

The entire transcript of this meeting can be viewed at www.regulations.gov at Docket Number OSHA-2015-0014 “[Exhibit 33: August 10, 2016 MACOSH Meeting Transcript](#)”

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

Wednesday, August 10, 2016

U.S. Department of Labor
200 Constitution Ave, NW
Washington, D.C. 20210

MACOSH Members:

James R. Thornton (American Industrial Hygiene Association, MACOSH Chair)
Matthew Layman (U.S. Coast Guard)
James S. Rone (Washington State Department of Labor & Industries)
*Chelsea Woodward (National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services)
Miriam Bolaffi (Military Sealift Command)
Robert Fiore (International Longshoremen’s Association)
Robert Godinez (International Brotherhood of Boilermakers)
*Edwin Ferris (International Longshore and Warehouse Union)
Donald V. Raffo (General Dynamics)
Solomon Egbe (Ports America Chesapeake)
Amy Sly Liu (Marine Chemist Association)
James Reid (International Association of Machinists and Aerospace Workers)
David Turner (APM Terminals)
Gunther Hooek (Signal Administration)
Larry Liberatore (American Society of Safety Engineers)
Antonio Rios (Special Agency Liaison Designee, Office of Worker Compensation Programs)

*Denotes Absent

OSHA Staff:

Amy Wangdahl, Designated Federal Official, Director, OSHA, Office of Maritime and Agriculture
Nicholas Carr, OSHA, Office of Maritime and Agriculture
Danielle Watson, OSHA, Office of Maritime and Agriculture
Sarah Shortall, Committee Counsel, Office of the Solicitor

Members of the Public and Other OSHA Staff Present:

Gerry Swanson, Pacific Maritime Association
Michael Hall, Pacific Maritime Association
Jason Lake, American Equity Underwriters, Inc.
Bill Meuter, Navy Crane Center
Dave Reynolds, Inside OSHA Newsletter

Dennis McLaughlin, OSHA, Region 5
Bill Perry, OSHA, Director, Directorate of Standards and Guidance
Acie Zachary, OSHA, Directorate of Standards and Guidance
Danielle Watson, OSHA, Directorate of Standards and Guidance
Nick Carr, OSHA, Directorate of Standards and Guidance
John King, OSHA, Office of Maritime Enforcement
Jeremy Fuchs, OSHA, Office of Maritime Enforcement
Nick DeAngelis, OSHA, Office of Maritime Enforcement
John Vos, OSHA, Region 4
Chet Lloyd, OSHA, Region 2
Larry O'Mohundro, OSHA, Region 7
Stephen Woodring, Shipbuilders' Council of America

Opening Remarks, Roll-Call and Introduction of Members

James Thornton, MACOSH Chair

Amy Wangdahl, Director, OSHA Office of Maritime and Agriculture

The following discussion can be found on pages 4–13 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Chairman Thornton called the meeting to order and introduced himself. He welcomed everyone and thanked them for their time and efforts in traveling to the meeting. He then called the roll of members and noted all were present except Mr. Woodward and Mr. Ferris. Mr. Thornton recognized the OSHA support staff and asked all others in attendance to introduce themselves on the record.

Amy Wangdahl, Director of the Office of Maritime and Agriculture, welcomed everyone and provided a briefing on procedures in the event of an emergency.

Review of May 3, 2016 meeting minutes – The Committee reviewed the May 3, 2016 (Washington, D.C.) MACOSH meeting minutes. The committee unanimously accepted the minutes as written.

The May 3, 2016 MACOSH Meeting Minutes were entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 21](#).

The Chairman reviewed the meeting agenda and briefly described the planned presentations. Minor schedule changes were discussed and the modified agenda was unanimously accepted.

The August 10, 2016 MACOSH Meeting Agenda was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 23](#).

Shipyard Workgroup Report

Don Raffo, Shipyard Workgroup Chair

The following presentation can be found on pages 13–30 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Raffo began by giving a brief summary of the work completed at the monthly Shipyard Workgroup (SYWG) conference calls. Several products were being worked on simultaneously. Mr. Raffo discussed the following projects that have been completed since the last MACOSH meeting:

1. **PERSONAL PROTECTIVE EQUIPMENT AND SHIPYARD EMPLOYMENT** – This Fact Sheet, intended for employers, outlines the appropriate assessment and selection of personal protective equipment (PPE) associated with shipyard employment work, including training for workers. Further, the document provides a summary of what PPE employers must provide at no cost to workers. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.
2. **COLLECTION OF INFORMATION OF THE REVISION/UPDATE TO 29 CFR PART 1915 SUBPART E** – At the request of the Agency, the workgroup collected data and information with regard to the safety standards under subpart E of the Occupational Safety and Health Standards in shipyard employment from nine establishments throughout the country. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for consideration during future rulemaking dealing with the revision or update of 29 CFR Part 1915, Subpart E.
3. **SPANISH TRANSLATION: TRAFFIC LANES AND PERSONAL SAFETY ZONES FACT SHEET** – Committee member Robert Godinez translated OSHA’s Fact Sheet *Traffic Lanes and Personal Safety Zones* into Spanish. This document is one of three that the Committee recommended be translated into Spanish during this current charter. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.

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

1. **HAZARDS ASSOCIATED WITH PRESERVATIVE COATINGS DURING HOT WORK FACT SHEET** – This document is an expansion of a previously submitted Fact Sheet that addressed hot work and the four-inch strip back requirement. That fact sheet was sent forward by the committee during the May 3-4, 2016 meeting. In light of recent incidents, such as the shipyard in Wisconsin where workers were exposed to lead and other toxics, the Workgroup felt it important to pull the previous version back to incorporate a flow chart and more detailed information on how to better protect workers from exposures to harmful paints, coatings or other hazardous materials. Moving forward, the Workgroup intends to further develop the flow chart into a poster for shipyards to use as a tool when performing hot work, grinding, and welding on preservative coatings.
2. **WORKING ALONE IN CONFINED AND REMOTE LOCATIONS FACT SHEET** – To accompany OSHA’s existing Fact Sheet and standard on working alone in confined and remote locations, the Workgroup plans to develop guidance on the subject. While still in the planning stages, the proposed Fact Sheet will address recent incidents where workers were injured or died while working alone in confined and isolated/remote locations. The fact sheet will summarize OSHA requirements and also include industry best practices.
3. **SPANISH TRANSLATIONS: (1) CONFINED SPACE SAFETY ON COMMERCIAL FISHING VESSELS, AND (2) GENERAL WORKING CONDITIONS IN SHIPYARD EMPLOYMENT (SANITATION)** – These are the next two OSHA documents to be translated by the committee. Robert Godinez will continue his work to translate these two fact sheets which address sanitation in shipyard employment, and confined space safety in commercial fishing.

4. **LONG-TERM GOALS/PROJECTS** – Additional topics that the Workgroup is exploring includes: guidance for personnel assigned as fire watches; future topics for Safety and Health Injury and Illness Prevention Sheets (SHIPS); and an examination of OSHA severe injury data to pinpoint where attention within the industry is needed. Further, the Workgroup will look at developing guidance on new employee orientation that includes different topics employees in shipyard locations should receive within their first day or their first few months on the job.

The presentation entitled “Shipyard Workgroup Report,” including the Personal Protective Equipment and Shipyard Employment Fact Sheet, the Collection of Information of Revision to 29 CFR 1915 Subpart E, and Spanish Translation of Traffic Lanes and Personal Safety Zones Fact Sheet, was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 24](#).

Protecting Workers from the Zika Virus

Denise Matthews, Director, Office of Emergency Management and Preparedness

The following discussion can be found on pages 32–55 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Ms. Matthews gave a brief overview of her background as a Coast Guard veteran of 24 years and her current position as the Director of the Office of Emergency Management and Preparedness. Her presentation began with a summary of what the Zika virus is, how it can be spread, and OSHA’s worker safety and health activities related to the ongoing virus outbreak. The virus is predominately spread through the bites of infected mosquitos. However, some cases have occurred through human transmission of bodily fluids. One species in particular, known as the Aedes mosquito, is associated with spreading the disease, and is prevalent in South and Central America, the Caribbean, and Western Pacific. A smaller population of this mosquito species exists in the southern states of the United States and East Coast.

While there is currently no cure for the Zika virus, scientists are working on a vaccine which is quite a ways out from being available to the public. In the interim, OSHA and NIOSH developed a joint Fact Sheet for guidance on protecting workers from occupational exposure to the virus. The Committee and public participants were directed to visit OSHA’s webpage at www.osha.gov/zika to access the Fact Sheet and other useful information.

The presentation entitled “Protecting Workers from the Zika Virus” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 25](#).

OSHA Penalties

Laura Seeman, Management Analyst, Office of the Director

The following presentation can be found on pages 56–64 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Ms. Seeman began with a brief overview of OSHA’s penalties, which were originally set in 1970 following the passing of the OSH Act into law. They were updated in 1990 through the Omnibus Budget Reconciliation Act of 1990. That same year, Congress passed the Federal Civil Penalties Inflation Adjustment Act to prevent the impact of federal civil money penalties from lessening as a result of inflation. However, the OSH Act was exempt from this Act and, therefore, the penalties had remained

unchanged. On November 15, 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, removing the exception that excluded OSHA from adjusting its penalty structure to align with inflation. This Act also requires that all agencies, including OSHA, to assess their penalties on an annual basis to determine whether adjustments are needed for cost of living. Previously, OSHA's assessment of its penalties occurred every four years. OSHA's next assessment of penalties will occur in January of 2017 and every January thereafter.

The presentation entitled "Directorate of Enforcement Programs – OSHA Penalty Increase" was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 26](#).

Overview of OSHA's Cooperative and State Programs

Eric Lahaie, Deputy Director, Directorate of Cooperative and State Programs

The following presentation can be found on pages 65–93 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Lahaie provided an overview of the work the Directorate of Cooperative and State Programs (DCSP) performs, including those activities that are focused on the maritime sector. He began by explaining that DCSP sets policy and oversees OSHA's five cooperative programs that consist of Compliance Assistance, State Programs, Strategic Partnership Program, Voluntary Protection Program (VPP), and the Alliance Program. Through these program areas, the directorate works closely with businesses, industry associations, and safety and health representatives among various industries, including the maritime industry. At the national level, there are currently six maritime sites participating in VPP, two strategic partnerships, and one alliance.

DCSP also houses the Office of International Affairs, which reaches out to other countries through the State Department to help further the Department of Labor's labor agenda around the world. An example of this is the Department's participation in the International Labor Organization (ILO) working group to revise the ILO code addressing safety and health practices in ports.

The presentation entitled "Directorate of Cooperative and State Programs – Overview" was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 27](#).

Maritime Field Presentation

Lisa Trecartin, CSHO, Oakland Area Office

The following presentation can be found on pages 93–120 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Ms. Trecartin, a Compliance Officer from the Oakland Area Office, introduced herself and provided a brief overview of OSHA's jurisdiction between state and federal OSHA in California with regards to the maritime industry. While California is a State Plan state, with jurisdiction over all private industry, Federal OSHA has jurisdiction over anything on the water and all federal properties -- military bases, national parks, forestry, and also Native American lands. A summary of a crane collapse that occurred during construction of a portion of the Bay Bridge, along with a video clip of the incident was shared with the group. The incident occurred February 21, 2013, when two cranes that were supported by barges were performing an engineered blind tandem lift to remove a section of trusses used to support the bridge

work. As a result of a miscalculation, the load was not distributed appropriately, leading to the crane failure and ultimate collapse.

The presentation entitled “Maritime Field Presentation” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 28](#).

Longshoring Workgroup Report

Jim Rone, Longshoring Workgroup Chair

The following presentation can be found on pages 122–131 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Mr. Rone gave a brief overview of the LSWG activities since the last MACOSH meeting. The LSWG completed development of a pocket guide on container lashing entitled *Safe Lashing in Marine Terminals* and continued working on the carryover projects from the previous membership.

Mr. Rone then explained the status of the carryover projects:

1. **SAFE LASHING IN MARINE TERMINALS** – The workgroup developed a pocket guide entitled *Safe Lashing in Marine Terminals*, which is the first in a series of guidance to be developed for workers. A guidance document on lashing safety, carried over from the previous membership, will be completed next that expands on the pocket guide. This more comprehensive document will include additional topics, such as roll-on/roll-off lashing. A motion was made and passed for the Committee to accept the pocket guide on safe lashing in marine terminals and recommend it to OSHA for publishing.
2. **MECHANIC SAFETY GUIDANCE DOCUMENT** – This draft covers all aspects of mechanic safety in marine terminals. It is intended that three smaller documents will be developed to accompany this larger document for crane mechanics, power mechanics, and reefer mechanics.
3. **ON-DOCK RAIL SAFETY GUIDANCE** – The LSWG plans to revise an existing draft from the previous membership addressing on-dock rail safety. Whereas the previous version was developed with large on-dock rail facilities in mind, the revised version will include best practices for smaller terminals using on-dock rail.

*The presentation entitled “Longshoring Work Group Report,” including the *Safe Lashing in Marine Terminals* pocket guide, discussed above, was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 29](#).*

Overview of OSHA’s Whistleblower Protection Program

MaryAnn Garrahan, Director, Directorate of Whistleblower Protection Programs

Robert Swick, Director, Investigative Specialist

The following presentation can be found on pages 131–167 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Ms. Garrahan gave an overview of OSHA’s Whistleblower Protection Program. She was accompanied by Robert Swick who discussed the investigative process of the program and went into detail of some of

the statutes (e.g., Seaman Protection Act) that apply specifically to the maritime industry. He also shared recent examples of related whistleblower cases. Whistleblower investigations were previously conducted by compliance officers; however, since the passage of the OSH Act, Congress has enacted 21 additional laws that have expanded OSHA's whistleblower authority to protect workers from discrimination. The Agency decided that specialized, trained investigators were needed for whistleblower investigations. The Agency then restructured its organization and formed the Directorate of Whistleblower Protection Programs.

The presentation entitled "Overview of OSHA's Whistleblower protection Program" was entered into the record at Docket Number OSHA-2015-0014 as Exhibits [30](#), [31](#) and [32](#).

Open Discussion, Closing Remarks, Adjournment

The discussion and closing remarks can be found on pages 167–183 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2015-0014.

Chairman Thornton provided the opportunity for each member to give closing remarks with regard to what went well at the meeting and/or areas for improvement. Chairman Thornton closed the meeting by thanking OSHA and the Office of Maritime and Agriculture for their efforts in supporting MACOSH, as well as acknowledged the public for their participation. He expressed his honor in continuing on as the Committee chair.

The meeting was adjourned at 2:03pm EST.

The August 10, 2016 MACOSH Meeting Transcript was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 33](#).

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 4, 2016