5 to us.

6 CHAIRMAN STAFFORD: I didn't know that. Gary?

7 MR. BATYKEFER: Not to beat a dead horse on  
8 this subject, but our organization has developed an  
9 internal recognized refresher course for the 10 hour  
10 and the 30 hour OSHA training that our contractors  
11 require and recognize as an internal refresher. It's  
12 not sanctioned by OSHA or anything. It's built off the  
13 OSHA 10 hour Smart Mark type delivery system that we  
14 require.

15 We issue cards and register them as a  
16 refresher from our office. If they get into a  
17 situation where they need to have a ten hour course  
18 every four years as required by certain states or jobs,  
19 general contractors or owners on the job, and they take  
20 this program and get it recognized there, it gives them  
21 a leg up.

22 It's a four hour refresher on the 10 hour

1 course, and an eight hour on the 30 hour.

2 Accompanying that, we have moved to a new  
3 delivery system with regard to information and  
4 particularly related to the crane standard that came  
5 out recently.

6 We have developed mobile app's for our people  
7 that download to their Droids and iPhones, and have  
8 that information readily available on the job site to  
9 refresh their memory with regard to crane signals, the  
10 standard, the requirements for the crane and derrick  
11 deal.

12 We have also done a hearing exposure app and  
13 also an environmental safety app.

14 We have three more in the pipeline. We have  
15 also piggy backed on the heat stress initiative from  
16 OSHA and have it available as an app through our  
17 website that they can download as well.

18 We are trying to move technologically speaking  
19 with our younger group that are really into the  
20 iPhones, the DVDs and that kind of thing, and keeping  
21 them up on the safety issues.

22 MR. RYAN: Would you be willing to share that

1 with our committee, Gary?

2 MR. BATYKEFER: Sure.

3 MR. RYAN: You just did part of our work.

4 MR. BATYKEFER: I'd like to bring in my  
5 counterpart as well, Charles Austin. For us, it's not  
6 a big deal to take a program and then make it mobile  
7 app deliverable. All the information is there. It's  
8 just a matter of getting the techno stuff in place to  
9 deliver it and restructured for that type of delivery.

10 Just something to keep in mind. You always  
11 have to have safety with you.

12 CHAIRMAN STAFFORD: That would be great.  
13 Anything else on the training issue? Chuck?

14 MR. STRIBLING: Not on this.

15 CHAIRMAN STAFFORD: One last thing before we  
16 switch. I think one thing that we need to consider,  
17 and Hank said it yesterday, and you understand the  
18 pressures, the whole area of evaluation.

19 If you know the literature in this country,  
20 there is not a lot of good studies on safety and health  
21 training evaluation in the construction industry.

22 To the extent that somehow we could figure out

1    how OSHA can partner with NIHS or NIOSH that has  
2    expertise in this area, things we could do to kind of  
3    push the evaluation envelope, I think, would be very  
4    helpful to all agencies because it's clear we are going  
5    to have to continue to demonstrate how training is  
6    working if we are going to continue to require it.

7            I think it is something for the work group to  
8    consider.  If you are interested in it, the best study  
9    that I know on supervisory training was done by what  
10   used to be the old CSAO in Toronto, the Construction  
11   Safety Association of Ontario.  That organization has  
12   been merged in, but that study actually can correlate  
13   supervisory safety and health training to the  
14   reductions of injuries and illnesses on construction  
15   sites.

16           I don't know that we can ever get to those  
17   outcomes, but we should continue to strive to do that.

18           I think there are a lot of different  
19   organizations, OSHA, NIOSH, NIHS, a few that come to  
20   mind, that we might be able to figure out how we can  
21   keep pushing the evaluation envelope.

22           MR. BARE:  I just wanted to mention along that

1 same line that the OTI was looking for those impact  
2 measures to help justify continuing the programs.

3 I think Walter had a real good suggestion or  
4 idea about providing an avenue for employment for some  
5 people that were not employed at the time.

6 As you guys have ideas about how to measure  
7 the employment aspect of the training, I think that  
8 would be real good input for OTI, as we move along and  
9 you have OTI come back. I think that kind of hit home,  
10 and that was a really excellent idea to help justify  
11 the program and the Susan Harwood Grants and so forth.

12 CHAIRMAN STAFFORD: Thank you. In closing on  
13 that issue, I was going to ask it but someone beat me  
14 to the punch in talking to Hank and Jim yesterday about  
15 how OTI and the Harwood Grants go about selecting what  
16 their topics for training are going to be.

17 I'm going to assume that OSHA or OTI doesn't  
18 necessarily look to this committee for providing  
19 guidance or recommendations on training topic areas for  
20 construction, but on behalf of this committee, I would  
21 like to let OSHA and OTI know that if they want some  
22 thoughts in the future about where we think training

1 priority areas ought to be, we would be more than happy  
2 to provide those suggestions.

3 Kevin and then Dan.

4 MR. CANNON: During the trainer exchange that  
5 we had here for those two days, I think we had a  
6 handful of presenters that spoke to the various levels  
7 of evaluations. I think they had some good ideas and  
8 methods they use to track the impact of the training.

9 If we could see if Hank or Jim would be  
10 willing to pass along some of those presentations. One  
11 gentleman from an university and a few others that were  
12 grantees. I thought they had some good programs.

13 CHAIRMAN STAFFORD: Okay. Good.

14 MR. RYAN: We might need a day just for our  
15 committee next meeting.

16 CHAIRMAN STAFFORD: You can take as many as  
17 you want. Dan?

18 MR. ZARLETTI: I didn't want to sound like  
19 repeating here the OTI, but that same Harwood Grant has  
20 offered funds to other organizations like was  
21 represented here earlier this week with Brad Sant being  
22 here from ARTBA. He has been able to use Harwood funds

1 to develop a ten hour program specifically for work  
2 zone construction safety.

3 That in itself to a contractor that has 1,000  
4 people in work zones is very important.

5 We could start out with the OTI's basic ten  
6 hour, but we have to move quickly into the ten hour  
7 work zone safety program.

8 Because it is getting its source of funding  
9 from the same grant, I don't know that it's going to  
10 compete. I don't want to say take this one and not  
11 that one.

12 I just think that maybe at some point we could  
13 have a repository that shows all of what is available  
14 from these grants or through OSHA in a formal training.

15 Not a lot of people know that ten hour  
16 program is out there, but it's a very good program.  
17 It's high graphics, well done. So, we know.

18 CHAIRMAN STAFFORD: Okay. Chuck?

19 MR. STRIBLING: Different issue, if you're  
20 done.

21 CHAIRMAN STAFFORD: I guess we are going to  
22 switch to training and outreach. Do you want to talk

1 about outreach as part of that or separately?

2 MR. STRIBLING: It is related to this work  
3 group and I apologize for not being here during the  
4 work group. I hope I'm not covering something that may  
5 have been addressed.

6 We all know OSHA has a tremendous website,  
7 just absolutely tremendous website. We utilize the  
8 website a lot for resources.

9 I think there is a logical step that is next,  
10 and maybe it has been discussed a little bit. I think  
11 the agency could have a huge impact in the area of  
12 social media. I understand there are some policies and  
13 procedures and how it relates to the Department and all  
14 that.

15 We ourselves at my workplace, we are working  
16 towards getting a social media presence because we  
17 firmly believe there is an entire population, if not  
18 generation of people, that we can reach out to through  
19 social media.

20 Show me a Smart phone that doesn't have  
21 Facebook or YouTube built into it when you buy it.

22 We have heard them talk here before about the

1 animated fall protection video's, there were more hits  
2 coming from YouTube than OSHA.gov.

3 I think NIOSH is just phenomenal in the work  
4 they do with social media. You can follow NIOSH. You  
5 can follow different parts of NIOSH.

6 It is my understanding that the social media  
7 efforts at NIOSH are hugely successful, even more so  
8 than EPA.

9 MR. GILLEN: As far as followers, NIOSH has  
10 more followers, for example, for the NIOSH Twitter than  
11 EPA does.

12 MR. STRIBLING: Right. I can only imagine the  
13 population base that could be reached if the agency was  
14 able to engage in social media on its own and just send  
15 out -- it's mind boggling as I think through it.

16 I think that is a component of outreach. If  
17 there is some way we could work with the agency so that  
18 could become a reality, I think it would behoove us to  
19 do so, just something to consider for future work group  
20 meetings on how that could be done.

21 CHAIRMAN STAFFORD: Appreciate that. Tish?

22 MS. DAVIS: It's not an outreach issue but

1 I'll just put this on the Emerging Issues Group, and  
2 that is I support the use of app's. I think app's are  
3 great.

4 We are starting to see use of phones on roofs,  
5 and that's an issue. Definitely in small scale  
6 construction. I don't know how we deal with it.

7 Sometimes you need that communication, but it  
8 is really an issue that needs to be addressed.

9 CHAIRMAN STAFFORD: That's interesting.

10 MR. STRIBLING: I hope the next time we  
11 convene that I'm able to say that we have our social  
12 media presence up and established and deployed.

13 I also think if the agency was engaged in  
14 social media efforts, it would help serve as an example  
15 to our other state partners that administer their own  
16 programs on the efforts they could be doing.

17 Lots of times, the agency leads by example.  
18 The sheep tend to follow.

19 CHAIRMAN STAFFORD: I don't know if Jim is  
20 here or if Ben can speak to it or Damon on the social  
21 media thing. I don't know if there are any kind of  
22 barriers because of policies or regulations or if it is

1 a resource issue or what.

2 I knew that would get Jim up to the table.

3 [Laughter.]

4 MR. MADDUX: We have been trying to work  
5 through the sort of social media issue for a while.  
6 Kind of where we are at is we are active on social  
7 media but we are active at the departmental level.

8 That has kind of been the ongoing question  
9 inside the Department of Labor, how much of that to  
10 kind of push out to the individual agencies, to OSHA or  
11 ETA or whatever it might be.

12 We are kind of sorting through that. We do  
13 have at the departmental level a pretty active effort.

14 It really has improved tremendously, I think, over  
15 about the last year and a half, so that we have tweets  
16 now.

17 The Secretary's Office sent out a tweet on the  
18 fall prevention campaign. We have Facebook. I don't  
19 even know what all of them are. I know we are active  
20 on all the social media platforms at that level.

21 I think it is just a question of will it sort  
22 of expand and de-centralize down to the agencies.

1           CHAIRMAN STAFFORD:  Chuck?

2           MR. STRIBLING:  I think that is key, the  
3 de-centralization.  When you follow somebody, you  
4 don't care about all that other stuff.  You follow  
5 because you want that information from that body or  
6 that person or from that agency.  All the other stuff,  
7 I'm not saying it's not important, but I'd rather know  
8 about the OSHA component.

9           Drilling it down, I'm not going to say it will  
10 increase the number of followers, but I think it would.

11          It is sort of the NIOSH model.

12          MR. GILLEN:  Basically, we have been able to  
13 do that at the CDC level, too.  They have encouraged  
14 that.  We have within NIOSH, NIOSH level one's and then  
15 sub one's, so construction has one.  We have about  
16 3,000 followers.

17          When we talk about these hard to reach  
18 audiences that don't belong to trade associations or  
19 something, when you look at who is following, you will  
20 see there are individual construction workers, the  
21 transportation one has truck drivers.

22          It's an interesting way to reach some of the

1 hard to reach groups. That's part of the value of it,  
2 I think, and why it's worth it to keep having those  
3 discussions.

4 MR. MADDUX: It has been an ongoing discussion  
5 for at least two years of who is going to do what.

6 MS. SHORTALL: Jim, I have a question for you.  
7 My understanding is OSHA's Office of Communications  
8 and the press releases, news releases, are trying to  
9 incorporate the social media and the links. Do you  
10 know more about that?

11 MR. MADDUX: I'm not up to speed on that. I  
12 really don't. I can take a look at that. I was  
13 actually thinking maybe for our next meeting we could  
14 have somebody from our Office of Communications come  
15 over.

16 I did a social media report once a month on  
17 what all the different things are that have gone out  
18 and so forth. We could probably get somebody that  
19 knows more about kind of the platforms that we have to  
20 come in and talk about that.

21 MR. RYAN: From your office?

22 MR. MADDUX: Probably from our Office of

1 Communications, perhaps for the next meeting so people  
2 could have a better understanding of where we are at in  
3 that process.

4 CHAIRMAN STAFFORD: Thank you. Any other  
5 questions or comments?

6 When we combine the work groups, in meeting  
7 with the OSHA staff in terms of their staff support and  
8 our focus, we reached agreement that we would have five  
9 work groups under the main body.

10 We kind of merged in the training and we  
11 merged outreach into that. My thinking of that is  
12 because if you look at the work groups, we have Backing  
13 Operations recommending a website, the Diversity Work  
14 Group recommending a website.

15 I didn't want to get in a position that we had  
16 four work groups that are all recommending websites to  
17 OSHA, not that they are not all needed.

18 I was thinking that the Outreach Work Group  
19 would be kind of the work group to help coordinate and  
20 prioritize that for OSHA. I don't know if that's a  
21 good model or not.

22 What do you folks think about that? I would

1 like to know that now and certainly what OSHA thinks  
2 about that.

3           If we need this Outreach Work Group to kind of  
4 coordinate or prioritize all the other websites or  
5 other communications that this full body is  
6 recommending out.

7           In other words, I don't want you to be in the  
8 position to tell the Diversity Work Group you don't  
9 have the resources to do their website because you're  
10 focusing on the Backing Operations Work Group's  
11 website, or the Fatalities Campaign website or  
12 whatever, or if you have the resources to do them all,  
13 we will just keep recommending them out.

14           MR. MADDUX: Obviously, we don't have the  
15 resources to do everything. That's the ongoing  
16 question of what is going to get the priority and  
17 actually rise to the level where it happens and in what  
18 order.

19           That is certainly a question. There is also a  
20 question that we kind of deal with all the time, and  
21 that is trying to have sort of a common approach to  
22 websites.

1           We actually go to a pretty great effort across  
2 the entire website to have these sort of standardized  
3 designs on our pages. That has been evolving ever  
4 since we first got on the Internet.

5           That is where I think that work group could  
6 help, too, in terms of okay, what are the appropriate  
7 things that go into a website, what are the most  
8 intuitive ways to present this information so that the  
9 websites work.

10           We have, for example, some of our old topics  
11 pages where if you printed them out, maybe ten yards  
12 long. It was all just one page that had this huge flow  
13 of information.

14           We have moved now to where we break them up so  
15 we will have a topics page, but then we will have four  
16 or five tabs for different things that people can go  
17 to.

18           Our goal is to get it set up so when you go to  
19 a web page, pretty much what you have on your screen,  
20 you will be able to see almost all of the material  
21 that's on that page, so people don't have to scroll  
22 around and around to find the material they're looking

1 for.

2 That might be a help, too, from that work  
3 group.

4 CHAIRMAN STAFFORD: Okay. Appreciate that.  
5 Walter?

6 MR. JONES: As a person somewhat involved in  
7 the social media, I think it's important for an  
8 organization as large as yours that you develop a  
9 strategy before you just go willy-nilly, you know, and  
10 just start sending stuff out there.

11 You have to have a strategy and a target  
12 audience on what are you actually trying to say and  
13 what are you trying to do and then follow that evenly  
14 and standardized because you can really just mess up  
15 your message.

16 I think NIOSH does a very good job at  
17 strategizing what they want to say and being very  
18 targeted about it.

19 That would be my only input. In response to  
20 your question, I think the way it is set up is going to  
21 work out well, and with the prioritization on the  
22 chairs, that we are dumping a lot on you between OTI

1 and outreach, but I think it works well.

2 MR. RYAN: We have big shoulders.

3 [Laughter.]

4 CHAIRMAN STAFFORD: All right. Sounds good to  
5 me. Any other comments or discussion?

6 [No response.]

7 CHAIRMAN STAFFORD: We have a motion, I think,  
8 this work group is bringing to the full body; right?

9 MS. SHORTALL: First, you haven't approved  
10 your work group report, but do you want to do the  
11 motion first?

12 CHAIRMAN STAFFORD: Yes, let's do this motion  
13 first.

14 M O T I O N

15 MR. HERING: I'll make a motion that the  
16 report is accepted by the committee.

17 MR. GILLEN: Second.

18 CHAIRMAN STAFFORD: We have a motion and  
19 second. All those in favor, signify by saying aye.

20 [Chorus of ayes.]

21 CHAIRMAN STAFFORD: Opposed?

22 [No response.]

1           CHAIRMAN STAFFORD: Now we have the work group  
2 motion. Either of the chairs like to make that, the  
3 motion to the full committee about review of the OSHA  
4 two hour outreach training material?

5           MR. RYAN: Make a motion? Yes. I thought we  
6 already did.

7           CHAIRMAN STAFFORD: The work group made a  
8 motion, it has to come to the full committee.

9           MR. RYAN: I make a motion that this work  
10 group review the objectives --

11           CHAIRMAN STAFFORD: Read it out of the  
12 minutes.

13                                   M O T I O N

14           MR. RYAN: We recommend that ACCSH review the  
15 two hour Introduction to OSHA component of the OSHA 10  
16 hour and 30 hour courses.

17           MR. HERING: Second.

18           CHAIRMAN STAFFORD: A motion and second. All  
19 those in favor --

20           MS. SHORTALL: Wait. Do you want to only look  
21 at the Introduction to OSHA component or the entire  
22 OSHA component?

1 CHAIRMAN STAFFORD: The two hour intro.

2 MS. SHORTALL: Okay. Is it supposed to be  
3 review the two hour introductory OSHA component?

4 MR. RYAN: Introduction to OSHA.

5 MS. SHORTALL: Oh, that's the title.

6 MR. RYAN: Yes.

7 CHAIRMAN STAFFORD: Is that with an eye  
8 towards streamlining that section?

9 MR. RYAN: Yes.

10 CHAIRMAN STAFFORD: I don't think the motion  
11 included that.

12 MR. BATYKEFER: Was it streamlining or  
13 reallocating and tying to other --

14 MR. HERING: Let's start with that.

15 CHAIRMAN STAFFORD: I think that was the  
16 general discussion and I think others would like to  
17 see --

18 MR. MADDUX: I just think it is important that  
19 some of that discussion occur here, too.

20 CHAIRMAN STAFFORD: Do we need to reframe that  
21 motion?

22 MS. SHORTALL: No, all we have to do is put

1 some quotation marks around "Introduction to OSHA."

2 MR. HERING: The two hour Introduction to  
3 OSHA.

4 MR. RYAN: We are just going to bring some  
5 things to the table next meeting.

6 CHAIRMAN STAFFORD: We had a motion and  
7 second. All those in favor, signify by saying aye.

8 [Chorus of ayes.]

9 CHAIRMAN STAFFORD: Any opposed?

10 [No response.]

11 CHAIRMAN STAFFORD: Thank you, Sarah. We are  
12 running a little bit ahead of schedule. Why don't we  
13 go ahead and take a break now.

14 MS. SHORTALL: Before we take a break, I just  
15 have a few exhibits.

16 I'd like to enter into the record as Exhibit  
17 33 the approved Training and Outreach Work Group report  
18 from the May 9, 2012 meeting.

19 As Exhibit 34, the PowerPoint by OSHA on OSHA  
20 Training Activities presented by Jim Barnes of OSHA.

21 Exhibit 35, OSHA/NIOSH Falls in Construction  
22 Campaign Fact Sheet in English.



1 OSHA's purposes for targeting.

2           We thought for this meeting we would start the  
3 discussion at the full ACCSH meeting, and we are happy  
4 to have Tish Davis, our ACCSH member with the Mass  
5 Department of Health.

6           I've known Tish for many, many years, and  
7 surveillance is kind of near and dear to her heart, and  
8 Janice Windau from the Bureau of Labor Statistics will  
9 join the panel, and Dave Schmidt, we are happy to have  
10 you here as well.

11           We are going to get into this discussion, and  
12 we can talk at the end after we hear from the panelists  
13 about what next steps are and how we could proceed in  
14 the area of construction surveillance and targeting.

15           With that, Tish, it's all yours.

16           TARGETING AND SURVEILLANCE DISCUSSION

17           MS. DAVIS: Thanks. I appreciate the  
18 opportunity. I'm trained as an epidemiologist. I've  
19 spent the last 29 years of my life in the Health  
20 Department in Massachusetts using public health data  
21 sources to track work related illnesses and injuries in  
22 Massachusetts, and then working with a range of

1 partners, including OSHA, to address identified  
2 hazards.

3 I always love these talks where I have to talk  
4 about my life's work in ten minutes. I'll give it a  
5 try.

6 First of all, surveillance and targeting, how  
7 do they relate. We use surveillance data for targeting  
8 among other things. I think there are a lot of  
9 targeting activities that we will hear about today, and  
10 I know what goes on in the field that really don't come  
11 under the rubric of surveillance, so they are not the  
12 same but they are clearly related.

13 The other thing I would say by way of  
14 beginning, and I can hear David Michaels saying this,  
15 we tend to think of ourselves in terms of the agencies  
16 about labor and health.

17 I think the public health system includes all  
18 people working on health, so OSHA really is a public  
19 health agency, and uses the tools of public health, and  
20 a core tool in public health is surveillance.

21 What I would like to do today is really give a  
22 brief overview of what public health surveillance is,

1 how we use it for targeting, really Surveillance 101.  
2 I hope it gives us a vocabulary to get on the same page  
3 for future deliberations.

4           Then I want to talk a little bit about the  
5 NIOSH funded surveillance activities in the states,  
6 which is essentially what I do. I think that may be  
7 less familiar to many of you in this room.

8           Here is the classic definition of "public  
9 health surveillance." You can read it yourselves.  
10 There are three points that I'd like to emphasize.

11           First, it makes surveillance distinct from  
12 research. Surveillance is ongoing. It doesn't  
13 necessarily have to be continuous. You can do it every  
14 other year, but it has to be ongoing.

15           An one time survey is survey research, it's  
16 not surveillance. Surveillance is ongoing.

17           It's also systematic. I think that's really  
18 important to recognize, you need to collect data the  
19 same way. When you recommend changes to BLS or OSHA on  
20 how they collect their data, it is a serious thing.

21           You need to appreciate the systematic nature  
22 of surveillance because it has significant implications

1 when you recommend and implement changes.

2 I'll be talking about the types of health data  
3 you can collect. The take home point that really keeps  
4 me in my job and why I love my work most days is  
5 surveillance really has an imperative for action.

6 No one is interested in data for data sake.  
7 We use data to inform prevention activities. It's  
8 really incumbent upon the surveyor to get the  
9 information into the hands of the data users, in this  
10 case, OSHA, and it's incumbent to work with your data  
11 users to make sure your data is presented in a way that  
12 is usable.

13 At the state level, we are obligated to make  
14 sure that we follow up. I cannot identify a cluster of  
15 lead poisoning in Brazilian house painters, publish a  
16 report on it, and go on to the next report. I need to  
17 work with my community partners to address the cluster  
18 of Brazilian house painters.

19 Surveillance is called "data for action."

20 What kind of health data can you collect?

21 Clearly, in construction what we are talking about is  
22 data on work related injuries and illnesses.

1 Theoretically, we would have data, good collected  
2 systematic data on where we have workplace hazards, and  
3 theoretically, you could also do surveillance of  
4 workplace interventions, such as use of personal  
5 protective equipment.

6 We do not have systems in place to track  
7 workplace interventions. We have some data on  
8 distribution of workplace hazards, mostly through the  
9 IMIS database.

10 I think some of the lead data collected by  
11 NIOSH is part of their adult blood lead surveillance  
12 program, and it gives us data on hazards, and I'm  
13 looking at Chuck because I think some people in the  
14 field might have some hazard surveillance data that I  
15 don't know about and you can hear about.

16 Clearly, what we do have mostly in this  
17 country on the national level and state level is data  
18 on work related injuries, including fatalities, and  
19 some data on work related illnesses.

20 Those are our surveillance content areas.

21 This is why we do surveillance first and  
22 foremost, as I mentioned, to target interventions and

1 informed prevention activities. We can target hazards  
2 like we have targeted falls for the new fall campaign.  
3 You can identify high risk industries, occupations.  
4 The data is collected systematically. You can compare  
5 it.

6 You can also identify high risk populations  
7 like the data we see coming out of CFOI showing us the  
8 high rates of Hispanic workers.

9 We have some data in Massachusetts looking at  
10 older workers.

11 You can really target certain sub-populations  
12 of workers as well.

13 Ideally, when you get to enforcement targets,  
14 you can identify -- I have work sites up there. You  
15 identify firms. Clearly, the challenge in construction  
16 is getting beyond the firm to the work site and to the  
17 appropriate construction phase.

18 Because we collect data over time, we can also  
19 use our surveillance data to evaluate intervention  
20 efforts. We use surveillance data to identify emerging  
21 issues, and I think bathtub refinishing was a great  
22 example of surveillance identifying emerging issues.

1           The Michigan Fatality Program identified three  
2 deaths. They called up OSHA. They looked at the CFOI  
3 data. They saw there were 13 deaths. That is a great  
4 example of kind of ongoing, real time surveillance  
5 picking up emerging issues.

6           We use it to generate hypothesis for further  
7 research. Sometimes when they look at the data, we see  
8 new things, we're not ready to act, but we need more  
9 research.

10           The final thing that I always talk about is  
11 what I call the "ammunition theory of surveillance."  
12 We really do surveillance to raise awareness and  
13 demonstrate the need for prevention.

14           All of us in this room know that falls are a  
15 problem, but we need the data to convince policy makers  
16 to get the resources to do something about it.

17           I think it's overly optimistic. I was looking  
18 at this last night. It says what gets counted gets  
19 done. I think that's a little bit overly optimistic  
20 because there is a lot still to do.

21           I think it is really fair to say what doesn't  
22 get counted doesn't get done.

1           OSHA activities informed by surveillance, I  
2 think in this group we are going to be focusing mostly  
3 on targeting enforcement activity, but I just put this  
4 in as a reminder that we also use surveillance to form  
5 the regulatory agenda, education, training and  
6 outreach.

7           We heard about their priorities. I assume  
8 some of that is informed by surveillance. Compliance  
9 and consultation activities as well.

10           There are really two types of surveillance  
11 systems that we talk about in the surveillance field.  
12 The first is called population based surveillance.  
13 What that really involves is use of large databases  
14 that are representative of what's going on in the  
15 underlying population.

16           You don't necessarily have information about  
17 individual people in those surveillance systems, and  
18 you don't necessarily have information about individual  
19 firms. You have information by industry, occupation  
20 and population characteristics.

21           The two national surveillance systems that we  
22 really have in place, official occupational and health

1 surveillance systems, is the Census of Fatal  
2 Occupational Injuries, CFOI, and the Survey of  
3 Occupational Illnesses and Injuries, we call SOII, or a  
4 lot of people just refer to as the BLS Survey, the  
5 annual survey. We will be hearing more about those  
6 today from Janice Windau.

7 I also want to remind you that we have what  
8 are called "case based surveillance systems." Case  
9 based surveillance is what we use in infectious  
10 disease. It is how we survey tuberculosis, AIDS,  
11 measles.

12 It involves collection on a real time basis of  
13 information on personally identifiable individuals.  
14 Case is how they occur, enabling us to follow up  
15 immediately into the workplace.

16 Those surveillance systems are based on what  
17 we call the concept of a sentinel health event. That  
18 is a term you will hear in our field. That means the  
19 case itself is a sentinel or a warning sign that the  
20 prevention system has failed, and intervention is  
21 needed.

22 When I thought about this, I realized that the

1 fatality and catastrophe reporting system at OSHA  
2 really is a case based surveillance system that gets  
3 OSHA out in the field right away.

4 I think you should be proud of me that I'm not  
5 inundating you with data, but I couldn't resist at  
6 least one data slide that I really want to use to  
7 illustrate kind of what I call the rate and count  
8 conundrum.

9 What this is is data from our CFOI system in  
10 Massachusetts. We actually run the CFOI program out of  
11 my office.

12 On the left hand side of this slide, you have  
13 the number of fatalities over this time period by  
14 industry, and you can see construction leads, 103 out  
15 of all deaths during this time period, 365 were  
16 construction workers. Clearly, construction always  
17 leads, and this is consistent over time, in a number of  
18 worker deaths each year.

19 On the right hand side, we have the rates.  
20 What you see there is the highest rate is in  
21 agriculture, forestry and fishing. In fact, if you  
22 looked at fishing alone, the rate would even be about

1 80 instead of 60. The rates for fishing are  
2 astronomical.

3           This illustrates the challenge in using data  
4 alone to target prevention efforts. When I teach  
5 surveillance, I say to students I have \$100,000 next  
6 year to do something for intervention, which one do I  
7 go after. Do I work in the fishing industry, do I work  
8 in the construction industry.

9           I'm sorry I didn't have a chance to pull it  
10 together. You could do the same slide looking within  
11 the construction industry.

12           The data is critical but the data alone is  
13 never sufficient and doesn't really give you your  
14 targeting. It informs your targeting. It doesn't  
15 necessarily tell you what to do next.

16           This is what I call the art of public health  
17 practice. These are the kinds of things that we  
18 consider in targeting.

19           We look at the seriousness of the issue. We  
20 look at the life threatening, obviously more serious  
21 hazards higher up on the list. We look at the  
22 likelihood of injury, which are the rates of injuries

1 per hour worked, injuries per worker. We look at the  
2 count.

3 We look at ability to change. Is there  
4 something we can tackle, that we can do something  
5 about, if we're talking about -- could be technological  
6 feasibility. It could be availability and interest of  
7 partners who are going to take action.

8 For us in public health, vulnerable  
9 populations are always a concern, if there's an  
10 exploited population that jumps up on the list. We  
11 have to as a government agency look at representation.

12 We have to look at region of the state and sector of  
13 the economy.

14 Availability of other resources, if there is  
15 someone doing a really good job in a certain area, it's  
16 not going to be a priority on my list.

17 Of course, there is the reality of our  
18 constituencies, politics and funding, which influence  
19 priority setting.

20 I want to shift gears now. I don't have a lot  
21 of time. I'm going to shift to the discussion of  
22 introduction of the NIOSH funded state occupational

1 health surveillance activities.

2           You can ask why is NIOSH funding programs in  
3 the states, if we have the BLS Survey. I think we all  
4 know, and that could be an entire other topic, which is  
5 near and dear to my heart, we all know there are  
6 strengths and limitations of that program.

7           It doesn't cover certain populations, self  
8 employed, for example, out of scope. They're not out  
9 of scope in my world. It doesn't catch your  
10 occupational illnesses very well unless they're acute.

11           There is mounting evidence that has been a  
12 topic of continued discussion about under reporting on  
13 CFOI.

14           NIOSH over the last 15 years has really worked  
15 to build a network of state public health programs to  
16 fill in some of the gaps. Two years ago with our new  
17 funding cycle, there are now 23 states -- I think in  
18 one state, it's in the Labor Department, but in the  
19 other states, it's in the Public Health Department.

20           We have 23 states funded by NIOSH to conduct  
21 surveillance of work related illnesses and injuries and  
22 to use the data and work with community partners on

1 prevention.

2           The difference between the green and blue is  
3 simply that the green states have bigger what we call  
4 expanded programs. You can see if your state is up  
5 there.

6           The way the states do this is there is some  
7 tasks and activities that we all do in common but we  
8 each have focus areas that we have identified.

9           For example, there are nine states that  
10 participate in the NIOSH funded base program, which  
11 involves these research oriented investigations of  
12 fatal injuries.

13           That last slide didn't include all the states  
14 that have some NIOSH funding to do surveillance of  
15 adult lead poisoning where we get reports from clinical  
16 laboratories on all adults with elevated bloodlets.

17           Several states have silicosis or  
18 pneumoconiosis programs. Several states, including  
19 Massachusetts, amputations, pesticide poisonings,  
20 carbon monoxide poisoning.

21           In single states, there are a couple of kind  
22 of really targeted programs, none of which are in

1 construction, unfortunately, although our Young Worker  
2 Program in Massachusetts which we are expanding to  
3 young adults under 24 has some construction related  
4 activity, and noise and hearing loss in Michigan  
5 addresses the construction industry.

6           That is the overview. What I think is perhaps  
7 more interesting is to give you some idea of the kinds  
8 of data that we have available to us in the states.

9           On the left hand column, I list some of the  
10 data sources that we use for our case based  
11 surveillance. In most of our states, there are  
12 reportable occupational health conditions, just like  
13 HIV is reportable and measles is reportable.

14           In Massachusetts, work related injuries to  
15 teens are reportable. Public health care providers and  
16 hospitals are supposed to report those injuries to us.

17           It doesn't necessarily mean they always do, but it  
18 does create the legal umbrella that enables us to get  
19 the data. That is really crucial, that legal umbrellas  
20 of reportable conditions.

21           Reportable conditions also relieve health care  
22 providers of some of their responsibilities under

1 HIPAA, because they can provide us with confidential  
2 information without patient permission for all  
3 reportable conditions in public health.

4           We also get data from clinical laboratories.  
5 This is coming in for infectious diseases and it comes  
6 in for heavy metal poisoning as well. We have access  
7 to poison control data.

8           Some of our states including Massachusetts  
9 have enacted burn registries where hospitals report  
10 serious burns on a flow basis into the Department of  
11 Public Safety for us but it comes over to the Health  
12 Department immediately.

13           I think what has really changed in recent  
14 years is our access to data systems. You should know  
15 all states have access to data on all in-patient  
16 hospitalizations from the hospital discharge database.

17           About 27 states have access to a database of  
18 all emergency department visits. Many states have  
19 access -- their state health departments are gaining  
20 access to Workers' Compensation claims. Indemnity  
21 claims come in on a weekly basis to our health  
22 department.

1           We have trauma registries which have more  
2 information about work in them typically for serious  
3 injuries. We have our cancer registries.

4           Under the Highway Safety Administration,  
5 states have been given funds to develop databases of  
6 all ambulance runs, EMS databases.

7           The goal is to coordinate 911 response and  
8 emergency care, but it's a tremendously rich source of  
9 information about ambulance pick up's. Some of the  
10 states are exploring use of ambulance run data for  
11 occupational injuries' surveillance.

12           A new thing is the behavioral risk factor  
13 survey. If you look at surveillance in the U.K. and  
14 you look at their annual reports, they have what is the  
15 equivalent of the BLS Survey data and right underneath  
16 it, they have their worker survey data. U.K. and  
17 several other countries do an annual survey of workers  
18 that includes information about workplace health and  
19 safety.

20           We have no such thing as a worker survey in  
21 the United States. We would like to have a worker  
22 survey.

1           The closest thing that we are going to come  
2 to, I think, in my lifetime is the behavioral risk  
3 factor survey. What that is it is conducted throughout  
4 the United States. It's funded by CDC. CDC gives  
5 funding to state health departments. We do a household  
6 survey every year of asking people about their health  
7 status and about risk factors.

8           It is the database where we get information  
9 about all kinds of things, about smoking, drinking, the  
10 prevalence of asthma and so forth.

11           What NIOSH has right now underway is an  
12 initiative working with a number of us in the states to  
13 include industry and occupational information as a core  
14 variable in the behavioral risk factor survey, so we  
15 can start to get input on occupation and industry, and  
16 look at health outcomes in relation to occupational  
17 characteristics.

18           I think that is pretty exciting. It isn't in  
19 the core right now, which means it's mandated that  
20 every state has to do it.

21           We are piloting it and it's an optional  
22 national module. We have been doing it in

1 Massachusetts for a number of years. Washington State  
2 has been doing it.

3 I think that is a potentially exciting new  
4 source of data in the states.

5 I just wanted to give you an idea. This is a  
6 schematic that happens to be our teens on the work  
7 injury surveillance system. I just show this to give  
8 you an idea about how our surveillance systems work in  
9 the state.

10 We have Workers' Compensation indemnity claim  
11 data coming in on a weekly basis. We have  
12 non-emergency departments that report to us monthly.  
13 We have some individual providers reporting on a flow  
14 basis. We have our CFOI data coming in. We have our  
15 burn registry, which is again reports of serious burns  
16 on a flow basis. When they happen, they come into the  
17 health department.

18 We do interviews with the teens. We have to  
19 go through their parents. We give them information.  
20 We follow up with the teens. We screen the cases. We  
21 triage them for some kind of employer follow up.

22 If it's a really serious life threatening

1 incident, we may skip the interview and do the employer  
2 follow up right away. That is what we are doing now  
3 with some of our amputations.

4 The employer follow up could range from a  
5 number of things, really depending on the severity of  
6 the case. We pay a lot of attention to confidentiality  
7 concerns.

8 Sometimes we go out, we have industrial  
9 hygienists, we have a safety professional on staff,  
10 sometimes we go out. We may refer to another agency.  
11 In some cases, we do refer to OSHA.

12 We use the summary data for broad-based  
13 prevention activities. We are never able to release  
14 the name of the individual. It's confidential unless  
15 the individual gives us permission. We are able to  
16 release the name of the employer.

17 MR. RYAN: Tish, just out of curiosity, these  
18 injuries to teenagers basically, are they relevant to  
19 what's happening with adults in the workplace, too?

20 MS. DAVIS: Oh, yes, absolutely. I think  
21 there are special issues for teens. We have special  
22 child labor laws. We are very much seeing the same

1 things.

2 As a matter of fact, when we present these  
3 data to adults, the focus on teens, they say what's  
4 new, we knew this is happening.

5 We gain a lot of publicity around teens  
6 because it's socially unacceptable to have injuries to  
7 teens where somehow with adults it's considered part of  
8 the job.

9 We have a terrific teen project. We have been  
10 able to change our child labor laws. We have a poster  
11 contest, health and safety posters. The winner posters  
12 this month right now is up. We have a big teen project  
13 in Massachusetts.

14 We are extending some aspects of it on adults,  
15 which is 18 to 24, who have the highest non-fatal  
16 injury rates of all age groups.

17 I think we will be getting more in  
18 construction because under 18 has some restrictions on  
19 construction.

20 I was really just demonstrating this to show  
21 you kind of how our surveillance systems work, and to  
22 really kind of highlight this issue, that we are able

1 to refer cases to OSHA for follow up.

2 This is hot off the press because we just had  
3 to do our grant report. Over the last year, we have  
4 been piloting referrals of amputations coming into our  
5 system to OSHA. We work very closely with Marta Kent.  
6 She's a terrific ally. We refer actually directly to  
7 the area offices. We have working relationships with  
8 all of them.

9 In the last 12 months, we have referred 59  
10 amputation cases, only four of which OSHA had previous  
11 knowledge of. Sometimes they send letters. They did  
12 34 inspections, and of those, they issued citations in  
13 20, several of which were recordkeeping citations.

14 That's my overview, to kind of set the stage  
15 for further discussion. I did want to list some of the  
16 things I thought this group might want to be talking  
17 about over the coming months.

18 I will leave you with those. First, better  
19 use of existing CFOI and SOII data to inform OSHA  
20 activities. Are there things we want to be saying to  
21 BLS about how they can present their data or analyze  
22 their data, that might really increase the ability to

1 use it for construction.

2 I think we do know what some of the  
3 limitations are, and maybe we can have that discussion  
4 later today.

5 I think we are always talking about improving  
6 recordkeeping, the basis of the SOII. Are there  
7 innovations and policies to improve recordkeeping. I  
8 think the recent directive, incentive program policy,  
9 is a case in point, ideas and recommendations, anything  
10 we can do to really increase the quality of the OSHA  
11 data that really is the basis for so much.

12 We are going to be hearing some about the use  
13 of Dodge Reports. I know my colleague at BU, David  
14 Wilde, has done some work with CPWR, kind of looking at  
15 possible refinements for the use of Dodge Reports. I  
16 know we will be hearing more from Dave today. Maybe we  
17 will want to hear from David Wilde even, bring him in  
18 to talk about refinements to the Dodge Reports.

19 I would really like to hear more about how  
20 OSHA uses the IMIS database. I know they have made  
21 changes in it. I'm not quite clear what those changes  
22 are. I think that would be really interesting to hear

1 from OSHA about their use of the IMIS database for  
2 targeting. I know it's been challenging.

3 I asked myself is there more states can do in  
4 construction. You saw that list I had up there. None  
5 of us are really focused on construction. Maybe we can  
6 be doing more.

7 With respect to targeting, this is really  
8 outside the scope, I think, of some of the surveillance  
9 activities, but are there innovative approaches to  
10 targeting in small scale construction, which you know  
11 is really, really hard to reach.

12 I've seen some exciting things done in our  
13 area offices and in our local emphasis programs. I  
14 think is there learning to be had from the local  
15 emphasis programs about how they do targeting in the  
16 field, and we could really learn from each other.

17 Finally, what I really want to emphasize is  
18 that we do a lot of things. OSHA does a lot. I think  
19 we need to be putting things into the context of kind  
20 of pilot studies with serious evaluation about what  
21 works and doesn't work, so we are not just doing them  
22 over, but we really take a hard look about what works.

1           I think there may be some natural experiments  
2 with things going on in different parts of the country  
3 that we are able to evaluate.

4           I'll leave you with that. That's my  
5 introduction. I'm happy to answer questions.

6           CHAIRMAN STAFFORD: Thank you very much, Tish.  
7 That was a great Surveillance 101 course.

8           Any questions or comments?

9           [No response.]

10          CHAIRMAN STAFFORD: I guess that would be a  
11 good lead in for Janice to talk about BLS. Welcome,  
12 Janice.

13          MS. WINDAU: I'm Janice Windau. I work in the  
14 Office of Safety Health and Working Conditions in the  
15 Bureau of Labor Statistics. I am here to present or  
16 describe to you data with a focus on construction.

17          We have two main data series, fatal  
18 occupational injuries, the schedule of release is  
19 preliminary data are released in August of the year,  
20 calendar year it refers to.

21          Because we have recently revised our  
22 classification system, this coming year, reference year

1 2011 data will come out this September. Final data  
2 will be released the next April.

3 Our other data series deals with non-fatal  
4 injuries and illnesses. That is a survey of  
5 occupational injuries and illnesses. Summary industry  
6 data come out in October, and the case and demographic  
7 characteristics data for days away from work come out  
8 in November.

9 First, I will talk about the survey of  
10 occupational injuries and illnesses. The scope is  
11 private sector wage and salary workers with the  
12 exception of firms with fewer than 11 employees.

13 Every once in a while people report that we  
14 exclude all establishments with fewer than 11  
15 employees, even though they are not always subject to  
16 OSHA recordkeeping, we do make a point of pre-notifying  
17 those establishments, and report on those data, with  
18 the exception of the small firms.

19 We also exclude private household workers in  
20 private sector.

21 These data are supplemented with mining data  
22 from MSHA, railroad data from Department of

1 Transportation, and we recently began collecting OSHA  
2 recordable cases for state and local government workers  
3 in 2008.

4           We are currently working on Federal  
5 Government. They are currently excluded from the  
6 survey, but we are working on it, and we are also  
7 working on a special program with the Post Office to  
8 try to collect those data.

9           The sample size for the survey is about  
10 240,000 establishments nationally. Again, it's based  
11 on OSHA recordkeeping laws.

12           Like I said before, we pre-notify those who  
13 are in the sample for the next survey year, telling  
14 those establishments to keep the OSHA logs.

15           The survey is mandatory for private sector  
16 establishments and also some public sector workers who  
17 are in the 18(b) and 18(e) states. It is still  
18 voluntary for other state and local government  
19 agencies.

20           Given that, we usually get a response rate of  
21 about 90 percent. The states are the ones who actually  
22 collect the data. We have a few states that do not

1 participate, so our BLS regional office collects data  
2 for those.

3 MR. JONES: What is an 18(b) state?

4 MS. WINDAU: The 18(b) are the state plan  
5 states, and the 18(e) are those on the public sector  
6 workers.

7 MR. JONES: Like New York.

8 CHAIRMAN STAFFORD: Janice, what about the  
9 establishment, how does BLS find an establishment in  
10 the construction sector? You could have a headquarters  
11 in some place and multiple regional local offices and  
12 hundreds of job sites going on. What is an  
13 "establishment?"

14 MS. WINDAU: Our sampling frame is business  
15 establishment lists based on the unemployment insurance  
16 reporting. That is the sampling frame for a lot of the  
17 BLS establishment programs.

18 We stratify the sample by industry and  
19 size/class, and we also look at our response rates, how  
20 many establishments we need to report and publish data  
21 for that specific industry.

22 MR. ZARLETTI: I don't know if that answered

1 the intent of your question completely, at least I  
2 didn't get that part.

3 MS. WINDAU: Maybe I misunderstood the  
4 question.

5 MR. ZARLETTI: No, I'm just trying to  
6 understand, what little bit I know about this issue. I  
7 have always been confused in construction of what is  
8 counted as an "establishment." We are not talking  
9 about job sites. We are talking about the construction  
10 company headquarters?

11 MS. WINDAU: It may not be the headquarters.  
12 It may be local business or local establishments of  
13 that firm. The sample is, according to the states, so  
14 if you do have a firm that is in different states, we  
15 do break down the sample by state.

16 CHAIRMAN STAFFORD: I'm not sure I still  
17 understand but that's because I'm slow.

18 MR. SCHMIDT: I think the confusion comes from  
19 the difference between what the recordkeeping rule  
20 requires or defines as an establishment and the way BLS  
21 samples.

22 From the recordkeeping rule, what we require

1 is each single physical location maintain its own log.

2 You are getting down to headquarters location, if  
3 separate from other business locations, and the  
4 headquarters would have to have an establishment and  
5 the other locations would also have to have an  
6 establishment.

7 If a construction site itself is in operation  
8 for more than a year, that location has to have a log  
9 that pertains to that site.

10 Janice, you can tell me if I'm wrong here,  
11 when BLS does its survey, it is working off the UI  
12 file, which sometimes compiles multiple establishments  
13 together, and maybe sometimes it is county based.

14 That file doesn't match the recordkeeping  
15 requirements, but when BLS does its survey, the  
16 employers are asked to compile all the logs from these  
17 separate establishments together, so it meets their  
18 definition, and reaches the employment level they are  
19 looking at.

20 I don't know if that confuses the situation  
21 more.

22 CHAIRMAN STAFFORD: Like I said, I'm very

1 slow.

2 [Laughter.]

3 MR. GILLEN: Could we maybe just give an  
4 example? Try one last time. Say you have company A  
5 and company A has 100 employees at their headquarters  
6 and they have ten jobs throughout the country, each  
7 that has 100 employees.

8 Those are temporary job sites where the  
9 construction is going on.

10 MS. WINDAU: Can we make the sample by state?  
11 The sample is by state.

12 MR. GILLEN: There are ten locations and they  
13 are in whatever state you want them to be in. When  
14 they report, do they report on the headquarters or do  
15 they report on headquarters plus those ten locations in  
16 the state, or just some?

17 MS. WINDAU: It depends on how they report on  
18 the unemployment insurance files, because that is our  
19 basis. Sometimes it could be three establishments in  
20 counties A and B. It might be all establishments  
21 within that state.

22 MR. GILLEN: There is the possibility that of

1 the ten hypothetical sites, that not all ten would make  
2 it into their report?

3 MS. WINDAU: Right.

4 MR. GILLEN: I think that is as good as we are  
5 going to get.

6 MS. WINDAU: We do have a review process,  
7 assuming the establishment or reporter has 100  
8 employees, but if they say they only have ten, we go  
9 back and call that company.

10 Also on the survey form, we do have some  
11 comment codes, if they have layoff's or maybe they  
12 close down some of their construction sites, they can  
13 report that to pre-explain why their employment doesn't  
14 match what we were expecting.

15 CHAIRMAN STAFFORD: Liz?

16 MS. ARIOTO: Did you say the establishment is  
17 a project for one year before you do that?

18 MR. SCHMIDT: We are talking about two  
19 different things. For OSHA recordkeeping purposes --

20 CHAIRMAN STAFFORD: Tish, we're going to have  
21 to go back to your class, I think.

22 [Laughter.]

1           MR. SCHMIDT: For OSHA recordkeeping purposes,  
2 if a project is expected to be in operation for a year  
3 or more, then the employer is obligated to maintain a  
4 log specific to that project.

5           MS. DAVIS: It would be interesting for us to  
6 walk through some examples in Massachusetts in the UI  
7 database just to see how it works out.

8           CHAIRMAN STAFFORD: I'm sorry that I'm a  
9 little slow. If you had a construction company that  
10 had establishment in the state, in the county, and they  
11 have a job that lasts longer than a year, and there are  
12 100 folks on that job, but they only direct hire ten  
13 and sub out the rest, the only thing you are collecting  
14 information on is their ten employees, not all workers  
15 on that site. Is that right?

16           MS. WINDAU: It depends.

17           MR. SCHMIDT: There is going to be a  
18 disconnect in the employment that BLS is expecting from  
19 what they are viewing on the UI file and what the  
20 employer is reporting, if they are doing it correctly.

21           If the employer is directly supervising 100  
22 employees and they only have ten actual employees

1 themselves, if they are doing it correctly, they will  
2 be reporting to BLS on these 100 employees.

3 BLS will notice there is a disconnect between  
4 the employments, and they will contact -- if it doesn't  
5 meet their edit checks, they will re-contact that  
6 employer and ask for the explanation. They will take  
7 that into consideration for their estimates.

8 CHAIRMAN STAFFORD: Thank you.

9 MS. WINDAU: We have a number of different  
10 data collection options. The establishment can report  
11 through the Internet, through e-mail, through an Adobe  
12 PDF type fillable form or through regular mail.

13 We do have non-response follow up. Like I  
14 said, we do have edits for consistency and reliability.

15 Data available by industry for recordable case  
16 counts, by the type of case, whether it was a lost work  
17 day case, day of job transfer, other recordable case.  
18 They are also available for injuries only, for  
19 illnesses only.

20 In terms of incidence rates, these incidence  
21 rates are based on full time equivalents. We collect  
22 the hours worked for the employees in that company. We

1 use a formula and translate this into full time  
2 equivalent workers based on the assumption that a  
3 typical employee would work 2,000 hours a year.

4 Our rates are reported per 100 full time  
5 equivalents or 10,000 full time equivalents, depending  
6 on the case.

7 We also report quartile data by size/class.  
8 This means that for any individual industry, an  
9 establishment can look at the data and see where they  
10 fall within the typical company.

11 For example, they can see that according to  
12 their incidence rate, their rate is better than the top  
13 25 percent of the industry or they fall within the  
14 middle 50 percent, or within the last quarter of the  
15 data.

16 We do some special coding for cases with days  
17 away from work. Of course, we have the industry data  
18 like we do for all cases. We also collect occupation  
19 of the worker involved. We collect demographic data,  
20 the gender, age, length of service, race and Hispanic  
21 origin, the time of incident, the time work day began.

22 We report the median days away from work.

1 That means half of the workers who were injured had  
2 days away from work that were above what was reported  
3 or below that which was reported.

4 We also have characteristics of the individual  
5 case, such as what the type of injury was, the part of  
6 body that was injured, the source, which is basically  
7 what injured the person, what type of machine it was,  
8 and then the type of event, whether it was a fall or  
9 caught in running machinery, something of that sort.

10 With the data that we are currently  
11 collecting, we are currently collecting cases from  
12 2011, we are pilot testing the coding of cases with  
13 days of job transfer restriction, similar to what we  
14 collect for days away from work cases, which I just  
15 described.

16 The pilot test, we are focusing on six private  
17 sector industries. Among those are specialty trade  
18 contractors and the other non-construction industries  
19 listed there.

20 Because they typically don't report for these,  
21 we did pre-notify the sample units involved in the test  
22 in December of 2010, and we sent out special survey

1 packages in January of this year. Again, we are  
2 currently collecting these data.

3           Limitations of SOII are it excludes the self  
4 employed. There is no methodology for updating data  
5 once a reference year is collected.

6           For example, we send out the survey packages  
7 in January of the year. People typically report in  
8 February. We are still getting forms in now for 2011.

9     If a case is a long prolonged case, we may not get an  
10 accurate accounting of the total days away from work or  
11 if there were medical complications or something of  
12 that sort, we won't necessarily have the final  
13 diagnosis of the case.

14           This limitation is thought to affect medical  
15 amputations. A case could initially be reported as a  
16 crush injury or cut and then become infected and need  
17 medical amputation. These may be under reported in our  
18 data. This would affect long term latent illnesses  
19 such as cancer, things of that sort.

20           In various studies that have been done, they  
21 found cases occurring in December may be under reported  
22 particularly with respect to days away from work.

1           It's possible cases that are contested through  
2 Workers' Compensation may be under reported also on the  
3 survey because employers may not put it on their log  
4 until after the Workers' Compensation case has been  
5 decided.

6           CHAIRMAN STAFFORD: Janice or Tish, is there  
7 any national data center or state data center that gets  
8 the self employed, independent contractors? This is  
9 such a huge problem in our industry.

10           We have over two million workers in  
11 construction that are classified as self employed or  
12 independent contractors that we know nothing about, I'm  
13 assuming.

14           MS. WINDAU: The fatality data. The household  
15 interview survey or the health injury survey, national  
16 health interview survey, they do have a couple of  
17 questions on whether the injury was work related or  
18 not. I'm not sure whether they have an indicator of  
19 whether it was self employed or not.

20           MS. DAVIS: I think we can look at that. It's  
21 national. It doesn't break down to state level. We  
22 could look at that.

1 MS. WINDAU: A couple more limitations of the  
2 non-fatal survey is it is influenced by employer's  
3 understanding of recordkeeping, and various articles  
4 have reported there are disincentives for employees and  
5 employers to report, not all employees will file for  
6 Workers' Comp.

7 They may not report an injury to their  
8 employer because they want to see their own doctor.  
9 They are afraid they won't get proper medical care for  
10 their injury or their wages may be smaller.

11 There would also be disincentives for  
12 employers to report. There are things like employee  
13 incentive programs for managers who have zero lost work  
14 day cases, and that is thought to be a disincentive to  
15 report.

16 Does anyone have any questions on SOII before  
17 I go into CFOI?

18 [No response.]

19 MS. WINDAU: Here is the scope of CFOI. It  
20 does include all types of employment, public sector,  
21 private sector. We do get the self employed. It does  
22 include small farms. We do include volunteer workers

1 that perform similar tasks as paid workers.

2 We collect the information using death  
3 certificates, Workers' Comp reports, OSHA reports,  
4 media reports, and any other reports that the state may  
5 have.

6 We require a minimum of two source documents  
7 for a case, so that we can verify the work relationship  
8 and also to collect all the data elements that we ask  
9 for.

10 If there is only one source document for a  
11 case, such as a media report, then we require the state  
12 to send a questionnaire to the establishment or maybe  
13 to the funeral director to verify the work  
14 relationship.

15 The data we have available, fatal work injury  
16 counts, and we also have fatality rates beginning -- I  
17 forget what year it was we started this. It was a few  
18 years ago. Previously rates were based on employment,  
19 but that didn't take into account that some people work  
20 part time or may have two jobs in two different  
21 industries.

22 We currently base our rates on hours similar

1 to what we do in the SOII data. Our rates are reported  
2 by 100,000 full time equivalent workers and the rates  
3 are available by the demographic characteristics such  
4 as age, gender, race, by occupation and also by  
5 industry.

6 This is the list of data we collect for the  
7 fatalities. We collect industry, occupation. We also  
8 have an additional data element we don't have in the  
9 non-fatal survey, location of the incident.

10 Pertaining to the construction industry, we  
11 have whether it was a road construction site, a  
12 residential construction site, and then we have an  
13 "Other" construction site category.

14 We collect demographic characteristics of the  
15 case, age, gender, race or Hispanic origin. Because we  
16 collect death certificates, we can tell whether they  
17 were born in the U.S. or outside the U.S.

18 We also specify whether they were self  
19 employed or wage and salary workers.

20 We code the data for the case characteristics.

21 We also have a worker activity code structure for the  
22 CFOI data. We can tell whether they were driving a

1 truck, whether they were a passenger in a truck or  
2 other vehicle, whether they were operating a machine,  
3 things of that sort.

4 We also have a new data element --

5 MS. SHORTALL: Janice, before you get into  
6 that, could you maybe identify a few things that are  
7 included in case characteristics so the committee can  
8 understand what type of information?

9 MS. WINDAU: The same case characteristics  
10 that I mentioned in the non-fatal data, the type of  
11 injury, in terms of fatalities, whether it was a skull  
12 fracture or internal injury, part of body affected, the  
13 source, what type of machine was involved, what type of  
14 vehicle they were driving, and the event, whether it  
15 was a fall or motor vehicle incident or homicide.

16 I'll describe the code structure a little bit  
17 more at the end of my presentation today.

18 For the contractors, this is new for 2011.  
19 There is so much interest in contractors. When news  
20 agencies request data, there was an oil refinery  
21 explosion a few years ago, a lot of the employees that  
22 were killed worked for the oil refinery, but they were

1 construction workers or worked for other firms.

2           When people would ask for oil refinery  
3 explosions or oil refinery fatalities, they just didn't  
4 show up in that tabulation. This is trying to get at  
5 that aspect.

6           For the CFOI, the decedent is considered a  
7 contractor if they are employed by one firm but working  
8 on the premises or under the control of another firm.

9           We do exclude day laborers. They are  
10 considered wage and salaried workers. We also exclude  
11 those working directly for a household or individual.  
12 We felt typically somebody could be called a contractor  
13 if you're renovating your house, you would say you have  
14 a contractor coming to do the plumbing or whatever. It  
15 seemed like people were more interested in contractors  
16 that were actually working for other firms. That's why  
17 we limit it to that.

18           MR. ZARLETTI: Could you explain a little more  
19 in detail on the exclusion of the day laborer? In  
20 other words, let's say we bring in five day laborers  
21 for just today's work. Halfway through the project  
22 that day, one of them gets injured or killed in some

1 form or fashion, whether it's a medical related death,  
2 but it is definitely arising out of that spot of  
3 employment.

4 Can you explain that?

5 MS. WINDAU: Right. They are considered wage  
6 and salaried workers and what we call class of worker  
7 field. We do tell the states if it does involve a day  
8 laborer, to put that in the narrative description of  
9 the case so we can try to keep track of those and maybe  
10 eventually we will have a special data element to  
11 report those.

12 We did do some work to try to define a day  
13 laborer, but there are just different definitions out  
14 there. Trying to collect that data was a little risky.

15 We do tell the states that are collecting the  
16 data to make sure they enter that into the narrative  
17 description and then we can try to search those words  
18 and try and do some analysis. Again, in the future,  
19 maybe we can have a specific data element for those.

20 MS. DAVIS: They are just not counted as a  
21 contractor under that variable.

22 MR. ZARLETTI: I'm also looking at

1 recordability because part of the OSHA standards, and I  
2 think it's 1904, says something to the effect that if  
3 they are under the direct supervision of a contractor,  
4 even though they are employed by someone else, that  
5 someone else's insurance takes care of a claim, but  
6 that employer that is directly supervising them records  
7 the loss.

8 SPEAKER: That's correct.

9 MS. WINDAU: That is how they are considered  
10 in the fatality program also, they are considered an  
11 employee of that establishment.

12 CHAIRMAN STAFFORD: Janice, we are starting to  
13 get a little short on time. We still have Dave's  
14 presentation. I don't mean to rush you, I just want to  
15 kind of maybe hold the questions off so we can get  
16 through this.

17 MS. WINDAU: For the contractors, what we are  
18 collecting is we also collect industry and ownership  
19 that is contracting the work. Also, we collect the  
20 decedent's direct employer industry and ownership.

21 The limitations for CFOI, we exclude fatal  
22 illnesses. I think somebody mentioned this, a

1 pre-phone call. The industry rates are not broken down  
2 by the type of construction. We just report for  
3 construction in terms of the industry rates, but we do  
4 have occupation rates. We do have occupation rates for  
5 roofers and plumbers and some of the detailed  
6 construction trades.

7           A general limitation of the rates is the  
8 occupation industry reported for the job the worker was  
9 in when injured may be different from where we get the  
10 denominator information.

11           I described the occupational injury and  
12 illness classification structure. This is the  
13 structure that we use for the nature of illness, source  
14 and secondary source and the event.

15           We recently revised this structure. It will  
16 be effective for 2011. We will have a break in series  
17 for these data.

18           There is an example. A nurse sprains her back  
19 while lifting her patient. The nature of injury is a  
20 sprain. The part of body affected is the back. The  
21 event is over exertion of lifting. The source is  
22 considered the patient.

1           The changes that are pertinent to construction  
2 for the fall event category, we will be including the  
3 height of the fall. We did look at the non-fatal data  
4 and the height of the fall was sometimes included, but  
5 definitely for fatalities, they were usually included  
6 in the description.

7           We do have a new code for a fall from  
8 collapsing structure. We didn't have a specific code  
9 for that before.

10           In terms of our source classification, we have  
11 a new category for confined spaces, the type of  
12 confined space it was, whether it was a sewer or farm  
13 silo.

14           We have additional detail on the type of  
15 structure, whether it was a hi-rise or mid-rise, and  
16 the function of the building, whether it was an  
17 industrial building, commercial, residential.

18           Typically, for some cases, the type of  
19 structure isn't really relevant, but in terms of a  
20 structure collapse, we do pick up the type of  
21 structure.

22           For pedestrians struck by vehicles, we now

1 have separate categories for whether it was a work zone  
2 or not, whether the vehicle was in forward or backward  
3 motion, and whether it was propelled by a second  
4 vehicle.

5 We updated the classification for vehicles and  
6 machinery. The original structure was a 1992. We  
7 updated some codes there.

8 For over exertion event type cases, we now  
9 specify whether it was a multiple type of incidence,  
10 whether they were lifting a single box or lifting boxes  
11 or whatever throughout a day or several days.

12 The industry, we use the North American  
13 classification system. The industry is at the  
14 establishment level.

15 Somebody mentioned central offices. I can't  
16 think of a good construction example, but the corporate  
17 headquarters for an auto manufacturing company. They  
18 are considered a central office as opposed to auto  
19 manufacturing. We can tell the difference between  
20 production workers versus a central administrative  
21 office where you have office type employees.

22 For the survey, this code is automatically

1 assigned during the sampling process and in the  
2 fatality program, the information is derived from the  
3 various sources that are compiled for that case.

4           For occupation, we use the standard  
5 occupational classification system. We code from what  
6 the employer provides on the case. It may differ from  
7 what the construction trade union designates it as. I  
8 know there is some difference possibly between a welder  
9 versus steel worker, I think. Coding may differ  
10 depending on the industry.

11           Here is the data that we provide on our  
12 website, our news releases. We have supplemental  
13 tables of industries or occupations of high rates or  
14 case counts.

15           We have charts. We have various other tables  
16 by detailed industry and occupation. We have these  
17 costs tabulated by maybe the type of event or type of  
18 injury.

19           We have state specific data and we provide  
20 contacts if people want more specific data for a  
21 specific state.

22           We have what is called "Profiles." This is a

1 nice summary, if you want a specific industry or a  
2 specific type of motor vehicle incident or a fall. You  
3 can request data or you can request a profile and it  
4 will give you the occupation for that, industry, the  
5 various events that are typical, as well as  
6 demographics and median days.

7           We have a rate calculator where employers can  
8 enter in their number of injuries and their total hours  
9 worked and get a rate for their establishment and  
10 compare that to the BLS data.

11           Maybe there's an explosion. We will look at  
12 those data for both fatalities and non-fatal data for  
13 the past few years and have a summary of those data.  
14 From time to time, we write articles, and those are  
15 available on our website.

16           We have a road construction articles and  
17 general construction articles.

18           Here is my contact information.

19           CHAIRMAN STAFFORD: Thank you, Janice, very  
20 much.

21           MS. WINDAU: I will try to get a better answer  
22 for you in terms of the job site.

1           CHAIRMAN STAFFORD: I appreciate that. Maybe  
2 I need to come up with a better question that is more  
3 articulate.

4           Dave, thanks for coming. Dave Schmidt is with  
5 the Directorate of Evaluation and Analysis. Dave,  
6 again, I'm not trying to rush you, your panelists have  
7 taken up the hour that we had.

8           I don't know if you are going to talk  
9 specifically about the Dodge data or IMIS, what is the  
10 new database?

11          MR. SCHMIDT: The new database is the OIS. I  
12 was not prepared to talk about that. Next time.

13          Actually, I'm the Director of the Office of  
14 Statistical Analysis. My office is responsible for  
15 administering OSHA's core inspection targeting program  
16 for construction.

17          What I was planning to do is just give a real  
18 high level description of all the special programs and  
19 then speak specifically on our core program.

20          OSHA categorizes its inspections into two  
21 groups, un-programmed inspections and programmed  
22 inspections. Un-programmed inspections are our

1 priority. They are always conducted prior to  
2 initiating the programmed inspections.

3 Un-programmed inspections are comprised mainly  
4 of our fatality/catastrophe inspections, complaint  
5 inspections, and referrals.

6 The programmed inspections, which the vast  
7 majority of construction inspections fit into, are  
8 basically two groups, our special emphasis programs and  
9 our core targeting emphasis.

10 Fatality/catastrophes, the Federal requirement  
11 for incidents involving -- reporting incidents that  
12 involve fatalities and hospitalizations to OSHA. The  
13 employer is required to report within eight hours any  
14 work related fatality or any incident involving three  
15 or more hospitalizations.

16 There are certain state plans that have more  
17 stringent requirements. There are six that require the  
18 reporting of an incident that involves a single  
19 hospitalization. California is one of those states.  
20 They certainly get a lot more information coming in for  
21 fatality/ catastrophe than Federal OSHA does.

22 The FAT/CAT inspections are OSHA's number two

1 priority inspection, imminent danger being the first.

2 In the last fiscal year, about 1,000 fatality  
3 catastrophe inspections were conducted nationwide, that  
4 is including the state plans. That was about 2.4  
5 percent of all the construction inspections.

6 Under Federal jurisdiction, there were 255  
7 conducted last year, and that is about 1.3 percent.  
8 The difference between the 2.4 percent and the 1.3 is  
9 mainly California because they have the more stringent  
10 reporting requirements.

11 Last year what we did in June is we published  
12 the Notice of Proposed Rulemaking to modify the Federal  
13 requirement for reporting fatalities and catastrophes.

14 In that proposal, we proposed to expand the  
15 reporting requirements to require employers to report  
16 to us incidents that involve in-patient hospitalization  
17 of one or more employees. We are proposing to drop  
18 from the three or more down to one or more.

19 We also propose that employers automatically  
20 report to us any amputation, any work related  
21 amputation.

22 Where we are in the process is the comment

1 period closed. We are in the process of writing the  
2 final rule. We expect to have the final rule published  
3 in the Federal Register in the Summer of this year,  
4 probably late Summer.

5           The second group of un-programmed inspections  
6 are complaints. This is our number three priority  
7 inspection. In last fiscal year, there were about  
8 3,200 complaint inspections nationwide. That is about  
9 7.8 percent of all the construction inspections.

10           Under Federal jurisdiction, it was a little  
11 higher percentage, almost ten percent, but the  
12 interesting thing here is that when you compare  
13 construction to general industry, complaint inspections  
14 are about 35 percent of our general industry  
15 inspections, whereas they are only ten percent of our  
16 construction inspections.

17           This is our programmed inspections. The vast  
18 majority of the construction inspections under Federal  
19 jurisdiction are special emphasis programmed  
20 inspections. What these inspections do is they focus  
21 on specific or selected industry hazards or workplace  
22 characteristics.

1           If they are done just at the area office level  
2 or the regional office level, we call them local  
3 emphasis programs. If they are done nationwide, we  
4 call them national emphasis programs.

5           There are currently three national emphasis  
6 programs that include construction, trenching and  
7 excavation is geared towards construction. Our lead  
8 and silica national emphasis programs include the  
9 construction industry.

10           Last year, about 1,100 inspections were coded  
11 as NEP inspections, and this is just for Federal  
12 jurisdiction. Out of the 14,000 program inspections  
13 that we did, 1,100 were national emphasis programs.

14           I just put some data there to give you an idea  
15 of what the trench and excavation national emphasis  
16 program is. This has been in place for quite a long  
17 time, I think since the 1980s.

18           Last year, we did 911 of those inspections.  
19 The targeting system is pretty simple. When compliance  
20 officers are driving around doing their other  
21 inspections, they are supposed to be on the look out  
22 for any trenching or excavation projects.

1           If they see one, they automatically report  
2 that back to the area office, to the supervisor. The  
3 supervisor will do a history on that particular project  
4 to see if it's been inspected recently, and if it has,  
5 what were the results.

6           Depending on what that history finds, the  
7 supervisor will either authorize a new inspection or  
8 not.

9           For this one, if we had already been there but  
10 we hadn't been there for 30 days, the new inspection is  
11 authorized. If we had been there and there was no  
12 excavation or trenching activity when we were there,  
13 the inspection is authorized.

14           If we were there and the trenching activity  
15 was in place but there were no serious violations  
16 found, then it's not authorized. If there were serious  
17 violations found in the past, it's authorized.

18           That is really the targeting system.

19           The LEPS are, as you can see here, where we do  
20 most of our activity for construction.

21           Almost 11,000 of the 14,000 program  
22 inspections in Federal jurisdiction were coded as LEP

1 inspections.

2 I just put some examples up there for you. In  
3 Region 1, we have a mast climbing and work platform  
4 LEP. In Region 2, we have a gut rehabilitation and  
5 demolition LEP. In Region 8, we have a roadway work  
6 zone LEP. I just put some numbers down there for the  
7 gut rehabilitation demolition one, 200 inspections were  
8 conducted under that program last year.

9 The targeting for this is a little bit  
10 different. It also includes when the compliance  
11 officers are driving around if they see one of these  
12 types of projects, they report it back to the area  
13 office, but there is also information gleaned from  
14 permit information. In the recent past, any ARRA  
15 listings.

16 What the area office would do is they would  
17 compile these types of projects from various sources,  
18 randomize them and select those for inspection.

19 We had a little bit different targeting  
20 system.

21 Now I'm going into the specifics of our core  
22 system which comes out of my office.

1           This is generally referred to as the Dodge  
2 System. The core system is outlined in our Compliance  
3 Directive 0200141. What this does is we get data from  
4 an outside source and we estimate start dates, we  
5 estimate length of project, and we use this estimation  
6 model to predict when the most activity is going to be  
7 on site and we try to send our compliance officers out  
8 to those sites during that high period of activity.

9           What this does is it targets specific sites,  
10 so there are certainly challenges in getting our  
11 compliance officers to those sites during the right  
12 period, the right phase of construction activity, and  
13 to also figure out where the exact physical location of  
14 these sites are.

15           Those are the challenges we try to get over  
16 top of.

17           The core system is designed so that OSHA has a  
18 presence in the entire construction industry. Whereas,  
19 the special emphasis programs pick out different slices  
20 of construction to focus attention on, this one, we  
21 want to have our presence in the entire construction  
22 industry.

1           That includes the entire geographic  
2 jurisdiction of each area office. It includes all  
3 types of construction except for residential, and it  
4 includes all sized projects.

5           Residential construction is targeted through  
6 our special emphasis programs.

7           What used to be called FW Dodge is now called  
8 McGraw-Hill Construction. They are our prime data  
9 source. What McGraw- Hill has is about 1,000 reporters  
10 and editors that obtain information on construction  
11 projects from a variety of different sources.

12           This file is fairly complete for projects, for  
13 new projects, addition projects and rehabilitation  
14 projects that are valued at \$50,000 or more.

15           One thing to understand is the reason why  
16 McGraw-Hill compiles this data is so that  
17 subcontractors and suppliers can bid on the projects.  
18 That is the main focus of this data file.

19           It has a lot of nice data elements that we use  
20 for our model, but it doesn't have everything we would  
21 like. It is an economic file that we make use of.

22           CHAIRMAN STAFFORD: If you look at the

1 McGraw-Hill data and you see a \$2 million project, and  
2 you're trying to figure out when your compliance  
3 officers should go to that job, what is the criteria?  
4 You figure when it's 20 percent done? 50 percent done?

5 MR. SCHMIDT: The basic criteria is 30 to 60  
6 percent. When we get to my last slide, we will get to  
7 the problems that Tish brought up. We are working off  
8 a model that's probably 15 to 20 years old. One of our  
9 goals is to re-look at that model and do a better  
10 prediction analysis.

11 I will get to the various data elements that  
12 we look at, that we use to predict when these things  
13 are going to be between 30 and 60 percent. That 30 and  
14 60 percent is based on previous studies that showed  
15 that is when the most activity on the project is.

16 MR. JONES: I have a question. Has anyone  
17 ever questioned of even the idea of the most activity?

18 There are certain activities they are never going to  
19 cover because they don't occur in that 30 to 60 percent  
20 that may be as hazardous as whatever is going on during  
21 that period.

22 Has there ever been any thought about those

1 outside ranges and the differing stages of construction  
2 projects, trying to go after like you know concrete  
3 work is going to be conducted and going on only at a  
4 certain stage, or if we're going to demo a building,  
5 you're going to have major dust exposures during the  
6 really, really early parts of the work before you go  
7 and start the renovation and reconstruction.

8           You're going to miss the major exposures of  
9 silica dust work. When you show you, you will just be  
10 there when they are doing maybe some silica exposure  
11 from cutting brick, but there is really going to be  
12 very little.

13           Is there any thought of that as well?

14           MR. SCHMIDT: Well, I have two answers to  
15 that. The first one is we are certainly concerned that  
16 the 30/60 might not be relevant, the most relevant  
17 period to look at any longer.

18           That is why one of our "to do" projects is to  
19 re-look at the model.

20           In order to address those types of situations,  
21 those are usually addressed through our special  
22 emphasis programs.

1           For example, the example you used, OSHA  
2 definitely has a national emphasis program on silica  
3 right now. For those types of concerns, what we try to  
4 do is we try to address those hazards through the NEPs  
5 and LEPS.

6           MR. GILLEN: Since you brought that up, can  
7 you mention how many silica in construction inspections  
8 are done?

9           MR. SCHMIDT: That, I didn't break out. I  
10 apologize.

11          MR. GILLEN: I'm assuming it's pretty low. It  
12 would be interesting to know.

13          MR. SCHMIDT: It would be. I can do that for  
14 you.

15          McGraw-Hill is our data source. Each month,  
16 McGraw-Hill sends to another contractor of ours,  
17 University of Tennessee, an electric file that contains  
18 information including the project I.D. and various data  
19 elements of the project, but they do not include  
20 information on the owner or the general contractor.

21          We need to keep this system neutral so that we  
22 don't bias targeting against certain contractors or

1 certain companies.

2           McGraw-Hill sends this data file to UT, and  
3 what it does is it includes all of the projects that  
4 have a planned start date within 60 days of the  
5 beginning of the month they send the file.

6           UT compiles all that information. They keep a  
7 running file of all projects that are planned to be  
8 started within 60 days. They take that information and  
9 they put it into an econometric model that looks at the  
10 various data elements, the two primary ones being the  
11 value of the entire project and the end use of that  
12 entire project.

13           They put it into the model and they predict  
14 when that project will become active and when it will  
15 be between 30 and 60 percent complete.

16           They keep this running file of all the  
17 projects throughout the nation.

18           There is definitely variables within this that  
19 are far from solid. The projected start date being one  
20 of the most questionable data elements because things  
21 in construction just change. It's economic changes,  
22 weather changes, start dates, things like that.

1           It is basically the information we have to go  
2 off of.

3           In addition to this running file, the  
4 University of Tennessee keeps a file on each one of our  
5 area offices and the states that are within the  
6 program. They keep information on the desired sample  
7 size for each area office, and they keep information on  
8 deletion criteria that the area office enters into the  
9 system.

10           Deletion criteria can include the end use  
11 types of projects, the project value, the geographic  
12 locations within their jurisdiction.

13           What we do is we try to allow the area offices  
14 to use these deletion criteria so that they can  
15 maximize the efficient use of the CSHO resources, the  
16 time the compliance officers are out there driving from  
17 site to site and doing inspections.

18           For instance, if the area office -- thinking  
19 back to the reason for this program is to have a  
20 presence within the entire construction industry. If  
21 the area office is doing a special emphasis program on  
22 bridges and they are already having a large presence on

1 all the bridge activity within their jurisdiction, they  
2 can delete that type of construction activity from this  
3 particular program, so they don't have to go out there  
4 twice or whatever.

5 UT has a file on all the active projects and  
6 they have a file on what the area offices want. They  
7 merge those two files and then they randomly select out  
8 of the left over universe and compile that on a monthly  
9 basis for projects that are within 30 and 60 percent  
10 complete, and they send that out to a third contractor  
11 of ours, the Eastern Research Group, who takes that  
12 data and posts it up an internal website where the area  
13 offices can log in and get their monthly lists.

14 Once all the projects are selected for  
15 inspection, that information goes back to McGraw-Hill  
16 and McGraw-Hill tags on all the detailed information of  
17 the project.

18 This slide is impossible to read. It includes  
19 information on the dollar value of the project,  
20 information on owner of the project, information on the  
21 general contractor of the project.

22 Once these are selected, the compliance

1 officer has all this information prior to going out  
2 onto the site.

3           What happens is these are monthly lists, so  
4 sometimes an area office would be too busy because of  
5 complaint inspections or fatality/catastrophe  
6 inspections to do that month's list, so they can reject  
7 that list.

8           If they accept it and if they start inspecting  
9 off it, then what they are required to do is they are  
10 required to complete the entire list.

11           If they normally get 20 different projects a  
12 month and they start that, they have to complete those  
13 20 projects before they can accept another list and  
14 start inspecting off another list.

15           These are comprehensive inspections. Once it  
16 is started, they will look at the entire project.

17           CHAIRMAN STAFFORD: Completing means if they  
18 go out, 10 of those 20 hadn't started yet --

19           MR. SCHMIDT: If there is no activity, let's  
20 say the project is already done, then they will record  
21 that within our IMIS system or OIS system and they will  
22 account for that. You're correct, they only have to

1 inspect the sites if they are active.

2           The last thing I am going to talk about is  
3 early warning sites. In addition to having a random  
4 selection of sites that meet certain criteria, we also  
5 have an automatic inclusion of very large construction  
6 sites. This is based on the dollar value of the  
7 project. It varies from office to office.

8           For instance, our Manhattan area office will  
9 have a cutoff of \$20 million or more because projects  
10 in Manhattan are so expensive, whereas our Bismarck  
11 area office will have maybe a \$5 million cutoff.

12           Depending on the cutoff, these sites are  
13 tagged early on and we just post them up so the area  
14 office knows they are coming, and then once they meet  
15 the 30 to 60 completion criteria, they are  
16 automatically selected for inspection. There is no  
17 randomness about that.

18           What OSHA wants to do is it wants to have a  
19 presence on these very large sites.

20           MR. GILLEN: Don't you want presence on some  
21 smaller sites as well?

22           MR. SCHMIDT: Small sites are a problem. The

1 data that we get from McGraw-Hill for this particular  
2 program is limited to sites \$50,000 or more.

3 McGraw-Hill also has data with what they call  
4 items reports, which are very small projects, which  
5 could start in a couple of weeks.

6 What we are doing is we are working with the  
7 Office of Construction to do a little pilot test in a  
8 few area offices, so McGraw-Hill will feed us directly  
9 samples of these items reports, and then the area  
10 offices -- the first step in the pilot will be to take  
11 that list and immediately go out and see if those  
12 projects are active.

13 The way the model is constructed is it is not  
14 conducive to working well with the small sites because  
15 of the variability in the start dates and that kind of  
16 stuff.

17 The smaller the site, the higher the  
18 probability that we will sending compliance officers  
19 out to places that just are not active. They are  
20 either finished already or they haven't started yet.

21 What we have is we have give and take of  
22 having a presence on the smaller projects and not

1 wasting the area office resources by sending them out  
2 to places that just don't exist.

3 CHAIRMAN STAFFORD: Conversely, I think part  
4 of the problem, Dave, is that. I think there would be  
5 a lot of discussion about you go to the larger sites  
6 and the larger sites are the larger contractors that  
7 don't have the problems, so we're not getting to the  
8 smaller sites that really need to be focused on.

9 MR. SCHMIDT: The larger sites do have  
10 multiple contractors on them, some of them being small.  
11 We at least see those.

12 You are certainly correct, this particular  
13 program does not have a focus on the smaller sites.  
14 That is why we want to take a look at these McGraw-Hill  
15 items reports and see if they would work for us to  
16 identify some of those sites.

17 MR. JONES: To follow up on what Pete said,  
18 you are going to have smaller contractors on these  
19 larger sites, but the larger sites are going to make  
20 sure that these contractors have safety and health  
21 programs. They are going to be in the bid specs, for  
22 the most part. No place is perfect.

1           You are going to see the exact opposite. Even  
2 if you are wasting some time, it would seem to me that  
3 if you are trying to reach -- this is what we have  
4 heard for the last three or four days, how do we reach  
5 the small guy. How do we give them assistance. How do  
6 we provide assistance.

7           It seems there has to be some sort of effort  
8 at reaching out to these folks because they are the  
9 ones that create -- the small performing small guys are  
10 the ones that create the un-level playing field that  
11 hurts all.

12           MR. SCHMIDT: Let me state that the core  
13 system is universe. It does include projects with a  
14 value of \$50,000 or higher. All those are eligible for  
15 selection.

16           One of the deletion criteria is project value,  
17 and the default within the system is \$950,000.

18           If the area office does not proactively state  
19 they want projects smaller than that, than the universe  
20 is narrowed to those projects.

21           There are a large number of area offices that  
22 do drop that number down, and it can go down to

1 \$50,000.

2 Through the random selection, there is always  
3 the potential for those small places to be selected.

4 The very small ones are the ones with these  
5 items reports that we want to pilot test on.

6 MS. DAVIS: I think one of the things we heard  
7 yesterday that we are interested in and I think someone  
8 may be here to talk about is including health and  
9 safety considerations in pre-qualifications for  
10 publicly funded jobs.

11 Do you record in IMIS or some other database  
12 information about the ownership? It would be  
13 interesting for us to be able to track the experience  
14 on publicly funded jobs.

15 MR. SCHMIDT: McGraw-Hill data. What gets  
16 entered into IMIS is the ownership of the company that  
17 is inspected. While it might be a public project, if  
18 it is private companies doing that, then that is what  
19 the IMIS would reflect.

20 What we can do is when inspections are  
21 conducted under this program, one of the data elements  
22 entered into our inspection database is what used to be

1 the Dodge number, it is now the project identification  
2 number. That is entered into the database.

3 We can tie the two databases and get  
4 information on ownership of the project and ownership  
5 of the companies we inspect.

6 CHAIRMAN STAFFORD: Dave, was this your last  
7 slide?

8 MR. SCHMIDT: That was the last one.

9 CHAIRMAN STAFFORD: Kevin and then Walter.  
10 Let me thank all of you. We are kind of woefully  
11 behind. I think this is a good start of the  
12 discussion. We can regroup after this meeting and  
13 maybe figure out the next steps for the next meeting.

14 With that, I'm going to have two questions or  
15 comments, and we will have to move on. We will regroup  
16 after this.

17 MR. CANNON: I know the presentation and focus  
18 was on surveillance and targeting, trying to reach the  
19 smaller employer.

20 I guess my question is you are running a pilot  
21 to reach the smaller employer with these items reports.

22 Could you not just use that the same way to reach them

1 as far as compliance assistance or consultation? I  
2 know that's what Jim said, help us reach the small guy.  
3 Is this not something that could be possibly used for  
4 that?

5 MR. SCHMIDT: The McGraw-Hill -- the items  
6 reports are project specific. We have other databases  
7 like the Dunn & Bradstreet and a company called  
8 Experian we do a database from.

9 With that what we could get is companies that  
10 are small and have outreach towards the companies  
11 through those databases.

12 MR. CANNON: Kind of balance the approach.

13 CHAIRMAN STAFFORD: I think it is certainly  
14 something to consider. Walter?

15 MR. JONES: I just wanted to follow up on  
16 Janice. Your presentation was on CFOI and SOII. You  
17 had limitations. There were like one or two bullet  
18 points.

19 If you were to ask many of us, we would have  
20 like a list of limitations that we find when dealing  
21 with CFOI.

22 Is there any evaluation of this process being

1 conducted or has been conducted, and review on how we  
2 can do this better, or is that up to Congress or second  
3 floor? How does that work? Can this committee have  
4 some sort of role?

5 As Pete talked about, the whole establishment  
6 thing, it still doesn't make a whole lot of sense to  
7 many of us.

8 How is that handled in your office?

9 MS. WINDAU: I was confused whether you meant  
10 CFOI specific or the SOII also.

11 MR. JONES: I was just talking about the  
12 limitations that you presented. You had two bullet  
13 points that said something about limitations.

14 I was just referring more to the whole  
15 process. Has any review ever been done? I think in  
16 the interest of time, I'll just withdraw my question  
17 and we can go on.

18 MS. WINDAU: Surely, you can write or call.  
19 We do have a little bit of a continuous improvement  
20 program within our office if we see something that  
21 people have been asking for and we don't have it. We  
22 will make a list.

1           In terms of a classification structure, we  
2 will be updating that on a more regular basis.

3           MR. JONES: Thank you.

4           CHAIRMAN STAFFORD: We will continue this  
5 discussion after this meeting when we talk about next  
6 steps.

7           Janice, Dave and Tish, thank you very much.

8           [Applause.]

9           CHAIRMAN STAFFORD: Next on the agenda we have  
10 Doug Kalinowski to give us an update on the Directorate  
11 of Cooperative and State Programs. Doug?

12           MS. SHORTALL: Mr. Chair, while Mr. Kalinowski  
13 sets up, I'd like to enter three exhibits into the  
14 record.

15           Exhibit 39, PowerPoint titled "Public Health  
16 Surveillance and Targeting in Construction," an  
17 introduction presented by Latitia Davis.

18           Exhibit 40, a PowerPoint, BLS Occupational  
19 Injury and Illness Data, presented by Janice Windau,  
20 BLS.

21           Exhibit 41, Construction Targeting PowerPoint  
22 presented by Dave Schmidt, OSHA Directorate of

1 Evaluation and Analysis.

2 (Exhibits No. 38 through 41  
3 were marked for  
4 identification.)

5 CHAIRMAN STAFFORD: Thank you, Sarah.

6 Doug, again, welcome. Thank you. Sorry to  
7 hold you up here. It's all yours.

8 DIRECTORATE OF COOPERATIVE AND STATE PROGRAMS UPDATE

9 MR. KALINOWSKI: Good morning. I think my  
10 plan today is -- I think I stand between you and  
11 adjournment.

12 CHAIRMAN STAFFORD: You're in trouble here.  
13 Actually, we have a couple of things on the agenda  
14 after you.

15 MR. KALINOWSKI: I can move through these  
16 fast, relatively quickly.

17 My name is Doug Kalinowski. I have been in  
18 this role as Director of the Directorate of Cooperative  
19 and State Programs for about two months. I am trained  
20 as an industrial hygienist, and I started my career as  
21 an enforcement industrial hygienist in the State of  
22 Michigan and I was there for over 30 years.

1           I went from enforcement industrial hygienist  
2 to the Director of the Michigan OSHA Program for the  
3 last nine years, and when this opportunity came up, I  
4 accepted it, so here I am.

5           I guess I'm giving the update of what is  
6 happening in the Directorate, and I will do that. I  
7 will stop and focus on key issues but move fast through  
8 slides, if that is okay.

9           CHAIRMAN STAFFORD: That is fine. Thank you.

10          MR. KALINOWSKI: What does this Directorate  
11 do? It really does four separate things, and it really  
12 deals with outreach services and alliances, and I will  
13 talk a little bit about that.

14          Partnerships and recognition, which the main  
15 focus is VPP, Office of Small Business Assistance is  
16 the on-site consultation program in 50 states and two  
17 territories, as well as the Office of State Programs.

18          In terms of cooperative programs, you can look  
19 at the numbers of alliances, VPP participants,  
20 partnerships and Sharp Programs.

21          This shows the growth of the cooperative  
22 programs over the years.

1           Alliances are really partnerships with  
2   associations or groups and really develops two things,  
3   develops trust and also develops education and outreach  
4   opportunities to get to issues that maybe we couldn't  
5   at OSHA by ourselves.

6           We develop some of the products like this,  
7   ammonia safety, some of the things we have done.  
8   Distracted driving. This week was the North American  
9   Occupational Safety and Health Week, which was between  
10   Canada, the United States and Mexico. That was kicked  
11   off here.

12           We have the kids' Safety on the Job poster  
13   contest. OSHA received 2,500 posters. It was quite  
14   interesting.

15           We have an alliance with the National Council  
16   of La Raza, which has been very effective in getting to  
17   some of the groups we can't get to very well, and share  
18   information and let them find out how they can use  
19   OSHA, the people they represent to use OSHA to get  
20   information, file complaints, and things like that.

21           You have probably already heard about this,  
22   restarting of the Heat campaign as well as this year's

1 fall prevention campaign.

2           There is a compliance assistance web page on  
3 OSHA. Almost every area office has a compliance  
4 assistance specialist that gives general information  
5 about OSHA, can respond to requests for talks,  
6 workshops, et cetera.

7           The voluntary protection program, which I am  
8 sure you are all aware of. Right now, there are 2,372  
9 active sites. Estimated savings, \$300 million. There  
10 are many Federal agencies involved, Department of  
11 Defense has numerous sites that are VPP sites.

12           I probably shouldn't include this slide. You  
13 guys probably talked about this before. This is really  
14 the mobile workforce VPP, that also applies to  
15 construction contractors like a plumber working in a  
16 certain city could have a VPP plumbing company or VPP  
17 that represents multiple different sites they operate  
18 at.

19           This is the growth of VPP in the Federal and  
20 states. As you can see, it has dropped off some in the  
21 last year. Those are the industries where VPP is.

22           CHAIRMAN STAFFORD: What do you attribute the

1 decline to?

2 MR. KALINOWSKI: I think in previous years,  
3 there was a really big push to get people into VPP. I  
4 think over time, some of that evolution and some of the  
5 companies have either withdrawn and left and fewer  
6 companies have applied.

7 For example, I'm trying to think of which  
8 company it is. International Paper. At one point in  
9 time, their approach was they wanted every one of their  
10 sites to be a VPP. I think over the last three or four  
11 years, they have changed that approach. They are not  
12 pushing it as hard. A lot of that is happening in  
13 terms of evolution.

14 We also have some national strategic  
15 partnerships. One with United Auto Workers, Ford, and  
16 ACH, Automotive Components Holding Company, as well as  
17 Electrical, Transmission and Distribution.

18 Moving to the next subject, which is the  
19 on-site consultation program, which is a great program  
20 designed to help small employers, typically 250 or  
21 less, and definitely 500 or less, with free  
22 consultations, identify hazards before they become

1 injuries at no cost and no citations to the employers.

2 That has dropped off some over the years,  
3 those numbers. This year, it looks like we are on  
4 target to get back towards 30,000. I think some of  
5 those numbers have dropped off because of staffing  
6 decreases across the 50 states. They are moving back  
7 upwards.

8 Some of the numbers on how many people the  
9 consultation program gets to in the second quarter of  
10 this year.

11 Consultations by types of visits. The  
12 majority are initial visits, but they also provide  
13 on-site training and assistance, as well as follow  
14 up's.

15 MR. JONES: What is the initial activity?

16 MR. KALINOWSKI: Initial activity is if I'm an  
17 employer and I want a consultation -- I'm not sure I  
18 can back this up, I might mess something up -- if I  
19 want a consultation and I ask for some assistance and a  
20 consultant goes in and basically does a pretty  
21 comprehensive review of their programs, wall to wall  
22 look at safety and health issues.

1 Follow up is obviously if they had to correct  
2 something and they go back, or sometimes if they are in  
3 there and some of their employees, maybe a dozen  
4 employees could use some specific training, that  
5 consultant will put that in.

6 The initial visit is the initial visit, the  
7 first time there.

8 This year, the consultation program did  
9 receive a budget increase of \$3.2 million. There is  
10 actually a funding formula to distribute this money.  
11 That money is currently being distributed to the 50  
12 states, and many of those that have lower staffing  
13 levels who have lost staff or need more staff to meet  
14 some minimum's are adding staff with that \$3.2 million.

15 The last group I am going to talk about is the  
16 Office of State Programs, which you are probably all  
17 pretty interested in because they do both enforcement  
18 and outreach in the 27 states and territories that have  
19 their own OSHA programs.

20 One I came from, Michigan. The light blue are  
21 the state plans that cover both public and private  
22 sector. If you are going to cover private sector, the

1 requirement is you must cover public sector. That is  
2 state and local government.

3 The tan states are the states that cover  
4 public sector only, state and local governments only.  
5 They don't cover private.

6 For example, in Illinois, the State of  
7 Illinois covers local and state government employers  
8 and employees and OSHA covers all the private sector  
9 and Federal employees in that state.

10 In recent years, we have created some  
11 information on the OSHA website that links standards  
12 and directives, so if OSHA develops a directive or  
13 national emphasis program and a state adopts it or  
14 adopts it exactly the same or makes some changes, we  
15 have linked those on the website so you can go and find  
16 where those standards are the same or different, or if  
17 a directive is different, it will take you back to the  
18 state website that will show what the directive is at  
19 that website.

20 About two years ago, changing subjects again,  
21 I am moving fast, there was a report issued by the IG  
22 that said OSHA needs to do a better job of evaluating

1 the effectiveness of the state plans.

2           The criteria in the OSHA Act is that a state  
3 plan can operate its own program if they are at least  
4 as effective as their OSHA.

5           "At least as effective" is a very complicated  
6 issue, if you think about it. If a state has -- many  
7 of you know that many states have standards or rules  
8 that go beyond what the Federal OSHA standards are.

9           Does that make it more effective? They may  
10 have penalties that are greater, lesser penalties.  
11 There are lots of things that comprise the operation of  
12 the state program to deal with effectiveness. It is  
13 not a black and white issue.

14           The IG report said OSHA needs to do a little  
15 bit better job of evaluating the effectiveness of state  
16 programs.

17           To deal with that issue, a work group  
18 representing people from the State Plan Association, a  
19 handful of Federal people, was created about 18 months  
20 ago to say let's look at all the measures that we are  
21 measuring, whether it's the penalty size, presence, how  
22 fast you respond to complaints, how fast you respond to

1 imminent dangers, how quickly your hazard is corrected  
2 and follow up to make sure they are corrected.

3           Those are kind of the issues we are looking at  
4 with this group. Over time, we have developed about 15  
5 draft key measures to look at it.

6           Obviously, the one thing you can look at is  
7 injury and illness and fatality rates. That is kind of  
8 expected. These are issues beyond that, related more  
9 to both activities and outcomes, like timeliness.

10           This work group has met. We have draft  
11 measures assembled. The expectation is if we can make  
12 it all work out that we have a stakeholder meeting to  
13 present these 15 measures, and also ask for more input,  
14 and have a stakeholder meeting here. June 25 is the  
15 goal.

16           We have the room reserved. We are publishing  
17 the information in the Federal Register. We are moving  
18 for June 25. If you are interested in that, that  
19 information will be out some time in early June, and  
20 these 15 measures will also be published either on the  
21 docket or on the OSHA website.

22           CHAIRMAN STAFFORD: The meeting itself will be

1 published in the Federal Register?

2 MR. KALINOWSKI: Yes. Just to give some  
3 statistics on total number of inspections conducted  
4 between the states and Federal OSHA in the last five  
5 years, numbers per state. Percent in construction.  
6 The majority of inspections in Federal and state are  
7 construction inspections.

8 MS. DAVIS: Is there a reason it is less for  
9 state construction? 40 percent versus 50. It is still  
10 a good percentage. I'm just curious.

11 MR. KALINOWSKI: That's a good question. I  
12 thought about that myself. I think if you look at some  
13 of the state numbers overall, the states do more  
14 inspections for the territory they cover.

15 I think part of the issue may be states get to  
16 some of the more smaller employers than Federal OSHA  
17 does.

18 CHAIRMAN STAFFORD: Chuck, in Kentucky, is  
19 that your percentage?

20 MR. STRIBLING: Yes. We do large and small  
21 employers.

22 MR. KALINOWSKI: If you look at total

1 violations between states and Federal OSHA, I don't  
2 know if this slide is here, I think what you will see  
3 on the Federal level, you will find a greater  
4 percentage of serious violations, and state plans have  
5 a tendency, at least many of them, to issue a larger  
6 number of other than serious violations.

7           You can see which plans are identical to  
8 national, which ones are a little different. Most  
9 states are pretty good about adopting.

10           If it's a national emphasis program, states  
11 should really adopt them. Many states have their own  
12 emphasis programs.

13           CHAIRMAN STAFFORD: Are there any questions or  
14 comments?

15           [No response.]

16           CHAIRMAN STAFFORD: Thank you very much. It  
17 is a pleasure to meet you. I was at the iron worker  
18 impact meeting last Summer, I believe. Thank you for  
19 making it here.

20           Any questions or comments?

21           MR. KALINOWSKI: I was also a member of ACCSH  
22 about ten years ago.

1           CHAIRMAN STAFFORD: Welcome back. I am sure  
2 we will have you again.

3           [Applause.]

4           CHAIRMAN STAFFORD: Now we are to the time,  
5 unless it has changed, we have one or two folks signed  
6 up for public comments.

7           Scott is one of those. Scott? You have been  
8 so patient.

9           MS. SHORTALL: While Scott sets up, Mr. Chair,  
10 I'd like to enter into the record as Exhibit 42, the  
11 PowerPoint presentation on the Directorate of  
12 Cooperative and State Programs by Doug Kalinowski.

13   (Exhibit No. 42 was marked  
14   for identification.)

15           CHAIRMAN STAFFORD: Thank you, Sarah. Rob?  
16 You signed up to make public comment. Scott is doing a  
17 PowerPoint presentation. Do you have something that  
18 elaborate?

19           MR. MANTUGA: No, I don't. Scott can go.

20 //

21 //

22 //

## 1 PUBLIC COMMENTS

## 2 NORA SECTOR COUNCIL UPDATE -

## 3 CAMPAIGN TO PREVENT FALLS IN CONSTRUCTION

4 MR. SCHNEIDER: Let me just start by I just  
5 want to give you a little more background about the  
6 campaign, about how we got started, and where we are  
7 going from here pretty much.

8 This campaign really got started four years  
9 ago. We had a NORA Sector Council that looked all the  
10 different research needs, and we looked at falls and  
11 said we don't really need to learn more about how to  
12 prevent falls, we need to figure out how to get people  
13 to do it.

14 We came up with the idea of doing a campaign.  
15 About a year or year and a half ago, we started  
16 working on the campaign, putting it together.

17 We did focus groups last year with 15 focus  
18 groups, about 100 workers and contractors in four  
19 cities in three different states to find out what  
20 messages we wanted to get across to people, and what  
21 would be the most effective ways to do it.

22 This is what we came up with. The campaign

1 was launched two weeks ago by Secretary Solis. Dr.  
2 Michaels mentioned it. Secretary Solis mentioned it to  
3 the building trades in her speech.

4 We have three campaign websites, the NIOSH,  
5 OSHA and CPWR, a Facebook page. There has been  
6 coverage in the media. Various partners like the NRCA,  
7 AGC, TAUC, and us have all put out articles in our  
8 newsletters and got the information out to people.

9 Here is the main campaign website. You can  
10 see it has stuff about the campaign. It has the CPWR  
11 "Don't Fall for It" campaign on ladders. Training and  
12 other resources where we are posting new resources  
13 every month.

14 We have the fatalities map, which is all  
15 construction fatalities that we can find in 2011, a pin  
16 for each one, and there is a second map if you click on  
17 that page just for fall fatalities. There are a little  
18 less than 200 fall fatalities that we found.

19 This is the OSHA website with all the OSHA  
20 materials that are on the back table and links to the  
21 other websites.

22 This is the NIOSH campaign website. There is

1 our campaign logo on the top right.

2 Here is the main poster we came up with.

3 Based on the focus groups, they said we want to see  
4 pictures of real people and we want to hear real  
5 stories about someone that got hurt and how that has  
6 changed them.

7 This is our campaign theme. I worked in  
8 construction for ten years before my fall, it shattered  
9 my body and my livelihood. You need to plan for the  
10 job, provide for the equipment and train people.

11 The white space on the bottom right corner of  
12 the poster we are reserving for people to take the  
13 poster. We are going to get them the source files and  
14 they can put their own organization's logo there and  
15 print their own posters. The states can do that as  
16 well.

17 Here is the facts sheet, cover of the facts  
18 sheet. Inside there are three pages. One on falls,  
19 one on ladders, and one on scaffolds. For each one, we  
20 have a picture of what to do, the right way to do it  
21 and the wrong things to do. There are ladders,  
22 scaffolds and roofs. It is very simple. It is in

1 English and we have one in Spanish. It's mostly  
2 graphics with some slight text.

3 We have a science blog that Pietra Check did  
4 and we co-authored. It is on the NIOSH website. It  
5 went up two weeks ago.

6 There is a "From the Director's Desk" guest  
7 column by Christine Branche that just went up this  
8 week.

9 We also have a materials work group and we  
10 have been going around finding materials that we think  
11 could be very useful.

12 We asked the people on the materials work  
13 group, including Chuck and many others, if you were to  
14 have one thing you wanted to give to somebody that you  
15 think would make a difference, what do you want to give  
16 them? Based on the focus groups, they wanted short  
17 materials with graphics, brochures, checklists, toolbox  
18 talks.

19 We posted this. This is something that Tish's  
20 group up in Massachusetts put together. We have the  
21 campaign logo on it.

22 They focus group tested these materials as

1 well. There is myths and facts about falls. There is  
2 one about ladder safety. There is a third one on  
3 scaffold safety.

4           These are all co-branded with the campaign  
5 logo. They are all posted on the campaign website.

6           We also co-branded and posted three checklists  
7 and three toolbox talks that were developed by LOHP  
8 back in the 1990s that we really liked. The idea is  
9 basically you have a checklist. You go around your job  
10 site and look to see where you have guardrails on your  
11 site, where there might be issues, and based on your  
12 review of the site with the walk round checklist, you  
13 do your training.

14           There is a short training guide. It is  
15 basically interactive, questions and answers.

16           We have three of these training guides that  
17 are posted from LOHP and ACGH, and they are on the  
18 website as well.

19           Guardrails, portable ladders and scaffolds.

20           We also have a Facebook page now, "Stop  
21 Construction Falls." I think it is linked from the  
22 campaign website now.

1           What we are hoping is we want to find out what  
2 other people are doing. If you are doing an event, you  
3 can post a picture to the Facebook page. We can post  
4 new materials. We can post links from the Facebook  
5 page to help us keep track of what is happening and how  
6 the campaign is spreading.

7           Here are some of the articles. This is the  
8 article we did in our electronic newsletter on the  
9 campaign.

10           Here is the article the NRCA did about the  
11 campaign in their electronic newsletter.

12           There is a letter in the TAUC magazine on the  
13 back table they did about the campaign.

14           A lot of activity has already happened in the  
15 last two weeks.

16           We have plans for the next six months to roll  
17 out the campaign. New materials, outreach to partners.

18           We were just talking about doing outreach to  
19 the insurance industry, get the loss control agents to  
20 take these out to the small sites.

21           Outreach to the media, keeping track of  
22 dissemination, and of course, working on how we are

1 going to monitor the effectiveness of the campaign.

2           We have ideas for materials to develop or to  
3 find. I am working on some brochures for the campaign.

4 ISEA, International Safety Equipment Association, is  
5 working on some stuff with us.

6           We are going to do additional toolbox talks.  
7 We are going to put together info-graphics, like a  
8 graphic that shows you, for example, how quickly does  
9 the fall happen, what is the force of the impact, what  
10 are the main causes of fatalities in construction, main  
11 causes of falls.

12           Hopefully, we are going to do some more  
13 video's. NIOSH is going to do some testimonials from  
14 companies that have installed fall protection or saved  
15 lives.

16           Tish wants to work on a homeowner's brochure,  
17 so we are going to do that.

18           We have a tentative schedule for roll out of  
19 new materials, but we are going to be discussing this  
20 next week at our NORA Sector Council meeting.

21           We posted the toolbox talks, the brochures  
22 from Massachusetts, the "Don't Fall for It" campaign.

1           Next month, we hope to post "Spot the Hazard"  
2 cards. We are going to have a picture with a job site  
3 with hazards, and on the back of it, it will tell you  
4 where the hazards are. People can pass those around  
5 and test themselves. Can you find the hazards on this  
6 card. It is something that came out of the focus  
7 groups.

8           A new hazard alert card from CPWR on fall  
9 harnesses. In July, we will hopefully post a bunch of  
10 video's that we have that already exist on the web,  
11 links to them.

12           There are a bunch of really good fall  
13 protection guides out there. Oregon OSHA has one. New  
14 Zealand just published one. We will put up posters  
15 maybe in September.

16           In October, hopefully, the OSHA Design for  
17 Safety fact sheets that we developed with the alliance  
18 program will become OSHA fact sheets and posted on the  
19 OSHA website.

20           NIOSH is working on a ladder app. When you  
21 have the app on your phone, you can hold it up to a  
22 ladder, for example, and see if it is at the right

1 angle. Things like that.

2 That hopefully will be done this Summer. We  
3 will post it in the Fall.

4 I had suggested that maybe for Christmas we  
5 should have a video of Santa Claus talking about the  
6 importance of roof safety.

7 [Laughter.]

8 MR. SCHNEIDER: That is in the mix. A lot of  
9 people got excited about that, and maybe we will do  
10 that.

11 Maybe next year, we hope to expand the  
12 campaign. We picked ladders, roofs and scaffolds to  
13 start with because those are the three biggest killers  
14 in construction. There are a lot of other fall  
15 hazards.

16 We have gotten requests from people saying  
17 what about falls from equipment. In the road building  
18 industry, they don't have a lot of falls from roofs.  
19 They said can we change the poster and change it to  
20 falls from equipment. We are hoping we can do that,  
21 falls from structural steel, falls from leading edges,  
22 falls through floor openings, falls through stairwells.

1           I think hopefully we will do that, maybe in  
2 the second year of the campaign, but it is going to be  
3 a two year process.

4           It is amazing how much we have done in the  
5 last six months and how much has happened since then,  
6 in the last two weeks since we rolled it out.

7           We are looking forward to anyone that is  
8 interested in helping us get the material out and help  
9 us develop new materials.

10           There you go.

11           CHAIRMAN STAFFORD: Scott, thank you very  
12 much.

13           [Applause.]

14           CHAIRMAN STAFFORD: This is an activity that  
15 we started under the NORA Sector Council I don't know  
16 how many years ago. To the extent that all of us are  
17 working on it, we are all kind of volunteering our  
18 time.

19           Scott has been particularly enthusiastic and  
20 passionate. I go to my office, I turn on my e-mails, I  
21 know I'm going to have at least 20 from Scott that day.

22           This is a lot of time. I was talking to Kevin

1 before this meeting. Just in this room, the reach that  
2 we have with Kevin, the number of contractors you can  
3 get to and talk, and Gerald, Gary, with his folks.

4 We are hoping with the initial resources,  
5 sweat, and some of the money that CPWR has thrown into  
6 the research side, the informative work groups, and we  
7 are putting money to do an evaluation of this, but the  
8 rest of it is just us volunteering our staff and time.

9 We hope that everyone will take this on and  
10 work with us on it and try to get the word out. To  
11 Matt and Scott and the others, Jim Maddux, Tish, I just  
12 want to thank you. It has been a lot of work and a lot  
13 of time.

14 There has been an amazing amount of work done  
15 in a short period of time with not a lot of resources.

16 I greatly appreciate all of you.

17 Our last comment, public comment, is from Rob  
18 Mantuga with National Association of Home Builders.  
19 Rob, welcome.

20 MS. SHORTALL: While Rob is coming up to the  
21 table, I would like to mark into the record as Exhibit  
22 43 the PowerPoint titled "Campaign to Prevent Falls in

1 Construction," NORA Sector Council Update, presented by  
2 Scott Schneider from the Laborers' Health and Safety  
3 Fund of North America.

4 (Exhibit No. 43 was marked  
5 for identification.)

6 CHAIRMAN STAFFORD: Thanks, Sarah. Rob?

7 PUBLIC COMMENTS BY ROB MANTUGA

8 NATIONAL ASSOCIATION OF HOME BUILDERS

9 MR. MANTUGA: I know we are pressed for time.

10 I am Rob Mantuga with the National Association of Home  
11 Builders.

12 It just struck me sitting through three and a  
13 half days of meetings that I do want to urge you all to  
14 consider this request.

15 I would urge you to dedicate some of your time  
16 to really focus your efforts on addressing the pressing  
17 needs for the small businesses in construction. I know  
18 there has been some talk about that.

19 We actually had somebody from Parsons come in  
20 to talk about VPP and how that could extend itself to  
21 maybe an I2P2 rule. Parsons is a very, very large  
22 contractor.

1           We also heard from ASSE talking about their  
2 ANSI 810-33 standard, talking about owners talking  
3 about the requirements in that document or that  
4 standard for the general contractors and other trade  
5 contractors as well.

6           In our industry, 80 percent of the fatalities,  
7 from the BLS data we have looked at, occur in small  
8 businesses. That means companies with less than 25  
9 employees.

10           When you have a lot of these discussions and  
11 you are really looking and consulting with these large  
12 companies, really, I think you need to look at the  
13 small businesses and the impacts, and make some  
14 recommendations to OSHA on how you not only reach those  
15 individuals, but some things they can practically do to  
16 make the job site safer.

17           I just want to throw out a couple of examples  
18 for you to consider for the future. I think when you  
19 are looking for additional speakers, for additional  
20 consultation, not only looking at VPP, but there are  
21 thousands of contractors that have gone through the  
22 OSHA Sharp Program. I think that is actually a good

1 target audience.

2           Those individuals that have also participated  
3 in the OSHA Consultation Program. That is another good  
4 target audience to possibly say we already have  
5 contacts with them, can we get their input on some of  
6 these issues.

7           I can tell you one thing, these companies have  
8 a lot of different things on their plate. They wear  
9 multiple hats. Getting them physically here may be  
10 difficult, but with the technology that we actually  
11 have, getting them on the phone and consulting with  
12 these small businesses, I would urge you all to do  
13 that.

14           One of the other discussions you had about how  
15 can this group, ACCSH, get involved with the SBREFA  
16 process for the I2P2. One of the other ideas that I  
17 actually have is how do you take that final SBREFA  
18 Panel report, study that, look at the recommendations  
19 from the small businesses, and possibly use that to  
20 come up with a formula to make additional  
21 recommendations to OSHA as well, based on your  
22 expertise with large companies and other avenues as

1 well.

2           Finally, other things for small businesses. I  
3 have been doing this now for about 11 years at NAHB,  
4 and one of the things I found most difficult when I  
5 started was where do you start with the home building  
6 industry?

7           We knew it was small businesses. We knew  
8 there were a lot of issues in terms of small businesses  
9 and the hazards they face.

10           Eleven years ago when I started, we spent an  
11 awful lot of time on OSHA's inspection program, the  
12 focus for.

13           I think messages like that really resonant  
14 with a small contractor. There is a myriad of OSHA  
15 requirements, but what do they really need to focus on.

16           We have gotten away from the whole focus. We  
17 are focusing on I2P2 and potential silica. Obviously,  
18 falls is a big issue for us. I commend OSHA and NIOSH  
19 for going down the road with the fall fatality campaign  
20 as well.

21           I just wanted to urge you all to really  
22 consider how you interact with the small businesses. I

1 think that is where our problems are. Every day I come  
2 to work, I am thinking how are we going to make a  
3 difference with these really small contractors who do  
4 not have the means to understand what they are supposed  
5 to be doing. Not that they are bad companies.

6 They really struggle to really understand the  
7 myriad of OSHA requirements and navigating through all  
8 the regulatory requirements as well.

9 CHAIRMAN STAFFORD: I appreciate that, Rob. I  
10 see we are going to have a couple of comments or  
11 questions. We will start with Tish and go to Gerald.

12 MS. DAVIS: I don't know if you were here for  
13 the I2P2 meeting. What we said is we want to bring  
14 some small contractors in for the next meeting. Can  
15 you help us find some small contractors to get here in  
16 person?

17 MR. MANTUGA: Sure. I can try my best. I  
18 can't guarantee we can get somebody, but I can  
19 certainly try. Just let me know.

20 CHAIRMAN STAFFORD: That would be helpful if  
21 you were part of that. In the previous meeting, Rob,  
22 we were talking about kind of the elements of what good

1 programs would be.

2 I think the next step if we do not get through  
3 seeing the reg text, to have small employers come in  
4 and talk about their programs or what they think the  
5 barriers or obstacles are. I think that would be very  
6 helpful.

7 Gerald?

8 MR. RYAN: I just want to kind of confirm that  
9 I know over 90 percent of our members work for those  
10 small business contractors, as far as plasterers and  
11 cement masons. That is something I always look at.  
12 You are not alone there.

13 MR. MANTUGA: One final thought, I know we are  
14 running over. If I could just take a point of personal  
15 privilege. I know Mr. Mike Thibodeaux had to catch his  
16 plane.

17 I know there are probably going to be some  
18 changes on this committee. Mike has actually served on  
19 ACCSH for the last, believe it or not, ten years. I  
20 just wanted to thank Mike and get that on the record.

21 NAHB and our hundreds of thousands of members  
22 have really appreciated his time and dedication. I

1 believe OSHA has appreciated him dedicating some time.

2 His years of experience and expertise, bringing that  
3 to ACCSH, I just want to say thanks to Mike on behalf  
4 of NAHB and the home building industry.

5 SPEAKER: Hear, hear.

6 CHAIRMAN STAFFORD: Thank you. He has been  
7 great. Thank you, Rob. Sarah?

8 MS. SHORTALL: I have a couple of things here.

9 First, Exhibit 44, which is in your packets, the OSHA  
10 Pocket Guide, Protecting Yourself from Noise in  
11 Construction.

12 Exhibit 45, the ACCSH Work Group, including  
13 co-chairs and Directorate of Construction liaisons.

14 (Exhibits No. 44 and 45 were  
15 marked for identification.)

16 Since Mr. Mantuga was speaking about SBREFA,  
17 and I see Mr. Lundegren is here, although the only ones  
18 that will be officially solicited to provide comments  
19 in the SBREFA process will be those small employer  
20 representatives, OSHA does allow anyone who wishes to  
21 enter comments in the record to do so.

22 CHAIRMAN STAFFORD: Thank you, Sarah. Any

1 other final questions or comments?

2 MS. SHORTALL: Yes, I have one of personal  
3 privilege, and that is I'm not sure if any of you  
4 realize, this was Damon Bonneau's very first time as  
5 being the top liaison or head liaison for OSHA in  
6 getting the Directorate of Construction prepared for  
7 this meeting.

8 I just want to say I thought he did a  
9 tremendous job, and I am hoping all of you felt the  
10 same way. I thought the materials were excellent, and  
11 he was so well prepared for everything we were doing.

12 CHAIRMAN STAFFORD: I absolutely agree, and I  
13 was going to mention that as well. Thank you very  
14 much.

15 [Applause.]

16 CHAIRMAN STAFFORD: I would also like to thank  
17 Jim, Ben, and the rest of the OSHA staff, really very  
18 good, and of course, all the ACCSH members. A really  
19 good meeting. I really appreciate all of your hard  
20 work.

21 Liz?

22 MS. ARIOTO: I just wanted to thank Sarah who

1 kept me out of trouble several times. We thank you  
2 very much.

3 MS. SHORTALL: It looks like we have one other  
4 person from the public who wants to make a statement.

5 CHAIRMAN STAFFORD: We do? Okay.

6 PUBLIC COMMENTS BY BRUCE LUNDEGREN

7 SMALL BUSINESS ADMINISTRATION

8 MR. LUNDEGREN: My name is Bruce Lundegren. I  
9 am the Assistant Chief Counsel at the Office of  
10 Advocacy at the U.S. Small Business Administration.

11 I am the one that will be working with OSHA  
12 and the Office of Information and Regulatory Affairs on  
13 the SBREFA Panel.

14 Just so the committee knows, in preparing for  
15 the panel, we have identified approximately 60 or so  
16 small entity representatives who have already agreed to  
17 work on the panel.

18 We would be happy to help possibly bring some  
19 of them here or at least get them on the phone, if you  
20 want to talk to them.

21 CHAIRMAN STAFFORD: That would be great. How  
22 do you define a small business in the construction

1 industry?

2 MR. LUNDEGREN: They are small entities,  
3 actually. They are small businesses, small non-profit  
4 organizations, and small government jurisdictions. We  
5 have identified all three categories.

6 A small business is defined by -- the Small  
7 Business Administration has adopted the North American  
8 Industrial Classification Codes.

9 There are six digit codes. They are different  
10 for every industry. The challenge with I2P2 obviously  
11 is depending on how the rule is structured, it would  
12 conceivably cover every business in the United States.

13 We have tried working with OSHA to identify  
14 businesses from across the entire spectrum, including  
15 obviously construction.

16 CHAIRMAN STAFFORD: Thank you.

17 MS. SHORTALL: I have a question for Mr.  
18 Lundegren. I know when the Panel meets with the small  
19 employer representatives, most of it is done over the  
20 phone. It is also in an open room so people can come  
21 to observe and listen.

22 Will persons who don't live in the Washington,

1 D.C. area be allowed to listen via the teleconference?

2 MR. LUNDEGREN: That is obviously a question  
3 for OSHA. We have had some problems in the past  
4 because of the number of dedicated lines that OSHA was  
5 able to have, but I know in talking with Bob Burke and  
6 some others that are planning the Panel process, we  
7 want to definitely have sufficient listen only lines.

8 Members of the public, it is an open meeting.

9 Members of the public can attend in person. They are  
10 not allowed to participate or provide comments.

11 CHAIRMAN STAFFORD: Are these scheduled yet?

12 MR. LUNDEGREN: They are not. What happened  
13 is OSHA, consistent with their policies, notified the  
14 Office of Advocacy that they intended to convene the  
15 Panel, but as Dr. Michaels has said, that is on hold  
16 while they continue to work on the materials.

17 CHAIRMAN STAFFORD: Matt?

18 MR. GILLEN: You have the SBREFA Panels, and  
19 then is it Office of Advocacy that then creates a  
20 report? Do they submit it to OSHA? Is that a report  
21 that others can see or does it just go to OSHA?

22 That seems like it would be an useful report,

1 but it's unclear whether it is accessible to us.

2 MR. LUNDEGREN: That is a great question. Let  
3 me just clarify. There is a lot of confusion about  
4 this.

5 The SBREFA Panel or the small business  
6 advocacy review panel, the SBAR panel, is made up of  
7 three governmental entities, OSHA, Office of Advocacy,  
8 and OMB/OIRA, Office of Information and Regulatory  
9 Affairs.

10 They are assisted in their work by small  
11 entity representatives who are actual small entities  
12 who will be regulated, and those small entities, SERs,  
13 as we call them, provide advice and recommendations to  
14 the Panel.

15 The Panel of the three Government agencies  
16 issue a report with its findings and recommendations to  
17 the Assistant Secretary.

18 At that time, that Panel report will be put  
19 into the docket and made public. In addition, when the  
20 background materials, which will include all of the  
21 preliminary initial regulatory flexibility analysis,  
22 PIRFA, and the draft proposed rule, when they go to the

1 small entity representatives, they will also be put in  
2 the docket consistent with OSHA's policy.

3 They will be available to the whole world to  
4 see.

5 MS. SHORTALL: You can provide your comments  
6 if you choose to do so on those materials, although you  
7 will not be requested to.

8 CHAIRMAN STAFFORD: Tish?

9 MS. DAVIS: I actually had a motion that I  
10 talked to some folks about. I want to put it forward.

11 If there is consensus, if not, it can be a topic for  
12 the next meeting.

13 M O T I O N

14 MS. DAVIS: Given some of the discussion we  
15 have had, I wanted to move that OSHA and NIOSH work  
16 together with input from ACCSH to develop some model  
17 guidelines to assist state, Federal and local  
18 governments with performing health and safety  
19 pre-qualification assessments for construction work.

20 That was the idea, NIOSH and OSHA should be  
21 working on this with input from this group to develop  
22 this guidance.

1 MR. ZARLETTI: Second.

2 MS. SHORTALL: Could you repeat your motion  
3 again?

4 CHAIRMAN STAFFORD: Say that again, Tish.

5 MS. DAVIS: Here is the wording actually.  
6 OSHA and NIOSH should work together with input from  
7 ACCSH to develop model guidelines to assist Federal,  
8 state, and local governments with performing health and  
9 safety pre-qualification assessments for construction  
10 work.

11 CHAIRMAN STAFFORD: The motion has been made  
12 and seconded. I think that is perfectly appropriate  
13 and consistent with the discussion we had with Dr.  
14 Michaels yesterday, it is something that ACCSH could  
15 really weigh in on and help out with.

16 I think as part of this process, we do that.  
17 Again, I would like to look to the Army Corps of  
18 Engineers as a place/agency where we can start and take  
19 a look at what they do to model and perhaps modify  
20 that.

21 Any other discussion?

22 [No response.]

1           CHAIRMAN STAFFORD: We have a motion and a  
2 second. All those in favor, signify by saying aye.

3           [Chorus of ayes.]

4           CHAIRMAN STAFFORD: Any opposed?

5           [No response.]

6           CHAIRMAN STAFFORD: Great. Any other final  
7 questions or comments?

8           [No response.]

9           CHAIRMAN STAFFORD: Again, I want to thank  
10 Jim, Ben and Damon, thank you very much. Sarah, thank  
11 you very much.

12           [Applause.]

13           [Whereupon, at 12:19 p.m., the meeting was  
14 adjourned.]

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21	Approved Diversity, Multilingual and Women in Construction Work Group report from the May 9, 2012 meeting	21
22	OSHA draft Women in Construction web page	21
23	Hand-out on special emphasis plan for providing safety and health protection for women in construction developed by Michael Alvarez, Cal-OSHA	21
24	U.S. Equal Employment Opportunity Commission Fact Sheet on Sexual Harassment dated December 14, 2009	21
25	CDC's Women's Safety and Health Issues at Work Fact Sheet	21
26	U.S. Department of Labor Women's Bureau news release on the guide about women and green jobs	21
27	Brochure on "Women Building California and the Nation" conference sponsored by the State Building and Construction Trades Council of California and the Building and Construction Trades Department, AFL-CIO	21

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30	Correspondence from Laura Boatman, State Building and Construction Trades Council of California, giving permission to post Exhibit 29 in the ACCSH on-line docket	21
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