

The entire transcript of this virtual meeting can be viewed at www.regulations.gov at Docket Number [OSHA-2021-0001-0053](https://www.regulations.gov/document/OSHA-2021-0001-0053)

MEETING SUMMARY
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH
(NACOSH)

Tuesday, November 16, 2021

U.S. Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210

The meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH) was called to order by Chair Cynthia Lewis at 1:00 p.m. EST, on Tuesday, November 16, 2021. This meeting was held via WebEx and teleconference. The following committee members and OSHA staff were present:

NACOSH Members

Cynthia Lewis, Fay Boozman College of Public Health, University of Arkansas for Medical Sciences

Michael Belcher, SafetyPro

Leanne Cobb, Palm Beach State College

Kathleen Dobson, Alberici Constructors, Inc.

John Dony, National Safety Council

David Heller, AcuTech Consulting Group

Andrew Perkins, Alabama Power Company

Rebecca Reindel, AFL-CIO

Jessica Garcia, Retail, Wholesale & Department Store Union

Bobbi Jo Hurst, Orthopedic Associates of Lancaster

J.A. Rodriguez, Board of Certified Safety Professionals

Tonya Ford, United Support & Memorial for Workplace Fatalities

OSHA and NIOSH Staff

Douglas Parker, Assistant Secretary of Labor for OSHA

James S. Frederick, Principal Deputy Assistant Secretary of Labor for OSHA

Andrew Levinson, Designated Federal Official, Acting Director, OSHA, Directorate of Standards and Guidance

Lisa Long, Acting Deputy Director, OSHA, Directorate of Standards and Guidance

Carla Marcellus, OSHA, Office of Maritime and Agriculture

Ashley Bieniek-Tobasco, OSHA, Office of Physical Hazards

Gary Orr, OSHA, Directorate of Enforcement Programs

Stephen Schayer, OSHA, Office of Physical Hazards

Jennifer Levin, Committee Counsel, Office of the Solicitor

Vanessa Myers, Office of the Solicitor

John Howard, Director, NIOSH
John Piacentino, Associate Director of Science, NIOSH

Members of the Public

See Attachment 1

Opening Remarks, Roll-Call and Introductions

Andrew Levinson, Acting Director, OSHA, Directorate of Standards and Guidance
Cynthia Lewis, NACOSH Chair

Mr. Levinson started the meeting by thanking the new NACOSH Chair, Cynthia Lewis, and two new NACOSH members, Bobbi Jo Hurst and John Dony. Ms. Lewis called the meeting to order and asked all the members to introduce themselves which served as the roll call. All members were present. Mr. Levinson briefly went over the agenda. The June 22, 2021, meeting minutes were approved and entered into the record. SOL conducted an ethics review and training for the members.

The following items were entered into the record:

NACOSH Agenda [OSHA-2021-0001-0051](#)

June 22, 2021, Meeting Minutes [OSHA-2021-0001-0052](#)

Occupational Safety and Health Administration Update

Douglas L. Parker, Assistant Secretary
James Frederick, Deputy Assistant Secretary

Mr. Parker began by stressing the importance of advisory committees, and hearing from and collaborating with stakeholders. He said that he looks forward to working with the committee and hearing about its ideas and work.

Mr. Frederick thanked the members for their service on the committee, as well as OSHA and NIOSH staff for arranging the meeting. He provided an update on the steps being taken by OSHA to protect workers from COVID-19, including the Healthcare Emergency Temporary Standard (ETS) issued in June 2021, the national emphasis program, updated guidance, and the ETS on Vaccination and Testing. Mr. Frederick mentioned that the United States Court of Appeals for the Fifth Circuit stayed OSHA's vaccination and testing ETS, and that OSHA would not be implementing, nor enforcing the ETS.

Mr. Frederick mentioned that OSHA is taking aggressive action to protect workers from heat hazards, both indoors and outdoors, and the agency issued an advance notice of proposed rulemaking (ANPRM) on heat illness prevention in the Federal Register on October 27, 2021. OSHA implemented a nationwide enforcement initiative on heat-related standards and is developing a national emphasis program on heat inspections. The enforcement initiative prioritizes heat-related interventions and inspections of work activity on days when the heat index exceeds 80 degrees and encourages employers to implement intervention methods on heat priority days.

Mr. Frederick stated that OSHA was rebuilding the enforcement program, as well as ensuring the agency has the resources and staff necessary for compliance assistance, rulemaking efforts, and administering the whistleblower protection program. The agency's FY 2022 budget request included an increase of \$73 million and 362 full-time staff.

OSHA is also focused on improving its outreach to the underserved worker community. OSHA is rethinking how to ensure all workers have the protection, information and training they need, and making sure worker voices are heard. The agency's Susan Harwood training grants program is one avenue OSHA can use to reach underserved communities.

Mr. Frederick thanked the members and stated that NACOSH will continue to play an important role in OSHA. (pages 33-43)

National Institute on Occupational Safety and Health Overview

Dr. John Howard, Director

Dr. Howard discussed NIOSH's locations, staff and budget, and the agency's extramural centers – education and research centers located at prominent universities throughout the United States that engage in occupational and environmental medicine, industrial hygiene, industrial psychology, safety engineering and agricultural safety and health. NIOSH has a team working as part of the COVID-19 CDC response, and the agency is advising on the efficacy of various face coverings and conducting field studies on barriers/partitions to determine their interventional effectiveness. The agency has been conducting work-related COVID-19 surveillance with 39 states that collect occupational data. In addition, 18 jurisdictions funded by CDC are looking to answer whether or not COVID-19 cases came from the community or workplace.

NIOSH has about 35 programs, and its website has Program Performance One-Pagers that describe each program and its priorities. One program, Mental Health Initiative for Health Care Workers, received funding from the American Rescue Plan of 2021 to deliver a national awareness and education campaign to safeguard the mental health of health workers. A Federal Register notice has been published soliciting comments on NIOSH's mental health initiative.

Dr. Howard mentioned several other topics and accomplishments, including: developing workplace-supported recovery programs and using the total worker health concepts to address the opioid epidemic; developing its third international symposium on total worker health; issuing a new Intelligence Bulletin on nano silver; issuing a heat safety criteria document in 2016; instituted a new blog post; created a heat stress topic page; developed infographics for the construction sector; and is currently updating the OSHA/NIOSH safety sheet tool app. Dr. Howard stated that NIOSH would be happy to work with OSHA on heat safety. (pages 49-62)

The NIOSH presentation was entered into the record. [OSHA-2021-0001-0047](#)

Heat Stress

Dr. Stephen Schayer, Director, Office of Physical Hazards

Dr. Ashley Bieniek-Tobasco, Office of Biological Hazards

Dr. Schayer discussed the rulemaking process in OSHA and the Advanced Notice of Proposed Rulemaking (ANPRM) on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. The ANPRM outlines key issues and challenges, and questions relating to occupational heat exposure and the prevention of occupational heat injuries and illnesses. OSHA seeks to engage stakeholders and collect evidence, information, and data for use in the next steps in the rulemaking process. The ANPRM is open for comments for 60 days. (pages 77-79)

Dr. Bieniek-Tobasco discussed in detail each of the four sections of the ANPRM. OSHA is hoping for widespread public engagement with this ANPRM, and the comment period closes on December 27, 2021.

Dr. Bieniek-Tobasco provided a brief update on the heat injury and illness prevention work group. OSHA will create a NACOSH work group consisting of 2-3 NACOSH members and 10 members of stakeholder groups to develop draft recommendations to the agency to inform its regulatory and guidance efforts on heat illness prevention. OSHA is conducting research and outreach to determine groups affected by extreme heat, and the agency is in the final stages of selecting work group members. (pages 80-85)

The presentation was entered into the record. [OSHA-2021-0001-0048](#)

OSHA's Heat-Related Hazard Enforcement Initiative

Gary Orr, Health Scientist, Directorate of Enforcement Programs

Mr. Orr discussed the enforcement of the heat initiative. The initiative is an expansion of OSHA's long-standing heat campaign. OSHA has recently updated information on its website to assist employers found at www.osha.gov/heat.

OSHA reviewed a lot of information and data to determine when it should initiate an inspection in the workplace. Studies showed that the heat index threshold was 80 degrees. OSHA uses this threshold for heat priority days. OSHA Compliance Officers are asked to provide outreach and intervention if they come across a heat illness situation, and provide information and materials (heat poster, wallet cards, etc.) during an inspection. (Pages 88-98)

The presentation was entered into the record. [OSHA-2021-0001-0049](#)

Risk-based Safety Discussion

Steve Newell, EH&S Executive Advisor, National Safety Council

Mr. Newell discussed how OSHA could move forward in having more of a risk-based approach. NSC developed a white paper on OSHA where 11 different issues were raised on how OSHA could improve its impact. Mr. Newell mentioned that OSHA could adopt a more integrated risk-based approach that promotes collaboration and shared learning and is focused on addressing hazards that posed the greatest risk to workers. Mr. Newell mentioned that while enforcement is important, OSHA should ensure that every resource is being applied and directed to where it is

most needed. OSHA could work with NIOSH and BLS to develop a better risk-targeted approach, and involve stakeholders like NACOSH. (pages 118-158)

The Risk-based Safety presentation was entered into the record. [OSHA-2021-0001-0037](#)

Open Discussion, Closing Remarks, Adjournment

Ms. Lewis opened the meeting for comments from the members and then gave the public the opportunity to speak. Mr. Levinson commented that the meeting had been very productive, and that he looked forward to a more robust meeting schedule as well as the start of the NACOSH heat stress work group. (pages 159-186)

The meeting was adjourned at 5:00 p.m. EST.

I hereby certify that, to the best of my knowledge, the foregoing minutes are an accurate summary of the meeting.

Submitted by:

Cynthia Lewis
NACOSH Chair
Date

Attachment 1

Members of the Public

Anne Cobb
Bruce Lundegren
Eric McClasty
Frank Meilinger
Irene Grey
Nina Breakitron
A Slavadore
Adam Linhardt
August Williams
Alexander Ten
Allegra Solis
Amanda Edens
Amanda Sanders
Andrea Minea
Andrew Salvadore
Ann Berry
Anna Bell
Anne Laurie Wong
Basil Thomson
Beth Phelps
Billie Kaizer
Bobbi Roach
Branden Bennett
Brandy Hamilton
Brenda Jacklitsch
Brian Yogerst
Bruce Rolfsen
Chad Rimmer
Charles Biffel
Christina Morgan
Chuck Stribling
Craig Collins
Crystal Main
Dan Curtis
Dan Leacox
Daniel Buckpadel
David Glowacki
David Jones
Dennis Abbington
Dionne Williams
Elizabeth Eartha
Emily

Eric Harbin
Francis Chin
Frank Hearl
Gary Bennett
Jacob Nowicki
James Cooper
Janice Scott-Blanton
Jason Wyglendowski
Jean Velez
Jeff Palma
Jeff Raab
Jeff Wischsun
Jeffrey Wanko
Jennifer Poythress
Jens Svenson
Jeremias Cruz-Corniel
Jeremy Jernigan
Jessica Brown
Jessica Schifano
Joe Long
John Schmitz
John Schweitzer
Jonathan Sarager
Jordan Bush
Judith Eisenberg
Justin Clock
Karen Johnson
Karrissa Waddiek
Katherine Kroll
Katrina Burns
Kaye Lynch-Sparks
Keaton Nothington
Kevin Burchell
Kevin Mayer
Kimberly Stille
Kurt Petermeyer
Manda Lacombe
Marci Kinter
Matthew Feeley
Michael Andrews
Michael Langer
Michael Morgan
Michael Rivera
Michelle Grazeen
Michelle Milhelic
Mike Hill

Mike Starner
MK Fletcher
Monica Sims
Monique Parker
Myers
Nancy McClellan
Naomi Ducharme
Nathan Taube
Nick Tindall
Nina Breakiron
Owen Skjonsby
Patrick Kapust
Patrick O'Connor
Paul Mittendorf
Phillip Walker
Randy Storr
Raymond Reyley
Rebecca Chappa
Renee Teck
Richard Anderson
Rob Matulla
Rob Mituga
Robert Gottlieb
Ron Veit
Russell Hinds
Ryan Lane
Sam Glover
Sarah
Scott Ketcham
Sharon Carr
Sharon Wuthrich
Shawn Tapper
Simia Allaman
Skit Estes
Steve Miller
Susan Flanagan
Tammy Garrett
Terry Barrett
Thad Nosal
Todd Baker
Tokesha Collins-Wright
Tom Bradley
Troy Fritz
Tyler Soltz
Wayne Palmer
William Wahoff