

MEETING SUMMARY
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
MARITIME ADVISORY COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH (MACOSH)
July 25, 2012
OSHA Regional Office, Seattle, WA
Docket Number OSHA-2012-0003

The entire transcript of this meeting can be viewed at www.regulations.gov under docket number OSHA-2012-0003

MACOSH Members Present

James Thornton – American Industrial Hygiene Association – Committee Chair
Ken Smith – U. S. Coast Guard
Donald Raffo – General Dynamics
Kelly Garber – API Limited
Charles Lemon – Washington State Department of Labor and Industries
Arthur T. Ross – Texas Terminals L.P.
Michael Flynn – International Association of Mechanics & Aerospace Workers
Robert Godinez – International Brotherhood of Boilermakers
Philip Dovich – Marine Chemist Association
Karen Conrad – North Pacific Fishing Vessel Owners Association
Christopher McMahon – U.S. Department of Transportation, Maritime Administration
Tim Podue – International Longshore & Warehouse Union
Lesley Johnson – International Brotherhood of Electrical Workers

MACOSH Members Absent

George Lynch – International Longshoremen's Association
Eric Richardson – U. S. Department of Labor, Office of Workers' Compensation Programs

DOL Support Staff Present

Amy Wangdahl, MACOSH Designated Federal Official
Bill Perry
Vanessa Welch
Danielle Watson
Christie Garner
Veneta Chatmon
Jennifer Levin – Counsel for MACOSH, U.S. Department of Labor, Office of the Solicitor, Washington, DC

OSHA Guest Presenters to MACOSH

Bill Perry – Deputy Director, Directorate of Standards and Guidance
Dave Mahlum – Deputy Regional Administrator, OSHA Region 10
Jack Reich – CSHO, OSHA Region 9

Members of the Public and Other OSHA Staff Present

Ed DeLach – OSHA Region 10
Michael Outland – Pacific Crane Maintenance Company, Pacific Maritime Association
Paul Weiser – ILWU
Tracy Bruchett – ILWU
Craig Blackwood – WA DOSH
Mickey Main – ILWU
Angelo Costa – OSHA Region 3
Jack Reich – OSHA Region 9
John Vos – OSHA Region 4
Paul Comolli – OSHA Office of Maritime Enforcement
Anne Soiza – WA DOSH
David Punte – WA DOSH
Jerry Swanson – Pacific Maritime Association
Jeff Smith – ILWU
Scott McElhoe – Northland Services
Richard Quan – NAVSEA, Puget Sound Naval Shipyard
Randy White – OSHA Region 10
Lt. Jamie Koppi – U.S. Coast Guard
Lt. Julie Blanchfield – U.S. Coast Guard

Mike Gunter – SFABright Insurance
Javier Perez – SSA Terminals
Melvin MacKay - ILWU
Frank C. Forman – IBEW
Robe Dieda – SSA Terminals
Jeff Mineghino – SSA Marine
Alan Davis – American Seafood
Philip McKenzie – Vigon Shipyard
Dean Ikeda – OSHA Region 10 Administrator
Steve Allen – Ports America
Susan Brinkerhoff – U.S. Department of Labor, Office of the Solicitor, Seattle
David Doucet – OSHA, Houston North
Lurilla Lee – Trident Seafoods Corp.
Polly Parks – Southern Recycling
David Mahlum – OSHA Region 10

Opening Remarks

Mr. Thornton welcomed the Committee and the public to the meeting and explained how the Committee meeting would proceed. Mr. Thornton introduced Amy Wangdahl as the new Designated Federal Official (DFO).

Bill Perry, Deputy Director, OSHA Directorate of Standards & Guidance

This presentation can be found on pages 15-40 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

Before starting his PowerPoint presentation, Mr. Perry discussed a study published by the University of California, Berkeley, Harvard Business School, and Boston University, Department of Economics. The study relied on workers compensation data exclusively to look at the injury experience of the establishments that either have or had not been selected for inspection in California. It found a decline in injury rates among those firms selected for inspection, as well as a reduction in workers' compensation costs. It also found no effect either on employment earnings, sales, or credit-worthiness. Mr. Perry summed up the study by stating that if companies look for hazards and deal with them, they are going to protect workers, and that this action doesn't have to come at a cost of jobs or profitability.

Mr. Perry then provided an update on the activities in the Directorate of Standards and Guidance (DSG). Mr. Perry discussed recently published OSHA standards, including SIP III, GHS, Subpart F, and Vertical Tandem Lifts. Mr. Perry discussed the GHS revisions to the Hazard Communications Standards, including the incorporation of eight pictograms to define hazards. He informed the Committee of the various effective dates: June 2015 for manufacturers to implement the revised system; December 20, 2013 for employers to provide training to their workers; and June 2016 for employers to update their hazard communication programs. Mr. Perry answered questions from the Committee on the GHS requirements.

Mr. Perry then discussed the publication of Subpart F, which covers working conditions in shipyard employment. Mr. Perry informed the Committee that the Shipbuilders Council of America (SCA) filed a petition for review of the standard in federal appellate court, and that OSHA and SCA were discussing a possible settlement agreement. Mr. Perry discussed various OSHA guidance products under development and other activities that affect the maritime industry. He gave the Committee an update on the status of all outstanding products the Committee recommended during this charter period.

Mr. Perry answered questions from the Committee and the public.

Mr. Perry's presentation "MACOSH July 25 2012" was entered into the record at Docket Number OSHA-2012-0003 as Exhibit 21.

Review of Minutes

Mr. Thornton asked the Committee to review the minutes from February 23, 2012, meeting in Washington, DC. The minutes were approved without change. The document entitled "MACOSH meeting minutes February 23, 2012, Washington, DC" was entered into the record at Docket Number OSHA-2012-0003 as Exhibit 22.

**Remarks of Dave Mahlum
Deputy Regional Administrator, OSHA Region X**

This presentation can be found on pages 42-62 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

Mr. Mahlum provided an update of activities in the maritime industry in Region X. Region X consists of Oregon, Washington, Idaho, and Alaska. Mr. Mahlum discussed the four areas of enforcement activities in the region for FY 2011 through June of FY 2012. The four areas include shipbuilding and repair, marine cargo handling, port operations, and support activities. The most frequently cited violations for shipbuilding and repair involved powered industrial truck (PIT), electrical, and respiratory protection standards. For marine cargo handling, the most cited violations addressed the electrical, PIT, and vessel access standards. In port operations, the top violations involved standards related to PIT, portable fire extinguishers (usually a lack of adequate numbers), and safety committees. Finally, for marine support activities, the top violations addressed standards on PIT, respiratory protection, and hexavalent chromium.

Upon completion of his presentation, Mr. Mahlum answered several questions from both the Committee and the public that ranged from clarification of the statistics presented by Mr. Mahlum to specific questions, such as requests to clarify the fatalities recorded in the region.

The PowerPoint presentation by David Mahlum, "Region X Maritime Actives" was entered into the record at Docket Number OSHA-2012-0003 as Exhibit 23.

**Down in the Dry-Dock
Jack Reich, CSHO, OSHA Region IX**

This presentation can be found on pages 63-87 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003

Mr. Reich, a Compliance Safety and Health Officer from Region IX, is a labor liaison and a maritime steering committee representative. Mr. Reich presented a crane accident that occurred in Region IX several years ago, and that resulted in an OSHA investigation. Mr. Reich provided details to the accident and was able to show the Committee several pictures from his investigation. The case involved the destruction of a 386-ton American revolver crane.

The incident occurred during barge centering. During the centering operation, the first crane used (crane 1) broke down and the company switched to a second crane (crane 2). Crane 1 was able to resume operation, therefore crane 2 was put on hold. The operator of crane 2 remained inside the crane with the power on. Crane 2 had not been pelican hooked and began to move unexpectedly. It was unable to be stopped by the emergency stop. The rail clamps had been altered by the company and were no longer automatic, but instead operated by a manual wheel, which failed. Crane 2 traveled approximately 850 feet, and attained an estimated speed of 20-25 miles per hour before crashing at the end of the dock. As the crane began to drop, the operator was able exit the cab of the crane and jump into the water, sustaining minor physical injuries. Upon investigating the incident, several violations were cited that contributed to the accident: the failure to engage the pelican hook, alterations to the rail clamp, lack of training, and lack of maintenance, among other violations. The company received citations and fines for the accident. After a follow-up inspection several years later, it was determined that proper maintenance had been completed on the cranes following the accident.

Mr. Reich answered several questions from the Committee and the public.

The PowerPoint presentation by Jack Reich, "Down in the Dry-Docks" was entered into the record at Docket number OSHA-2012-0003 as Exhibit 24.

**International Maritime Organization (IMO) Items of Interest
Ken Smith, Longshore Workgroup Chair**

This presentation can be viewed on pages 88-109 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

As a member of the International Maritime Organization's (IMO) Dangerous Goods, Solid Cargoes and Containers subcommittee, Mr. Smith presented to MACOSH on several topics that are similar to the work performed by MACOSH. Topics discussed by Mr. Smith included: amendments to the SOLAS, container weights, ACEP developments, reefer explosions, and crane and lifting appliances.

Amendments to the SOLAS: an issue that has been raised concerning the problems associated with rescuing personnel from confined spaces. The proposed revision from IMO would require testing and training drills associated with enclosed spaces.

Container weights: a big issue in the maritime industry for several years. This discussion focused around a 2009 report from IMO that focused on concerns involving the accuracy of weights associated with containers. The study confirmed that container weights have a significant impact on the stability of a ship, though there are no requirements that mandate that the maritime community ensure that the weights be verified. IMO has been working closely with customs and border patrol personnel on this issue. The IMO will be proposing to amend the SOLAS to require that containers be weighed.

Approved Continuous Examination Programs (ACEP) Developments: ACEP requires that containers have a maintenance program if the containers are kept in continuous service without being removed for inspection. The Coast Guard has put forward an initiative to provide some type of a standardization of these programs.

Reefer explosions: a topic of discussion by the IMO since early 2011. These explosions became an issue for the Coast Guard after the April 2011 explosion in Vietnam during routine servicing of the compressor units; the explosion resulted in two confirmed casualties. After additional container explosions later that year, a worldwide alert were issued by multiple international trade associations and MAERSK Line. The investigation revealed that the refrigerant used in the compressor units was counterfeit. The refrigerant was found to contain ingredients that could cause the explosion.

Crane and lifting appliance issues: this issue was highlighted by a couple of incidents in Japan and New Zealand that encouraged the IMO to develop guidance on cranes and lifting appliances. OSHA adopted the ILO Convention 152 for shipboard appliances and cranes.

Upon completion of his presentation, Mr. Smith answered several questions from the Committee members and the public.

The PowerPoint by Ken Smith, "IMO Items of Interest" was entered into the record in Docket number OSHA-2012-0003 as Exhibit 25.

Longshoring Workgroup (LSWG) Report Ken Smith, Workgroup Chair

This presentation can be found on pages 109-163 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

Since the last MACOSH meeting, the LSWG held four conference calls and produced four documents, including two guidance documents, one fact sheet, and one quick card (see below). The LSWG reviewed three documents for the Shipyard workgroup. During this charter period, the LSWG produced twelve new documents, including three fact sheets, three guidance products, and six quick cards.

During the workgroup meeting on July 24, 2012, the LSWG addressed several topics. These topics included: the prevention of tractor lifting and jostling incidents; log handling operations; recovery of person in the water; and hot work on hollow or enclosed structures in marine terminals. The workgroup also began reviewing a new document, authored by Kelly Garber, concerning the prevention of tractor lifting and jostling incidents. This problem occurs when semi tractors pull underneath the container-gantry cranes to pick up the containers and the container becomes stuck on the chassis' bed and lifts the tractor, jostling the driver.

The workgroup asked the Committee to approve, and recommend to OSHA, four documents: quick card for "Person in the Water – Prevention, Recovery and Survival"; "Guidance Document for the Recovery of Persons in the Water"; fact sheet on "Hot Work on Hollow or Enclosed Structures in Marine Terminals"; and the guidance document for log handling operations.

The quick card for “Person in the Water” was a carryover from the previous meeting in February. The LSWG incorporated all of the changes suggested by the SYWG. There was a motion to accept the quick card, and the motion was approved unanimously by the Committee as presented without discussion. The quick card was entered into the record at Docket Number OSHA-2012-0003 as Exhibit 26

The guidance document for “Recovery of Persons in Water” was also a carryover from the previous meeting in February. The LSWG incorporated all of the changes suggested by the SYWG. There was a motion to accept the guidance document that was approved unanimously by the Committee as presented without discussion. Upon acceptance of the document, Mr. Thornton commented on the excellent quality of the work performed on these documents by MACOSH. The guidance document was entered into the record at Docket Number OSHA -2012-0003 as Exhibit 27.

The fact sheet on “Hot Work on Hollow or Enclosed Structures in Marine Terminals” was the next item of discussion. The SYWG provided comments to the LSWG, most of which were accepted. The workgroup also made a few minor changes presented to the Committee. There was a motion to accept the fact sheet as amended. The fact sheet as amended was accepted unanimously by the Committee. The fact sheet was entered into the record at Docket Number OSHA-2012-0003 as Exhibit 28.

The guidance document for log handling operations was the primary focus of the workgroup’s session. The SYWG provided suggested changes, which were discussed by the workgroup; a final document was prepared to present to the full committee. Most of the SYWG comments were incorporated, with some exceptions on technical issues the longshoremembers believed were necessary to keep in the document. The issue of “unguarded edges” was a major topic of discussion from the LSWG and the SYWG, as well as the public. The guidance product, as written, referred to the required use of fall protection when working within three feet from an unguarded edge. This is an OSHA requirement that some employers and workers believe increases dangers for workers. Both the Committee and the public agreed that this is a major issue, but were uncertain how it should be addressed. The LSWG put into the guidance product that fall protection is required, although they believed that its use is not always protective because it may create a greater hazard to employees. To address these concerns, a bullet was added to the document indicating the potential for creation of a greater hazard. The Committee recommended that OSHA: determine if it has issued variances or letters of interpretation concerning the requirements for fall prevention equipment associated with logging operations; consider amending 29 CFR 1918.88 such that it provides allowance for exemptions similar to that provided in 29 CFR 1918.85(j)(3); and conduct additional research, evaluate existing technologies, and take actions as appropriate. The Committee unanimously approved the revisions to the document. The guidance document for “Log Handling Operations, final draft, July 24-25, 2012” was entered into the record at Docket number OSHA-2012-0003 as Exhibit 29.

In addition, during the workgroup meeting the LSWG discussed and identified what internal committee practices work well for the workgroup and MACOSH overall, and considered what could be improved; it also discussed recommendations for the LSWG for the next charter period. The LSWG mentioned several items: improving information sharing between the workgroups; improving the pace of work to meet deadlines; and members taking ownership of their ideas, thereby laying a foundation for success; the LSWG also praised OSHA’s new document-tracking system. The group also discussed items that they would like OSHA to improve or change: the timeliness of the publication of their work (though the workgroup recognized that OSHA is addressing this issue); OSHA’s process for removing and replacing committee members; and informing MACOSH on a regular basis of fatalities that occur in maritime employment.

The Committee unanimously voted in favor of accepting the Longshoring Workgroup report.

The PowerPoint presentation entitled “Longshoring Workgroup Report” was entered into record at Docket Number OSHA-2012-0003 as Exhibit 30.

Shipyard Workgroup (SYWG) Report
Don Raffo, Workgroup Chair

This presentation can be found at pages 163-181 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

The SYWG held several conference calls since the last MACOSH meeting, during which they reviewed the four guidance documents submitted to the full committee by the LSWG. In addition, The SYWG completed revisions on

the ventilation guidance document and the injury and illness prevention programs documents (including the white paper and the outline of program elements).

The SYWG ventilation guidance was reviewed by the LSWG, and there were only minor grammatical changes suggested. The SYWG incorporated all changes. There was a discussion among the workgroups to revise the title of the document to include “maritime industry” but, upon reviewing the document further, they were unable to make that change because only shipyard standards were referenced in the document. There was a motion to accept the guidance document and the Committee approved the motion unanimously without discussion. The guidance product “Ventilation in Shipyard Employment, Workgroup Version 6” was entered into the record at Docket number OSHA-2012-0003 as Exhibit 31.

The SYWG discussed two documents dealing with injury and illness prevention programs (I2P2) – an outline of the eight elements of an I2P2 program and a white paper on I2P2. The outline focuses on the eight elements from the Brown Book that provides examples under each element of how small employers could meet the substance of the element without a safety and health staff. There was a motion to accept the outline, and the Committee approved the motion unanimously without discussion. The outline “Injury and Illness Prevention Programs, outline, SWYG8, July 24, 2012” was entered into the record at Docket number OSHA -2012-0003 as Exhibit 32.

The draft white paper discussed concerns in implementing the program in small to medium shipyards, and why the outline was developed. There was a motion to accept the white paper, and the Committee approved the motion unanimously without discussion. The document entitled “MACOSH White Paper on the Proposed Injury and Illness Prevention Regulations, SYWG8, July 24, 2012” was entered into the record at Docket number OSHA-2012-0003 as Exhibit 33.

The SYWG also presented a spreadsheet of products they worked on during this charter period, including the eight documents that have been completed. With approximately six months left in the charter period, the SYWG has chosen two documents to focus on: guidelines for entering and cleaning sewage tanks safely, and a translation of a previous radiant-energy document into Spanish. The SYWG also had several recommendations to the next MACOSH committee, including: guidelines for safe work practices during the repair of shipboard refrigeration systems; guidelines for respirator use and applications; addressing ergonomic issues; and preventing injuries from slips, trips, and falls. There was a motion to accept the SYWG report, and the Committee approved the motion unanimously without discussion.

The PowerPoint presentation entitled “Shipyard Workgroup Report” was entered into the record at Docket Number OSHA 2012-0003 as Exhibit 34.

MACOSH Project Identification Don Raffo, SYWG Chair

This discussion can be found on pages 181-192 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

Mr. Raffo discussed the various ways the Committee decides on the topics or products to pursue. At the start of each charter period there is always a discussion on products or issues that each workgroup would like to accomplish. In the past, workgroups have relied on BLS data to identify specific maritime topics to address according to BLS injury and illness data. Mr. Raffo looked at other data sources: enforcement data, workers’ compensation data, and fatality data. In the end, he concluded there was no one way to identify topics.

The PowerPoint presentation entitled “New Ideas for MACOSH Project Identification” was entered into the record as Docket number OSHA-2012-0003 as Exhibit 35.

Open Discussion – Full Committee

This discussion can be found on pages 192-212 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

Mr. Thornton called on all Committee members to make closing comments. Several members thanked their fellow Committee members and OSHA staff for their hard work and ideas. Others remarked that, while the workgroup structure works well, the workgroups should increase their communication with each other to facilitate document

review and editing. Members also stated that face-to-face meetings are important to the Committee's success. Several members also expressed hope that OSHA will work quickly to recharter the Committee.

Public Comments

There were no closing comments from the public.

Closing Remarks by MACOSH Chair Thornton and Adjournment

This discussion can be found on pages 207-211 of the meeting transcript at www.regulations.gov under docket number OSHA-2012-0003.

Mr. Thornton expressed his appreciation to the Committee members, who have devoted significant time to attend the Committee meetings and workgroup teleconferences. He also stated that the work of the Committee is making a difference in preventing injuries, and that the Committee's work is important for worker protection.

Mr. Thornton told the Committee that he was humbled and honored to lead the Committee. Mr. Thornton thanked the OSHA staff for organizing the meetings, and the public for participating in the workgroup and committee meetings. The meeting of the Maritime Advisory Committee for Occupational Safety and Health was adjourned at 4:20 p.m.

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: October XX, 2012