

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

ADVISORY COMMITTEE ON
CONSTRUCTION SAFETY AND HEALTH (ACCSH)

Friday, November 30, 2012

Frances Perkins Building
200 Constitution Avenue, N.W.
Washington, D.C.

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

Roger Erickson
International Brotherhood of Boilermakers, Iron
Ship Builders, Blacksmiths, Forgers & Helpers
AFL-CIO, MOST Administrator

EMPLOYER REPRESENTATIVES:

Kristi Barber
Glenn C. Barber & Associates

Kevin R. Cannon
Associated General Contractors of America

Thomas Marrero
Zenith Systems, LLC

William E. Hering
SM Electric Company, Inc.

Donald L. Pratt
Construction Education and Consultation
Services of Michigan

STATE REPRESENTATIVES:

Charles Stribling
Kentucky Labor Cabinet, Department of Workplace
Standards

Steven D. Hawkins (telephonic)
Tennessee Occupational Safety and Health
Administration

COMMITTEE MEMBERS PRESENT: [continued]

PUBLIC REPRESENTATIVES:

Letitia K. Davis
Massachusetts Department of Public Health

Jeremy Bethancourt
Arizona Construction Training Alliance

FEDERAL REPRESENTATIVES:

Matt Gillen
Deputy Director, Office of Construction Safety
& Health, CDC/NIOSH, Office of the Director

DESIGNATED FEDERAL OFFICIALS:

Ben Bare
Deputy Director, DOL-OSHA Directorate of Construction

COMMITTEE CONTACTS:

Damon S. Bonneau
OSHA, Directorate of Construction

COMMITTEE COUNSEL:

Sarah Shortall, DOL, Office of the Solicitor

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

2 (8:05 a.m.)

3 OPENING REMARKS/AGENDA OVERVIEW

4 CHAIRMAN STAFFORD: I'll go ahead and call the
5 meeting to order. Good morning, everyone.

6 This is a pretty small group here. I think
7 those of you that I can see, that we can forego doing
8 self introductions this morning.

9 I don't really have much to say by way of
10 opening remarks. We have three things on the agenda
11 this morning.

12 Cecil Tipton will actually be joining us from
13 Idaho. It's 6:30 in the morning his time. Appreciate
14 his efforts to do that. He will take the place of
15 Joshua Moore who was going to give us an update on OIS.
16 We look forward to that conversation.

17 Something we have been pushing here to talk
18 more about, surveillance, and ultimately hopefully what
19 we can do with surveillance and data information that
20 we have to continue our talk that we had with Dr.
21 Michaels yesterday about targeting in the construction
22 industry.

1 We are also going to hear from -- I'm not sure
2 who is going to be doing it. I guess it will be Paul,
3 to tell us what OSHA is thinking about doing now that
4 the RFI is closed, both on backing operations and post
5 tensioning concrete, to see what the Agency has in mind
6 in terms of moving forward with rulemaking one way or
7 the other.

8 We will wrap up. I don't think anyone will be
9 incredibly saddened if we don't go all the way to noon
10 today. We will see how things go on the agenda.

11 With that, I'd like to open it up to any of
12 the ACCSH members if there are any remarks or comments
13 you would like to make based on what has happened the
14 last three days. MR. PRATT: I have one thing,
15 not about what has happened in the last couple of days.
16 If I'm out of order, let me know.

17 If we could possibly get materials ahead of
18 time before these meetings. Maybe you always do that.
19 Maybe I just didn't get it because I'm new, I don't
20 know. Not having anything at all before we started --
21 the organization was great.

22 For someone who didn't go to the orientation,

1 there was very little material that I saw come through.

2 Maybe I missed it.

3 CHAIRMAN STAFFORD: I'm not so sure about
4 that. I mean in terms of presentations, that type of
5 thing?

6 MR. PRATT: Refresher on the minutes of the
7 different groups. It would have been nice to have
8 gotten up to speed before I got here.

9 CHAIRMAN STAFFORD: I see, minutes out from
10 the previous meeting. I'll talk to Damon and staff
11 about that. I'm sure that is something we could
12 probably do.

13 MS. SHORTALL: They are also in the Docket.
14 They will be in the Docket within a week or so here.
15 You should be able to get to them.

16 Once again, the Docket number is OSHA-2012-
17 0011.

18 MR. PRATT: Thank you.

19 MR. GILLEN: I'd like to ask if the OSHA
20 Docket number could just automatically always be on the
21 agenda, so it's always there. Sometimes it's in the
22 Federal Register. I'm not sure we got the Federal

1 Register this time. It's just an easy thing to do.

2 MS. SHORTALL: Damon says okay.

3 CHAIRMAN STAFFORD: Damon, you didn't have to
4 move to the back on this conversation.

5 MS. DAVIS: I couldn't see the slide show.
6 This is too small to be able to have an effective slide
7 presentation. Just a technical issue.

8 CHAIRMAN STAFFORD: I didn't know if this was
9 just in this particular instance, typically it's the
10 big screen. I think Damon may have done that for me so
11 I didn't have to stare into the light of the camera all
12 day. Maybe we should go back to the other way, Damon.

13 Anything else? Good morning, Paul. Good
14 morning, Meghan. I appreciate your flexibility. We
15 are going to talk about where the Agency stands after
16 the RFI on backing operations and post tension in
17 concrete.

18 RFI UPDATE - BACKING OPERATIONS

19 MR. BOLON: We are going to talk about backing
20 right now, and then I can also talk to you about SIP.

21 CHAIRMAN STAFFORD: That's fine.

22 MR. BOLON: As you know, we published an RFI

1 in March. The comment period stayed open until the end
2 of July, I think, July 27. I am here with Meghan
3 Smith. She can describe what the comments were like,
4 and then we can go through the steps of what else we
5 are doing in back over's.

6 Meghan, do you want to describe the record we
7 got and what we learned from it?

8 MS. SMITH: Sure. We had 32 different
9 commentors. Because of the way the RFI was set up with
10 concrete and back over being in the same document, we
11 had some people commenting in the wrong docket. We had
12 some people who commented in one docket for both
13 issues.

14 Currently, the Docket Office is making sure
15 that all the comments relating to back over make it
16 into the back over docket.

17 I was discussing that with them yesterday and
18 they are in the process of doing that.

19 The comments came from small and large
20 businesses, trade associations, Union groups, safety
21 consultants, researchers, companies that manufacture
22 backing safety equipment, state and local government,

1 NIOSH, Region IV, and members of the public.

2 CHAIRMAN STAFFORD: Could you repeat that,
3 please?

4 (Laughter.)

5 MS. SMITH: Basically, lots of comments. One
6 or two comments from lots of different sectors of
7 people. There was no one major group that sort of
8 bombarded us with comments.

9 Because of that, the comments were quite
10 varied. Some commentators, of course, said yes, please
11 do new regulations, and some commentators said oh, please
12 do not.

13 One commentator, a researcher named Kirs Well,
14 gave the results of his study on the IMIS reports,
15 mentioning back up alarms. Of 152 backing incidents,
16 he found that 25 vehicles had no alarms, 42 had alarms
17 installed that weren't functioning, and 65 had properly
18 working alarms.

19 Eight of the commentators recommended better
20 training. Five commentators acknowledged that new
21 technology may help prevent backing incidents, although
22 the vehicle equipment manufacturer, Terex, stated it is

1 not desirable to add cameras or proximity detection
2 systems to machines based solely on feasibility, since
3 low technology solutions, such as mirrors, may
4 sometimes offer the most effective solution.

5 Some commentators recommended spotters, but
6 there was little argument that back-up alarms by
7 themselves are effective.

8 It was very much across the board. We had 45
9 different questions. Some people made a valid attempt
10 to answer every question that was applicable to them.
11 We had a couple of comments that were just yes, cameras
12 are cheap, why don't you make people put cameras on.

13 Comments ranged from two or three sentences to
14 20 pages. We had a wide variety of information.

15 Because the RFI dealt with both construction
16 and general industry, we heard from a trucking
17 association, we heard from a maritime group, we heard a
18 lot from construction, various kinds of construction.

19 It was across the board and everybody had
20 different interests.

21 MR. BOLON: We are continuing the information
22 and we are still in the mode of collecting more

1 information on back overs.

2 I think in the work group yesterday, Meghan
3 presented the new BLS data on back overs. I think
4 there are almost 80 fatalities a year. It is something
5 that still very much has our interest.

6 In the steps that we are doing to continue to
7 develop the information, we have done several site
8 visits. We have attended meetings with equipment
9 manufacturers.

10 The web page is up that Meghan developed. Jim
11 Maddux announced yesterday, I think, that we are going
12 to have several stakeholder meetings on back overs.

13 One is tentatively scheduled to be here in
14 January, January 8. That is not an absolute final
15 date. The Federal Register hasn't been published yet.

16 We are looking at January 8 here at the Department of
17 Labor. We are looking to have another group of
18 stakeholder meetings in Dallas and Arlington.

19 CHAIRMAN STAFFORD: Are you thinking about
20 potentially if you move forward, moving forward with a
21 standard for all industries or are we talking just
22 about moving forward on a construction standard?

1 MR. BOLON: All industries. That is where we
2 are at. We are quite active. We are seeking site
3 visits. If any of the members here or members of the
4 audience would be interested in hosting us and talking
5 to us about back overs, we would be glad to hear about
6 it.

7 The site visits we have done so far is in
8 construction, but we will be going to employers and
9 others.

10 CHAIRMAN STAFFORD: Hypothetically, so we
11 understand the process, if you go through this round of
12 stakeholder meetings and it looks like all industries
13 in this case are saying yes, we think something needs
14 to be done, what would be the next step in the
15 rulemaking process after that?

16 MR. BOLON: The key step is the OSHA managers
17 have to make a clear decision to say yes, go ahead and
18 do a rule.

19 The next step in terms of getting a proposal
20 out, we would probably have a small business panel to
21 review the rule, get some input, get some response.

22 The Agency has to make a decision, but

1 probably a small business panel would be next.

2 I would like to do as many site visits as we
3 have resources to do, so we can find out. It's not
4 just for construction. It is for all industries. We
5 will be reaching out to all the industries that
6 potentially have a problem with back overs.

7 CHAIRMAN STAFFORD: Timing wise, a program
8 standard gets cleared and goes through SBREFA, does
9 OSHA have the resources to be working on both of these
10 things at one time?

11 MR. BOLON: Both of?

12 CHAIRMAN STAFFORD: The program standard,
13 backing operations.

14 MR. BOLON: There are other offices involved.
15 I can't really speak for them. From our point of view,
16 we have the resources in our office to do that. SBREFA
17 brings in the economists and other things. I can't
18 commit for them. As far as we are concerned, yes.

19 CHAIRMAN STAFFORD: Kevin?

20 MR. CANNON: You are saying the managers have
21 to make a decision. What are they going to base their
22 decision on? It seems like you have a mixed bag of

1 comments, some yes, some no. How are you ultimately
2 going to come to that decision?

3 MR. BOLON: Ultimately, it really hinges on is
4 there a substantial amount of risk that we're
5 addressing, have we been able to craft some regulatory
6 approaches that will effectively address that risk,
7 reduce fatalities, accidents and injuries.

8 What do the costs look like. Do we have
9 information that supports a successful rulemaking. Do
10 we have risks, do we address the risks. What do the
11 costs look like and so forth.

12 Just the key criteria for rulemaking, I would
13 say.

14 MR. CANNON: Would you take into consideration
15 at all any of the work done, the web page? I guess
16 it's hard to see how effective that could be or would
17 be in a short period of time.

18 It seems like you are putting out information
19 to help folks in lieu of a regulation.

20 MR. BOLON: The risk that we see is
21 fatalities. It usually takes several years for some
22 kind of intervention to begin to show up. We will take

1 that into account.

2 Probably the timing of any effect from that
3 wouldn't catch up to even the time of the rulemaking,
4 which is a multi-year event.

5 MR. CANNON: The January 8 date seems a little
6 tight, between now and then. You have done it in two
7 locations, one of which is here. Would you consider
8 extending that January date just in case some folks
9 would like to come? Short term decisions on travel can
10 be expensive.

11 MR. BOLON: We're going to have a hard time
12 moving off that particular date. We are open to
13 anybody talking to us at any time. It doesn't just
14 have to be in a stakeholder meeting.

15 The stakeholder meeting is just a very active
16 us reaching out and trying to get more people involved
17 and hearing from them.

18 We are in listening mode and we are receptive
19 to anybody who wants to give input. Like I said, if
20 there are employers who would like to talk with us, we
21 will go to them and do a site visit. They will get
22 individual attention.

1 MR. CANNON: Thank you.

2 CHAIRMAN STAFFORD: Tish?

3 MS. DAVIS: We may have talked about this
4 before but the BLS data that you presented on
5 fatalities, this is for back over events?

6 MS. SMITH: They got it from multiple sources.
7 The narrative text searches in our system is certainly
8 one of them. They also go beyond, checking death
9 certificates. They have a whole network.

10 MS. DAVIS: We maintain the CFOI database in
11 Massachusetts. They use 15 different data sources.
12 They enter 72 variables. We have a field, which is a
13 narrative text, that describes the incident. Each
14 event is coded according to nature of injury, body
15 part, event and source.

16 I don't think there is a back over event code.
17 I think they must have gotten that by searching the
18 narrative text field.

19 MS. SMITH: I think they may have added it
20 this year because this is the first year they have had
21 this data. I know they made some change.

22 MS. DAVIS: I'm just wondering how they got

1 it. They might have added back over this year.

2 MR. BOLON: That was my understanding, they
3 were going to add something and it was going to allow
4 them to really pull out much more specific data.

5 MS. DAVIS: I'm just wondering. The SOII
6 database also has a narrative field describing the
7 nature, how the event occurred. It's not coded.

8 What is missing in the epidemiology is the
9 non-fatal injuries. We don't have a lot of good
10 information.

11 I'm wondering whether the narrative text field
12 -- if someone is backed over, that would probably be in
13 the narrative description.

14 I'm just wondering if there is any way of
15 getting more data on the non-fatal injuries, just to
16 substantiate your arguments about the extended risks.

17 MR. BOLON: There are ways. One of the best
18 ways is to get information directly from employers,
19 particularly large employers. Getting information from
20 large employers is how we are trying to get the
21 information about the accidents where there is an
22 injury or even property damage.

1 MS. DAVIS: Are they providing that to you in
2 the comments? Did you get more information?

3 MR. BOLON: Not in the comments. In contacts
4 directly with employers, we are getting information.

5 CHAIRMAN STAFFORD: Matt?

6 MR. GILLEN: I just wanted to point out that
7 January 8 is the meeting of the ANSI A-10 Committee.
8 There are about 60 or 70 people who come together to
9 develop consensus standards for construction.

10 That is a conflict for them, and if it was
11 January 9, some of them might stay over and attend the
12 meeting. I just wanted to point that out.

13 MR. BOLON: We will look at it.

14 CHAIRMAN STAFFORD: Has it already been
15 announced in the Federal Register, the meeting?

16 MR. BOLON: It actually was just announced
17 when Jim announced it to you. The meeting here, we can
18 look at moving the date by a day or two, if you want to
19 move it around the ANSI meeting.

20 CHAIRMAN STAFFORD: Chuck?

21 MR. STRIBLING: Two quick questions. Did you
22 get any comments with regard to hand signals?

1 MS. SMITH: I don't think we asked a question
2 about that, so I don't think we did.

3 MR. STRIBLING: On site visits, what are you
4 looking for?

5 MS. SMITH: What people are doing. What we
6 have found in the couple we have done is there are some
7 interesting common sense basically no cost solutions
8 that a couple of people are using to help.

9 When they have an entire program, there are a
10 couple of interesting things we have seen that we
11 aren't able to think about sitting in our offices here,
12 because there are situations in the field that we don't
13 know about until we get in the field.

14 We are learning about those approaches and
15 what people are doing effectively and what they want to
16 do better or what is really helpful.

17 MR. BOLON: We have gone to employers where
18 they have worked very hard on this particular risk, and
19 sometimes we go to employers where it hasn't been as
20 important. Of course, it is across many industries.

21 We are looking for employers who are in all
22 situations in terms of back overs.

1 MR. STRIBLING: You mentioned the rule is
2 going to address general industry or all industries.
3 Are you also looking for non-construction facilities?

4 MS. SMITH: Yes.

5 CHAIRMAN STAFFORD: Any other questions or
6 comments?

7 MS. SHORTALL: All industries, would it
8 include maritime and agriculture?

9 MR. BOLON: Yes.

10 MS. SHORTALL: Are you considering a
11 stakeholder meeting on a coast, so that maritime could
12 participate?

13 MR. BOLON: Hadn't thought about that. We are
14 in contact with the Maritime Office in DSG. We will be
15 reaching out to them, long shore as well as the ship
16 yards. I hadn't thought about that. I do expect we
17 will be doing site visits to some marine terminals
18 and/or ship yards, but I hadn't thought about a
19 stakeholder meeting for that yet.

20 MS. SHORTALL: Agricultural areas like Florida
21 or California.

22 MR. BOLON: Yes. I don't have a plan that is

1 drawn out for agriculture yet. As you know,
2 agriculture is always a little bit of a question mark
3 for our ability to do things there because of budget
4 writing considerations, and just the jurisdiction that
5 we have and the risks they have.

6 As of right now, we will be looking at what is
7 going on in agriculture. I believe there are some
8 fatalities there.

9 MS. SHORTALL: Large field operations that
10 have more than ten employees, doing picking, have a lot
11 of vehicles in the field.

12 CHAIRMAN STAFFORD: Paul, I think it was at
13 the last meeting, and Chuck, you can correct me since
14 it was your work group, we had the Virginia OSHA here
15 talking about their standard. Two meetings ago.

16 Do we know or is it worth the exercise of
17 trying to understand from stakeholders in the State of
18 Virginia what they think about that standard, if it is
19 effective, a burden? Is that something OSHA would
20 typically try to do?

21 MR. BOLON: Very much so. We will be in touch
22 with the State of Virginia and we will be doing site

1 visits to employers in Virginia to get a response from
2 them.

3 MS. SMITH: We asked a question about that in
4 the RFI. We were disappointed in the number of people
5 who responded to that particular question.

6 I think there was only one group that wanted
7 to talk about their experiences with the Virginia
8 regulation.

9 CHAIRMAN STAFFORD: Were they positive or
10 negative? Do you remember, Meghan?

11 MS. SMITH: Relatively neutral, actually.

12 CHAIRMAN STAFFORD: Okay. Any other questions
13 on backing operations?

14 (No response.)

15 CHAIRMAN STAFFORD: Thanks, Paul and Meghan.
16 Is Cecil ready to go?

17 MR. TIPTON: I'm here.

18 CHAIRMAN STAFFORD: Paul, do you want to come
19 back and talk about SIP? Is that the game plan?

20 MR. BOLON: Yes.

21 CHAIRMAN STAFFORD: Cecil? This is Pete
22 Stafford. I'm the Chair of ACCSH. We want to thank

1 you very much for joining us. I understand you are in
2 Idaho. I'm going to say, what is that, two hours
3 behind us?

4 MR. TIPTON: Two hours behind you; yes. We
5 have coffee.

6 CHAIRMAN STAFFORD: We appreciate you joining
7 us at 6:30 a.m. Cecil is going to talk to us about
8 IMIS has now been replaced by the new OIS, and we
9 started this discussion on surveillance and what data
10 is available to us.

11 We appreciate you joining us, Cecil, and
12 describing the data to us. The floor is yours.

13 MR. BONNEAU: Cecil, I have the slides up on
14 the screen. You just tell me "next slide," and I will
15 next slide it for you.

16 MR. TIPTON: All right.

17 OIS UPDATE

18 MR. TIPTON: We were one of the first offices
19 here in Boise to get OIS. We have suffered through it
20 the longest. It is getting better daily.

21 It is a very impressive database. I think a
22 lot of people were expecting something that was

1 absolutely perfect and complete when it rolled out, and
2 that just wasn't the case. They had to run it through
3 us and see how it was working while we were using it
4 before they could actually build it exactly the way we
5 needed it to be.

6 It's very hard to explain what we do to
7 somebody who is programming a database.

8 I guess we can go to the next slide. What is
9 OIS? OIS means OSHA information system. What we had
10 before, we had for a very long time, put in place in
11 the late 1980s. We were still using that system up
12 until this rolled out, and we are still using that
13 system because there are some old cases, contested
14 cases, cases that we are still waiting for abatement
15 on, that are being handled through that system.

16 We still have this giant thing in our file
17 room taking up a lot of real estate. Eventually, we
18 will be able to unplug it and turn it off and maybe put
19 a filing cabinet in there or something. They are still
20 around but we are working to get everything over to
21 OIS.

22 The roll out schedule, they started in just a

1 couple of area offices and started rolling out on a
2 regular schedule, doing a couple of area offices a
3 week, just to get them on board.

4 There were a lot of problems in the first
5 days, because when they would make a change to it, it
6 would change other things, so they stopped the roll out
7 periodically, suspended it, so they could get
8 everything back up to usable, and started rolling it
9 out again.

10 At this point, all the Federal offices, the
11 Federal OSHA offices, have been rolled out. The next
12 part of this is to roll the state offices, at least
13 being able to get data into OIS. A lot of the states
14 in our region want to use their data systems that they
15 have had in place and not wanted to use this.

16 That's fine as long as they are able to marry
17 up and get the data to OIS. I guess the most important
18 part here is the data gets filtered through OIS and is
19 available on the public website, all the public
20 information. That is now available.

21 It is a web based database. We are relying on
22 connectivity here. It is somewhat real time. We will

1 talk about that a little bit later.

2 It is a little bit of a change from what we
3 were used to because we had a system here in the office
4 that we entered data into and then all this data at a
5 certain time would be married up to the national
6 server, the host.

7 This would happen only periodically, I believe
8 at the end of the week is when that happened. The data
9 that was available to the national office was only
10 updated weekly.

11 What this means is the OSHA family has access
12 to all the case files. I can go into OIS and I can
13 type in an employer name, inspection number, any sort
14 of data, and I can find an inspection that was
15 conducted across the country. At my fingertips, I have
16 the ability to look at citations that were issued,
17 warning's, that sort of thing.

18 That is not available on the public website,
19 but it certainly has helped us be able to identify
20 trends and possibly looking at repeat violations and
21 that sort of thing.

22 Here you have a picture of what OIS looks

1 like. On this page, it doesn't really look
2 overwhelming, but let me explain a little bit about
3 what you're looking at there.

4 Across the very top, you see several tabs.
5 When it is highlighted right now, it says "Inspection."
6 There is an Investigation tab, a Violation tab, a
7 Citation tab, Formal Settlement Agreement, Petition for
8 Modification of Abatement, Contested Case, and Safety
9 and Health Assessment.

10 Just focusing on the Inspection tab, that is
11 the one that is highlighted, if you look below the
12 establishment name there, there are other tabs. On
13 this particular tab, you are seeing about a third of
14 that page.

15 Each one of these tabs has an enormous amount
16 of data in it. This is where OIS is kind of excelling.
17 It is a very powerful database, a lot of data points
18 that are entered into this thing daily.

19 We are able to retrieve that data. They are
20 developing new reports almost on a weekly basis, that
21 we can go in and find all these metrics that can show
22 us where we are seeing hazards, how effective are we

1 being in our enforcement. Are we seeing repeat
2 customers, that sort of thing.

3 MR. BONNEAU: Cecil, before we go to the next
4 slide, I just wanted to make you aware of and introduce
5 to the audience that we have from the OIS Office, Gus
6 Georgiades, who has joined us to help participate in
7 this presentation.

8 MR. TIPTON: Gus, anything you want to add on
9 this page?

10 MR. GEORGIADES: No, Cecil. I think you're
11 doing a good job on that. The compliance staff has
12 this web based application and are able to go into a
13 lot of areas. I think we are going to show some of the
14 stuff you can see that comes out of this.

15 The one difference in OIS versus IMIS, is the
16 NCR system captured particularly construction sites.
17 We had a mailing address and a site address.

18 Essentially, every time we would go out there
19 and do a construction inspection, because we already
20 had a mailing address and a site address, you almost
21 create more establishments.

22 OIS has added another address to this thing,

1 and it is the business address. We have the business
2 address, the mailing address and the site address.

3 For instance, if there is like ABC Plumbing,
4 and their address is 3824 Main Street, Omaha, Nebraska
5 -- hoping to be able to solve one of the problems we
6 have of just having the site address.

7 MS. DAVIS: I didn't see site address up
8 there.

9 MR. GEORGIADES: The three addresses should be
10 on there.

11 MR. TIPTON: I can tell you from an area
12 office perspective, this has helped quite a bit,
13 keeping things a little cleaner.

14 In the NCR, if you tried to look up a
15 construction company, you would be overwhelmed. This
16 way, you have one address and it's linked to all these
17 other sites.

18 When you are looking at this, you see the same
19 business address and you see all the different site
20 addresses as well.

21 One of the things that is going to change,
22 just for information purposes, at the very top there is

1 going to be another tab added. This thing is evolving
2 pretty much constantly, and eventually, I think, it
3 will get to where it needs to be and everybody will be
4 happy.

5 CHAIRMAN STAFFORD: Cecil, before we move to
6 the next page, Tish?

7 MS. DAVIS: The establishment ID, is that the
8 employer --

9 MR. GEORGIADES: That is something the system
10 uses. It's not really important to the COSHO that is
11 entering the data. They would look it up under the
12 establishment. It is something that we do use in the
13 background, but it is not real important for the COSHO
14 entering information.

15 MR. TIPTON: When you put in a new
16 establishment, it is assigned a number. One thing that
17 the establishment ID would be handy for is if you knew
18 the establishment ID for a particular company, you
19 could type that in and it would pull it up.

20 You wouldn't have to worry about misspelling
21 or anything like that. You can kind of misspell stuff
22 and it will still pull it up.

1 MR. GEORGIADES: What you are not seeing is
2 there is an actual establishment area where you enter
3 the establishment, and it actually pulls the
4 establishment information into Inspection.

5 MR. TIPTON: As I said before, all the Federal
6 offices have been rolled out and are using OIS. Again,
7 the old NCR machines are not gone yet. There is some
8 stuff in there that we are still using them for. We
9 very infrequently use them. I can't remember how to
10 log into it, it's been so long. There is still some
11 stuff we are updating in it.

12 The newer offices that have been rolled out,
13 they certainly have a lot more than we do. We have
14 maybe a handful of cases that are still in there that
15 we have to update.

16 I said we would talk a little bit about the
17 real time. It is certainly more real time than NCR.
18 The data is updated three times a day.

19 I'll show you an example of the sort of data
20 that can be pulled up with OIS in the next slide.

21 Like I said before, the NCR was updated once a
22 week, in fact, on Friday. After that, anything new, it

1 wasn't available until the next week. It was stuck on
2 our local machine here before it was uploaded.

3 This is a web based program, so it is
4 immediately put into this database. Every time they
5 update, it's already there. Three times a day, it
6 becomes at your fingertips.

7 Some examples of the statistics we can pull
8 out of OIS. Most of them are metrics that we use to
9 make sure we are doing our job properly and that we are
10 focusing our efforts in the right places.

11 Some of the examples are violations per
12 inspection. These are all search fields that we can
13 enter into OIS and pull this sort of stuff up.

14 Statistics for specific city names. You can
15 type in a city name. Typically, what we do for
16 identifying a specific area, you can search by
17 nationwide, you can search by region, you can search by
18 state. You can go down to the area office
19 jurisdiction.

20 Sole proprietor versus corporation. That is
21 one of the data fields that is in OIS. We can enter in
22 a corporation. We can enter in a sole proprietor,

1 Federal Government.

2 If you enter it in there, that data point is
3 there. You can go in and mine that data by those
4 fields.

5 This is just an example of some of the
6 information we can pull up.

7 This is comparing Chicago to the national
8 average, the average initial penalty for serious
9 violations. Chicago is handling folks out there
10 compared to the rest of us.

11 This is an example of where an area office can
12 go in and see what they are doing and how it compares
13 to the national average.

14 If there is a huge disparity there, it
15 triggers the area directors and assistant area
16 directors to go in and say why is this. It may be
17 simply you are not seeing the degree of serious hazards
18 that Chicago may be seeing or it may indicate there is
19 a problem in enforcement. Maybe we aren't looking at
20 things in enough detail.

21 Inspections with repeat violations. On the
22 right column there, you have the national average.

1 This is total inspections with repeat violations. This
2 is 6.5 percent of all the inspections that Chicago had,
3 fiscal year 2012 numbers, were repeat violations.

4 That is violations per inspection. It looks
5 like Chicago and the national average were dead on
6 there. In the data I've looked at, it's been pretty
7 close to that, about two violations per inspection,
8 2.5/3.

9 This is another method we can use to determine
10 if we are going in and finding the first serious thing
11 and addressing it and turning around and leaving, if we
12 are spending enough time in these places to actually
13 affect safety and health.

14 Gus, do you have anything to add to that?

15 MR. GEORGIADES: No. Just different ways the
16 staff has access to the data. Sometimes people are
17 looking for employer size, as Cecil said. It allows
18 them to pull it into sort of a spreadsheet format, sort
19 of slice and dice it the way they want to look at it.

20 It uses what is called "business objects."
21 The report comes out and you can save it in your
22 computer. If you save it in a spreadsheet, you can

1 take it and look at the data in different ways.

2 MS. DAVIS: For example, stratify by
3 construction?

4 MR. GEORGIADES: Yes, you could do it that
5 way. It also allows them to really pull the data out
6 and see what they are getting out of this. The report
7 is sort of like a PDF version. It's a screen version.

8 The best way for staff to use it is they save
9 it on their own desktop.

10 MR. TIPTON: One of the other ways that we use
11 the data here in the Boise Area Office is we look at
12 the emphasis programs and how many inspections were
13 done under those emphasis programs. I'm pretty sure
14 they look at that in the national office as well pretty
15 closely.

16 We have national emphasis programs, local
17 emphasis programs, and strategic codes that we look at.

18 We can go in and look at how many inspections we did
19 where we looked at fall hazards or how many inspections
20 we did where we looked at commercial construction or
21 residential construction, highway, street and bridge
22 construction, and so on.

1 All those different things, we can go in and
2 see how many inspections we did, the ones we did for
3 the year, how many did we actually spend on those
4 specific areas.

5 There is a lot of data at the click of a
6 mouse.

7 The website data, this is the stuff that is
8 transferred from OIS to the OSHA website. This is
9 stuff that you guys have access to and probably have
10 looked at before.

11 A lot of the construction companies here in
12 Idaho have looked at this, especially general
13 contractors. They want to see if the subs they are
14 awarding contracts to had issues with OSHA.

15 It's all public information once you are
16 visited by us. Everything is entered and the citations
17 are issued and it becomes public information. You can
18 even go in and search for what citations were issued.

19 The inspections show up the day after they are
20 final. The idea here is the Agency -- pretty much
21 every area office now at this point, we have laptop
22 computers with remote access to the network. The idea

1 here is the compliance officer goes and does an
2 inspection.

3 If you're on the road, you go back to the
4 hotel and you are able to enter this information into
5 the OIS. The next day, that information is available
6 on the public website page.

7 In a lot of area offices, there is no
8 overnight travel. We are the only office in Idaho. We
9 travel and use our laptops a little more than other
10 areas.

11 Citations may not be available on the website
12 for five days. I don't think there is a rule of thumb
13 on this. Some citations, you see the next day.
14 Sometimes, it's five days.

15 When the citations are issued, they are there
16 for you to view. All you are going to see is what
17 standard was cited. If you are hiring a mason and you
18 want to see if they have had any issues with
19 respiratory protection, they have been addressing
20 silica and that sort of thing, you can go in there and
21 get an idea of what their history with OSHA is.

22 I am sure you guys have seen this before.

1 This is our public web page, OSHA.gov. Again, it is
2 set up with tabs across the top.

3 The data and statistics is where the OIS data
4 is. It is also data that came from NCR. All the
5 inspection data is here.

6 If you click on the Data and Statistics tab,
7 this is what pops up here. There are a lot of
8 statistics that you can look at, specific injury and
9 illness data, BLS work related injury and illness data.
10 You can search by the industrial code.

11 What we will focus on is the establishment
12 search. This is the establishment search screen. This
13 is where the public can search for information. You
14 can isolate that to a certain state. The Fed and
15 state, is that state under Federal or state
16 jurisdiction.

17 The OSHA Office, you can search by an area
18 office or all offices.

19 Case status, closed or open, the closed cases
20 are the ones that have had citations issued and are
21 final. Open cases may be in progress and may not have
22 citations issued yet. There may be citations issued

1 but they are awaiting an informal conference or they
2 are in context, something of that sort.

3 Inspection date. If you know about the time
4 the inspection was conducted or if you are only looking
5 for a certain period of time the company was inspected,
6 you can select that. You can filter it out.

7 If you are looking at their entire history,
8 you can go all the way back to the beginning of OSHA
9 enforcement.

10 Generally, when you are looking at this, you
11 are looking at establishments.

12 This is what comes up when you do the search.
13 The activity number on the left hand side there, that
14 is the inspection number. That is a number that is
15 assigned when you enter information in for an
16 inspection that was conducted.

17 It looks like this was in Illinois. It gives
18 you the establishment name over on the right, how many
19 violations were issued for each one of those
20 inspections and citations. You have the North
21 American Industrial Classification System code there.
22 You can go on the website and type that code in there

1 and figure out what the industry code is for that
2 company.

3 "SC" is the scope of the inspection. You can
4 see if it was partial in scope. For example, GDO
5 Masonry, Inc., it says "partial," a partial scope
6 inspection. Probably because of the subcontractor and
7 specific to what they were doing, not necessarily the
8 entire job site.

9 The type of inspection, plan. Those would be
10 the program planned inspections, the ones we have
11 assignments for. We know they are going on. We go and
12 do an inspection of that site.

13 Accident would be related to a fatality or
14 catastrophe.

15 One inspection would be for a formal or
16 informal complaint.

17 The opening date there is when the inspection
18 was opened. "RID," that is just an identifier for the
19 area office that conducted the inspection.

20 If you drill down into one of those
21 inspections, this is the information you get. The note
22 at the top says "The following inspection has not been

1 indicated as closed." These things are not completed
2 yet. There may be more citations coming. It's not a
3 complete picture.

4 On this little note card at the top, you have
5 the office that conducted the inspection, the
6 establishment name and address, the NAIC code and
7 description of what that code is, and then the mailing
8 address.

9 In this case, you can look at the type of
10 inspection, was it safety or health, if you are looking
11 at safety issues or exposures to chemicals, which would
12 make it health.

13 The emphasis program, it was a national
14 emphasis program for trench and excavations.

15 The violation summary at the bottom, that
16 shows you a summary of what the violations were. It
17 will give you a number of serious, a number of willful,
18 a number of repeat, other, and the initial penalty and
19 current penalty.

20 The current penalty, that one may change. If
21 a company comes in and has an informal conference where
22 they negotiate the penalty or through settlement.

1 At the very bottom there you see the ID
2 number. That is the citation ID number. The type of
3 citation, and that's the standard.

4 In this case, it was 1926.652(a)(1). Anybody
5 that is involved with drenching and excavation would
6 recognize that one. The current and initial penalty
7 for that citation.

8 The initial penalty, it may be larger than
9 that. At the very bottom, it will break it down per
10 citation.

11 Any questions on that?

12 (No response.)

13 MR. TIPTON: One of the things you can see
14 here, the initial penalty and the current penalty have
15 changed. The current penalty is now less than what the
16 initial penalty was, indicating there was a settlement.

17 MR. GEORGIADES: Excuse me, Cecil. One of the
18 things we are trying to do, and I think the next couple
19 of slides will probably show it, in the past, we have
20 looked at inspections, and it is open, so if it is open
21 because of penalties haven't been paid, abatement is
22 still open, we are trying to indicate that in the

1 future, particularly if abatement is still open. You
2 want to know that.

3 The system as it is right now doesn't really
4 give you a good indication why the case is open. The
5 next couple of slides, you should be seeing these
6 enhancements coming soon to the website.

7 MR. TIPTON: That would be helpful certainly
8 to the public, where we are just trying to do a quick
9 search on the public page to find something. That's
10 helpful.

11 I'm not sure what slide we are on right now.
12 I'm to the slide that says "Public Website, Case Status
13 Descriptions."

14 MR. BONNEAU: We're there.

15 MR. TIPTON: These are the descriptions I
16 pointed out on the slide before, where it is open or
17 closed. Depending on the violation, violations under
18 contest, pending penalty payment, penalty payment plan
19 in place, all those things are not ready yet, I guess.
20 I guess they are not there yet but will be there.

21 That will be helpful. You can go in and
22 search these establishments and know what is actually

1 going on with the case.

2 The last slide. I'll be happy to answer any
3 questions you guys have.

4 CHAIRMAN STAFFORD: Tish?

5 MS. DAVIS: I have several questions. One is
6 does this bridge to the old system so that if you want
7 to look at the inspection history of a company back ten
8 years, you can?

9 MR. TIPTON: The public website has
10 information from the old NCR further back than that.
11 Information all the way back when enforcement began at
12 OSHA to now is on the public website.

13 If an establishment name hasn't changed in all
14 that time, you can go and search everything, all the
15 OSHA dealings they have had since the beginning of
16 OSHA.

17 MS. DAVIS: Does the system, your internal
18 system, have a case management function whereby all the
19 communication and so forth related to the case is in
20 the same web based system?

21 MR. TIPTON: It has that capability. We can
22 actually upload anything. We can upload pictures,

1 although we don't do that. We do upload a lot of the
2 case file documentation that we work with. It has that
3 function. Right now, we still have paper case files.

4 MR. GEORGIADES: I'll give you a couple of
5 examples. That is one of the issues we struggle with
6 on that.

7 Think of a large chemical plant where we have
8 walked out of there with boxes. If the case gets
9 contested, you are citing the employer's training
10 program, we ask them for their training manual. I'm
11 not sure it benefits any of us to upload all that, and
12 we have storage issues.

13 The one thing that OIS has that the other
14 system didn't have is a lot of the text that goes into
15 OIS stays in OIS.

16 What Cecil was alluding to earlier, any
17 compliance staff who has access to OIS could go in and
18 see what the actual person did on the inspections.

19 We still haven't figured what we want people
20 to upload into the system. I would guess like in the
21 future the signed settlement agreement, just to make
22 sure everybody is looking at the same document at the

1 same time.

2 As we go forward and the executives of OSHA
3 start looking at it and start making some positive
4 decisions, what is the minimum we want uploaded in
5 there.

6 MR. TIPTON: That's been one of the challenges
7 we have found, trying to figure new ways to keep track
8 of cases. We are still dealing with an administrative
9 paperwork directive that is very dated and does not
10 include a lot of the electronic resources that we have
11 at our disposal now.

12 That's probably in the works. It's probably
13 being updated. That is still what we are working with.
14 Until that gets updated, we are still going to do what
15 we have always done, we just have a better tool to kind
16 of get that accomplished now.

17 We still have paper case files. That probably
18 will not go away because of what he described. If we
19 are looking at a chemical processing plant, we are
20 going to come back with a lot of paper. Scanning all
21 that into a PDF would take up a lot of room.

22 MR. GEORGIADES: A lot of that stuff was asked

1 for and built into the system. It's just as we go
2 forward, what is the best way to use it, what is the
3 best use of resources, and storage capacity as we go
4 forward.

5 CHAIRMAN STAFFORD: Don, Roger, and then Ben.

6 MR. PRATT: What happens when there is an
7 error found in data input? I'm not sure even how this
8 would be found. Let's say an employer went in on the
9 public site, because that's what he has available to
10 him, and he finds an error.

11 What's the procedure to correct that error?

12 MR. TIPTON: Some errors in input are found.
13 We have regional IT people that kind of audit this
14 stuff, the reports. If something is not matching up
15 with the report and what should be in the system, they
16 find that.

17 If it's an error you would see on the public
18 website, I'm not sure there is a procedure, but if you
19 called the area office that's responsible for that
20 file, which is listed on the website, I'm sure they
21 could go in and fix whatever it is.

22 A lot of times that error may be they spelled

1 the street address wrong or something like that.

2 MR. PRATT: I'm looking at something more
3 egregious than that, like there is a violation and they
4 put in the wrong site or they have the wrong employer.

5 I'm fearful that with a system like this, employers
6 are not protected in a way that if there is false
7 information put into the system, garbage in, garbage
8 out.

9 MR. TIPTON: That's true. If that false
10 information was put into the OIS, then that citation
11 would have been sent to the wrong person, and it would
12 be found a lot sooner than somebody finding it on the
13 public website.

14 All this stuff is tied into what we do for
15 enforcement. If there are citations issued and it has
16 the wrong employer, that is going to be found out a lot
17 sooner than finding it on the public website.

18 Anything that goes through the office, through
19 the review process, it is going to go through the
20 compliance officer's supervisor to make sure it's the
21 right standard, it's a prima facie case, and it's going
22 through the area director for final review and actual

1 issuance of the citation.

2 There are post-citation procedures, informal
3 or formal settlements and that sort of thing.

4 If it gets through all those cracks, then it's
5 possible the bad information will end up being here on
6 the public website. It's not very likely something
7 that egregious would be on the public website.

8 It's possible the wrong NAIC is listed. With
9 a smaller employer, it's possible we did an inspection
10 and issued citations where we shouldn't have.

11 Beyond that, that should be caught during the
12 review as well. All those things should be caught at
13 the area office level and at the different review
14 levels going on from the initial inspection, it would
15 catch something that egregious, I'm pretty confident.

16 MR. ERICKSON: Just a question, and I might
17 have missed this, in regard to your real time data and
18 how we are going to update three times a day.

19 Is that also on the public site or is that
20 just your internal site?

21 MR. TIPTON: The OIS itself gathers up data,
22 the information we have to report, that is updated

1 three times a day. I would assume the public website
2 would be once a day.

3 MR. GEORGIADES: Yes, it's basically done
4 overnight for the public website. What they are
5 looking at is in OIS, there is an application, and it
6 is a reporting database, so the screen shot you saw
7 with the person enters the data, that is real time with
8 the compliance staff.

9 If I entered right now, everybody within the
10 compliance staff could look at it right now. If I want
11 to run a report on that data, that is updated three
12 times a day. For the compliance staff to run a report
13 on the data, that is what is updated three times a day.

14 The stuff that goes onto the public website is
15 usually done overnight as it changes.

16 MR. ERICKSON: Thank you.

17 MR. BARE: Gus, what I've seen demonstrated is
18 use of the information to a Dashboard, something like
19 that. Is that just internal or is it going out to the
20 public at some time?

21 MR. GEORGIADES: Most of that is internal. We
22 are working with the Department of Labor. I think in

1 the future there will be some more visualizations. I
2 think they are working on some of that stuff.

3 As we go forward, we are going to try to do
4 some internal visualizations for staff. I know as we
5 get further and further along on this thing, putting
6 more fatality data into a MAP, those kinds of things.

7 MR. BARE: If that comes to completion or as
8 you get close to that, I think maybe ACCSH would be
9 interested in hearing about that, and a demonstration.

10 MR. GEORGIADES: Sure.

11 CHAIRMAN STAFFORD: Matt?

12 MR. GILLEN: Is it inspections that resulted
13 in citations only or is it all inspections? Somebody
14 put in a complaint for methyl chloride and OSHA comes
15 out and samples, but there is no over exposures, is
16 that an inspection?

17 MR. GEORGIADES: The inspection will be in
18 there. We talked about the inspection being put in
19 final. You will be able to search for companies that
20 have had inspections but no citations. Just remember
21 what you are looking for, like if it's a closed case,
22 is a moment in time.

1 If an inspection is up there but the case is
2 not closed, that doesn't mean necessarily that there
3 are no citations. They may be pending.

4 MR. GILLEN: Thank you.

5 CHAIRMAN STAFFORD: Any other questions or
6 comments from the committee?

7 MS. DAVIS: I'm sorry. I spend my life doing
8 these kinds of databases. For your complaints and
9 referrals, do you differentiate by injury initiated
10 investigations?

11 Is it able to go in and do that, or are they
12 managed just planned inspections, fatality inspections?

13 MR. GEORGIADES: What we term as
14 investigations, usually it's a fatality or catastrophe.
15 We will put more data in. You don't necessarily link
16 injuries with inspections that easily. We don't go out
17 and inspect every case of hazard injury.

18 MS. DAVIS: I was just wondering about
19 differentiating inspections that have been prompted by
20 injuries. We make a lot of referrals to OSHA based on
21 injuries.

22 If I wanted to go in and look at your injury

1 initiated inspections?

2 MR. GEORGIADES: You won't necessarily know it
3 has been prompted by an injury.

4 CHAIRMAN STAFFORD: Chris?

5 MS. TRAHAN: [Inaudible.]

6 MR. GEORGIADES: Obviously, if it is a
7 fatality, we would assume it was initiated as a
8 fatality.

9 MS. TRAHAN: The items that the compliance
10 officers see had a tab for settlement agreements. I'm
11 wondering if informal settlement agreements are being
12 entered and used during investigations.

13 MR. GEORGIADES: The informal settlement
14 agreement process is entered into OIS. The informal
15 settlement agreement information is put into OIS, for
16 instance, if you were to look in OIS as a compliance
17 officer, you would see that case change, so you could
18 see the history of the event.

19 MS. TRAHAN: I understand that. The actual
20 settlement agreement text, so that other compliance
21 officers say in different cities could review the text
22 of an informal settlement agreement reached with an

1 employer say they are investigating the same employer
2 in Denver.

3 MR. GEORGIADES: I imagine that is one of the
4 enhancements in the future.

5 MS. TRAHAN: It is not in there now?

6 MR. GEORGIADES: Right now, it is not
7 routinely done. I don't think so.

8 MS. TRAHAN: Cecil, is that done in your
9 office?

10 MR. TIPTON: No. The informal settlement
11 agreement, the information that is in that tab is
12 basically when the informal settlement agreement or the
13 informal conference took place, when the settlement
14 agreement was signed, when it became final.

15 It also lists what changes were made to the
16 citations as a result of that settlement agreement. It
17 will show if a citation was deleted or a penalty was
18 changed or abatement was changed, that sort of thing.

19 As far as the actual wording of the settlement
20 agreement, for these changes, what we are asking the
21 employer to do, that wouldn't be available on OIS.

22 MS. TRAHAN: I think the committee has been

1 thinking how they might help the Agency better target
2 for enforcement, for programmed inspections.

3 Right now, you see in the data system if it is
4 a programmed inspection if it is a national or local
5 emphasis program, it is coded in a certain way.

6 Is there any coding if it's a programmed
7 inspection that is unrelated to one of those programs,
8 such as a Dodge selected site?

9 MR. TIPTON: Yes, the Dodge reports, that is
10 coded in there now, and that is changing. It is
11 becoming kind of a quasi-national emphasis program.
12 That is in there.

13 Are you asking if we are able to code for a
14 specific hazard?

15 MS. TRAHAN: No. I'm just trying to see if
16 there is a way to look at data from enforcement
17 activity that was initiated under a Dodge report
18 inspection versus a local emphasis program versus a
19 national emphasis program, or other types of programmed
20 inspections that maybe I'm not aware of.

21 MR. TIPTON: Yes, you will be able to look at
22 -- it will break them down into each one of those

1 emphasis programs. I haven't done a search nationwide.
2 It would take a long time for it to actually populate
3 a summary for the entire country.

4 I did do the search for Idaho basically. That
5 sort of information is broken out there. I can see how
6 many programmed inspections were done, and from that
7 number, I can see how many were related to a Dodge
8 report, how many were related to a referral, an
9 official referral. That would be an un-programmed
10 inspection.

11 It would break it up that way and then you can
12 look at what emphasis program it was focusing on or
13 what strategic plan. If there was a programmed
14 construction inspection, we could see if it was
15 commercial construction, residential construction, or
16 highway, street and bridge construction.

17 MS. TRAHAN: You can look at size of employer?
18 I think that may be a data source for the committee to
19 think about targeting.

20 Thank you.

21 MS. DAVIS: It is really being able to
22 identify what initiated the inspection within the

1 broader categories, in order to assess different
2 methods of targeting.

3 MR. GEORGIADES: Internally, they see all that
4 stuff. You could go to the actual inspection itself.

5 MR. BARE: Gus, just to clarify, what Cecil
6 was talking about, is that available to the public or
7 is that an internal report that you can identify why an
8 inspection was initiated, off Dodge reports or
9 whatever?

10 MR. GEORGIADES: It's not so much not being
11 able to see it by individual inspections. It's being
12 able to run the report that way. On the public
13 website, you don't have that option being able to run
14 the report that way. Internally, you can run the
15 report any way you want.

16 The staff really does have the ability to see
17 that stuff.

18 So, say I want to compare my program under the
19 program that was done, my program that was done, let's
20 say in Region 2, you can do that comparison internally.

21 MS. ABRAMS: Hi, Adele Abrams. The question I
22 had, when you were talking about posting of citation

1 data, you indicated that on the private side of the
2 website, in other words, the Agency side, all of the
3 information in a citation would be included, but that
4 would not be available on the public side. It would
5 simply list how the citation was classified and what
6 standard was cited.

7 I just wanted to suggest that perhaps in the
8 interest of transparency, that information could be
9 available to the public.

10 I can see from a safety perspective there
11 being some good reasons for that, one of which being it
12 would allow corporate safety and health professionals
13 to look at all their establishment inspections, and
14 really see the data.

15 I deal with a lot of companies. Very often,
16 stuff is handled at the local level and the corporate
17 people don't necessarily get that real time
18 information.

19 The second thing is for contractor and
20 subcontractor pre-qualification. If you're looking at
21 a company that is putting in a bid, you may see they
22 had a HAZCOM violation, but you don't if it is because

1 they left something off the chemical inventory list or
2 did they not train their workers. It could be a little
3 better to have that information.

4 Also, for general duty clause citations where
5 it is not pinned to a particular standard. If you
6 simply see the subcontractor has had general duty
7 clause citations, you really don't know what is
8 involved in those.

9 I think the data could be very important.
10 There's fraud protection.

11 MR. TIPTON: The general duty clause
12 citations, they actually do include that in there. You
13 can click on the citation and it will pull up the
14 general duty citation. It's hard to read sometimes
15 because it's just words that are transferred over.
16 That is there. The normal standard violations, they
17 are not listed that way.

18 As HAZCOM goes, it would show you all the way
19 down to the subparagraphs what was cited. If you are
20 looking at a labeling violation, you don't know if it
21 was water, if it was hydrochloric acid.

22 MS. ABRAMS: Exactly. If it is a trenching

1 and excavation standard and it is for somebody being in
2 an un-shored trench, you don't know whether that trench
3 was 5.5 feet deep or 25 feet deep.

4 The egregiousness, I guess, of the citation is
5 something that would be of interest, not only to the
6 employee community, but I would think to the employer
7 communities or the Unions to be able to mine that data.

8 I am doing a lot of work right now on
9 contractor issues for an association. Pre-
10 qualification really demands that you know exactly what
11 the company has been accused of in the past as well as
12 what the status of those inspections are.

13 It just seems since you are already doing the
14 effort to put the data in, it would be easy to make
15 that available on the public side of the website.

16 CHAIRMAN STAFFORD: Thank you. We should
17 recruit you for our procurement checklist project.

18 Any other questions or comments? George?

19 MR. GEORGIADES: Thanks for that suggestion.
20 Any time, please call the area office up, if you want a
21 copy of the citations, we will be glad to send them to
22 you.

1 MR. KENNEDY: My question is basically are
2 these citations posted on the public side prior to them
3 being finalized? If they are contesting it or if they
4 are waiting for a hearing, are they being posted the
5 next day?

6 MR. TIPTON: The citation would be on the
7 public website when they are issued. That is what I
8 was showing you before. If it is still open, it will
9 indicate that. It's not a complete picture yet.

10 A citation, once they are issued, they show up
11 there, if they are serious, and what the initial
12 penalty will be, and then later, you would see a change
13 to that following a settlement.

14 MR. KENNEDY: It seems like they are being
15 posted before an employer has the right to his day in
16 court.

17 MR. GEORGIADES: You are correct. If it
18 changes, if they go to a full settlement agreement, it
19 is updated.

20 MR. KENNEDY: Some of these could go on for
21 six months and a contractor could be bidding jobs and
22 losing jobs because there are citations that have been

1 issued and maybe he doesn't agree with them, and let's
2 face it, OSHA is not perfect either, we're not either,
3 but that's a concern.

4 MR. STRIBLING: Just so you know, every state
5 that has a state grant has their own state statutes
6 they have to meet with regard to public disclosure.
7 When it goes out the door, it is public record. No
8 if's, and's or but's.

9 CHAIRMAN STAFFORD: I think Cecil said this,
10 on how the system captures state plans, state
11 information, how often is that put into the system?

12 MR. GEORGIADES: The public website shows you,
13 these are put in the same way.

14 MR. STRIBLING: We still use the NCR. In case
15 some of the new members may not know, "NCR" stands for
16 National Cash Register."

17 (Laughter.)

18 MR. STRIBLING: That is how old the system is.
19 We still interface through NCR and then to IMIS, but
20 none of that is available from the states. None of
21 this. We don't know when it will be. You don't
22 realize the mountains they had to move to get to the

1 point of where they are at. It's incredible the amount
2 of work they have done.

3 I think it's fair to say it has not been a
4 pain free process.

5 MR. GEORGIADES: We are seeing all that stuff.

6 MR. STRIBLING: Some states are going to be
7 going to OIS and some aren't. There are going to be
8 limitations with the OIS system. OSHA is one system.
9 They use all the same forms.

10 You have 27 different states. We don't all
11 use the same forms and letters and policies and
12 procedures. The states are still working with OSHA.
13 To their credit, they have involved the states almost
14 from day one, depending on who was working on it. It's
15 been going on that long.

16 The state information is always going to be
17 going into the system. It may not be going in via OIS.

18 CHAIRMAN STAFFORD: If I wanted to see what
19 was going on in Kentucky and I wanted to look into this
20 system, would I see that today?

21 MR. STRIBLING: You will still see it at
22 OSHA.gov, but the Commonwealth of Kentucky is not going

1 to be using OIS. I know there are presently two other
2 states who are not going to be using OIS.

3 MR. GEORGIADES: There are some states who
4 actually will use the application. Some states -- this
5 has been done in the past -- because they report up to
6 their state, there is a lot of data that goes to their
7 state, they may use their own system.

8 We can take that data and put it into the OIS
9 system and another main frame computer puts it up on
10 the public website.

11 MR. STRIBLING: The big advantage for the
12 states is by using our own program, we can customize it
13 for our particular needs. It allows us to build in
14 many, many features, primarily because of funding, that
15 we had the money to spend to put in checks and things,
16 reminders, all kinds of things that we can do.

17 It allows us to keep our data and mine it in a
18 way that OIS wouldn't do based upon other features we
19 built in.

20 Bottom line, we are going to interface with
21 OSHA, so when you go to look at the data, you are going
22 to see all the states as well.

1 CHAIRMAN STAFFORD: Tish and then Ben.

2 MS. DAVIS: It's probably a question for Ben
3 or others here. What has been the response of the
4 COSHOs to the new functions? I know it's always
5 difficult to get people to change, but are they finding
6 the new kind of report functions useful? Do you have
7 any sense of that yet?

8 MR. GEORGIADES: I'll answer. It is more
9 computer based, there is that learning curve. The NCR
10 system is sort of a real blue screen. It is a learning
11 curve.

12 What is your feeling from a COSHO perspective?

13 CHAIRMAN STAFFORD: Are you still there,
14 Cecil?

15 MR. TIPTON: I am. I'm hearing some music.

16 CHAIRMAN STAFFORD: We thought that was coming
17 from you.

18 MR. TIPTON: No.

19 CHAIRMAN STAFFORD: Damon, you're the
20 technician.

21 MR. BONNEAU: Speak loud.

22 (Laughter.)

1 MR. GEORGIADES: When a new person comes in,
2 they adapt to a system. There are things that are in
3 different places. You do adapt to it.

4 MR. TIPTON: We have been using this for a
5 while, over a year now. There certainly was growing
6 pains and learning curves. We have noticed people that
7 were not so computer savvy before found this more
8 difficult. It is more modern. There is a lot more
9 places to go look and enter information into.

10 With repetition, it gets easier, it gets
11 faster, and once you figure out what information has to
12 be in there, it's a lot easier to use.

13 Certainly, it has been a learning curve.
14 There has been a lot of grumpiness because of it. Once
15 we get beyond that, it's actually starting to work
16 pretty well.

17 CHAIRMAN STAFFORD: Any other questions or
18 comments?

19 (No response.)

20 CHAIRMAN STAFFORD: Cecil, on behalf of all
21 the committee, we thank you for calling in at such an
22 early hour. We appreciate the presentation. Gus,

1 thank you for joining us as well.

2 MR. GEORGIADES: We apologize that the person
3 who was supposed to do the presentation couldn't make
4 it. Thank you.

5 CHAIRMAN STAFFORD: Thank you. We really
6 appreciate it.

7 Let's go ahead and take a break. We will
8 reconvene at 10:00.

9 (A brief recess was taken.)

10 CHAIRMAN STAFFORD: Let's reconvene, please.
11 A final reminder. At the end of the meeting, we will
12 have a public comment period. If you would like to
13 make public comment to the committee, please sign the
14 sign in sheet.

15 We have two items left on the agenda this
16 morning. Paul will do SIP IV first and we will talk
17 about post tensioning.

18 Sarah needs to add a few things.

19 MS. SHORTALL: Before we get into the
20 presentation, Paul, I'd like to enter into the record
21 as Exhibit No. 33, Walter Jones' proxy designating Pete
22 Stafford to vote in his place today.

1 As Exhibit 34, OSHA Information PowerPoint
2 presentation.

3 CHAIRMAN STAFFORD: Thank you, Sarah.

4 Paul, update on SIP IV.

5 UPDATE ON SIP IV

6 MR. BOLON: SIP stands for Standards
7 Improvement Project. This would be the fourth such
8 project that OSHA has done. Dayton Eckerson is the
9 staff person that is working on SIP.

10 When I talked to ACCSH about SIP in the last
11 meeting, I thought when I was sitting here today that
12 we would be discussing items in a proposal. What has
13 happened is this being an election year, the review and
14 clearance process has slowed down.

15 What we were going to do was publish a Request
16 for Information in the Federal Register to initiate the
17 project. We prepared that. It was actually that
18 cleared by OMB within the past week to be published.

19 Before, I had anticipated that would be
20 published in the Summer. There would be a 60 day
21 comment period. Then we would be presenting to the
22 Advisory Committee a lengthy table of ideas and ones

1 that we initially thought we would go forward with as a
2 proposal.

3 Since the RFI is only going to be published in
4 the next week or two, we don't have a proposal for you.

5 I guess my news is the RFI will be published
6 very soon. As soon as it is posted by OMB, we will
7 send to the committee that posting and next, we can
8 forward the Federal Register Notice.

9 At that point, the Docket will be open, I
10 believe, for 60 days. The public is invited to offer
11 ideas.

12 Besides the formal process, going on
13 Regulations.gov and offering ideas, you can always
14 contact us, that is Jim or myself, Jim Maddux, or
15 Dayton, and give us your ideas over the phone or e-
16 mail. We keep them all.

17 The Docket is a great way for the public to be
18 informed and participate. It's not the only way we
19 will take ideas.

20 I just wanted to mention a couple of things
21 about the Standards Improvement Project. It is not
22 normal rulemaking. We usually don't address new areas

1 of risk. It's done to fix items, to correct items.

2 Sometimes we can change things and provide
3 more protections. Generally, it would be things that
4 don't create a lot of new costs.

5 It is formal rulemaking. We have a proposal,
6 but we usually don't have public hearings. The items
7 are not that controversial. We don't have a small
8 business panel because we are not imposing costs on
9 small employers.

10 With that, I'll just mention the kinds of
11 criteria that we look for for things we fix in SIP.

12 First, ideas to provide more alternatives than
13 are in the current standards, and therefore, provide
14 alternatives, flexibility for compliance.

15 We take actions on things to eliminate
16 unnecessary paperwork. We will delete provisions that
17 we think have been determined to be unnecessary for
18 employers to do.

19 We will rewrite language to make employer
20 responsibilities clearer. Sometimes there are
21 inconsistencies within our standards, and we will
22 address that and resolve that.

1 If there is new technology or a more effective
2 way to do something, to provide employee protection, we
3 will make that change.

4 I think the item that came up last time that
5 falls under this was in the tunneling standards where
6 tunneling is often done with variances. One of the
7 major things there is decompression tables that OSHA
8 thinks are out of date. There are several more that
9 are better.

10 That is the kind of thing we can pick up
11 through SIP, but it doesn't get into the cost to small
12 business type issues.

13 Sometimes we delete obsolete or antiquated
14 standards, and then we will fix typographical errors,
15 ambiguous language, grammar, and such things like that.

16 That is the criteria and the kind of
17 candidates we look for and we will be looking for again
18 once the Federal Register Notice is published.

19 CHAIRMAN STAFFORD: Thank you, Paul. I want
20 to talk with staff at the end to get some kind of
21 inkling on when the next ACCSH meeting may be, and if
22 we are the cycle we have been, we can anticipate that

1 it probably will be in the May-ish range.

2 How does our next meeting kind of fit in with
3 the time table of getting formal input or action from
4 this committee?

5 MR. BOLON: It fits in pretty well. There is
6 a 60 day comment period. We will look at all the
7 suggestions, candidate ideas that have come in,
8 evaluate them. We will select the ones we want to
9 propose.

10 I haven't talked to Jim Maddux about this, but
11 I would like to present ACCSH with that well before the
12 next meeting, so you will have time to look at it and
13 think about it, and we can have a good discussion.

14 Hopefully, before the meeting, we can
15 distribute it. You will have time to look through the
16 things that were offered and the things we initially at
17 least would like to propose.

18 CHAIRMAN STAFFORD: Okay. I think that would
19 be great and we would appreciate that.

20 Any questions or comments on SIP IV?

21 MR. STRIBLING: Paul, I think a few things may
22 have come your way that the states sent in to Steve.

1 When the comment period opens, does that need to be
2 resubmitted? The fact that it came to you, does that
3 count?

4 MR. BOLON: If you want to just contact me,
5 Dayton keeps the table. We will check and make sure
6 everything is on the table that should be.

7 MR. STRIBLING: Okay.

8 MR. BOLON: You can always resubmit it to
9 Regulations.gov.

10 CHAIRMAN STAFFORD: Scott, do you have a
11 question?

12 MR. SCHNEIDER: For the time table --
13 [Inaudible.]

14 MR. BOLON: If you all are reviewing and
15 assuming coming to some agreement on giving us your
16 advice in a May or June meeting, the approval process
17 is roughly six months once the preamble is written, if
18 OMB takes the full 90 days.

19 I can tell you it will be at least six months
20 before the proposal would actually be published.

21 MR. GILLEN: Paul, the RFI, does it just ask
22 for ideas or which ones you are thinking about and ask

1 for ideas?

2 MR. BOLON: It just asks for ideas.

3 CHAIRMAN STAFFORD: Any other questions or
4 comments?

5 MS. SHORTALL: I think it is important to
6 point out that if you want to go to Regulations.gov to
7 provide your comments on this or anything else Paul was
8 talking about, you need to make sure to also do it in
9 writing. We need to have the material to be able to
10 put into the Docket. Oral conversations, unless their
11 staff has time to reduce them to text, they won't be
12 reflected in the record.

13 MR. BOLON: Yes. We have a number of e-mails.
14 Good point.

15 CHAIRMAN STAFFORD: Thank you. Any other
16 questions or comments?

17 (No response.)

18 CHAIRMAN STAFFORD: Let's switch gears, Paul,
19 and talk about reinforced concrete, post tensioning and
20 the RFI.

21 //

22 //

1 RFI UPDATE - REINFORCED CONCRETE AND POST TENSIONING

2 MR. BOLON: The RFI for reinforcing operations
3 in concrete was published along with the back over in
4 March. We had a 90 day comment period that went to
5 July.

6 This is Blake Skogland. He is the staff
7 person working on the post tensioning and reinforced
8 area. He can describe what we got in terms of comments
9 in the Docket.

10 CHAIRMAN STAFFORD: Thank you, Paul.

11 MR. SKOGLAND: I am Blake Skogland with DOC.
12 I'm working on the reinforcing concrete and post
13 tensioning part of the RFI.

14 As Paul said, the Docket closed on July 27,
15 and since then, DOC has been reviewing the comments and
16 reviewing fatalities and injuries associated with
17 reinforcing concrete and post tensioning, and also
18 reviewing our current standards.

19 OSHA received about 13 unique comments from a
20 number of constituencies, including home builders,
21 large construction companies, insurance services,
22 concrete providers, equipment manufacturers, iron

1 workers, foundation drillers, post tensioning systems
2 manufacturers, safety professionals, trade unions, and
3 ship builders.

4 One comment from the industry coalition of
5 reinforcing stakeholders, very comprehensive, and there
6 were about 80 comments that either were nearly
7 identical or submitted in support of their comments.

8 CHAIRMAN STAFFORD: I'm sorry, Blake. What
9 was the last group?

10 MR. SKOGLAND: Industry coalition of
11 reinforcing stakeholders submitted a comprehensive
12 comment and then there were either identical comments
13 or comments in support of that comment submitted.

14 About four comments really got into the
15 questions that we asked. Most of the comments were
16 pretty short, talking about something very specific or
17 just a general I'm for this or for this or against it.

18 About four comments really got into the
19 lengthy questions that we had.

20 The coalition's comments reflected what was
21 submitted to the committee in the impact report maybe
22 two meetings ago or three.

1 MR. BOLON: I think it was the last meeting.

2 CHAIRMAN STAFFORD: Two meetings ago.

3 MR. SKOGLAND: In general, that comment was
4 probably the strongest advocate for rulemaking and the
5 comments in support of it. Many of the concepts in
6 that proposal are similar to some of the newer
7 certifications, third party evaluators, and written
8 verification rules that we have seen in some more
9 recent rules from OSHA that were negotiated.

10 The other comments focused on more particular
11 topics, such as making and setting rebar, post tension,
12 training, fall protection, rebar caps, safety products
13 and site conditions.

14 None of the comments started out saying we are
15 for this or against it, but you can glean if they are
16 or not. A lot of them were neutral. I would say the
17 overall agreement of the comments was enforcement of
18 the current rules is a must and increased training and
19 inspecting is probably the most beneficial that we can
20 promote in a possible new rule.

21 In addition to that, I just wanted to note
22 that ANSI A10.9 is currently under revision, which is

1 concrete and masonry safety requirements. I believe
2 the committee is nearing completion on that. They may
3 be having a final vote this month.

4 We are looking forward to what they have in
5 that. Some of the proposals we have seen are very
6 similar to the proposal from the coalition and other
7 stakeholders.

8 Other than that, we have been reviewing
9 fatality reports, trying to determine causes, how
10 particular standards we have now relate to those, and
11 we are still under that review process.

12 I don't know if Paul wants to add a few
13 things.

14 MR. BOLON: No. Just to say I don't think we
15 got any new information about injuries, accidents,
16 fatalities in the comments in the Docket. We are still
17 looking very closely at the accident reports that we
18 have.

19 The Agency hasn't made a determination about
20 what the next regulatory step is.

21 We did see a draft of the ANSI report eight or
22 nine months ago, I think. Since it has gone into

1 voting mode, we haven't seen what is in the final. I
2 believe the final is supposed to be maybe cleared out
3 of ANSI within a matter of weeks.

4 Our next step is to see what ANSI is going to
5 propose and then the Agency will have to review
6 everything and make a decision about going forward.

7 CHAIRMAN STAFFORD: What do you know in terms
8 of the data, fatalities and injuries around this?

9 MR. SKOGLAND: In the comments, we did a lot
10 of descriptions of the types of injuries that occur on
11 post tensioning and reinforcing concrete, but we didn't
12 get any new specific data about particular accidents.

13 As far as the information we have, we have
14 information going back many years, but we focused on
15 the last four years, from 2007 to 2010. We had 25
16 accident reports that mentioned reinforcing steel with
17 at least one fatality, and reinforcing steel was
18 directly involved in about 14 of those accidents
19 resulting in 17 fatalities.

20 That is what we had over a four year period.

21 MR. BOLON: We have to look at these, we have
22 to look at exactly what their cause was. It might be a

1 fatality where somebody fell 50 feet and hit rebar.
2 When you look at that kind of risk, you ask yourself
3 was it really rebar, was that a direct cause, or was it
4 really fall and fall protection.

5 We have to see what kind of risks, what kind
6 of accidents could be addressed by a new standard.

7 CHAIRMAN STAFFORD: Any other questions or
8 comments?

9 (No response.)

10 CHAIRMAN STAFFORD: OSHA has no plans to go
11 out and have stakeholder meetings on this topic?

12 MR. BOLON: No, not yet. We are going to be
13 briefing the senior OSHA managers and actually we need
14 to look at what ANSI does first also.

15 CHAIRMAN STAFFORD: Thank you. Any other
16 questions or comments?

17 (No response.)

18 CHAIRMAN STAFFORD: Thank you, Paul and Blake,
19 very much.

20 MS. SHORTALL: Mr. Chairman, at this time, I'd
21 like to enter into the record Guidance to Compliance
22 Officers for Focused Inspections in the Construction

1 Industry, Memorandum for Regional Administrators, dated
2 August 22, 1994.

3 CHAIRMAN STAFFORD: That is something that was
4 handed out at the break. This is a follow up on our
5 conversation from yesterday.

6 We have moved to the point in time where the
7 formal agenda items have been completed. Is there
8 anyone that is signed up for public comment? We have
9 two signed up for public comment.

10 Nigel, please come to the table and introduce
11 yourself.

12 MR. BONNEAU: When it comes to public
13 comments, is the phone still open?

14 CHAIRMAN STAFFORD: I think Steve is still on.
15 Right, Steve?

16 MR. HAWKINS: Yes.

17 CHAIRMAN STAFFORD: Nigel, go ahead, please.

18 PUBLIC COMMENTS

19 MR. ELLIS: Thank you, Mr. Chairman. My name
20 is Nigel Ellis. I've been in the safety business since
21 1970 and in the fall protection business since that
22 time also.

1 I'm a regular reader of the BNA, and almost on
2 a weekly basis we have words from OSHA Construction
3 with words from the NRCA.

4 I realize there is a problem with re-roofing
5 issues, re-roofing as a construction activity, and
6 perhaps the need for guidelines.

7 Four years ago, I re-roofed my own house. Not
8 me personally because I have the largest roofer in the
9 Delaware Valley area. There were 38 squares to get
10 done. I decided to videotape and take photographs of
11 the entire activity.

12 Thirty-eight squares. There were two previous
13 roofs. The entire sheathing was removed and replaced.

14 I was essentially the safety director on my own house,
15 with regard to roofing activities.

16 I can honestly say this roof was re-roofed
17 with 100 percent fall protection, maybe the only home
18 in the hemisphere with such a claim.

19 I actually published a video, a movie of this.

20 I did present the entire package of 1,500 photographs
21 I took and video's, 500 professional photographs, many
22 taken from a aerial lift in my driveway.

1 The work consisted of the tear off initially
2 and the chimney work, siding, and also taking care of
3 four skylights.

4 The method I chose was a form of slide guards,
5 which I believe were safe with a couple of rules and
6 some instruction to the two foreman persons and the
7 Spanish speaking work crew.

8 What I would like to offer, since we have an
9 impasse right now it seems with NRCA members stopping
10 using slide guards as they were presented by OSHA,
11 perhaps restore them to a safer use of these devices
12 with specification and with some rules.

13 I am proposing this might be an interesting
14 presentation to present to you guys at your next
15 meeting for whatever length of time I am granted, and
16 to work up some proposal and some guidelines which
17 might be useful for OSHA to work with the re-roofing
18 industry, perhaps establish re-roofing as a type of
19 work which is different from new construction of roofs
20 and residential construction.

21 That is really my presentation. I am offering
22 to present that. I have thousands of pictures to

1 choose from, video's.

2 I would be bringing to the ACCSH Committee a
3 level of technical competence, having worked in the
4 fall protection field for 40 years.

5 hope it would be relevant, and make sure that
6 all the views of the different members of the committee
7 are taken into account, and hopefully begin to move the
8 process ahead so the ACCSH community can be effective
9 in having a proposed resolution between the NRCA and
10 its members and OSHA's commitments to safety.

11 CHAIRMAN STAFFORD: I appreciate that, Nigel.
12 Any questions or comments? Chuck, please.

13 MR. STRIBLING: Thank you. We do have a
14 standard that addresses residential construction fall
15 protection, and we do allow slide guards with specific
16 parameters.

17 Can you just share a little bit about the
18 specs on the slide guards you use? Just a quick
19 overview.

20 MR. ELLIS: As I recall, without looking at
21 notes, these were two by six, right angles to the roof.
22 I need to look into OSHA's records of how they came up

1 with the system to begin with. The rule is critical,
2 otherwise, this system is useless.

3 MR. HERING: I totally agree with you. You
4 are probably the only person who had this.

5 I just want to point out, and you all know
6 what we went through in New Jersey, I think just down
7 in my area, every third house had part of its roof
8 ripped off. We saw gusts of up to 130 mph.

9 I have only seen one contractor in four weeks
10 that had fall protection. I'm telling you there were
11 contractors all over. Only about several days after we
12 had the hurricane, we had a snow storm.

13 I just said to my wife you have to put
14 blinders on me, I can't keep watching this. It was
15 unbelievable. This was a different venue because now
16 you had literally thousands of houses with damage to
17 the roofs, just the area I am in, which was about 18
18 miles north of where the eye came in.

19 It was just unbelievable to see. I don't know
20 if there were any fatalities or who fell off a roof.
21 There were an awful lot of people up on roofs,
22 including home owners. Some of these houses today are

1 pretty tall.

2 MR. ELLIS: I recognize it is going to take
3 weeks and months to get done, with tremendous damage.
4 There needs to be a menu of fall protection, and I'd
5 like to work with the AGC to come up with what is the
6 best way to present these things.

7 MR. PRATT: Nigel, I'm Don Pratt. I represent
8 employers. I would urge you to share this information
9 with the National Association of Home Builders. We are
10 attempting to work with NRCA to see if there is some
11 ground of commonality between re-roofing and new
12 construction.

13 I would urge you to share that with them. If
14 you can get out to Las Vegas, we are going to have a
15 committee meeting at our International Builders Show in
16 January. There may be time to be able to do some
17 presentation at that committee meeting.

18 I urge you to contact them and see if there is
19 some kind of ground.

20 MR. NIGEL: Thank you.

21 MR. STRIBLING: What was the pitch on the
22 roof?

1 MR. ELLIS: 7.5 and 12, except near the
2 access. I have a product called the Ladder Station,
3 which relieves pressure off gutters for one access
4 only, which was 12 feet. CHAIRMAN STAFFORD: Any
5 more questions or comments? Matt?

6 MR. GILLEN: I would just like to thank you
7 for sharing that information. It just goes to show we
8 can achieve a high level of safety with an active,
9 involved owner.

10 MR. ELLIS: Thank you.

11 CHAIRMAN STAFFORD: Nigel, thank you very
12 much. Obviously, I can't speak to whether or not you
13 will be on the committee at our next meeting as a
14 public representative, but certainly in talking to the
15 staff, we will consider your request for a
16 presentation.

17 MR. ELLIS: That would also have in mind the
18 idea that there would be a fall protection proposal in
19 the future, and we could perhaps make use of my
20 services.

21 CHAIRMAN STAFFORD: All right. We appreciate
22 that. Thank you very much.

1 Bill Mott with Home Construction Group had
2 signed up but Bill had to run to the airport. That was
3 the last of the public comment unless any of you have
4 changed your mind.

5 Steve, do you have any comments or questions
6 you would like to make before we move on?

7 MR. HAWKINS: No. Thank you for allowing me
8 to participate on the phone.

9 CHAIRMAN STAFFORD: We appreciate you joining
10 us, Steve. It is time to wrap up. I don't see Jim in
11 the room. If someone on the staff could give us a
12 general idea of what the thinking is in terms of next
13 ACCSH meetings or if it is too early to do that. I am
14 just looking for some direction from DOC on what we are
15 talking about here.

16 MR. BARE: I think from our perspective, we
17 are looking at there being another one or possibly two
18 more meetings this year, probably one for sure.

19 CHAIRMAN STAFFORD: Calendar 2012.

20 MR. BARE: Right. I'm thinking fiscal year.
21 In 2013, there will be one or two meetings. The next
22 meeting would be like April/May/June time frame of

1 2013.

2 If you guys have comments or recommendations
3 for the meetings, start thinking about those. I think,
4 Damon, we will start planning that and looking at it in
5 general. Damon will be in contact with you after
6 consulting with Jim, see how things shape up for this
7 new year.

8 We have a number of things going on in DOC,
9 the rulemaking, RFIs, and so forth, that we are looking
10 at, developing directives. We have other work.

11 CHAIRMAN STAFFORD: Okay. Thanks. That is a
12 pretty broad time frame. Damon, I'm assuming at some
13 point, once you talk to Jim and the rest of the staff,
14 the committee will be getting a list of options that we
15 can consider for the next meeting.

16 MR. BONNEAU: Absolutely.

17 CHAIRMAN STAFFORD: From the committee, if you
18 have any closing comments.

19 CLOSING COMMENTS

20 MS. DAVIS: Our assignments are comments on
21 the women's web page in 30 days and on the checklist
22 and companion guidance in 60 days.

1 CHAIRMAN STAFFORD: Right. I'll follow up
2 with the Agency with respect to our outreach and
3 training work group about the OSHA OTI outreach program
4 and next steps on that.

5 MS. BARBER: Also the web page and fact sheet
6 for women in construction.

7 CHAIRMAN STAFFORD: Are due in 30 days.

8 MS. BARBER: I think we need to set a specific
9 date to get the comments back from everybody, the ACCSH
10 members. I don't have that date today. Is e-mail
11 okay?

12 CHAIRMAN STAFFORD: Yes, that would be the
13 preferred way. I think in our recommendation, Kristi,
14 I'll have to go back and look at the motion we
15 approved, I think we said it would be due within 30
16 days to the co-chairs and then fed to me. We ought to
17 stick with that.

18 MR. PRATT: Being new on the committee, I
19 would just like to thank all of you for making me feel
20 welcome. I was impressed with the process that took
21 place. I am impressed with you, Mr. Chairman, and
22 appreciate your effort and energy you put forth on this

1 endeavor.

2 I look forward to many more ACCSH meetings.

3 CHAIRMAN STAFFORD: I appreciate that. From
4 my perspective as the chair of the committee, I think
5 we had an excellent meeting this time. We are
6 certainly making a lot of progress on a lot of fronts.

7 I would like to thank all the ACCSH members,
8 our new members in particular, and of course, all the
9 OSHA staff for your good work. It is really
10 encouraging to see us press forward on some of these
11 issues.

12 MR. HERING: I just want to add to that. I
13 have been here for a year and a half now. I've been
14 involved in a lot of things with safety in my adult
15 life.

16 What I learned coming here is the passion for
17 safety that you see with this agency and this division.

18 From Damon and everybody on down, Jim, staff, Ben,
19 everybody else, the passion for safety is here. You
20 can see how they are working on it.

21 I just want to thank you guys, from our State
22 of New Jersey and all we do in safety and health, and

1 past president of ASSE, all the things I've been
2 involved in, you guys are really the best. I just want
3 to put that on the public record. Bill Hering,
4 employer rep.

5 CHAIRMAN STAFFORD: Thank you, Bill.

6 MR. CANNON: I have a question for Ben
7 following up with the type and capacity issue and
8 hopefully coming to some type of resolution.

9 Is that an issue that this committee can play
10 a role in?

11 MR. BARE: Yes. We can certainly consider
12 that and follow up with that. Hopefully, there will be
13 a resolution before then. If not, we will certainly
14 put that on the agenda for you guys to discuss and
15 consider and give us recommendations at that time, or
16 if on an individual basis, if you want to communicate
17 with us or through Pete, some work or some
18 recommendations, we would certainly be interested in
19 hearing what those solutions might be.

20 CHAIRMAN STAFFORD: Thank you. This is with
21 respect to the issue on certification, different
22 capacities and types of cranes?

1 MR. HAWKINS: Yes. [Inaudible.]

2 CHAIRMAN STAFFORD: I would be glad to do that
3 for you, Steve. Any other questions or comments?

4 MR. HAWKINS: Thank you. [Inaudible.]

5 CHAIRMAN STAFFORD: Thank you, Steve. You,
6 too, happy holidays to you as well. Sarah?

7 MS. SHORTALL: I'd like to get a couple of
8 things resolved on the work the work groups are going
9 to do and giving those to ACCSH.

10 Yesterday, we were discussing Women in
11 Construction. Letitia, in this motion, saying on
12 behalf of ACCSH, because ACCSH is the body that OSHA
13 responds to, saying that ACCSH recommends that OSHA
14 incorporate the comments that are going to come in from
15 the work group.

16 If there are any other things you are planning
17 to give to OSHA and want them to work on prior to our
18 next meeting, you may want to make a similar motion at
19 this time.

20 MR. BETHANCOURT: I'll make a motion based on
21 Sarah's recommendation, any other comments we would
22 like to work on in the next meeting, that we get that

1 information out.

2 MS. SHORTALL: No. You wanted to have a call,
3 was it on OTI?

4 MR. CANNON: The GAPS analysis.

5 MS. SHORTALL: Are you planning on having the
6 GAPS analysis go to OSHA before your next meeting?

7 MR. CANNON: Yes.

8 MS. SHORTALL: I would suggest you make a
9 motion to the effect that ACCSH recommends OSHA -- do
10 you want them to incorporate it or do you want them to
11 study it?

12 CHAIRMAN STAFFORD: Hold on. I'm confused.
13 What are we talking about here? A motion on what? GAPS
14 analysis on what?

15 MR. CANNON: The plan is to do some work in
16 between so we would have at least a list that we could
17 reference during the next meeting, areas we have
18 identified as having gaps.

19 CHAIRMAN STAFFORD: What are we talking about?

20 MR. CANNON: Compliance assistance materials.

21 MS. SHORTALL: If you are planning to simply
22 do that study and then present it at the next ACCSH

1 meeting, that's fine. If you want something to go to
2 OSHA before the next meeting, you should probably do
3 that.

4 What about on I2P2? Is there anything that
5 was going to --

6 MS. DAVIS: I think we are going to compile
7 information and present it at the next meeting.

8 MS. SHORTALL: Is there anything else any of
9 the work groups wanted to have ACCSH give to OSHA
10 before your next meeting, other than the Women in
11 Construction?

12 CHAIRMAN STAFFORD: No, I don't think so.

13 MS. SHORTALL: A couple of other things. One,
14 I have a card here for people to sign if they want to
15 send their best wishes and condolences to Mike
16 Thibodeaux. I'll leave that here.

17 CHAIRMAN STAFFORD: Thank you very much,
18 Sarah.

19 MR. BETHANCOURT: I just want to clarify that
20 on the information for the Women in Construction work
21 group, we are still waiting for OSHA to give us copies
22 of the Board documents or whatever that was.

1 Is there a time line that we say we need them
2 to get us this information so we can get it done within
3 that 30 days?

4 CHAIRMAN STAFFORD: Danezza or Dean?

5 MR. McKENZIE: Dean McKenzie with DOC. We
6 will get the PDF of the web page e-mailed out to the
7 members.

8 CHAIRMAN STAFFORD: Thank you. Jeremy, are
9 you finished?

10 MR. BETHANCOURT: That was all we needed;
11 right?

12 CHAIRMAN STAFFORD: Yes. Thank you.

13 MR. STRIBLING: I was just going to ask, Mr.
14 Chair, if you could send out a memo on when they are
15 due just so I can keep it straight.

16 CHAIRMAN STAFFORD: I'd be happy to, on both
17 of these issues. I'll make a note of that.

18 MR. BARE: For clarification, when I looked at
19 the handout's we had on the proposed website, weren't
20 all the tabbed information included in the document?

21 MR. McKENZIE: Yes.

22 MR. BARE: The headings on each page, they

1 represent the tabs that were on the front page.

2 MR. MCKENZIE: That is correct. There are
3 four buttons across the top of the page that have
4 nothing. That material has not been generated or
5 created yet.

6 You have been given everything. We can e-mail
7 it out again, the draft material that we presented at
8 the work group.

9 PARTICIPANT: Danezza, the work group had
10 asked about material on the resources page,
11 specifically about reproductive hazards and other ones.
12 Has that been written up yet? You said material was
13 there.

14 MS. QUINTERO: [Inaudible.]

15 PARTICIPANT: The work group wanted to see
16 what was in that link.

17 MS. QUINTERO: [Inaudible.]

18 CHAIRMAN STAFFORD: Jeremy?

19 MR. BETHANCOURT: I do have another thought.
20 This is sort of directed to you, and I don't know if
21 it's prudent. Would it be prudent for us to be able to
22 see the information that Matt was going to get back to

1 us on on the reproductive part?

2 Perhaps we can make better comments in that 30
3 day period, perhaps on what Matt has available.

4 CHAIRMAN STAFFORD: Send it to the work group
5 chairs and the chairs will sent it out to the rest of
6 the work group.

7 MS. SHORTALL: Might be easier for you, Matt.

8 CHAIRMAN STAFFORD: It's not about making it
9 easy for Matt.

10 (Laughter.)

11 MS. BARBER: What is going to be behind the
12 tabs and who is going to determine that?

13 MR. MCKENZIE: We will. It will be OSHA's
14 product. We have to get approval from other
15 directorates and the rest of the regional offices for
16 all the material we put on there.

17 CHAIRMAN STAFFORD: If we give comments back
18 saying we think you should link to this site or we
19 think this training program should be on a tab, do
20 those still have to go through the process of vetting
21 all the materials that are submitted to be linked or
22 added?

1 MR. McKENZIE: Yes.

2 CHAIRMAN STAFFORD: Once we give things to
3 you, when could we expect it to go live?

4 MR. McKENZIE: Our hope is in the reasonably
5 near future to get the page live. It may not have all
6 the content it will end up with. We add material to
7 all our web pages on a regular basis.

8 CHAIRMAN STAFFORD: Any other questions or
9 comments? Tish?

10 MS. DAVIS: In the spirit of keeping the issue
11 of targeting on the agenda, the possibility of bringing
12 David Weil in who has done this study, I just want to
13 put that forward as a recommendation.

14 CHAIRMAN STAFFORD: Actually, Scott and I
15 talked about that earlier at the break.

16 Any other questions or comments?

17 (No response.)

18 CHAIRMAN STAFFORD: Again, I want to thank
19 everyone for your hard work and OSHA staff. Meeting
20 adjourned.

21 (Whereupon, at 10:50 a.m., the meeting was
22 concluded.) * * * * *

E X H I B I T S

Exhibit No. 33 - Walter Jones' proxy designating Pete Stafford to vote in his place at today's meeting

Exhibit No. 34 - OSHA Information PowerPoint presentation

Exhibit No. 35 - Guidance to Compliance Officers for Focused Inspections in the Construction Industry, Memorandum for Regional Administrators, dated August 22, 1994