

*The entire transcript of this meeting can be viewed at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004 “November 20, 2019 MACOSH Meeting Transcript” as [Exhibit 56](#)*

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

Wednesday, November 20, 2019

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

**MACOSH Members:**

William Crow (Virginia Ship Repair Association)  
Matthew Layman (U.S. Coast Guard)  
Regina Farr (U.S. Department of Transportation Maritime Administration)  
Robert Fiore (International Longshoremen’s Association)  
\*Doug Fitzgerald (Special Agency Liaison Alternate, Office of Workers’ Compensation Programs)  
Robert Godinez (International Brotherhood of Boilermakers – Iron Shipbuilders)  
Gunther Hooch (National Safety Council)  
Amy Sly Liu (Marine Chemist Association)  
Michael Podue (International Longshore and Warehouse Union)  
Donald V. Raffo (Electric Boat Corporation, MACOSH Chair)  
\*James Reid (International Association of Machinists and Aerospace Workers)  
\*Jeremy Riddle (BalTerm, LLC)  
James Rone (Washington State Department of Labor and Industries)  
Lawrence Russell (National Fire Protection Association)  
Alice Shumate (National Institute for Occupational Safety and Health)  
David Turner (VP SSE/NYK Ports)

\*Denotes Absent

**OSHA Support Staff:**

Nicholas DeAngelis, Office of Maritime Enforcement  
Jennifer Levin, Committee Counsel, Office of the Solicitor  
Amy Wangdahl, Designated Federal Official, Director, Office of Maritime and Agriculture  
Danielle Watson, Office of Maritime and Agriculture

**Other OSHA Staff:**

Larry Davidson, Region 7  
Stan Dutko, Region 3  
Eric Kampert, Director, Office of Maritime Enforcement  
Scott Ketcham, Director, Directorate of Construction

**Members of the Public:**

Ray Benavente, International Longshore and Warehouse Union  
John Bloess, American Equity Underwriters  
Frank Gaskin, International Longshore and Warehouse Union  
Michael Hall, Pacific Maritime Association  
Jennifer Poythress, Department of Health and Human Services

**Opening Remarks, Roll-Call and Introduction of Members**

*Donald Raffo, MACOSH Chair*  
*Amy Wangdahl, Director, OSHA Office of Maritime and Agriculture*

The following discussion can be found on pages 3–7 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Don Raffo, Chairman, called the meeting to order and introduced himself. He welcomed the Committee and members of the public. He then called the roll of members and noted all were present except Mr. Reid and Mr. Riddle. Mr. Raffo recognized the work of the Committee 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.

An overview of the day’s events were provided and the minutes of the past June 5, 2019, MACOSH meeting was discussed. The minutes were later voted into the record as [Exhibit 49, found](#) on page 48 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004

**Overview of OSHA’s Directorate of Construction**

*Scott Ketcham, Director, Directorate of Construction*

The following discussion can be found on pages 7–35 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Mr. Ketcham provided the Committee with an overview of the makeup of the Directorate of Construction (DOC) and the various ways they interact with industry. DOC is made up of four offices that include the Office of the Director, Construction Services, Construction Standards and Guidance, and Engineering Services. The directorate handles enforcement, compliance

assistance, the promulgation of standards, development of directives and other guidance, the issuance of letters of interpretation, and investigations of incidents involving structural failure.

Mr. Ketcham shared statistics showing that the construction industry consists primarily of small businesses, making up for an approximate 90 percent. Additionally, a majority of the construction worksites are multi-employer worksites. The construction industry historically has high incident rates involving falls, electrocutions, struck by- and caught in-between objects, which account for almost 60 percent of all construction fatalities. To help reduce the number of incidents involving these top four hazards, DOC has implemented an outreach training program called “Focus Four” and they continue to hold the National Fall Safety Stand-Down. Trenching hazards are also a concern of the Agency. As a result of a spike in fatalities during 2015 and 2016 from work in and around excavations and trenches, OSHA began a trenching initiative in 2017 that focused on ways to prevent the number of incidents. The initiative consists of increased enforcement measures, compliance assistance, and consultation.

DOC is working on a number of rulemaking initiatives, including the finalization of a railroad crane rule; a request for information dealing with engineering controls for silica; and a technical amendment to fix errors found with the OSHA construction standards. The Advisory Committee for Construction Safety and Health (ACCSH), which is facilitated by the DOC, has met twice to discuss and provide recommendations regarding changes to OSHA’s beryllium standard. ACCSH also recommended the Agency move forward with a welding standard for the construction industry, as well as plan to discuss concerns of opioid addiction and effects in the workplace.

Mr. Ketcham also informed the Committee about a video that was recently released by the Agency on the OSHA inspection process. This video is informative and is intended to serve as an ice breaker for employers who may be nervous about what to expect when visited by a compliance officer for inspection of their establishment or worksite. The video is available on the OSHA webpage in English and Spanish languages.

*The presentation entitled “OSHA’s Directorate of Construction” was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 50](#).*

### **Update on OSHA’s Beryllium Standard for Shipyards**

*David Valiante, Office of Chemical Hazards (Metals)*

The following discussion can be found on pages 35–47 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Mr. Valiante began by discussing his experience working in the maritime industry while serving as an industrial hygienist at the Philadelphia Naval Shipyard. He then gave a brief summary of the history of the OSHA beryllium standard, which was first published January 2017 as three separate industry standards — general industry, construction, and shipyard employment. The rule provided for a lower permissible exposure limit (PEL) and a new short-term exposure limit (STEL). There were also a number of ancillary provisions such as respiratory protection and engineering controls that were included in the standard. For shipyard employment and construction, the Agency revisited those provisions that may overlap or not apply. To assist with

this effort, a proposed rule was published June 2017 that requested feedback from industry. As a result of the comments received, OSHA determined it inappropriate to revoke the ancillary provisions. A final rule was published October 2019 that declined to revoke the ancillary provisions, while simultaneously publishing a proposed rule to initiate an update of those provisions that are better tailored to the shipyard employment and construction sectors. The update will take into account the primary sources of beryllium exposure in shipyard employment and construction that include abrasive blasting and welding. Provisions that clarify requirements for disposal, recycling, and dermal contact, as provided in general industry, were included in the proposal as well. There was a 30-day comment period and a hearing on December 3, 2019. A rulemaking page has been created that will post updates to the beryllium rulemaking, including results of an ongoing National Institute of Occupational Safety and Health (NIOSH) study to look at incidents of beryllium sensitization.

*The presentation entitled “Beryllium Standard Update” was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 51](#).*

### **Overview of OSHA’s Alliance Program**

*Bill Matarazzo, Office of Outreach Services and Alliances*

*Tina Jones, Director, Office of Outreach Services and Alliances*

The following discussion can be found on pages 48–73 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Mr. Matarazzo provided an overview of OSHA’s cooperative programs, which the Agency believes support its mission by promoting collaboration between OSHA and industry on meaningful safety and health initiatives. These programs include alliances, on-site consultation, as well as the Safety and Health Recognition Program (SHARP), Voluntary Protection Program (VPP), and the Challenge Program.

The Alliance program works with organizations at the local, regional, or national level to improve safety and health in the workplace that often involves the development of guidance, such as the recent publication of a temporary worker bulletin focusing on shipyard employment. The Shipyard Building Group Alliance is currently working to develop a mixed-enrolled collaborative training course with OSHA’s Directorate of Training Education, Norfolk Area Office, and the Office of Outreach Services and Alliances. The course will be offered to both industry personnel and OSHA staff to enhance their knowledge base and increase the number of qualified trainers.

Onsite consultations, conducted by compliance assistance specialists (CASs), work out of a majority of OSHA area offices. They provide general information about OSHA standards, compliance assistance, and resources, as well as assist with getting word out about OSHA initiatives and facilitating associated events. VPP recognizes employers and workers in the private industry and federal agencies who have implemented effective safety and health management systems and maintain injury and illness rates below the national average. Through this program, management, labor, and OSHA work cooperatively and proactively to prevent fatalities, injuries, and illnesses through a system of focused hazard prevention and control,

worksite analysis, training and management commitment, and worker involvement. SHARP participants undergo a full onsite consultation visit and must meet other requirements to receive recognition for their exemplary safety and health management systems. Establishments that achieve SHARP status are exempt from programmed inspections during the period in which their certification is valid. OSHA's Challenge Program was initially launched in 2004 as a pilot program to provide assistance to employers and workers interested in improving safety in their workplace through the use of safety and health management systems. Specifically, participants follow a three-stage process to implement effective systems to prevent fatalities, injuries, and illnesses from occurring. Graduates of the OSHA Challenge Program receive recognition for improving their safety and health management systems. Since inception, 83 establishments have progressed through the three-stage program of which 30 have been accepted as VPP sites.

Highlights shared from FY 2019 cooperative programs included conducting an approximate 26,000 onsite-consultations, responding to almost 290,000 calls received through the OSHA 800-number, and 14,300 emails. Further, there were 94 active participants in the OSHA Challenge Program, as well as 236 alliances of which 15 percent were formed at the national level.

*The presentation entitled "OSHA's Office of Outreach Services and Alliances" was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 52](#).*

### **Office of Communications Overview**

*Frank Meilinger, Director, Office of Communications*

The following presentation can be found on pages 74–98 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Mr. Meilinger expressed his appreciation for the opportunity to address the Committee to provide an overview of the Office of Communication's function and discuss how to better reach audiences in the maritime industry. He then began by explaining that the Office of Communications (OOC) is a part of the Assistant Secretary's Office. OOC is tasked with promoting OSHA information services and resources to a diverse range of stakeholders and the public. They accomplish this through a wide variety of outreach tools that include guidance materials (Fact Sheets, Quick cards, etc.), OSHA's webpage, Quick Takes newsletter, news releases, Twitter and other social media platforms. These existing communication methods have proven successful in reaching a large number of individuals, such as the 272,000 subscribers of Quick Takes and the 18,000 Twitter followers. However, the Agency is always looking for better ways to increase awareness of its mission and services, as well as motivate their audiences to act in the best interest of worker safety and health.

Mr. Meilinger emphasized OOC's efforts to examine and improve their communication, giving examples of changes that have been implemented over the years. Through the use of data analytics and stakeholder feedback, the Agency works to keep current on the interests, concerns, and informational needs of their audiences. OSHA has made and continues to make changes, based on this information, integrating the constantly changing technologies that people use to communicate. For example, after determining that 30 percent of visitors to the OSHA webpage do so through mobile devices, the Agency redesigned their home page and some other primary

pages to make them more mobile-friendly. Additionally, a number of the OSHA program pages have been revamped to make them more user-friendly. Tools have been developed that highlight new information or the availability of resources on a specific topic that is either part of a major initiative or a subject that is not highly publicized. “Did You Know?” is one of those tools, which sends informational messaging to the same subscribers as Quick Takes. Some “Did You Know?” topics sent out included OSHA’s top five videos and training resources, resulting in a spike of the number of videos watched and training content reviewed. OSHA Alerts, which are a hybrid between a publication and a news release, allow the Agency to notify stakeholders and the public of action-oriented information in a timely manner.

Finally, Mr. Meilinger asked the Committee for feedback on OSHA’s engagement with the maritime community. He encouraged open communication as to things the Agency should consider implementing, or new resources that they’d like to see developed. Several Committee members responded to Mr. Meilinger indicating the importance of printed guidance in the maritime industry. Members provided feedback that expressed the need for printed guidance. While social media and websites are all good tools, the men and women that work in the maritime community do not have access to such mediums. In fact, due to security and safety concerns, the use of cellphones and electronic devices are prohibited. The Committee requested OSHA consider the publication of booklets, posters, trifolds, Quick Cards, and other similar guidance moving forward.

*The presentation entitled “OSHA’s Office of Communications” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 53](#).*

### **MACOSH Shipyard Workgroup Presentation**

*Amy Liu, Shipyard Workgroup Chair*

The following presentation can be found on pages 99–102 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Ms. Liu began by giving a brief summary of the work completed at the monthly Shipyard Workgroup (SYWG) conference calls, of which 4 were held. Several products were being worked on simultaneously. Ms. Liu discussed the following projects that have been completed since the last MACOSH meeting:

- 1. Hazards Associated with Preservative Coatings during Hot Work** — This Fact Sheet was developed to help employers better understand and comply with the provisions contained in 29 CFR 1915, Subpart D that deal with welding, cutting and heating in way of preservative coatings. In particular, this document outlines OSHA requirements and industry best practices. It includes a flow chart that provides a systematic approach for navigating the necessary steps when evaluating preservative coatings.
- 2. Fire Watch Safety** — This Fact Sheet alerts workers and employers of the risk of fires that can occur during hot work. The document also outlines the duties and responsibilities of fire watches and employers, as well as includes an example checklist to



help workplaces put in place adequate preparation for potential fires that may occur during hot work.

The SYWG also worked on a third document focusing on physical hazards workers may be exposed to in confined spaces. The document provides requirements and best practices to keep workers safe, addressing topics such as fall protection, ladder safety, adequate lighting, the condition of walking-working surfaces, and safely accounting for workers. This document is still under development; however, will likely be presented at the next full-committee meeting for a vote. Additionally, Ms. Liu discussed the SYWG's continued work to review and provide feedback on the OTI Education (OTE) Center maritime standards course. The SYWG will also be considering the development of guidance for shipyard competent persons, heat stress in confined spaces, and hydrogen sulfide exposure.

*The presentation entitled "MACOSH Shipyard Workgroup Presentation," including the Hazards Associated with Preservative Coatings during Hot Work Fact Sheet, and Fire Watch Safety in Shipyard Employment Fact Sheet, was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 54](#).*

#### **Longshore Workgroup Presentation**

*Matthew Layman, Longshore Workgroup Chair*

The following presentation can be found on pages 102–106 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Mr. Layman gave a brief overview of the work completed at the monthly Longshore Workgroup (LSWG) conference calls of which 5 were held. The LSWG completed development of a Fact Sheet on the Prevention of Lashing Injuries in Longshoring. This document is intended to raise hazard awareness and provide guidance of the potential injuries that can result during container and roll on/roll off lashing operations. Specifically, the document provides guidance on the assessment of lashing operations and the training workers should receive before work begins. The document also contains a table of common injuries and recommended solutions.

Additionally the LSWG plans to continue review of the OTI Education (OTE) Center maritime standards course, as well as to complete the development of two safety posters on mechanic safety during work on reefers and cranes.

*The presentation entitled "MACOSH Longshore Workgroup Presentation," including the Prevention of Lashing Injuries in Longshoring Fact Sheet, was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 55](#).*

#### **Open Discussion, Closing Remarks, Adjournment**

The discussion and closing remarks can be found on pages 106–116 of the meeting transcript at [www.regulations.gov](http://www.regulations.gov) at Docket Number OSHA-2017-0004.

Mr. Raffo reminded the Committee that MACOSH is a discretionary committee and encouraged members to keep their enthusiasm up to complete the work they volunteered to do. He then provided the opportunity for each member to give closing remarks. Chairman Raffo closed the meeting by thanking the members for their service to the Committee and devotion to protecting workers in maritime industries.

The meeting was adjourned at 12:09 am EST.

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

*Submitted by:*



Donald Raffo  
MACOSH Chair

Date: 1-16-2020