

U.S. DEPARTMENT OF LABOR

Public Meeting of the
National Advisory Committee on
Occupational Safety and Health (NACOSH)

Thursday, June 18, 2015

9:10 a.m. to 2:58 p.m.

U.S. Department of Labor

Room N-4437 A-C

200 Constitution Avenue, N.W.

Washington, DC, 20210

MEETING SUMMARY

Welcome and Introduction:

Chairwoman Soiza.

ATTENDEES:

MEMBERS PRESENT

Public Representatives:

ANNE SOIZA, Chairman

LISA BROSSEAU, ScD

MARK CARLESON

LINDA MURRAY, MD, MPH

Management Representatives:

JOSEPH VAN HOUTEN, PhD

RICK INGRAM

Health Representatives:

ROBIN BAKER, MPH (via telephone)

WILLIAM BUNN III, MD, JD, MPH

Labor Representatives:

LAMONT BYRD

MARGARET SEMINARIO, MS

Safety Representatives:

JESSICA MARTINEZ

JAMES JOHNSON

OTHER ATTENDEES:

AMANDA EDENS, Designated Federal Official

JOHN HOWARD, MD, Director, NIOSH

MARK HAGEMANN, OSHA, Directorate of Standards and Guidance

BILL HAMILTON, OSHA, Directorate of Standards and Guidance

DAVID MICHAELS, PhD, OSHA Assistant Secretary

ORLANDO PANNOCCHIA, DOL-SOL, OSH Division

JOHN PIACENTINO, MD, MPH

SARAH SHORTALL, NACOSH Counsel

JEFF WANKO, OSHA, Directorate of Enforcement Programs

KATHY FAGAN, MD, OSHA, Office of Occupational Medicine and
Nursing

EXHIBITS

EXHIBIT 1 - Agenda from June 18, 2015 NACOSH Meeting

EXHIBIT 2 - Updated NACOSH Member Roster (March 27, 2015)

EXHIBIT 3 - Letter from NACOSH Chair Anne Soiza to Secretary of Labor Thomas Perez Transmitting NACOSH's Ebola Policy Recommendations

EXHIBIT 4 - Letter from NACOSH Chair Anne Soiza to Secretary of Health & Human Services Sylvia Burwell, Transmitting NACOSH's Ebola Policy Recommendations

EXHIBIT 5 - Letter from Secretary of Labor Thomas Perez to NACOSH Chair Anne Soiza Responding to NACOSH's Ebola Policy Recommendations

EXHIBIT 6 - Letter from NIOSH Director John Howard to NACOSH Chair Anne Soiza Responding to NACOSH's Ebola Policy Recommendations

EXHIBIT 7 - OSHA Update PowerPoint Presentation by OSHA Assistant Secretary David Michaels

EXHIBIT 8 - OSHA Poster titled, "Protect Your Health - Report Your Injuries and Illnesses"

EXHIBIT 9 - Handout of Presentation by NIOSH Director John Howard

EXHIBIT 10 - Presentation on the NACOSH Subcommittee for Emergency Responder Preparedness Program

EXHIBIT 11 - Notes from April 2, 2015, Temporary Workers Work Group meeting

EXHIBIT 12 - Notes from May 13, 2015, Temporary Workers Work Group meeting

EXHIBIT 13 - Working draft of Best Practices Language for Protection of Temporary Workers

EXHIBIT 14 - Working draft of risk assessment matrix on protection of temporary workers

EXHIBIT 15 - Working draft of sample procedures for host, employers and staffing agencies on guidelines for temporary workers performing work requiring PPE

EXHIBIT 16 - Example of a general staffing agreement

between staffing agencies and host employers

EXHIBIT 17 - California OSHA policy on dual employer

inspections

EXHIBIT 18 - OSHA's Recommended Practices on Protecting

Temporary Workers

EXHIBIT 19 - California OSHA Safety and Health Fact Sheet

on Protecting Temporary Agency Employees

EXHIBIT 20 - PowerPoint presentation by Kathleen Fagan,

OSHA Medical Officer, titled "Medical Surveillance of

Work- Related Injuries and Illness: Findings During OSHA

Investigations"

SOL INTRODUCTIONS:

Sarah Shortall.

Ms. Shortall explained that all exhibits are public record and can be found at www.regulations.gov.

Exhibits from NACOSH's 2015 meetings are found under Docket No. OSHA-2015-0013.

OSHA UPDATE

Dr. David Michaels

Dr. Michaels reviewed statistics regarding occupational injuries and illnesses, and associated workers' compensation costs that are disproportionately borne by workers and their families. He also discussed how changes in the size of the workforce and the structure of employment relationships are fueling these problems.

He stated that OSHA recently finalized the final rule covering confined spaces in construction and will finalize the Silica rule in 2016.

Dr. Michaels stressed the need for employer involvement, noting regulations cannot cover all hazards.

He stated that OSHA offers different activities for various types of employers, for example, the Severe Injury Reporting Rule. Initiatives are also offered to promote safety, for example, the National Safety Stand Down and new OSHA posters.

Bill Bunn questioned the safety of international business travelers as well as coverage for international workers in the United States.

Dr. Michaels noted US workers travelling internationally are not covered by OSHA, unless they are federal employees; workers in the US are covered.

Additional comments and input were given by Peg Seminario, Dr. Linda Murray, Lamont Byrd, Jim Johnson, Dr. Joe Van Houten, Jessica Martinez and Rick Ingram.

NIOSH UPDATE

Dr. John Howard

Dr. Howard explained that NIOSH is focused on its partnership with OSHA in enhancing workplace safety and innovation.

He stated that NIOSH has recently established a new Western States Division of offices which includes public health and tribal workplace issues.

He also explained that an increase in budget has allowed a lab consolidation in Cincinnati this year.

Dr. Howard discussed the current status of Ebola, citing Dr. Murray's work.

Dr. Howard informed the participants that, yesterday, in the Federal Register of the Office of Science and Technology Policy, the White House issued a grand challenge in nanotechnology that is spurring growth in the field.

Dr. Howard cited improvements in algorithms; Wiki-person- in-residence.

Additional comments and input on the presentation were given from Jim Johnson, Peg Seminario, Dr. Joe Van Houten, Rick Ingram, Dr. Bill Bunn, Dr. Linda Murray and Lamont Byrd.

EMERGENCY RESPONSE AND PREPAREDNESS COMMITTEE

Mark Hagemann, Bill Hamilton

Mr. Hagemann stated that him and his team are assembling a NACOSH subcommittee to assist in the development of regulatory text for a proposed rule on emergency response and preparedness.

Mr. Hagemann provided his overview, and stated that the expectation is for the Standard to focus primarily on protection for those who respond to emergencies as part of their regular duties. He stated that a framework/starting point for a regulatory text would be developed for the subcommittee to start with. Then the draft regulatory text that's developed by the subcommittee will then be submitted to the full NACOSH group for review and, finally, submitted to OSHA as a recommendation if warranted.

Mr. Hagemann explained that the proposed rule includes employers with workers who respond to emergencies as part of their regular assigned duties, including those that are called upon from time-to-time to respond to

emergencies.

He stated that twelve stakeholder organizations and agencies were invited to participate in the subcommittee, and the subcommittee will meet two to three times a year for an 18-month period. The scope of the subcommittee is to be determined.

Additional comments and input on the presentation were given by Lamont Boyd, Dr. Bill Bunn, Anne Soiza, Lisa Brosseau, Dr. Linda Murray, Mandy Edens and Rick Ingram.

NACOSH TEMPORARY WORKERS WORK GROUP REPORT

Jim Johnson

Dr. Michaels suggested the work group develop some best practice guidelines for injury and illness prevention programs; there have been three meetings to-date.

Mr. Johnson provided an overview of the Temporary Workers Work Group, noting that content in the draft has been provided by Peg Seminario, Dr. Joe Van Houten, and Rick Ingram. The scope of the initiative has been in question, however, the focus of the OSHA initiative is on temporary workers. The committee had discussions about contractors and other non-traditional employment situations, and whether or not those should be addressed.

Dr. Michaels approved expansion of the scope of work, noting shared responsibility between various types of employers will be of importance.

Mr. Johnson stated that workers have the right to a safe

and healthy workplace; temporary workers have equal rights as employees of the organizations in which they are placed. The work group will coordinate with the Advisory Committee on Construction Safety and Health (ACCSH) Temporary Workers Work Group to finalize a draft best practices document.

Additional comments and input on presentation were given by Lisa Brosseau, Dr. Bill Bunn, Peg Seminario, Jeff Wanko and Rick Ingram.

DOL-SOL Legal Counsel, Orlando Pannocchia, answered questions regarding from the NACOSH members.

MEDICAL SURVEILLANCE OF WORKPLACE INJURIES

Dr. Kathleen Fagan,

Office of Occupational Medicine and Nursing

Dr. Fagan summarized that the role of medical surveillance is protection and prevention. She cited an example of medical surveillance in a chicken processing plant with an in-plant medical care unit and the shortcomings revealed by OSHA inspections, including poor medical reporting, nurse logs and lack of patient care. Her findings concluded that imperative to progress in the field is educating in-plant medical caregivers on state and medical laws.

Dr. Fagan also cited an example of audiology services advertising the ability to cut OSHA-recordable standard threshold shifts which results in poor diagnosis of hearing loss. She emphasized the need for consistent surveillance to prevent errors.

Dr. Fagan noted additional preventative measures are being identified by researchers in medical surveillance who are studying cases of workplace death that had no

prior doctor's visits, as well as how to make medical surveillance something that companies understand.

Additional comments and input on the presentation were given by Peg Seminario, Anne Soiza, Jim Johnson, Mandy Edens, Dr.Linda Murray, Dr. Joe Van Houten and Dr. Bill Bunn.

COMMITTEE DISCUSSION AND WRAP-UP

Chairwoman Anne Soiza

Ms. Soiza noted having received responses from NIOSH and OSHA regarding NACOSH's Ebola policy recommendations.

Peg Seminario requested meeting more frequently, as well as further discussion of Dr. Michaels' talk regarding new reporting requirements on hospitalizations, including an Agency summary and analysis of findings in reported cases.

Mandy Edens stated the goal with the new data is to have it in a code-able fashion for searching and the ability to identify trends in outcomes. Ms. Edens also solicited input from the members on possible topics for future meetings. In response, the following suggestions were made:

Jim Johnson suggested further review of medical surveillance in upcoming meetings.

Dr. Joe Van Houten requested discussion on updating OSHA standards.

Lisa Brosseau cited a need for more information on cross-agency activities.

Dr. John Piacentino noted NIOSH has a surveillance coordination work group.

Lamont Byrd suggested including other agencies in discussions.

Dr. Bill Bunn requested a focus on statistics and numbers.

Dr. Linda Murray cited the need for expansion of workplace safety training and certification.

Peg Seminario suggested discussion of OSHA's involvement in the healthcare industry, as well as its role in addressing workplace violence injuries.

Mandy Edens suggested the next meeting take place in December.

[WHEREAS MEETING WAS ADJOURNED]