

*The entire transcript of this meeting can be viewed at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014-0052 "Exhibit 020: May 3, 2016 MACOSH Meeting Transcript"*

MEETING SUMMARY  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)  
MARITIME ADVISORY COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH  
(MACOSH)  
Tuesday, May 3, 2016

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

**MACOSH Members Present:**

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 (YTI)  
Gunther Hooch (Signal Administration)  
Larry Liberatore (American Society of Safety Engineers)  
Antonio Rios (Special Agency Liaison, Office of Worker Compensation Programs)

**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  
Jennifer Levin, Committee Counsel, Office of the Solicitor

**Members of the Public and Other OSHA Staff Present:**

Paul Comolli, OSHA, Office of Maritime Enforcement  
Rebecca Pskowski, OSHA, Directorate of Whistleblower Protection Programs  
John Vos, OSHA, Region 4  
Jeremy Fuchs, OSHA, Office of Maritime Enforcement  
Nick DeAngelis, OSHA, Office of Maritime Enforcement  
Lisa Trecartin, OSHA, Region 9  
Ray Benavente, International Longshore and Warehouse Union

Adam Wetzell, International Longshore and Warehouse Union  
Rob Smith, Shell Shipping and Maritime  
Michael Hall, Pacific Maritime Association  
Gerry Swanson, Pacific Maritime Association  
Matt Pauli, OSHA Anchorage Area Office  
John Casper, OSHA Portland Area Office  
Dennis McLaughlin, OSHA, Region 5  
Bill Todd, OSHA, Region 1  
Acie Zachary, OSHA, Office of Maritime and Agriculture

**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 8–35 of the meeting transcript at [www.regulations.gov](http://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 all were present. Mr. Thornton recognized the OSHA support staff and asked all others in attendance to introduce themselves on the record. Because this MACOSH meeting was the first committee meeting of the new membership group, each member introduced themselves and gave a brief background summary.

**Review of September 2, 2015 meeting minutes** – The Committee reviewed the September 2, 2015 (Tampa, FL) MACOSH meeting minutes. Two minor editorial amendments were noted and the committee unanimously accepted the minutes as amended.

*The September 2, 2015 MACOSH Meeting Minutes were entered into the record at Docket Number OSHA-2015-0014 as Exhibit 13.*

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 May 3, 2016 MACOSH Meeting Agenda was entered into the record at Docket Number OSHA-2015-0014 as Exhibit 16.*

**Welcome and Remarks**

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

The following discussion can be found on pages 35–49 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Dr. Michaels introduced himself and thanked the Committee for the opportunity to speak at the second meeting of the current charter, and the first of this membership. He talked about the productivity of MACOSH as it relates to other OSHA advisory committees and expressed his gratitude for the recommendations they have given OSHA. The new membership has already made four recommendations to OSHA, and Dr. Michaels was pleased to hear that the issue of temporary workers was being addressed in the MACOSH workgroups. He thanked the members again for the work they have done and the work they will continue to do prior to taking a few questions from MACOSH members.

## **MACOSH History and Overview**

*Bill Perry, Director, OSHA Directorate of Standards and guidance*

The following presentation can be found on pages 52–72 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Mr. Perry began by talking about the newest membership group. Eight of the fifteen members are new to this membership, with six new members in the Longshoring Workgroup. He then spoke about the history of MACOSH. Now in its eleventh year, MACOSH evolved from the Shipyard Employment Standards Advisory Committee, which was formed in 1988 to provide guidance to OSHA in revising the Shipyard Employment Standards. MACOSH started in 1995 as a way for industry professionals to provide input to OSHA on the various hazards faced by workers in the maritime industry. The charter and membership terms are both two years. The current charter expires on April 29, 2017 and the membership expires on January 20, 2018. MACOSH generally meets face-to-face twice per year and holds several conference calls in between. The Committee uses the face-to-face meetings to formally submit recommendations for guidance products to OSHA, which are then acted on by the Office of Maritime and Agriculture, (OMA). Since 2002, MACOSH has recommended 54 products to OSHA; 42 of those have been published with the other 12 currently in development. Mr. Perry then answered questions from the Committee regarding current regulatory projects.

## **Advisory Committee Ethics**

*Rob Sadler, Office of the Solicitor*

The following presentation can be found on pages 73–78 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Mr. Sadler began by explaining that there are two types of advisory committees; one type is made up of special government employees, and the other of industry representatives. The latter of which describes MACOSH. He then discussed the ethics rules members should be aware of. Committee members should be cautious when working with non-public information in an advisory committee member capacity. Using MACOSH experience on a resume` should be in furtherance of the individual's work as well as MACOSH. When discussing current projects or views of the Committee, members should gain prior approval from the Committee Chair and Designated Federal official (DFO). Since we are in the middle of a presidential election year, MACOSH members should not be discussing or conveying their political views when in a federal building or on federal property. Mr. Sadler concluded his presentation and said he would be happy to answer questions at any time regarding ethics throughout the duration of this membership.

## **Overview of the Federal Advisory Committee Act**

*Joe Plick, Office of the Solicitor*

The following presentation can be found on pages 79–107 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Mr. Plick introduced himself as the SOL Counsel for FOIA and Information Law, which includes the Privacy and Federal Advisory Committee Acts. FACA was established to govern the creation, operation, and termination of federal advisory committees, which are established by statute or presidential directive. They must have a charter approved by the General Services Administration and filed with the Library of Congress. Membership must be fair and balanced in relation to the parts of industry represented. Mr. Plick then explained issues surrounding public transparency, such as requirements for meeting minutes

and timelines for publishing notice of public meetings in the Federal Register. Duties of the Designated Federal Official and Committee Management Officer were also discussed. Meetings are usually open to the public, although certain approvals and reporting requirements are required should a meeting be closed to the public. Mr. Plick then discussed the roles and procedures for subcommittee meetings before answering questions from MACOSH members regarding administrative matters under FACA.

### **Strategic Communications - Developing the Right Materials for Your Audience**

*Frank Meilinger, Director, OSHA Office of Communications*

The following presentation can be found on pages 108–159 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Mr. Meilinger thanked the Committee for asking him to present and noted that his office is responsible for developing, implementing, and managing OSHA’s strategic communications. The Office of Communications (OOC) oversees all of OSHA’s publications from start to finish. OOC also manages outreach materials, speeches, and the OSHA website content. They produce a biweekly newsletter entitled “OSHA Quick Takes,” which reaches approximately 135,000 people, and also handle congressional inquiries to OSHA. OOC works with other OSHA Directorates in producing guidance materials to ensure the product fits the audience. OSHA attempts to reach a diverse audience with its products, so the format for the delivery of information is vitally important. OOC continuously analyzes audience data on its website to make sure target audiences are being reached. Mr. Meilinger then discussed example formats of recent maritime guidance documents that have been published. These include the Shipyard Industry Digest, Fact Sheets, and Quick Cards. He also spoke about the newest publication format a tri-fold, the Agency used for Tree Care Work. This format is printed on synthetic paper that is water resistant and tear-proof and fits into a worker’s pocket. The tri-fold will not replace the Quick Cards; both types of documents present similar information in a different format. Mr. Meilinger then answered questions from the Committee regarding audience analytics and companion pieces, which are documents produced on the same topic simultaneously in order to reach multiple audiences.

*The presentation entitled “Strategic Communications - Developing the Right Materials for Your Audience” was entered into the record at Docket Number OSHA-2015-0014 as Exhibit 17.*

### **Beryllium Rulemaking Update**

*Maureen Ruskin, Deputy Director, OSHA Directorate of Standards and Guidance*

The following presentation can be found on pages 159–170 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Ms. Ruskin began with a brief history of the rulemaking project. In 1999 and 2001, several organizations petitioned OSHA to issue an emergency temporary standard on occupational exposure to beryllium. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage. In 2002 OSHA published a Request for Information. In developing the RFI, OSHA asked, MACOSH to provide input regarding beryllium exposure in the maritime industry. In 2014, OSHA published a beryllium Notice of Proposed Rulemaking (NPRM). OSHA received approximately 50 comments on the NPRM. Ms. Ruskin then spoke about some of the specifics contained in the proposed rule such as the written control plan requirement, the proposed short-term exposure limit, and the permissible exposure limit. The maritime and construction industries were not included in the final rule. OSHA is currently reviewing the comments received regarding the rule as the comment period recently ended. Once complete, OSHA will proceed with the rulemaking. Ms.

Ruskin then answered questions from the Committee regarding the scope of comments received from the maritime industry.

**Shipyard Workgroup Report**  
*Don Raffo, Shipyard Workgroup Chair*

The following presentation can be found on pages 175–196 of the meeting transcript at [www.regulations.gov](http://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. **PROTECTING WORKERS FROM TOXIC PRESERVATIVE COATINGS** – This Fact Sheet explains the four-inch strip-back rule that was put into shipyard regulations many years ago. Industry professionals are often questioned about how to best comply with that rule. This document aims to clarify that for shipyard employers. A motion was made and passed for the Committee to accept the document and recommend it to OSHA for publishing.
2. **TEMPORARY WORKERS IN SHIPYARDS** – The SYWG drafted this guidance document as a supplement to the OSHA eTool on Temporary Workers. The intent is to help both the host employer and temporary agency employers understand the topics that temporary workers should be trained on prior to beginning work. The need for this guidance stems from the increase in shipyards using temporary workers to augment their workforce. 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. **29 CFR 1915 SUBPART E** – OSHA is in the process of drafting an RFI on this topic. The SYWG will provide industry feedback to help guide the rulemaking in addressing all areas of concern.
2. **PAINT SAMPLING AND PPE REQUIREMENTS** – The SYWG intends to draft a guidance document on this topic to help contractors implement the appropriate amount of worker protections according to data received from paint sampling reports.
3. **FIRE WATCH TRAINING/29 CFR SUBPART P** – Industry has had questions related to fire watch training and performance. This document intends to help employers comply with these provisions.
4. **SILICA EXPOSURE IN SHIPYARDS** - The SYWG will look into addressing the issue of silica exposure in shipyards. OSHA has published numerous guidance in this area, but the group wants to explore any gaps that may exist in helping shipyards to comply with the new standard.
5. **PPE IN SHIPYARDS** – This document will clarify to employers the requirements for the types of PPE that must be provided to workers. It will also include best practices and suggestions on other types of PPE employers should provide to workers.

*The presentation entitled “Shipyard Workgroup Report” was entered into the record at Docket Number OSHA-2015-0014 as Exhibit 18.*

**Longshoring Workgroup Report**  
*Jim Rone, Longshoring Workgroup Chair*

The following presentation can be found on pages 196–202 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Mr. Rone gave a brief overview of LSWG activities since the last MACOSH meeting. The LSWG will continue working on the carryover projects from the previous membership, as well as develop the next top-five priority projects to work on during this membership.

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

1. **SAFE LASHING PRACTICES** – The workgroup has a draft guidance document from the previous membership. The workgroup plans on finishing this comprehensive guidance document as well as develop a smaller, worker-oriented document on the same topic.
2. **MECHANIC SAFETY** – This draft covers all aspects of mechanic safety in marine terminals. The workgroup members will each develop a specific section of this document moving forward. It is intended to be a guidance document with at least one smaller, worker-oriented document being developed in the form of a Quick Card or pocket guide.
3. **SPANISH TRANSLATION OF EXISTING OSHA GUIDANCE** – The LSWG will identify the next three priority documents for Mr. Godinez of the Shipyard Workgroup to translate during the following workgroup sessions.

*The presentation entitled “Longshore Work Group Report” was entered into the record at Docket Number OSHA-2015-0014 as Exhibit 19.*

## Open Discussion, Closing Remarks, Adjournment

The discussion and closing remarks can be found on pages 202–224 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2015-0014.

Chairman Thornton discussed the status of the current charter, noting that approximately one year remains. He urged the workgroups to work within their constraints and focus on their top five priority items. Procedures for beginning the workgroup meetings later in the day were discussed, along with the timeline for holding one more face-to-face meeting before the end of FY16. Chairman Thornton thanked the public for their participation and encouraged them to keep attending the public meetings of MACOSH. Each member then spoke briefly about what went well at the meeting, areas for improvement, and what they hope to contribute during this period of membership. Chairman Thornton closed the meeting by thanking OSHA and the Office of Maritime and Agriculture for their efforts in supporting MACOSH. He expressed his appreciation in being asked to continue as the Committee chairman.

The meeting was adjourned at 3:48pm EST.

*The May 3, 2016 MACOSH Meeting Transcript was entered into the record at Docket Number OSHA-2015-0014 as Exhibit 20.*

*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: August 1, 2016