

**NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND
HEALTH (NACOSH)**

Minutes of December 12, 2007

**U.S. Department of Labor
200 Constitution Avenue, N.W., Room N3427 ABC
Washington, DC**

MEMBERS PRESENT:

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| Douglas Kalinowski | Public Representative |
| Alan McMillan | Public Representative |
| Catherine L. Thomsen | Public Representative |
| Vickie Wells | Public Representative |
| Jennifer Bailey | Management Representative |
| Jim Swartz | Management Representative |
| Dr. James Blessman | Health Representative |
| Susan Randolph | Health Representative |
| Barbara McCabe | Labor Representative |
| Kevin Sommers | Labor Representative |
| Karl Jacobson | Safety Representative |
| Emory Knowles III | Safety Representative |

WELCOME AND ADMINISTRATIVE ISSUES

Keith Goddard welcomed the new and returning NACOSH members. He noted that Doug Kalinowski agreed to serve as acting chair of the meeting. He noted that paperwork is in place for the Secretary of Labor to appoint a permanent chairperson. Mr. Goddard also thanked Catherine Thomsen for acting as chair for the previous two meetings. All 12 members were present and introduced themselves. The meeting was then turned over to Acting Committee Chairman Douglas Kalinowski. The November 28, 2006, minutes were approved. Approximately 35 members of the public attended the meeting.

OSHA ACTIVITIES UPDATE

Assistant Secretary Edwin Foulke thanked the Committee for agreeing to serve on the committee. He said that the agency issued a final rule requiring employer payment for personal protective equipment. We proposed rules for confined space in construction and general working conditions in shipyards. We held a public hearing to update the consensus standards references for design of personal protective equipment. We are also in the SBREFA process on a beryllium standard. Earlier in 2007, the agency proposed an advanced notice of proposed rulemaking for power press safety and a final rule on electrical installation.

In the area of enforcement, OSHA conducted over 39,000 inspections of work sites and uncovered nearly 89,000 violations, which resulted in initial penalties exceeding \$121 million. More than 100 inspections resulted in proposed penalties in excess of \$100,000. OSHA's in-compliance inspections where no violations were found were down. OSHA has a strong commitment to enforcing standards and holding employers accountable when they fail to protect their workers.

In FY 07, OSHA launched a National Emphasis Program on butter-flavored popcorn, combustible dust and oil refineries. In conjunction with the oil refinery NEP, the enforcement staff was directed to develop an NEP that deals with process safety management in the chemical industry. The silica NEP has been revised and updated and we are currently working on revising and updating the lead NEP. We are also operating more than 150 local area and NEPs nationwide, which allows OSHA to channel resources and target with precision those work sites that most need attention.

OSHA has issued a substantial number of guidance documents in the past year, including pandemic influenza, diacetyl, motor vehicle safety in marine terminals, slings, HAZCOM. OSHA has draft ergonomics guidelines for shipyards.

Mr. Foulke also said that OSHA's leadership role in many areas of emergency preparedness continued in 2007 including the Minneapolis interstate bridge collapse and the wildfires in California. An online hurricane matrix has been created to provide a one-stop web page for emergency response.

He announced the new Directorate of Training and Education headed up by Dr. Hank Payne. Dr. Payne has been charged with making OSHA the gold standard for safety and health training in the United States. More than 520,000 persons were trained through the OSHA Outreach Training Program in FY 2007.

OSHA's cooperative and state programs continue to grow in popularity and influence. OSHA signed 55 new strategic partnerships and 72 new alliances in the past year. There are more than 1,100 participants working in the SHARP worksites. There are now more than 255 new participants in the Voluntary Protection Program, including 71 federal agency sites.

OSHA unveiled a new formal publication page on its website to make it more user-friendly. Two years ago a summer teen safety program was launched. OSHA was joined by numerous companies, educational institutions and trade organizations that focus on teen safety. The first year the focus was on landscaping; last year the focus was on construction.

In 2008, OSHA anticipates making substantial progress on our regulatory agenda and expects to issue a number of proposed and final rules, including a proposed rule on cranes and derricks, a final rule governing vertical tandem lifts in the marine terminals and longshoring industry, a proposed revision to our walking and working surface standards, and the final rule to revise standards for electrical power transmission and distribution.

In FY '06, the total recordable and lost work day case rates are the lowest ever reported by BLS, reflecting a 17 percent decline in the last five years. The FY '06 rate of fatal work injuries is 3.9 fatalities per 100,000 employees. The fatality rate among Hispanic workers has decreased by almost 22 percent since 2001.

Questions for Mr. Foulke

Ms. Wells inquired about what work projects would be useful for the committee to provide OSHA and NIOSH. Mr. Foulke mentioned looking at what's new and emerging in the safety and health. Nanotechnology.

Mr. Jacobson asked what are the biggest obstacles the agencies face that need to be solved. Mr. Foulke said getting the message out to the small- and medium-sized employers. Their resources are limited compared to the big companies.

Mr. McMillan`