

**NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL
SAFETY AND HEALTH**

Minutes of November 28, 2001 Meeting

NACOSH2002-1
Ex. 4

Hall of States
Room 283, 444 N. Capitol Street
Washington, D.C.

Acting Chair Margaret Carroll opened the meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH), at 9:03 a.m. on Wednesday, November 28, 2001. About 40 members of the public were in attendance.

The following members were present:

Myrtle I. Turner	Public	Research Scientist II/Industrial Hygienist Georgia Tech Research Institute
Letitia K. Davis	Public	Director, Occ. Health Surveillance Program Massachusetts Department of Public Health
Judith S. Freyman	Mgmt.	Director, Western Occ. Safety and Health Operations, ORC, Inc.
Salvatore J. Bonfiglio	Mgmt.	Global Head, Occupational Safety Aventis Behring L.L.C.
Michael J. Wright	Labor	Director, Health, Safety & Environment United Steelworkers of America
Margaret M. Seminario	Labor	Director, Occupational Safety and Health AFL-CIO
Rixio E. Medina	Safety	Manager, Health and Safety Services CITGO Petroleum Corporation
Bonnie Rogers	Health	Occupational Health Nursing, School of Public Health, U. of N.C. at Chapel Hill
LaMont Byrd	Health	Director, Safety& Health Department International Brotherhood of Teamsters

Daniel Hryhorczuk, a public member, who is Director of the Great Lakes Center for Occupation & Environmental Safety and Health, was unable to attend.

After accepting the minutes of the previous meeting and conducting some routine business, the Acting Chair turned the meeting over to NIOSH Acting Director Kathleen M. Rest. Dr. Rest began the agency update by reporting on the status of a search for a permanent Director of NIOSH. It is hoped that NIOSH will have a permanent director by the time NACOSH meets again. The National Occupational Research Agenda (NORA) contains 21 priority areas, represented by NORA teams of scientists and extramural partners. The yearly NORA update tracks their progress. In 2000, they had about 59 new awards and 106 continuing awards for a total of 165 new grants. In FY01, they put out RFAs on traumatic injury, extended hours of work and extended work schedules in the new economy looking at health and safety risks, and an RFA on reproductive toxicants. In FY02, they will be making awards in the areas of hearing sensitivity and exposure to noise and/or chemicals; musculoskeletal disorders (MSDs), prevention and treatment; exploratory and developmental grant awards, focusing on work organization and cardiovascular disease, and depression; health care workers, including violence; chronic obstructive pulmonary disease in work; traumatic injuries; hearing loss; agricultural injuries to children; intervention effectiveness research; and mining occupational safety and health.

The NORA update also delineates highlights of their intramural program. There are NORAs going on in seven areas: MSDs; allergic and irritant dermatitis; asthma and chronic obstructive pulmonary disease; traumatic injury; noise and hearing loss; health care workers; and work organization and cardiovascular disease. More than 400 people attended the NORA symposium at the Omni Shoreham in D.C. and heard 20 reports on interim findings or findings from those doing NORA-related research. Another 20 presentations were made through poster sessions. The NORA Liaison Committee presented an award to a group of partners from Oregon who worked on workers' compensation data in the state to identify and follow up on interventions, such as prevention of occupational dermatitis in loggers and prevention of latex allergy in food service workers. The UNICEE Corporation of Dutch Harbor, Alaska, received an honorable mention for their work in identifying risk factors for job-related respiratory illness and asthma at a crab processing plant.

NIOSH also expects NORA teams to publish a number of white papers; for example, on the organization of work, on mixed exposures, and on exposure assessment methods; and they are working with the National Academy of Sciences to identify research areas in terms of the aging workforce. They will also increase their efforts in terms of disaster response and bio-terrorism. In the past year, they have also developed and published the NIOSH surveillance strategic plan. The Institute-wide surveillance coordination group's goals are to advance the usefulness of surveillance information at

the federal level; to strengthen state-based capacity; to strengthen surveillance in high-risk industries, occupations, and populations; to promote occupational safety and health surveillance by employers, unions, and others in the private sector; and to increase research to improve occupational surveillance methods.

Dr. Rest also provided highlights of the Health Hazard Evaluation (HHE) program, a tool used to investigate outbreaks of occupational health problems. In FY01 they received 572 requests for HHEs, a 30 percent increase from the year before. The reason for the increase might be that the Agency has publicized the program. They have gotten quite a number of indoor air quality requests, probably because of mold. Furthermore, they have put out a document on what they have learned from the HHEs on occupational exposures to lead and TB, and they have a firefighter fatality investigation program. They have an evaluation component built in to the program to determine whether their recommendations were implemented and, if so, whether they were effective.

As directed by Congress, they have established the National Personal Protective Technology Laboratory (NPPTL) in Pittsburgh. It focuses on personal protective technology and respirator research to protect miners, firefighters, emergency responders, health care workers, agricultural workers and industrial workers. NIOSH also has a cross-divisional team developing a strategy for developing and disseminating Spanish language occupational safety and health education and technical information. In this regard, they will be hosting a workshop to identify the most pressing issues faced by Spanish-speaking workers and employers and examine how NIOSH can best meet the informational needs of this group, and identify potential partners and partnership opportunities. This ties in with their Spanish language Web section. NIOSH also has several small business initiatives; for example, to identify high-risk industries and initiate partnerships with small business organizations and industries to develop information and training materials and design interventions.

NIOSH has formed a new group, the Office of Compensation Analysis and Support (OCAS), because Congress passed the Energy Employees Occupational Illness Compensation Act in October 2000. The Act was followed by an executive order. NIOSH has been assigned responsibility to work with the DOL and DOE in developing regulations on dose reconstruction methods that will be used for claimants who allege radiation-related cancer. NIOSH will do the individual dose reconstructions and develop regulations the DOL will use in adjudicating claims and determining probability of causation relating to the claims. NIOSH will also develop procedures that will be used in addressing petitions by workers who petition to be added as members of special exposure cohorts, and NIOSH will staff an Advisory Board for Radiation and Worker Health for use by DOE.

Assistant Secretary of Labor John Henshaw then provided an update of OSHA activities.

He thanked out-going Chair Byron Orton for his service to the Agency and Margaret Carroll for her willingness to serve as Acting Chair. He introduced Gary Vischer, the new Deputy Assistant Secretary of Labor, and Special Assistant Rene Wildermuth. He set forth changes in the structure of the Agency, his goals for the Agency, and his vision for the Advisory Committee.

Mr. Henshaw related the purpose, scope and accomplishments of the Executive Management Retreat and the task force created to deal with his four priorities for the Agency. One priority is strong, effective, fair enforcement. In that regard, Mr. Henshaw pointed out that when an organization is cited repeatedly for the same violation, OSHA has failed to change that organization's culture. He wants the Committee's views on how to bring about culture change and achieve meaningful long-term compliance in safety and health and injury and illness prevention. Another goal is to improve the quality of the Agency's staff. Toward that end, he believes encouraging and achieving board certification of compliance officers and other staff would be of value.

A third goal is expanded outreach education and compliance assistance. The Agency has a very effective Web site that gets a great deal of use by the public. More businesses, however, need to be involved in the VPP and SHARP programs. The Agency needs to provide tools and incentives to increase discussions of safety and health, the value of human capital, and the value of injury and illness reduction programs. Mr. Henshaw related the value of partnerships such as the UAW/Ford partnership and the partnership dealing with the building of the Patriot Stadium, whose lost time is half the industry average. Region II just signed a partnership with the city for work at the World Trade Center (WTC).

The last agency priority is a leadership role in the national dialogue. The agency needs to articulate the value of human capital, the value of injury and illness reduction, the value of saving lives, the value of compliance, and the value of individual guidelines. There are also workers' compensation savings, higher productivity, quality, morale and other positive added benefits.

Mr. Henshaw detailed the latest information about the budget, including the President's request and Senate and House proposals. He explained the regulatory agenda that is to come out December 3, 2001, and the Agency's plans for accomplishing its regulatory goals. With regard to ergonomics issues, the Secretary will set forth a comprehensive plan.

With regard to lessons learned at the WTC, the Agency will be looking at how to garner volunteers, bringing in safety professionals, health professionals, and equipment suppliers. Mr. Henshaw is concerned about bringing resources to bear in a crisis.

OSHA will be part of the team the President has established and has headed up by Tom Ridge. At the WTC site, the Agency has 70 people there every day in three shifts, working around the clock, seven days a week. Some conduct safety monitoring and work with primary contractors to identify safety hazards.

Mr. Henshaw would like all parties involved to understand their roles, responsibilities and the safety and monitoring issues prior to a crisis to maximize the likelihood of a successful response. In responding, when the Agency identifies an issue, it should be corrected and people held accountable for following through. Contractors know they are accountable for their employees wearing respiratory protection. Issues should be corrected as quickly as possible after being identified. NIOSH will host a meeting in December to focus on lessons learned from WTC events, such as those concerning personal protective equipment. The Agency has recommended that agencies do a "post-mortem" on the entire process.

With regard to retention of OSHA employees once they receive their certifications, Mr. Henshaw said he does not expect retention to become a serious problem if the Agency has a high quality staff, good incentives, provides a workplace that wants staff to succeed and be productive, and make a positive difference.

At 10:46 a.m., after a brief recess, Mr. Henshaw introduced the discussion of OSHA and NIOSH's responses to the terrorists' attacks. He explained that Tom Ridge has asked OSHA to participate in the homeland security effort. There are four teams established, three dealing with public health, safety and volunteerism involve OSHA. The Agency has produced information concerning anthrax. The President has ensured that the Agency is involved, because this is the first time war has entered our workplaces. We also intend to provide voluntary guidance to workplaces concerning evacuation plans and security of facilities.

Regional Administrator Patricia Clark then presented slides and information about OSHA's efforts at the WTC site. She addressed the information in two parts, first giving an overview of triggering events and how the buildings were affected, and then specifically OSHA's roles. OSHA has been conducting job hazard analyses; there is special concern regarding fall protection and people on the ground, the exclusion zone and the integrity of buildings that are still standing. OSHA is providing technical assistance to five prime contractors, labor organizations, and other federal, state, and local agencies at the site. The Agency has focused on distribution of personal protective equipment, fit checking and fit testing, safety monitoring, industrial hygiene sampling and risk assessment. At Staten Island, the refuse site, the Agency is conducting sampling and addressing safety with the private contractor who is there. The numbers of serious injuries have been very small and include fractures, concussions, and contusions. OSHA hosts a contractor meeting every Wednesday to

convey vital information and address concerns; also, a weekly stewards meeting to share information and sampling results. Initially there were 32 cranes on the site and their movement, rigging, and personnel basket utilization caused concerns. Staff with heavy construction background address those issues along with those concerning compressed gas cylinders and oxygen tube trucks. It is believed that part of the reason for accelerated degeneration of equipment is the unknown weights and temperatures of the materials being handled. One of the Agency's first job hazard analyses addressed how to handle that kind of material.

The Agency is doing enforcement inside the control zone but outside the green line, and helped write the environmental health and safety plan, which is being revised and updated. OSHA is participating in training and has helped develop curricula through a joint labor-management initiative with the Building Construction Trades, the BTEA, and the Center to Protect Workers' Rights.

OSHA has a representative on the leadership group, labor and management; a Safety and Health Committee; an umbrella group steering Committee for safety and health (along with representatives from the Office of Emergency Management for the city, the mayor's office, and the Department of Health).

Dr. Rest then briefed the Committee on what NIOSH has done relating to the WTC and its response and participation in anthrax-related events. NIOSH responded to a request for assistance from the N.Y.C. Department of Health on September 11th, sending staff on one of the first flights that were allowed into New York. They have worked closely with colleagues at CDC, the Health Department, OSHA, EPA, and the Coast Guard. They have addressed concerns regarding different exposures, such as dust, chemicals, metals and gases, conducting sampling. They have provided advice and assistance on proper personal protective equipment including operating procedures for cleaning respirators so they could be decontaminated and reused. They deployed about 27 people from different disciplines, including industrial hygienists, occupational physicians, epidemiologists, safety professionals, and those with expertise in mining. They collected information about on-site occupational health emergencies or injuries and illnesses, assembling materials for distribution in person and on their Web site; e.g. a three-sided brochure on eye safety, respirator guidance, and a fact sheet on traumatic incident stress. They have begun to put together an emergency worker's safety initiative.

NIOSH will do an evaluation and an intervention piece focusing on post-incident assessments of injury outcomes, specifically with the emergency responders in the area, modeled after its firefighter fatality investigation program and expanding it with post-incident assessments.

NIOSH plans to engage in a communication and education effort for emergency responders and recovery personnel and will be developing a chemical detection and monitoring program due to emergency funding that has become available; i.e. real-time detection methods for hazardous gases, vapors, and aerosols. They will be working with technology used in mining disasters to try to adapt it to situations such as September 11th. NIOSH's National Personal Protective Technology Laboratory is working on developing new respirator guidelines and standards for first responders for protection against biological and chemical agents, accelerating the development of new certification standards for self-contained breathing apparatuses. And, as previously stated, NIOSH will be having a conference in N.Y.C. on December 10 and 11 looking at lessons learned.

Dr. Rosemary Sokas, Associate Director for Science for NIOSH, has been coordinating many of their anthrax activities. NIOSH is developing guidelines for PPE and for sampling anthrax. They have modified techniques used by dermatologists to collect samples to be tested. Staff has been deployed to possible anthrax-contaminated sites. They established an emergency operations center and a 24-hour command center.

In response to questions by the Committee, both Pat Clark and Dr. Rest acknowledged that the emergency response has been a drain on agency staff and financial resources, especially in light of the coalmine disaster. The agencies have received some emergency funding. Volunteers have been prevented from accessing the site except for those from the Red Cross and Salvation Army because of safety concerns. NIOSH does not have plans for long-term medical surveillance. People from the Health Department are working on issues of a registry.

The meeting recessed for lunch at 12:15 p.m. and, upon reconvening at 1:02 p.m., William Weber from the Bureau of Labor Statistics provided an update of injury, illness and fatality statistics. He began with the Census of Fatal Occupational Injuries, looking at fatality data by occupation and events that accounted for the most fatalities within each occupation and overall trends disclosed by the data. The discussion included workplace fatalities by gender, homicides at work, work injuries to Hispanics, and the long-term trend in highway incidents. Turning to non-fatal work-related injuries and illnesses, trends with and without lost work days were discussed, and the variation among states and whether their workers' compensation programs might impact cases. Mr. Weber presented non-fatal injuries and illnesses by gender, by age of worker, by occupation group, by event or exposure, and the availability of industry profiles on BLS's two-volume CD.

BLS will be publishing an article on work-related injuries and fatalities to Hispanics, showing that there is variation by country of origin, so that Hispanics are not a single group. What happens to the workers varies by their backgrounds and jobs.

The Agency has not decided how to present the data of September 11th in a way so as to allow users to make comparisons to identify trends.

A discussion of trends in MSDs led to the suggestion by the Committee that BLS, OSHA and NIOSH form a working group to look at what can be gleaned from the data so as to plan further steps.

Paula White, Director of Federal/State Operations for OSHA presented information on the new Recordkeeping rule and educational outreach activities. OSHA's approach is to ensure that training is consistent, policies are well known and understood prior to the effective date of the regulation, and ensure adequate training and outreach materials are available to the public sector.

The Agency had its first train-the-trainer session in Chicago in October, focused on the ten regional recordkeeping coordinators. State Plan Safety and Consultation Projects were also invited. Subsequently, there was satellite training for the entire OSHA family, accessed by more than 1,300 people. The Agency also developed and made available to OSHA and the public a variety of training presentations, one that is 20 minutes, one an hour and another four hours. There is a manual for trainers, and a narrated Power Point presentation. The compliance directive is posted on the Web, and an audit assistance software is being developed. The Web page has been revised. OSHA has a brochure. Pieces have been developed showing a side-by-side comparison with the old regulation, and FAQs are on the Web. From the Web site, you can also reach the SIC manual and BLS data. Everything about the old standard is now in one place.

Mr. Henshaw sent letters to about 200 stakeholders, and there were only two call-backs as a result of that outreach effort. Each regional administrator and area office is developing partnerships so as to create training opportunities.

The Agency's Web has slides, scripts, and other materials to ensure good, accurate training. It also provides the names and numbers of the ten regional recordkeeping coordinators. The State Plan states are required to adopt a regulation by the beginning of the calendar year. OSHA will mail forms and a letter to 1.4 million employers by early December. The forms on the Web are downloadable. The first public satellite training will be December 12. At some sites OSHA staff will stay afterwards to answer questions. It has been arranged for 5,000 simultaneous users to do this as a Webcast. The Agency is also working with AIHA, the ASSE, the Joint Commission, the National Safety Council, the Textile Rental Services Association, the Postal Service, the Health Sciences Television Network, and the Long Term Care Network to advertise the availability of training. There will be a virtual seminar with AIHA in January. The Joint Commission, Postal Service, the Health and Sciences Television Network and Long Term

Care Network will rebroadcast it.

E-tools have been developed with expert systems built in to help employers determined whether they are covered by the rule, whether an injury is recordable, and how to fill out the forms. Employers can download forms and analyze their data. Employers are shown the benefits of the information. The Agency is signing an agreement with the Small Business Development Counsel to put materials in all the SBDCs and to develop and distribute recordkeeping training through them.

OSHA will not do a blue book; the standard is written as Q&As, and there is interpretive information in the Q&As. They are in the Compliance Directive as a separate appendix. The Web refers users to the Q&As by section of the regulation. The FAQs will be updated quarterly or semi-annually. Letters will be put up on the Web.

Due to concerns about lead-time, OSHA will not be issuing citations and penalties for the first 120 days, if an employer is making a good-faith effort to comply. The Agency will contact the major trade associations (e.g. NAM, the Chamber) and offer opportunities for partnering. The Webcast will be archived and available on the Web for six months. There is a task force looking into Spanish language issues.

The Committee suggested contacting the American Hospital Association, the State Hospital Associations and using BLS data of injuries to determine contacts.

During the planning session, March 12 and 13 and May 29 and 30, 2002, were chosen as tentative meeting dates. Several topics for working groups were put forth. The following working groups were developed with Committee members volunteering to work on them:

Turning Around Recalcitrant Employers: Salvatore Bonfiglio; Judith Freyman
Homeland Security: Michael Wright; Bonnie Rogers; Rixio Medina; Margaret Carroll
Credentials of OSHA Employees: LaMont Byrd; Myrtle Turner
OSHA/NIOSH's use of BLS Data: Letitia Davis; Margaret Seminario

Mr. Henshaw encouraged the groups to join with six or eight other safety and health professionals to bring their resources to bear on these topics. Margaret Carroll will contact Daniel Hryhorczuk to see which group he would like to work with.

The discussion of possible agenda items for the next meeting included:

OSHA's task force on Hispanic issues
OSHA's four priority areas
Ergonomics

The regulatory agenda
Preliminary reports from the Working Groups
Evaluation of the consultation program
NIOSH's December Workshop on PPE/WTC Lessons
Recordkeeping
September 11th's impact on the Agencies' Resources
NIOSH's Health Hazard Evaluations

The meeting adjourned at 3:45 p.m.