

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

Minutes of December 5-6, 2000 Meeting

U. S. Department of Labor NACOSH2001-1
Room N3437 A-C Ex. 9
Washington, D.C.

The meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH) was opened by Chair Byron K. Orton at 9:06 a.m. on Tuesday, December 5. He Welcomed three new members: public member Myrtle I. Turner, Ph.D., MPH, CET; management representative Judith S. Freyman, J.D.; and safety representative Rixio E. Medina, CSP. 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
Henry B. Lick	Mgmt.	Manager, Occupational and Environmental Health Sciences, Ford Motor Company
Judith S. Freyman	Mgmt.	Director, Regulatory Affairs ConAgra Foods
Michael J. Wright	Labor	Director, Health, Safety & Environment United Steelworkers of America
Margaret M. Seminario	Labor	Director, Occupational Safety and Health AFL-CIO
Margaret M. Carroll	Safety	Manager, Safety Engineering Sandia National Labs
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

Daniel Hryhorczuk, a public member, who is Director of the Great Lakes Center for Occupation & Environmental Safety and Health, and LaMont Byrd, a health representative who is Director of the Safety & Health Department of the International Brotherhood of Teamsters, were unable to attend.

After accepting the minutes of the previous meeting with a minor correction, the Chair turned the meeting over to DOL Assistant Secretary Charles Jeffress. Mr. Jeffress expressed appreciation for the contributions of out-going Committee members David Heller and Dennis Scullion (who could not be present), and Nancy Lessin and Hank Lick, and presented certificates to Nancy Lessin and Hank Lick. He also recognized the service of Joanne Goodell, the Committee's retiring OSHA contact. The Chair then had the members introduce themselves.

Mr. Jeffress, in providing an update of OSHA activities, announced that Salvatore Bonfiglio, corporate director of safety of Aventis Behring has been nominated and will be appointed to the Committee as a management representative, and that Cate Sutter from OSHA's Policy Office is the new designated federal official to the Committee. Mr. Jeffress thanked agency staff who worked on the ergonomics rule and council members for providing OSHA with the benefit of their experience. He reported that there have been ten lawsuits filed, consolidated in the District of Columbia circuit, but no stay has been requested. October 2001 is therefore the date for the first compliance requirements. He reported that there was still no budget, and OSHA had been awarded a Hammer Award for its partnership efforts. Also, with regard to enforcement, the average penalty was up slightly and the number of significant cases down slightly. Four of five targeted industries have shown substantial reductions in injuries and illnesses: food processing, shipping, logging, and construction. Mr. Jeffress expressed hope that once BLS figures were reported, nursing homes would show an improvement. There was also major progress in reducing silica and lead exposures, with substantial reductions in measurements being shown over the last five years. Construction fatalities remain a challenge; while they have not increased, they have not decreased substantially. An outreach plan is near substantial completion, and a clearinghouse for the best OSHA outreach products is in development. With regard to rulemaking, the recordkeeping rule has been submitted to OMB, and should appear in the *Federal Register* in January of 2002; the steel erection rule, a negotiated rulemaking, needs more work but should be concluded before the end of the year. The rules regarding tuberculosis and payment for PPE were not expected to be completed in 2001.

NIOSH's Acting Director, Larry Fine, then provided an overview of NIOSH activities. Dr. Fine recounted the achievements of former NIOSH Director Linda Rosenstock and reported that a nationwide search would begin shortly for a permanent director. In addition, there are two newly created deputy director positions; Diane Porter has been named Deputy Director for Management and Kathy Rest, Deputy Director for Programs. NIOSH still had no budget. Two laws passed by Congress in October may change some of the missions and functions of NIOSH. HR-5408, the National Defense Authorization Act, provides compensation for DOE employees and contract employees of DOE who worked on nuclear weapons. That Act gives HHS responsibilities NIOSH may assume. One is to establish rules for applying the guidelines for

determining whether a particular case of cancer was work-related. A determination must be made in estimating the dosages of radiation that employees received. Among other things, NIOSH will also staff a new advisory board on health and radiation. NIOSH is also to conduct a study and demonstration project to determine the prevalence of Hepatitis C among emergency response employees.

NIOSH held its second annual conference regarding injuries on October 17 in Pittsburgh, sharing research results and exploring ways of reducing injuries. Papers presented at the conference will be published and will appear on NIOSH's web page. NIOSH also co-sponsored with other organizations conferences in Pittsburgh examining ways to enhance working conditions and patient safety. Dr. Fine announced that the next NORA symposium will be held June 27 in Washington, D.C., and expects to award its first partnering award for worker health and safety recognizing an organization that has partnered with several others to advance health and safety.

On September 22, NIOSH issued an update on job-related fatalities for those under the age of 20 working in agriculture. It also issued a hazard bulletin on class B bio-solids, and a NORA report on research topics for the next decade will be released shortly. In October, NIOSH signed the second five-year agreement with the United Auto Workers and General Motors for continued research on occupational issues. The research will focus on hearing loss prevention, mixed exposures, work organization issues, and control of technology. NIOSH has initiated, with support from OSHA, hazard surveillance activity. They will first target health care. NIOSH hopes to have a surveillance workshop in Cincinnati in the spring of 2001 to challenge the health and safety community to identify successful surveillance programs in the private sector. Dr. Fine reviewed NIOSH's strategic goals.

Hank Lick and Mr. Jeffress relayed the value of the OSHA, UAW, and Ford partnership agreement. The Committee expressed its appreciation for OSHA staff's work on the ergonomics rule and Mr. Jeffress' leadership. Mr. Jeffress explained ergo standard outreach efforts under development.

Mr. Jeffress spoke of OSHA's effort to satisfy the mandates of the Needle Stick Act, whereby the blood borne pathogen standard is to be modified by May 6, 2001. An economic analysis, required by executive order, is being done. The compliance directive may require modification. OSHA forms 300 and 301 must also be in compliance with the Needle Stick Act. Mr. Jeffress expressed appreciation to SEIU, AFSCME, the American Nurses Association, the Hospital Association and the many unions who supported the Act.

The Committee commended NIOSH on its initiative to further public sector surveillance and OSHA for its partnership web page.

Dr. Larry Fine then did a slide presentation regarding the Worker Health Chart Book. The book is meant to be a one-stop resource for current statistics on the numbers and types of occupational injuries, illnesses, and deaths by year; data should reveal trends over time. The book includes

data from many governmental agencies, such as CDC, BLS, NIOSH and states. There were about 6,200 deaths in 1997. Members of the Committee and Dr. Fine expressed the opinion that the types of fatalities demonstrate that OSHA regulations are effective.

Marthe Kent then provided a review of OSHA's response to the NACOSH report on the standards development process. Expressing appreciation for the valuable information and recommendations provided by the Committee, Ms. Kent said the report will be used in the coming year when training and working with staff. OSHA staff are working closely with NIOSH personnel, have active alliances with consensus organizations (such as ANSI) and are trying to do more partnering with industry associations (such as the insurance industry). The agency is trying to do more in the way of compliance assistance, and, consistent with the Committee's recommendation that OSHA explore new ways of rulemaking, is publishing its first direct final rule to amend the cotton dust standard. Internal review has been streamlined. The agency has let a contract for a regulatory handbook that will be publically available when it is finalized.

The meeting recessed for lunch at 12:07 and, upon reconvening at 1:10 p.m., Joseph Hughes, Sharon Beard and John Moran of the National Institute of Environmental Health Sciences (NIEHS), Luis Vazquez, Kim Lang and Donna Dickey of the UAW, Brenda Cantrell and Isaac Wilson of the George Meany Center for Labor Studies, Scott Soloman of the International Association of Firefighters, and Michael Glassic of the Laborers-AGC Education and Training Fund, addressed the Committee regarding occupational safety and health training and developments in training technology. NIEHS has created awards to labor organizations, management organizations, universities, and community colleges to focus on hazardous waste and hazardous materials and emergency-response related activities. NIEHS currently has 17 private primary grantees that comprise approximately 80 universities, labor programs, and other institutions across the nation, focused on geographic regions of the country and specific sectors of the work force. They have developed model curricula that is craft specific, task specific, workplace specific, and industry specific that focuses mainly around the HAZWOPER standard. Grantees have developed evaluation schemes that look at whether training makes a difference in the work place and in illness and injury rates.

Sharon Beard explained funding mechanisms. John Moran explained NIEHS's advanced training technology initiative that is part of their clearinghouse effort. Luis Vazquez, Kim Lang and Donna Dickey explained UAW's efforts in training worker trainers who present training using a more interactive method where groups of workers are given a task or problem to work together to solve. Evaluations have shown this to be highly successful. Brenda Cantrell and Isaac Wilson explained the George Meany Center for Labor Studies's use of advanced training technologies to develop a pilot for web-based hazardous materials training for rail workers.

Scott Soloman of the International Association of Firefighters Hazardous Materials Training Department explained their development of hazardous materials emergency response training curricula and its delivery to firefighters, medics, EMS personnel, other emergency responders, and instructors.

Michael Glassic of the Laborers-AGC Education and Training Fund, the training arm of the International Laborers Union of North America, explained their “smart classroom” approach, taking the computer out of the classroom and making it a vital part of the actual training environment. The computer runs the classroom, but it is not actually in the classroom. Mr. Glassic displayed various training tools: a high resolution LCD projector, a digital whiteboard, video equipment that can be run through the computer, and software to transparently integrate all the tools.

After a brief recess, Dr. Hank Lick provided background on the UAW-Ford joint training program and shared a module with the Committee. Training is delivered through classroom instruction of “train the trainer” at the plant level. Salaried and hourly trainers deliver the modules. Dr. Rita C. Richey of Wayne State University expanded upon the evaluation of training programs and the implications for how training is designed.

At 4:38 the meeting was recessed to reconvene at 9:00 a.m. on December 6, 2000.

The Committee reconvened at 9:07 a.m. in December 6, 2000. After brief opening comments, Michael Hodgson and Arnold Bierenbam of the Veterans’ Health Administration (VHA), MaryAnne Piretti of OSHA’s Federal Agency Programs, Addie Wall of the VA’s National Engineering Service Center and Michael Boucher of the Partnership Council discussed details of the VHA’s safety and health partnership with OSHA and five unions and how it had evolved. The group explained how VA and VHA management have established mechanisms to facilitate employee involvement and motivate employees to participate in achieving program objectives and goals. Among other things, training has been developed and offered in a variety of user-friendly formats. Top management officials in VA and VHA had demonstrated their commitment to making safety an organizational priority and core value. They have set goals for the safety and health program and developed plans for meeting the goals. Management has communicated this to employees. The safety and health program has been endorsed and supported through the provision of financial, human, and material resources. Accountability has been provided for and is expected. VHA has developed indicators to monitor and measure required corrections to problems encountered by accountability programs. To ensure that the program gets attention and can compete for resources at a key level, the safety and health function has been placed in the office of the Chief Network Officer, reporting directly to the Under Secretary for Health.

At 11:42 a.m. the meeting was recessed and reconvened at 12:16 to address planning issues and workgroup assignments. The members agreed to meet March 8th and 9th of 2001 and May 15th and 16th. After discussing the areas needing the members’ attention, it was agreed to form the following workgroups:

Standards Development Workgroup

Margaret M. Seminario, Chair

Margaret M. Carroll

Byron K. Orton

(The group may examine the development of specific recommendations on keeping permissible exposure limits updated.)

Performance Measurement Workgroup

Michael J. Wright, Chair

Rixio Enrique Medina

Salvatore Bonfiglio

(The group will address GRPA issues, evaluation of programs, measurement in general.)

Training/Outreach Workgroup

Bonnie, Chair

Letitia K. Davis

Myrtle I. Turner

Judith S. Freyman

(The group will look at training as it relates to new standards; compliance officer training—especially as regards the new ergonomics and recordkeeping standards; development of a resolution OSHA could share with the Department of Education about safety and health, and business ethics training of those going into a particular field.)

Assignments for Daniel Hryhorczuk and LaMont Byrd will be determined at a later date.

The Committee then determined that they will meet in workgroups the morning of March 8th and begin the public meeting the afternoon of that day, adjourning on the 9th. The Committee would like to address the following issues/topics at the next meeting: the recordkeeping rule if it is out (an overview of changes; plans for implementation; outreach); the needlestick rule (and the training and education piece of the Act); enforcement of safety and health laws for federal and state agencies (when hazards are dealt with; what enforcement strategies are applicable; whether there are citations or fines; what the coverage is under the OSH Act; how federal agencies are covered; how states, counties and municipalities are addressed; what about private sector employees who are or have been regulated by other federal agencies; the Committee would appreciate someone from FACOSH addressing the group; what is happening with the FAA); what is happening with the consultation programs in the regions (what has happened with the increase in budget; what has happened with the number of visits; is the program working; could it work better; could it be better integrated to support the agency's overall strategic goals); what is the state of the new outreach plan; information on the EPA ruling that they will enforce the OSHA asbestos rule for state, county, and municipal workers; a presentation on the new BLS survey; a discussion of surveillance activities across agencies.

When Charles Jeffress and Larry Fine rejoined the Committee, they were informed that the Committee had adopted a statement congratulating the agency on the release of the ergonomics standard. It states:

For several years, NACOSH and its Ergonomics Workgroup have reviewed OSHA's progress toward a final ergonomic standard. Now, that the standard has been released, NACOSH wishes to commend the OSHA staff for their long hours of hard work and Assistant Secretary Charles Jeffress for his committed and effective leadership. OSHA's success in meeting the agency's goal of a year 2000 release shows what inspired public servants can accomplish.

Charles Jeffress suggested that the agency might be in a position to discuss plans for the direction of its budget at the March meeting. He also provided information on OSHA's work with the FAA. He thanked the Committee for its work, creativity and dedication, and the Committee expressed its best wishes for his future.

The meeting concluded at 1:27 p.m.