

The entire transcript of this meeting can be viewed at www.regulations.gov at Docket Number OSHA-2013-0007-0026 “[Exhibit 0024: August 20, 2014 MACOSH Meeting transcript](#)”

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

Wednesday, August 20, 2014

U.S. Department of Labor, Frances Perkins Building
200 Constitution Ave. N.W.
Washington, D.C. 20210

MACOSH Members Present:

James R. Thornton (American Industrial Hygiene Association, MACOSH Chair)
Amy Sly (Marine Chemist Association)
Kenneth A. Smith (U.S. Coast Guard)
LCDR John F. Halpin, MD, MPH (National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services)
Tim Podue (International Longshoremen’s and Warehousemen’s Union)
Kelly J. Garber (SSA Marine)
Daniel R. Harrison (American Society of Safety Engineers)
James S. Rone (Washington State Department of Labor & Industries)
Kristine Gilson (U.S. Department of Transportation, Maritime Administration)
Lesley E. Johnson (International Brotherhood of Electrical Workers)
Robert Godinez (International Brotherhood of Boilermakers)
Donald V. Raffo (General Dynamics)
Karen I. Conrad (North Pacific Fishing Vessel Owners’ Association)
Solomon Egbe (Ports America Chesapeake)

MACOSH Members Absent:

George Lynch (International Longshoremen's Association)
Gary Steinberg (Special Agency Liaison, Office of Worker Compensation Programs)

OSHA Staff:

Dr. David Michaels, Assistant Secretary for Occupational Safety and Health
Amy Wangdahl, Designated Federal Official, Director, OSHA Office of Maritime and Agriculture
Jennifer Levin, Committee Counsel, Office of the Solicitor
Danielle Watson
Vanessa Holloway
Nicholas Carr

Members of the Public and Other OSHA Staff Present:

Curtis Shaw (Pacific Maritime Association)
Ron Allen (Signal Administration)
Polly Parks (EMR- Southern)
Bill Hamilton (OSHA)
Shannon Lindey (OSHA)
Katie Nishimura (OSHA – Region 1)
Stephen Butler (OSHA)

John Vos (OSHA – Region 4)
Bill Mutter (Navy Crane Center)
Dan Glucksman (International Safety Equipment Association)
Dan Dewease (OSHA – Region 3)
Matthew Pauli (OSHA – Region 10)
Gary Rasnake (NAVSEA Headquarters)
Paul Comolli (OSHA)
Acie Zachary (OSHA)
Richard DeAngelis (OSHA)
Bill Perry (OSHA)
Paul Rossi (OSHA)
Michael Podue (International Longshoreman’s and Warehouse Union)
Robert Swick (OSHA Directorate of Whistleblower Protection Programs)
David Doucet (OSHA – Region 6)

Opening Remarks, Roll-Call and Introduction of Members

James Thornton, MACOSH Chair

Amy Wangdahl, Director, OSHA Office of Maritime and Agriculture

This discussion can be found in the on pages 5–25 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2013-007.

Chairman Thornton welcomed everyone to the second meeting of the committee. He then called the roll and reviewed changes to the published meeting agenda. All non-committee members in attendance introduced themselves on the record. Ms. Wangdahl recognized two new Committee members, Ms. Gilson and Mr. Egbe, and thanked the OSHA staff and the Committee for their work to-date. She then discussed the items to be voted on later by the full Committee. Ms. Gilson and Mr. Egbe briefly introduced themselves and discussed their backgrounds.

Review of April 16, 2014 meeting minutes – The Committee reviewed the April 16, 2014 (Washington, DC) MACOSH meeting minutes and unanimously accepted the minutes as written.

The April 16, 2014 MACOSH Meeting Minutes were entered into the record at Docket Number OSHA-2013-007 as [Exhibit 14](#).

The August 20, 2014 MACOSH Meeting Agenda was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 23](#).

Update on U.S. Coast Guard Activities

Kenneth Smith,

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

This presentation can be found on pages 25-61 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2013-007.

Mr. Smith described his background with the Coast Guard (USCG) and his work with the International Maritime Organization (IMO) representing the Carriage of Cargoes and Containers (CCC) delegation and how they intersect with MACOSH. He then discussed the Coast Guard’s current activities relevant to MACOSH as well as the IMO agenda. Of the 55 items on the Coast Guard’s regulatory agenda, four are of interest to MACOSH.

1. **SEAFARER ACCESS AT MARINE TERMINALS** - Current security requirements interfere with seafarers’ ability to transit marine terminals during routine operations. The Coast Guard has proposed a rulemaking project to increase seafarers’ access at marine terminals. The rule would require terminal operators to ensure seafarers have access to the facility gate and allow seafarers

to transit between vessels moored at the facility. The project is in its early stages and will be published at a later date.

2. **TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC) card reader requirements** - Currently, maritime facility security personnel are only required to perform a visual check of the card. The proposed rule would require maritime facilities requiring a TWIC for access to use a card reader to validate the credential. The Notice of Proposed Rulemaking (NPRM) was published in March of 2013, and there has been some controversy from industry related to program implementation to work through.
3. **PERSONAL FLOTATION DEVICES (PFDs) Rulemaking** – This rulemaking covers the removal of type-codes for PFDs and implements an internationally recognized system. Current regulations classify PFDs regulated in the United States as a type I, II, III, or IV. This rule would replace the type-codes with the terms “wearable” or “throwable.” Mr. Smith noted that OSHA maintains an interest in this project as OSHA standards refer to the current type-code system. He also noted that the final rule is close to being published.
4. **CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS** - Since 1997, international regulations have required that U.S ships over 500 gross tons carry a cargo securing manual. This rulemaking will incorporate those requirements into Federal regulations. A Supplemental Notice of Proposed Rulemaking was published on February 13, 2014.

Mr. Smith discussed the upcoming IMO meeting that will be held September 8-12, 2014 in London. Topics on the agenda include the packing of containers, implementation of a global database to track container inspections, counterfeit refrigerants, tracking lost containers, the future use of liquid natural gas (LNG) fueled vessels in U.S. ports, and vessel fuel sulfur limits.

Mr. Smith responded to several questions from Committee members and the public to further explain the topics presented.

The PowerPoint presentation entitled “Update on US Coast Guard Activities” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 15](#).

CSHO Case Study

David Doucet, Area Director, OSHA Region 6

This presentation can be found on pages 62–79 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2013-007

Mr. Doucet began his presentation by addressing the safety function of management in the maritime industry, and how managers’ attitudes impact workers. He then showed a video of an incident that occurred at a marine terminal in Region 6 involving a suspended load. The load was a 305 metric ton blowout preventer, and workers were using two shipboard cranes for this lift. The load broke free while workers were underneath of the load, demonstrating the lack of a safety culture at this particular facility. The presentation then covered elements of a successful safety and health management system, and how MACOSH members can take this message back to their worksites. Mr. Doucet talked about the investment and effort it takes to protect employees from a management standpoint and how the results can be measured over a longer period of time. He then responded to questions from those in attendance about the incident and about other crane incidents that have occurred.

The presentation entitled “Region 6 Update” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 16](#).

General Comments

Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety and Health

These comments can be found on pages 79–87 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2013-007.

Dr. Michaels greeted everyone, thanked the Committee for their hard work and acknowledged the two new Committee members. He noted that OSHA has a particular interest in issues faced by multi-employer worksites and temporary workers, and that he is looking forward to hearing from MACOSH on those issues. Dr. Michaels then discussed recent fatalities that have occurred in those two areas and reinforced the need for action. He then answered questions regarding updates on various topics and initiatives that OSHA is working on. He closed his comments by thanking everyone and pledging his commitment to continue making the maritime industry safer.

Overview of OSHA’s Whistleblower Protection Program

Robert Swick, OSHA Directorate of Whistleblower Protection Programs

This presentation can be found on pages 87–116 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2013-007.

Mr. Swick began with an introduction and a brief overview of the Directorate and the Whistleblower Protection Program. The initial discussion focused on the statutes that protect employees under the program. Protected activities, such as complaints, testimony, reports, and work refusals were also explained. Mr. Swick then spoke about the complaint process that employees must go through when reporting a violation under the Program and the approximate timelines for processing. Several cases were discussed as examples which prompted questions from attendees. The adjudication process was explained. Mr. Swick stressed three main points: 1) the need to educate staff about the whistleblower laws, 2) have an open environment so workers feel free to raise concerns without fear of retaliation, and 3) that all of the information on whistleblower protection laws, statistics, and the complaint process can be found at www.whistleblowers.gov. Mr. Swick answered Committee members’ questions about aspects of the program and how it applies to maritime-related issues.

The presentation entitled “Overview of OSHA Whistleblower Protection Program” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 17](#).

Longshoring Workgroup Report

Kelly Garber, Longshoring Workgroup Chair

This presentation can be found on pages 117–144 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2013-007.

Mr. Garber began with an overview of the presentation and acknowledged the input from the new member of the workgroup, Mr. Solomon Egbe. He spoke about the productivity of the group during monthly conference calls and provided an update on the documents being worked on:

1. **“TEAMWORK” HELPS TO PREVENT TRACTOR LIFT INJURIES** – This Quick Card was initiated by the 2011-2013 Charter and was developed for tractor trailer drivers and marine terminal workers involved in the unloading of containers from trailers. Tractor lift occurs when containers are lifted from trailer chassis with the twist-locks still at least partially engaged. This document originally included the issue of containers landing hard and jostling the cab, but it was determined that that issue would be addressed in a separate document drafted at a later date. This document was complete and would be voted on after the presentation.
2. **FALL PROTECTION FOR WORKERS IN THE LOG-HANDLING INDUSTRY** – The Longshoring industry saw fall protection for workers handling logs in marine terminals as a very dynamic problem. Terminal management companies are developing new technologies to address the implementation of fall protection, so the Workgroup elected to wait until the technologies are published in order to evaluate the new processes. The document type has not been established

but will likely address both management and front-line workers. The idea for this document came from the 2011-2013 Charter. Further work on this document will be postponed until a future charter.

3. **ACCURACY OF DECLARED CONTAINER WEIGHTS** – This topic was initially discussed during the 2011-2013 Charter. The IMO originally raised the topic in 2007, and the International Longshoreman’s Association (ILA) performed independent research on the topic. They found that a large number of container weights were inaccurate and prepared data that will be consulted by the Workgroup. Inaccurate weight has a significant impact on vessel stability and also affects load-planning. The Workgroup intends to submit a white paper to OSHA to explain the concerns of industry.
4. **BAGGAGE HANDLING IN CRUISE TERMINAL OPERATIONS** – This is a new document initiated at this meeting. Intended to be a Fact Sheet, the guidance document would cover all aspects of baggage handling including equipment use and the physical lifting hazards that workers are exposed to. Members of the Workgroup will conduct more research at their local facilities to gain a better understanding of the hazards faced and begin development of the Fact Sheet during monthly conference calls.
5. **SAFE WORKING CONDITIONS FOR SECURING CONTAINERS ON-DECK** – Driven by the 2010 IMO Annex 14, this topic was first raised during the 2011-2013 Charter and relates to the need for safe areas on ships from which to perform lashing activities. Early container ships were modified vessels originally built for a different purpose. Container ships often lack adequate space for workers to perform lashing activities safely. The Workgroup plans to review the 2010 IMO Annex 14 document and, based on that review, develop guidance to promote the awareness of adequate working surfaces.

After reviewing the five active projects, Mr. Garber discussed the completed Quick Card entitled “*Teamwork’ Helps to Prevent Tractor Lift Injuries.*” He provided background on preventing tractor lift injuries and explained that it is a widespread issue. Advances in technology being utilized in marine terminals to reduce the number of tractor lift injuries were discussed. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.

The document entitled “Teamwork’ Helps to Prevent Tractor Lift Injuries” was entered into the record at Docket Number OSHA-2013-007 as [Supplemental to Exhibit 18](#).

The baggage handling document was further discussed, including the need to raise awareness of the hazards, as well as the specific processes that Workgroup members will observe. The presentation was then accepted by the Committee.

The presentation entitled “Longshoring Workgroup Report” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 18](#).

Shipyard Workgroup Report

Don Raffo, Shipyard Workgroup Chair

This presentation can be found on pages 144–174 of the meeting transcript at www.regulations.gov at Docket_Number OSHA-2013-007.

Mr. Raffo began by thanking the Workgroup for their efforts and explained the work done at the monthly conference calls. He thanked Robert Godinez for his work on translating two existing documents into Spanish and then discussed the following five projects:

1. **PEDESTAL CRANE SAFETY ON COMMERCIAL FISHING VESSELS** – The U.S. Coast Guard issued a Marine Safety Alert on overloaded lifting gear on fishing vessels in June of 2012 after several catastrophic failures of shipboard cranes. Based upon these events, the Workgroup

determined the need to address the issue within OSHA jurisdiction. This Fact Sheet was developed to address workers operating and working around shipboard pedestal cranes in the commercial fishing industry. It focuses on maintenance, training, and safe operating practices. The development of the document was explained and the Longshoring Workgroup was thanked for their review and comment. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.

The document entitled “Pedestal Crane Safety on Commercial Fishing Vessels” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 19](#).

2. **SAFETY AND HEALTH INJURY PREVENTION SHEET (SHIPS): SURFACE PREPARATION AND PRESERVATION** – OSHA developed this document and requested the Workgroup’s review and comment on it at the April 2014 MACOSH meeting. The document focuses on spray paint safety, respirator use and application, and safe work practices for surface preparation. Common hazards, suggested preventative measures, and compliance resources are listed within the document. Minor changes were discussed and approved by the Longshoring Workgroup. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.

The document entitled “SHIPS - Surface Preparation and Preservation” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 20](#).

3. **REFRIGERATION SYSTEMS IN MARITIME WORK** – This Fact Sheet focuses on small fishing vessels and the hazards workers face during the repair and maintenance of shipboard refrigeration systems. The Committee discussed different hazards were discussed regarding new refrigerants being used in the maritime industry and how they are addressed within the document. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.

The document entitled “Hazards during the Repair and Maintenance of Refrigeration Systems on Vessels” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 21](#).

4. **TRANSLATION OF EXISTING DOCUMENTS INTO SPANISH** – Mr. Robert Godinez, a member of the Shipyard Workgroup, translated two existing OSHA documents into Spanish: “Fire Watch Safety during Hot Work in Shipyards” and “Servicing Multi-Piece and Single-Piece Rim Wheels in Marine Terminals.” A motion was made and passed for the Committee to accept the translated documents and recommend them to OSHA for publishing.
5. **SHIPYARD FATALITY VIDEOS** – Mr. Raffo summarized a presentation given to the Shipyard Workgroup by Steve Butler, Director, Office of Maritime Enforcement on August 19, 2014 regarding the publishing of shipyard fatality videos. The existing videos were deemed valuable by the Workgroup as they educate workers on the hazards in the industry. The OSHA National Shipyard Alliance has requested Agency support in creating a full set of videos similar to those that exist for the longshoring industry. A motion was made for MACOSH to endorse the idea of producing a full set of videos. After several questions from the audience, Mr. Raffo and Mr. Butler clarified various aspects of the program. The Committee then passed the motion.

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

1. **SPRAY PAINT SAFETY FACT SHEET** – This document will summarize the standards for workers engaged in spray painting for ease of reference. The Shipyard Workgroup will continue working on the document and hopes to have it to the Longshoring Workgroup for review prior to the next MACOSH meeting.
2. **HOUSEKEEPING FACT SHEET FOR COMMERCIAL FISHING VESSELS** – The Workgroup is developing a Fact Sheet regarding the importance of housekeeping during

commercial fishing operations. They intend to complete it by the end of the current Charter and use the information to create a SHIPS document on general housekeeping.

3. **SHIPS: HOUSEKEEPING** - This document will provide detailed information on housekeeping in the maritime industry. The Workgroup intends to complete an outline for this product by the end of the current charter and recommend it to the next MACOSH charter for development.

The presentation concluded and was accepted by the Committee.

The presentation entitled “Shipyard Workgroup Report” was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 22](#).

Open Discussion, Closing Remarks, Adjourn

The discussion and closing remarks can be found on pages 174–196 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2013-007.

Closing remarks by Mr. Thornton included a discussion on the MACOSH membership and charter status. He also spoke about the Agency’s interest in protecting temporary workers and encouraged MACOSH to discuss the issue. The Chairman stated that he is hopeful that MACOSH will hold at least one more meeting prior to the end of the current charter. Each MACOSH member took an opportunity to speak and recap what they felt worked well for this particular meeting and to provide their feedback on various issues. Mr. Thornton thanked all of the presenters as well as the Committee members, workgroup chairmen, and the public.

The meeting was adjourned at 2:32pm EST.

The August 20, 2014 MACOSH meeting transcript was entered into the record at Docket Number OSHA-2013-007 as [Exhibit 24](#).

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

Submitted by:



James Thornton
MACOSH Chair
Date: November 14, 2014