

***MARITIME ADVISORY COMMITTEE FOR
OCCUPATIONAL SAFETY AND HEALTH
US DEPARTMENT OF LABOR
WASHINGTON, D.C.
MARCH 31, 2005***

EXECUTIVE SUMMARY

Roll Call
Chairman Jim Thornton

In attendance were members of the Committee: MACOSH Chairperson James Thornton, North Grumman Newport News Shipyard; Dan Nadeau, Bath Iron Works; James D. Burgin, National Maritime Safety Association; Captain John McNeill, Pacific Maritime Association; Captain Teresa Preston, Atlantic Marine/Alabama Shipyard; Captain Keith D. Cameron, U.S. Coast Guard; Michael Flynn, International Association of Machinists & Aerospace Workers; William (Chico) McGill, International Brotherhood of Electrical Workers, Local #733; Mike Freese, International Longshore and Warehouse Union, and Charles Thompson. Others present included Michael Seymour for (Jim Maddux) as the designated Federal Official and Susan Sherman, Committee Counsel. (Mr. Maddux joined the committee later in the day.)

Chairman Thornton called the meeting to order and introduced Jonathan Snare, Acting Assistant Secretary of the Occupational Safety and Health Administration (OSHA).

OSHA Opening Remarks
Jonathan L. Snare

Mr. Snare welcomed MACOSH and thanked the committee for supporting OSHA's efforts to reduce injuries and illnesses in the maritime industries and for the committee's work over the past two years.

Mr. Snare stated that OSHA is working diligently on the rechartering process, and will publish a Federal Register notice soon to ask for nominations for the new committee. Mr. Snare noted that this is the most productive MACOSH group that OSHA's ever worked with, that MACOSH has been a hard-working committee, and that the committee's work is appreciated. Mr. Snare also gave a "special thanks" to Chairman Thornton, stating that Mr. Thornton has done an excellent job chairing this committee.

Executive Summary
Chairman Thornton

Chairman Thornton called a motion to approve the previous executive summary. Mr. Jimmy Burgin commented that there was one clarification he would like to make on page 7 of the executive summary, bullet point number five, second sentence, should be changed to "the National Maritime

Safety Association has created a comprehensive training program”, instead of "could create" a comprehensive training program. The correction was made, and the committee unanimously accepted the executive summary into the MACOSH record.

Outreach Workgroup – Update
Captain Preston

Captain Preston reported that OSHA's rewrite of the first ship fitting module of SHIPS is ready to go to publication and OSHA provided the workgroup with copies to review. Captain Preston recommended OSHA solicit labor and management industry participation on the final drafting of the SHIPS modules through the alliance programs. Mr. McGill suggested that the current participants who have been reviewing SHIPS continue to review it. If anyone wishes to volunteer to review those items, they should get their name to Ms. Deborah Gabry as quickly as possible so that the process can be expedited but that process should not be delayed by the review. The committee unanimously agreed that OSHA should solicit labor and management industry participation on the final drafting of the SHIPS modules through the alliance programs.

Traffic Safety Workgroup -- update
Jimmy Burgin

Jimmy Burgin noted that MACOSH provided OSHA with comments on the marine terminal traffic safety guidance document during the last MACOSH meeting. The document is currently in the OSHA internal review process. The Traffic Safety workgroup recommended that OSHA look at the following areas concerning safety in marine terminals: pedestrian safety, the interaction between terminal operations and trains, and how equipment and technology affect terminal traffic. Mr. Thompson stated that the final work product of the Traffic Safety workgroup is intended to become guidance documents. The committee unanimously accepted the recommendations of the traffic safety workgroup.

Reflection on the Workgroup Approach
Full committee

Chairman Thornton said that having workgroup meetings the day before the full committee meeting has been very effective. Mr. McGill agreed with Chairman Thornton and went on to say that he would like more discussion time before the full committee on certain issues. Mr. McGill stated that he was not comfortable with the restricted time frames because good discussion that occurred in the workgroups was left out of the full committee discussion. Captain McNeill said that in addition to the workgroup meetings, the teleconferences were extremely productive and helped workgroups get the work product ready for meetings. Captain McNeil also thought that the work group format was very productive. Mr. Burgin encouraged separate breakout sessions for the longshoring and shipyard industries at future MACOSH meetings.

Container Safety Workgroup – Update
Captain McNeill

Lashing Pedestals -- The issue of fall protection and the need for guardrails on container ship lashing pedestals will be brought before the International Maritime Organization (IMO) at their conference later this year in London. The workgroup hopes to get international support to help resolve this issue. In addition, the workgroup hopes that the IMO will discuss the issue of the need for lighting between tiers of containers on deck and the issue of damaged and poorly made cell guides. The workgroup recommended that the “appropriate agency” take part in these international discussions, or, if that is not possible, that they work with the U.S. Coast Guard to ensure that the workgroup concerns and the research that the workgroup has done to date on these three areas can be considered. The full committee unanimously accepted the recommendation.

Container Lashing -- Captain McNeill discussed the issue of injuries to lashers caused by the use of lashing poles. Captain McNeill entered into the record the documents and a video on lashing for future evaluation and study by OSHA at future MACOSH groups. Captain McNeill explained how the fully automatic twist lock works as apposed to the traditional method of interconnecting containers on container ships by either pulling a chain; pulling a wire or moving a lever is activated at great height above the deck by using a long pole. The committee unanimously voted to accept the container safety workgroup motion to accept the video that shows the use of fully automated cones and the written material.

Fall Protection -- The workgroup recommended that OSHA develop a new rule, or issue a recommendation that fall protection anchor points be provided for those who travel to and from the vessel deck and the dock by way of a personnel platform or man cage attached to the container lifting beam. The committee unanimously voted in favor of accepting the recommendation.

E-Tool for Longshoring -- The workgroup recommended OSHA produce a guidance product for the longshore industry outlining safety and health training issues for maintenance and repair workers. The workgroup urgently recommended that OSHA produce safety and health e-tools for the longshore industry in the same way as they did for shipyards. The committee unanimously accepted the recommendation.

Automatic External Defibrilators (AED’s). The workgroup recommended that OSHA try and find information on state and federal Good Samaritan statutes that would allow employers to train employees for proper use of AED’s and allow employees and employers to use these devices without fear of litigation. If it is not possible, then MACOSH would recommend that OSHA explore the possibility of an exemption that would allow employers to use these devices without fear of litigation. The recommendation was unanimously accepted by the committee

VACIS -- NIOSH and U.S. Customs are developing rules for the operation of these devices and for the protection of those who have to work in their vicinity. The workgroup recommended that OSHA look into the possibility of publishing guidelines or rules for these workers, and to have

Customs and/or NIOSH make a presentation at a future MACOSH meeting. The committee would like the presenter to describe VACIS and report on previous testing. The committee unanimously voted in favor of accepting the recommendations.

The workgroup also recommended that all the unfinished items from this workgroup be addressed by the next MACOSH. The committee unanimously voted in favor of accepting the recommendation.

Health Workgroup – Update
Captain Teresa Preston

Several MACOSH members submitted beryllium and silica data to OSHA for rulemaking use and the committee discussed the status of the two rulemakings. Chairman Thornton expressed an interest in Bill Carey’s abrasive blasting/silica report to the health workgroup. He pointed out that the demolition of bricks and concrete may result in worker overexposures. Mr. McGill asked if NACOSH has looked into other elements that may cause silica exposure. Mr. Maddux replied “No, but it has been a subject for the Construction Advisory Committee.” Mr. McGill recommended that OSHA advise NACOSH and other advisory committees in the areas of demolition and other construction like activities as it pertains to silica. The recommendation was unanimously accepted. The workgroup also recommended that OSHA conduct noise sampling in marine terminals. The committee unanimously voted in favor of accepting the recommendation.

Hazardous Energy (Lockout/Tagout) Presentation
Theresa Nelson (NSRP)

Last year the National Shipbuilding Research Program (NSRP) conducted a project to determine common practices related to hazardous energy control. The scope included a collection of present practices, historical data related to incidents and model program elements. Hazardous energy control is an integral part of shipbuilding and repair. There is no OSHA standard that specifically addresses all the elements of hazardous energy control for the maritime industry, but shipyards have developed lockout/tagout programs. The committee unanimously voted in favor of accepting the presentation.

Ms. Preston asked Mr. Maddux to update the entire committee on the status of the standard for lockout/tagout. Mr. Maddux told the committee that the requirements for lockout/tagout will be part of the proposed standard for general working conditions, Subpart F. Mr. McGill suggested that OSHA develop a separate standard for lockout/tagout using the Neg-Reg process. The committee unanimously voted in favor of accepting the recommendation.

Safety Culture Workgroup Discussion
Captain Keith Cameron

The Safety Culture workgroup was established to explore and recommend actions to change industry culture to one that embraces a safety culture. The workgroup adopted the Shipyard

Council of America (SCA) injury and illness survey as a pilot project to identify "root causes" of injuries. The project used one year of data to identify the top causes of injuries at participating shipyards. The workgroup recommends that OSHA continue to monitor and support the SCA project. The committee unanimously accepted the recommendation.

The Safety Culture workgroup also recommended that OSHA monitor the progress of NIOSH shipyard hearing loss study, particularly as it relates to culture change. The committee unanimously accepted the recommendation.

The Safety Culture workgroup recommended that OSHA establish a set metrics to monitor the two sectors of the maritime industry. In addition, the workgroup would like that information to be presented at future MACOSH committee meetings.

Captain Mc Neill said that he thought it was important to realize that the committee did a lot of work on root causes. Captain McNeil also stated "the need is to get away from reporting just what's right, because it doesn't help us most of the time. What we have to get to is the whys and the sooner we get there, the better."

Mr. Youhas offered SCA's pilot surveys to be used by the committee or OSHA. Mr. Youhas also offered to assist by running pilot programs and collecting root cause analysis in the future. The committee unanimously voted in favor of accepting the recommendation.

Captain McNeill recommended that all the materials, developed by the work groups and MACOSH are handed over to their successors for continued work. The committee unanimously voted in favor of accepting the recommendation.

Mr. Maddux asked whether OSHA should use the document currently being used to update the committee on its recommendations. Several committee members responded that it would be a useful mechanism.

Old Business **The Full Committee**

Chairman Thornton asked the committee if there any outstanding issues that needed to be discussed. Captain McNeill mentioned that item 4 in the document that was just discussed concerning the safety culture workgroup is incorrect. Item 4 stated that MACOSH will develop two lists of the 15 most common root causes, one for longshoring and one for shipyards. The longshoring list was presented at the last MACOSH meeting and you now have list for shipyards.

Captain Cameron stated that MACOSH asked him as a Coast Guard representative to keep them updated on towing vessel inspection activities. A Coast Guard Advisory Committee (TSAC) has established a working group to provide advice on this rulemaking. Captain Cameron also stated that the working groups are open to the public. The workgroups' objective is to assist the Coast Guard in developing and inspection regime for towing vessels. The Coast Guard expects the rulemaking to take several years.

Open Discussion
Full Committee

Several members thanked the Department of Labor, OSHA, and individual staff for being chosen to serve on MACOSH meetings. Mr. Flynn stated that there has been a lot of valuable input from the public.

Mr. Whelan stated that an orientation would be useful for future MACOSH members.

Mr. Thompson suggested that OSHA conduct one or two meetings per year outside of the Washington DC area. Mr. Thompson said that he thinks it would help encourage local interest and improve public participation.

Captain McNeill stated that this is one of the most productive organizations he has ever been in. It is a place where you can leave your baggage outside, and that would be the advice I would give to anyone who comes here, because this is not about negotiating contracts and it's not about arguing with labor. It's about saving people from getting injured.

Mr. Freese said that people are talking about how much more effective the work groups have been during this Committee's work.

Closing Comments
By Dorothy Dougherty

Ms. Dougherty complimented and personally thanked the committee for the continuous good work and sound advice they provide to OSHA on maritime issues. Ms. Dougherty mentioned that the committee wrapped up a large number of issues today. Mr. Maddux stated that over the last three meetings the committee has made 20 recommendations, some of which have been refined and that six new recommendations have been made at this meeting. Ms. Dougherty thanked the committee for their expertise, commitment, and dedication to the maritime industry and the employees and employers who benefit from their hard work.

Chairman Thornton thanked Ms. Dougherty for her comments and stated that he appreciated her personal and the Agency support of MACOSH continuing. Next, Chairman Thornton asked if there was any more business to be brought before the committee. Hearing no response the committee unanimously voted to adjourn the meeting.