

Executive Summary
The Maritime Advisory Committee for Occupational Safety and Health
The Elihu Harris, State Office Building, 1515 Clay Street, Oakland, CA 94612

Wednesday, August 1, 2007

Roll Call for the committee was taken. In attendance was: Mr. James R. Thornton, Mr. Marc MacDonald, Mr. Donald V. Raffo, Captain Teresa Preston, Mr. Stewart Adams, Mr. Stephen D. Hudock, Mr. Charles R. Lemon, Mr. Kenneth A. Smith, Mr. Michael J. Flynn, Mr. David J. Tubman, Jr., and Mr. John Castanho.

The Committee was asked to review the executive summary from the February meeting in Baltimore. Captain Preston stated the statement in paragraph 2 should be changed to read "The SCA asked Mr. Maddux if they could look at promoting fatality videos along the lines of Volumes 1 and 2 that OSHA is translating into Spanish."

Opening Remarks
Donald Shalhoub, Deputy Assistant Secretary

Mr. Shalhoub thanked the committee for their hard work and dedication and talked about some of the MACOSH recommendations OSHA has accepted. The radio communications fact sheet was designed to help crane operators and employees on ships and the ground direct container lifting operations. OSHA recently published a guidance document for Traffic Safety in marine terminals, which is designed to help employees of marine terminal operators and stevedoring firms avoid traffic collisions and prevent work-related injuries. The Agency is waiting approval to publish the Shipyard Ergonomics Guidelines that were recommended by MACOSH. As with other guidelines, the Agency will publish them for comment in the Federal Register. Upon approval, and once the guidelines are published, OSHA would welcome the committee's comments.

Remarks
Dorothy Dougherty, Director, Directorate of Standards and Guidance

The last MACOSH meeting resulted in nine recommendations. Ms. Dougherty reported that OSHA has acted on one of these recommendations, is working on two others, and is considering the remaining six recommendations. The Committee was updated on several OSHA activities. OSHA published two guidance products affecting marine terminal and longshoring activities: radio for communication container gantry crane operators in marine terminals guidance product, and traffic safety in marine terminals. MACOSH was instrumental in developing these guidance documents and OSHA staff worked very hard in turning those recommendations into the final documents that appear on the maritime page on the OSHA web site.

The Agency is aware that potential radiation exposure from cargo screening machines continues to be an issue that MACOSH is working on, and OSHA is continuing radiation work with the Department of Homeland Security. Early discussions are being held between the department of Homeland security, OSHA, NIOSH, and the NRC to develop an MOU covering ionizing radiation safety. The intention is that the MOU will address all DHS activities involving ionizing radiation. DHS has submitted to Congress the health and safety report on non-intrusive container screening technology, as required under the Safe Port Act. OSHA has been working

on a potential revision of its ionizing radiation standards. OSHA held three stakeholder meetings targeted to specific industry groups, including security operations, the healing arts or the medical, dental, chiropractic, and veterinary groups, accelerated operators or non-medical. OSHA is considering the next steps based on the information collected at the stakeholder meetings.

OSHA recently published the general industry Part 1910 Subpart S standards. These electrical requirements apply to marine terminals, to landside operations at shipyards, and to specific electrical applications on board vessels.

In December 2006 OSHA published an ANPR for the third phase of the Standards Improvement Project, or SIPS III. SIPS III is intended to improve and streamline OSHA standards by removing or revising individual requirements within rules that are confusing, outdated, duplicative, or inconsistent. The comment period for this ANPR has closed and the Agency is developing the proposal, which should include a number of proposed provisions affecting shipyards, marine terminals, and longshoring.

Last September, OSHA published an ANPR on OSHA's hazard communications standard and the globally harmonized system of classification and labeling of chemicals known as the GHS. The Agency is currently analyzing the comments received in response to the ANPR. There will be continued contact with affected agencies and the international community and the public will be invited to comment when the proposal is published.

OSHA is also working on a final standard for personal protective equipment payment, that will affect the maritime, construction, and general industry standards. The final standard is expected to be published in November. The Directorate of Cooperative and State Programs is in the process of renewing alliances with the American Shipbuilding Association, ASA, and the National Shipbuilding Research Program, NSRP.

OSHA would like MACOSH to comment on the Shipyard Ergonomics Guidelines before they are finalized. The Agency has reserved a special role for MACOSH to review the guidelines for shipyards after the public has commented.

Health workgroup report

Stephen Hudock

MACOSH decided that beryllium is not an issue within the maritime industry, and it was taken off the health workgroups list of action items. MACOSH also decided to take automatic external defibrillators (AEDs) off of the list, since OSHA has issued language for general usage of AEDs in the workplace. The work group is encouraging OSHA to continue to work on the MACOSH recommendation to cross-link the information that's available on the OSHA web site for shipyards to the longshoring web page.

Radiation exposure

The workgroup will continue to gather exposure information. The workgroup would like OSHA to update them on interactions with the other Agencies the Safe Port Act. The workgroup is asking OSHA to develop a fact sheet on general sources of radiation at various exposure levels. The workgroup developed a draft document on radiation exposure and presented to MACOSH for review.

Welding Fumes

The committee recommended that OSHA use the same information on the shipyard page for the longshoring web page, because the information available for shipyards is adequate for dissemination for longshoring. This recommendation was made at the previous MACOSH meeting and the workgroup decided to table the issue.

Chairman Thornton asked the workgroup chairs to list a summary of accomplishments in reference to the task cards, and give them to OSHA staff (Vanessa) to distribute.

Pandemic Flu

Mr. Huddock reported that, Jim Maddux gave a document to the health workgroup to review. The workgroup agreed that the comments were not specific enough to the maritime industry to warrant a separate document for the maritime industry, and recommended that MACOSH no longer continue work on the pandemic flu document.

Diesel Exhaust

The workgroup would like to follow the studies that have been conducted by NIOSH and other researchers. They will continue gathering information, on diesel exhaust, and then they will decide whether they should recommend OSHA develop a standard or guidance document on diesel exhaust.

Hearing Loss

Mr. Huddock informed the committee that Dr. Stephensen is conducting a four year hearing loss project with the Puget Sound Naval Shipyard. The Naval personnel are in the last phase of collecting data. They are looking to validate the materials and equipment and look at the difference between live person-presented training versus video-based training, generic training or specific training for each type of hearing protection that would be used in a shipyard, and they will look at the differences between NIOSH-developed versus a manufacturer developed training program. The workgroup will continue to provide updates to the committee as they receive information.

Steve Hudock explained how MACOSH and NIOSH could develop a partnership with the National Occupational Research Agenda (NORA) if they were interested in doing research in the maritime industry.

Mr. Hudock recommended MACOSH accept the workgroup report into the record. The committee voted unanimously in favor of the recommendation...

Longshoring workgroup report
Marc MacDonald

IMO Cargo-Securing

The cargo securing document will be considered at IMO at the Dangerous Goods, Solid Cargoes and Containers Committee (DSC-12) in September. The committee will be working on the final edits to the new annex. The Coast Guard will be holding a delegation meeting at Coast Guard Headquarters in Washington on September 6. This meeting will provide an opportunity for the public to make comments to the delegation prior to their departure to London for DSC-12 in September. The workgroup recommended that MACOSH recommend that OSHA review the document and attend the Coast Guard delegation meeting on September 6th and offer input. If DSC-12 completes their work on the annex, they will recommend consideration by the full Marine Safety Committee which will meet in the summer of 2008. If they approve it, then the ratification process will start.

Traffic Safety Guidance document

The committee reviewed the document recently published on the OSHA web site and there are some concerns with inaccuracies that specifically include: on page 6, there's a reference to backing a container without turning; on page 8, there's disagreement on yard tractor and PIT designation; on page 9, there's a reference to placing personal items on a piece of heavy equipment because of the risk of the items falling off. The workgroup recommended to MACOSH that OSHA prepare a side-by-side comparison with the previous MACOSH version and the final document for the workgroup to review for clarification of some of the issues and correct any inaccuracies found. Mr. Castanho asked OSHA how MACOSH would go about making changes, and will those changes actually appear on the web site since the document has already been posted on the web site. Mr. Wallis informed the committee that the changes could be made, however most of the reasons for the discrepancies between what the committee sees and what MACOSH recommended is probably due to OSHA's clearance process which Mr. explained. He told MACOSH that in order to correct the document; the corrections would have to go through the same clearance process. Mr. Wallis advised MACOSH that when making their recommendations they should explain the errors, and why MACOSH believes they should be fixed. So, if there's a conditional concurrence with the same comment or non-concur with the same comment, there's the MACOSH explanation to fall back on.

RO-RO guidance document

Mr. MacDonald explained the different types of RO-RO vessels. The workgroup had major issues with the draft guidance document, one of which was the training of operators that drive equipment onto the RO-RO vessel. The tractors and trailers that are driven on RO-ROs fall under the powered industrial truck training requirements in 29 CFR 1910.178(l). There's also equipment driven on that is considered the cargo and is not a powered industrial truck. There are two standards for training. One is the powered industrial truck standard; the other is the general operator standard in 29 CFR 1918.98. As currently written, the document only highlights the

powered industrial truck standard, and the workgroup believes it is necessary to discriminate between the different cargoes and the different authorities for the operator qualifications. Second, cargo handled on RO-ROs varies, so some of the guidance that would be given for one cargo may not apply to all the cargoes. Another issue was ramp capacities and traffic flow. The workgroup needs clarification on the intent of some of the issues in the document and will continue to work on the document so they can provide a recommendation to MACOSH at the next meeting.

Flatrack accident report

A group of flatracks separated some 40 feet in the air over a chassis and tractor that was on the highline next to the ship. They separated, hit the chassis, narrowly missing the semi-tractor, and shook and injured the driver. The concerns are with the strength of the connectors holding the flatracks together; the inspection process or program for inspecting these types of flatracks and the connectors that are installed; and the certification of the corners used for lifting. There was a recommendation that flatracks only be lifted from the bottom corners with wires, or emergency gear (E-Gear). The workgroup recommended that OSHA continue developing a task statement and work on the issue in two parts: 1) the handling procedures; and 2) to look at the standards that flatracks are constructed to, and make any further recommendations to OSHA that the workgroup may have. Mr. MacDonald informed the committee that the workgroup did not work on break bulk cargo, or the Federal Motor Carriers Safety Administration's regulations on chassis, but it is still on the groups' action items. The workgroup leader recommended that the oral report be accepted into the record. The committee voted unanimously in favor of the recommendations. The photographs of the flatrack accident were marked for identification and entered into the record as Exhibit 1-1 through Exhibit 1-9.

Outreach and Safety Culture Workgroup Captain Teresa Preston

Standards pocket guides

At the last meeting the workgroup recommended that OSHA revise and re-publish the pocket guides for longshoring and shipyards. They recommended that the shipyard pocket guides be published first since it has the most changes.

Leading indicators

The workgroup was given a research document that indicated that there were a lot of lead indicators, but none of them are particularly effective at determining trends. There's been no documented evidence that can tie a leading indicator and action taken thereon to reduction in illness and injury. Research on near-miss programs indicates that near-miss or a near-miss/accident ratio can be directly correlated with a reduction in accidents and injuries. Therefore, the workgroup redefined the leading indicator task to focus on near misses. By the next meeting the workgroup is going to come up with a clear definition of what constitutes a near miss versus an accident. At the last MACOSH meeting, lead indicators were discussed and a task card on them was developed. Once there is a consensus on the definition of a near miss, the group will recommend that OSHA provide help with a guidance document, or an outreach

product that would show how to implement a near miss program and the benefits from a program.

Root cause analysis

The workgroup worked on root cause analysis in conjunction with the Shipbuilders Council of America. The workgroup has decided to table the task for the time being, because the workgroup could not reach consensus of what constitutes a causes, or a root causes.

Non-English-speaking worker issues

The workgroup has refined their task card to give OSHA some guidance on what outreach products will be recommended to be translated into Latin- Spanish with a prioritization to the maritime industry. The workgroup is going to first focus on those workers who don't necessarily require literacy because there is some question as to when products are translated, and what the literacy level is of some of the workers. The SCA first draft of the translation of the two OSHA fatality videos was sent to OSHA. OSHA passed it through to their Spanish translation group; they commented and are now working with the company that did the translation to resolve some issues. The workgroup asked OSHA for assistance to get the final product distributed.

Substance abuse

Despite much discussion the workgroup has been unable to reach consensus on a task, guidance document on standard testing protocols. The workgroup has not decided to table the task, but instead they agreed to do a little more research. The workgroup leader is going to distribute the information, and the workgroup will decide their direction during the next conference call.

Substance abuse is obviously illegal and it is a workplace safety issue. There are some employment areas in the transportation chain that do not follow the DOT guidelines. There are probably some shipyards as well that do not follow the DOT guidelines. The Longshore management felt it would help, if there was guidance from OSHA endorsing the DOT guidelines. On the other hand the longshore employee representatives feel this is unnecessary; this is being taken care of by collective bargaining and there is no need to change.

The workgroup is going to look into what DOT and FAA require and how these requirements compare to what is being done through the collective bargaining process. If there's still no consensus the workgroup will table the discussion.

OSHA 10-hour and 30-hour maritime alliance outreach course

The 10-hour course is still in development. A train the trainer course is being developed in conjunction with the Mobile Area Office with the support of Region 4, and the alliance with the Mobile Maritime Safety Group and the Alabama Physical Therapists Association. It will cover OSHA Parts 1915, 1917, and 1918. The targeted audience will be maritime employers.

SHIPs product for ship-fitters

The shipyard workgroup recommended the outreach workgroup pare down and identify the amount of ergonomic information in the SHIPs document, because the ergonomics that's discussed in the document apply to all work activities in the shipyard, not just to ship-fitters. The workgroup is going to review the document and remove all ergo references and re-write the SHIPs document with references to the NSRP ergo document. The purpose was to have a document available on the web and in print distribution that small employers could use. The workgroup will come to the next meeting prepared to make a recommendation to MACOSH to accept the final draft. The workgroup will not be able to do the following items during this charter: training for new technology, VPP related to acquisitions, and updating the OTI shipyard and longshoring courses.

The workgroup leader recommended that MACOSH recommend that OSHA invite the Mobile Area director to the next meeting to give a presentation on the alliance project. They also recommended that the entire workgroup's report is entered into the record.

Subpart S David Wallis

On February 14, 2007 OSHA issued a revision of its general industry electrical installation requirements. The provisions contained in Subpart S of Part 1910 also apply in marine terminals; they also apply, in part, to shipyards. The area that OSHA received the most questions on, doesn't affect marine terminals very much but it certainly does affect shipyards is the requirement for GFCI's. Mr. Wallis gave a short presentation on GFCI's.

The standard requires the employer to have GFCI's any time there is temporary wiring on construction-like activities. Construction-like activities can include significant building maintenance or renovation activities, a rehabilitation of a general industry facility. The preamble specifically mentions shipbuilding and ship repair as one of the activities OSHA considers to be construction-like activity.

The standard does not apply to the ship's wiring. Therefore GFCI's would not be required on any wiring that is part of the ship's wiring or it is plugged into the ships wiring. The effective date for the rule is August the 13th.

Cranes and Falls Workgroup report Stew Adams

Working on or under suspended loads from cranes

Mr. Adams showed the committee a video to help understand the issue. It's much more than working on or under suspended loads or not just passing a load over your head or riding the crane hook as you're going up and doing something. The workgroup is tasked with finding the right approach for this issue. The Shipyard Tool Bag quotes an OSHA standard that states not to work under suspended loads. The workgroup believes that instead of enforcing a standard that most violate, it may be more appropriate to develop a rule that states how you mitigate the risk of working under suspended loads.

The work group is going to develop a draft document by the next meeting. Mr. Wallis informed the committee that if the committee would like OSHA to revise the standard, they should come up with language to propose to revise the standard at the same time. The committee unanimously voted in favor of accepting the recommendation.

Aerial work platform & PFD's

The workgroup is working on this issue and MACOSH will have a proposal from the working group at the next MACOSH meeting.

Scaffold erection and disassembly

This is a topic that the workgroup will still have to address. This issue is included in fall protection. The workgroup is not sure whether there will be time to work on this issue before the charter expires.

Discussion on the NTSB Investigation of Athena 106 Katherine Higgins and Christopher Julius

According to the NTSB, there is no oversight by the Coast Guard or OSHA, of barge and towing operations. There are a many injuries and fatalities that occur during these operations. The Athena 105 accident occurred on a construction barge near West Cote Blanche Bay, Louisiana. There are more than 4,000 deck barges similar to the Athena in operation across the country. Coast Guard data show that over a 10-year period, from about 1997 through 2006, there were 379 explosions and fires that occurred on barges and towboats, 14 people were killed and others were very seriously injured. The NTSB is asking that OSHA and the Coast Guard revise their 1983 Memorandum of Understanding which currently only addresses Coast Guard-inspected vessels. According to the NTSB a vessel isn't inspected by the Coast Guard it is not addressed by the current working relationship between OSHA and the Coast Guard. The NTSB also thinks it's important that OSHA step up its efforts to monitor workplace safety on deck barges. After the fatalities, OSHA conducted an inspection on the barge and cited the operator. Mr. Julius presented the slide show. The NTSB also requested that MACOSH in addition to creating a fact sheet, issue a guidance document on securing gear barges, including spud pins, and also any changes made to the MOU with the Coast Guard. The NTSB also hopes OSHA and the Coast Guard will get together and review how they're working together to address some of these issues. Chairman Thornton informed the NTSB that the MOU is beyond the scope of MACOSH, because the MOU is between OSHA and the Coast Guard, and MACOSH only advises the agency. Chairman Thornton asked the Cranes and Falls workgroup to develop a task statement on what they want to develop by the next MACOSH meeting. The NTSB PowerPoint presentation was marked for identification into the record as Exhibit 2. The NTSB entitled "Spud Winch Operation" was marked for identification into the record as Exhibit 3 for the record.

**Shipyard Workgroup
Michael Flynn**

SHIPS, the Safety and Health Prevention Sheets

The workgroup recommended that the NSRP ergo practices and application document be used as a reference, and this recommendation was forwarded to the outreach committee which has this task.

Welding, 1915 Part D review

The workgroup discussions primarily were on the four-inch strip-back rule in the standard and whether it was antiquated in lieu of the current processes that are used, new technologies, materials, et cetera. The workgroup decided to do a line-by-line, side-by-side comment on the entire Subpart with a commitment to get the side-by-side back to committee before the conference call(s). The committee will have the work done and forward it to OSHA by mid-September and everyone to be privy to one another's comments by October 1. It will be on the agenda for the next MACOSH meeting.

Spray paint, 1915.35 and 36, Subpart C

The workgroup would like to review a side-by-side of the issues that may no longer be in use today, and combine those comments for a mid-September conference call, or mid-September submission to OSHA followed by the October 1 conference call and to continue work at the next MACOSH meeting.

The electrical standard, Subpart S

The workgroup is asking OSHA to use its resources such as: compliance directives, fact sheets, revising the Tool Bags, et cetera to assist employers to come into compliance, and CSHO's interpreting the standard with regard to ground fault interruptions, Assured Grounding Programs, and the dichotomies between 1915 and Subpart S with regard to electrical equipment.

The workgroup also recommended that OSHA delay the GFCI provisions of Subpart S for six months, or until the workgroup can clarify the issues associated with compliance. The MACOSH unanimously voted in favor of the two recommendations.

The workgroup leader recommended that the entire workgroup's report be entered into the record.

Chairman Thornton requested that each workgroup create an executive summary of where their workgroup is, the issues they're working on, and the status of those issues. Chairman Thornton also told the committee if they have issues remaining and are able to complete those, and do a good job of, they should consider taking them on.

Open Discussion Full Committee

Rechartering

Chairman Thornton informed the committee that he would be working with OSHA to begin the rechartering process.

Feedback

Chairman Thornton asked the committee to provide some feedback on the structure of the agenda.

Captain Teresa Preston stated, “I personally like it. The only thing that we lose with it is the updates and briefs that we used to get from the various OSHA offices. There's just really not a lot of time to fit that in, and so we're kind of getting a condensed version of that. But that said, I think that informally the OSHA staff has been so good about keeping us up to date on it in the workgroup breakout meetings that's not been a true issue.”

Mr. Marc MacDonald stated, “I think the lesson learned for our workgroup is that two hours allotted for the workgroup meeting flies by, and particularly when you're trying to work on the larger documents, and also to discuss new ideas that might be pertinent to be brought up at the time. You just scream through the time. So I don't know what you do about that, but that's certainly affected us this time.”

Mr. MacDonald also stated “One of the things coming back together, is we split up to the two workgroups immediately. It may be better to bring everybody into the room for like 5 or 10 minutes for the Chairman pep talk, or whatever, but also to take care of logistics, because I found myself trying, all day long, to pull things together, where if we had had everybody orderly in the room at the beginning, that would have really helped for me.”

Chairman Thornton tasked the workgroup with the following assignments:

- 1) To work on their executive summaries; figure out where they are; what they're going to do in the time allotted; have good productive conference calls; and agenda lay out so the time is utilized better.
- 2) To think about the schedules going forward in the last quarter of this year, and in the first couple of quarters of next year in terms of meetings.

Meeting adjourned.