

**United States Department of Labor**  
**Occupational Safety and Health Administration**

**Federal Advisory Council on Occupational Safety and Health (FACOSH)**

**September 28, 2006 Meeting Minutes**

FACOSH met at 10:00 a.m. in Rooms 2537G-2540K of the Mine Safety and Health Administration (MSHA), located at 1100 Wilson Boulevard, Arlington, Virginia

***Representatives Attending***

Edwin G. Foulke, Jr., Chairperson  
Assistant Secretary for Occupational Safety and Health  
U.S. Department of Labor

W. Corey Thompson, Jr., (elected) Vice Chairperson  
Safety and Health Specialist  
American Postal Workers' Union, AFL-CIO

Donald G. Bathurst  
Chief of Administrative Services  
U.S. Department of Homeland Security

Curtis M. Bowling  
Director of Environmental Readiness and Safety  
U.S. Department of Defense

Vickers B. Meadows  
Chief Administrative Officer  
U.S. Department of Commerce  
Patent and Trademark Office

Jose S. Gonzales  
Sergeant at Arms  
California State Fraternal Order of Police/Empire Lodge II

Keith Nelson  
Assistant Secretary for Administration  
U.S. Department of Housing and Urban Development

Robert Lee Martin, Jr.  
Special Assistant to the President, Organizing Director  
National Marine Engineers Beneficial Association

Milagro Rodriguez  
Occupational Health and Safety Specialist  
American Federation of Government Employees, AFL-CIO

Richard S. Williams, M.D., FACS  
Chief Health and Medical Officer  
NASA

***Also Participating***

Diane Brayden  
Director  
Office of Federal Agency Programs, USDOL - OSHA

Marvin Dickerson  
Federal Emergency Management Agency  
U.S. Department of Homeland Security

Frank Denny  
U.S. Department of Veterans Affairs

Tom Galassi  
Deputy Director  
Directorate of Enforcement Programs, USDOL – OSHA

Sandy Guches  
U.S. Department of Interior

Shelby Hallmark  
Director  
Office of Workers' Compensation Programs  
Employment Standards Administration  
U.S. Department of Labor

Suey Howe  
Deputy Assistant Secretary for Policy  
U.S. Department of Labor

Larry Liberatore  
Directorate of Cooperative and State Programs, USDOL - OSHA

David Marciniak  
General Services Administration

Jim Meredith  
U.S. Department of Interior

Cathy Oliver  
Director  
Office of Partnerships and Recognition, USDOL - OSHA

Keith Pendergrass  
Facilities and Property Management, USDOL - MSHA

Louis Rowe  
National Park Service  
U.S. Department of Interior

Laura Seeman  
Directorate of Cooperative and State Programs, USDOL - OSHA

Jennifer Silk  
Deputy Director  
Directorate of Standards and Guidance, USDOL - OSHA

### ***Call to Order***

Assistant Secretary Edwin Foulke, Jr., Chair, called the meeting of the Federal Advisory Council on Occupational Safety and Health (FACOSH) to order at 10:00 a.m. He thanked the American Federation of Government Employees (AFGE), Local 12 for providing coffee and snacks for the meeting in recognition of Hispanic Heritage Month. After identifying meeting materials included in the members' meeting booklets, he asked Keith Pendergrass, Facilities and Property Management, Mine Safety and Health Administration (MSHA), to explain the emergency evacuation procedures. Mr. Foulke provided background information about himself and asked that FACOSH members and alternates, OSHA staff, and audience members introduce themselves. He then discussed his trip to China and the progress of U.S. workplace safety and health since OSHA's inception.

Following these introductions, Mr. Foulke spoke about the organization, procedures, and functions of FACOSH, and outlined both the statutory requirements for the Council and the rules that would govern the proceedings.

### ***Nomination and Election of Vice-Chair***

Mr. Foulke noted that the Council needed to elect a Vice-Chair from among the labor representative members and nominated W. Corey Thompson, Jr., Safety and Health Specialist, American Postal Workers Union (APWU). No other nominations were presented and the FACOSH membership elected Mr. Thompson as Vice-Chair.

### *Approval of Minutes*

Mr. Foulke asked the Council to review the April 12, 2005, FACOSH meeting minutes. The minutes were voted on and approved as written.

### *Updates on Ongoing Activities*

#### **Government Accountability Office (GAO) Audit on Federal Workplace Safety and Health**

Mr. Foulke introduced Diane Brayden, Director, OSHA's Office of Federal Agency Programs (OFAP), to provide an update on the GAO audit on Federal Workplace Safety and Health. Ms. Brayden provided the background, time span, and methodology of the GAO report and then began to discuss its findings and recommendations, and OSHA's responses.

Ms. Brayden explained that the Audit had surveyed 57 agencies and found that most had some activity in each of the six components generally associated with a good safety and health program. However, she further explained that GAO found that many agencies faced implementation challenges in the areas of data management, accountability, and safety resources. In addition, the GAO Audit found that OSHA's oversight of safety and health programs could more effectively use enforcement and compliance assistance resources in a strategic manner. Ms. Brayden outlined three recommendations from GAO to OSHA which include; 1) developing a National targeted inspection program for federal worksites based on injury and illness data, 2) tracking violations disputed by federal agencies to their resolution, and ensuring that all unresolved disputes are reported to the President, and 3) conducting evaluations of the largest and most hazardous federal agencies as required, including recommendations for safety and health program improvements in the Department of Labor's (DOL's) report to the President.

In response to the GAO audit, Ms. Brayden stated that, despite difficulties with the compatibility of various data sources, OSHA had developed a federal agency targeting program based on injury rates at the departmental and independent agency levels. She also reported that GAO's findings regarding OSHA's failure to track disputed violations was, in large part, a misunderstanding of the tracking process. However, Ms. Brayden explained, OSHA agreed that it could improve its internal tracking of appealed cases and that an internal tracking system had been developed to address this issue.

With respect to the GAO recommendation to conduct annual federal agency evaluations, Ms. Brayden stated that OSHA has not conducted evaluations during the past several years due to staffing limitations. However, OSHA would look at the possibility of re-instituting agency-level onsite reviews at some time in the future.

Ms. Brayden then enumerated several steps OFAP was taking to enhance its oversight of federal agency safety and health programs, including increasing the number of staff, requiring more in-depth data from agencies in their annual summary reports, and applying a higher level of analysis to that data. She also noted that the request for agency annual reports would be sent to the Designated Safety and Health Officials (DASHOs) in the near future and that the more specific data, including OSHA 300 summary results and

recordkeeping on the injury and illness rates of volunteers, would be requested. In addition, Ms. Brayden explained that this data and any feedback on issues of concern would be used to address gaps identified in the GAO report.

Mr. Foulke asked for questions or comments on the GAO report update but received none. He then reported that he was requiring Regional Administrators to provide him with a monthly report on federal site inspections.

### **SHARE Initiative**

Assistant Secretary Foulke and Shelby Hallmark, Director, Office of Workers' Compensation Programs (OWCP) conducted a joint presentation on the Safety, Health, and Return-to-Employment (SHARE) Presidential Initiative. Mr. Foulke reported that SHARE established four goals. OSHA oversees Goals 1 and 2, while OWCP oversees Goals 3 and 4. Specifically, the goals are to:

- 1) Reduce total injury and illness case rates (TCRs) by at least 3% per year,
- 2) Reduce lost time case rates (LTCRs) by at least 3% per year,
- 3) Improve the timely filing of injury and illness notices by 5% per year, and
- 4) Reduce lost production day rates (LPDRs) by at least 1% per year.

Mr. Foulke pointed out that the SHARE goals are aligned with the President's Management Agenda goal on human capital and DOL's strategic goal to foster quality workplaces. He noted that DOL had recommended to the President that the SHARE Initiative, originally slated to end at the end of FY 06, be extended for an additional three years.

For Goal 1, Mr. Foulke reported that the federal government as a whole had demonstrated continuing improvement throughout the Initiative's time span and was on track to meet the goal for FY 2006. He also provided a graphic representation of individual agency progress towards goal achievement and commended the efforts and improvements of the Department of Homeland Security (DHS). Mr. Foulke noted a similar trend for Goal 2 and stated that meeting this goal was also likely in FY 2006.

Mr. Hallmark provided information on Goals 3 and 4. He detailed the necessity of timely claim submissions (Goal 3) and noted that the federal government as a whole had made tremendous progress in this area. He also discussed individual agency achievements toward meeting this goal and drew attention to the improvements of DHS.

With respect to the LPDR goal (Goal 4), Mr. Hallmark explained that it was a very difficult goal to achieve, but was also very useful because it integrated the safety and case management areas to both reduce injuries and return employees to work more quickly. However, despite the difficulty, Mr. Hallmark noted a steady improvement over the course of the SHARE Initiative and reported that it looked promising for the federal government to meet the goal in FY 2006. In a further elaboration on the LPDR goal, Mr. Hallmark discussed the progress of individual agencies, noting both those that were having difficulty and those that were making significant improvements.

Mr. Hallmark then enumerated DOL's efforts in monitoring and leading the SHARE Initiative. He mentioned several outreach activities and called attention to the availability of data on OWCP's website that would allow agencies to monitor their own progress.

Mr. Foulke and Mr. Hallmark then segued to providing background and supporting information for the request to extend the SHARE program. Mr. Foulke reported that he was hoping to hear a favorable response from the White House in time for an October 1 implementation. Mr. Hallmark explained how Goals 3 and 4 had been adjusted for the SHARE extension to provide more accurate results and achievable benchmarks.

Mr. Foulke emphasized OSHA's commitment to helping the agencies meet their SHARE goals. He then opened the floor to comments on and questions about the SHARE Initiative.

Curtis Bowling, Department of Defense (DoD), asked for a change in the graphical depiction of his department's progress in meeting Goals 3 and 4 when compared with other departments. Mr. Hallmark and Mr. Foulke agreed with the idea, but Ms. Brayden noted that by breaking DoD down into its subcomponents, its data could be presented using the same scale as other agencies. The parties agreed to a further discussion of the issue.

Mr. Foulke took the opportunity to provide information on OSHA's Voluntary Protection Program (VPP) and the successes various DoD installations had achieved through that outreach. He emphasized the benefits of the program and urged other federal agencies to investigate and take advantage of OSHA's compliance assistance opportunities.

Keith Nelson, Department of Housing and Urban Development (HUD), asked about statistics for other agencies. Ms. Brayden directed him to the OSHA website for access to all the SHARE data.

Richard S. Williams, M.D., National Aeronautics and Space Administration (NASA), commented on NASA's commitment to the VPP program, which Mr. Foulke acknowledged. He also asked for more information on DHS's difficulties and the issues with baggage handling and the Transportation Security Administration (TSA). Mr. Hallmark elaborated on the ergonomic hazards associated with baggage handling and the speed with which TSA was created and staffed. He also mentioned other "high-risk" federal occupations.

Donald G. Bathurst, DHS, expounded on the various hazards associated with specific DHS jobs and tasks. He also noted that DHS did not exist until mid-FY 2003 and that, overall, the Department had improved its workplace safety and health. Mr. Hallmark acknowledged the progress.

At that point, Mr. Bowling took the opportunity to "give another commercial for VPP" and emphasized the program's benefits. He also provided information on DoD's efforts and plans to achieve VPP status for more sites.

Mr. Foulke noted the success of VPP in the private sector and stated that OSHA had three area offices as VPP sites and was adding a fourth. W. Corey Thompson, Jr., APWU, added his endorsement of the program and its results, and mentioned the ever-increasing number of U.S. Postal Service (USPS) sites with VPP status.

Mr. Hallmark touted the reduction in workers' compensation claims (FY 2006 saw the lowest number of claims filed since 1973) and noted the positive influence of SHARE. Ms. Rodriguez, AFGE, asked Mr. Hallmark about outreach for agencies that were "poor performers." Mr. Hallmark mentioned focusing on smaller agencies and noted the difficulties for some agencies. He also asked for agency feedback and suggestions for expanding outreach opportunities.

Louis Rowe, National Park Service (NPS), informed the Council of his organization's commitment to the SHARE Initiative and asked about the potential for correlating the goal language with the OSHA Form 300 summary information. He provided evidence to support the benefits of this correlation and Mr. Foulke stated that it was "a good suggestion." Mr. Rowe also noted the discrepancy between the calendar year OSHA 300 data and the annual report due date of January 1. Ms. Brayden clarified that the annual report request was based on the fiscal year. She also mentioned the importance of such feedback to OFAP's information gathering processes.

Frank Denny, Department of Veterans Affairs (VA), cautioned the group about the problems with focusing on outcome vs. progress with respect to the SHARE program. Mr. Foulke acknowledged the importance of proper focus and mentioned the Secretary of Labor's interest in rewarding performance accomplishments in the SHARE Initiative.

### **Federal Agency Recordkeeping Change**

Diane Brayden, OSHA, reminded the Council of the federal-sector recordkeeping changes that became effective on January 1, 2005. She noted that, aside from a few nuances specific to federal agencies, the federal reporting system is now nearly identical to that in the private sector.

Ms. Brayden noted the extensive training and guidance provided by OFAP, along with the OFAP website and recordkeeping-related Frequently Asked Questions (FAQs). She also mentioned the recordkeeping video on the VA's website.

In regard to federal sector-specific recordkeeping issues, Ms. Brayden commented on the need for recording injury and illness statistics for volunteers and noted that federal volunteers are considered "employees." Mr. Hallmark added that federal volunteers are also eligible for workers' compensation. Ms. Brayden also asked for comments and suggestions on tracking the statistics for volunteers and mentioned that OSHA had contacted agencies with volunteers to determine current practices.

Ms. Brayden then introduced Jim Meredith, Department of Interior (DOI), to inform the Council about his Department's approach to tracking volunteer statistics. Mr. Meredith read a prepared statement into the record, on behalf of Kathleen Wheeler, DOI's

DASHO. The statement included information on DOI's mission, history, function, organization, volunteer population, efforts to provide safe and healthful workplaces for DOI volunteers, and the Department's concerns regarding the effect of not including volunteer statistics in the calculation of agency injury and illness rates. The statement requested that the FACOSH ask OSHA to consider that issue with respect to accurate injury and illness rates. Mr. Meredith then offered to answer questions and offered the expertise of Mr. Louis Rowe, NPS and Sandy Guches, Bureau of Land Management (BLM), both from agencies with large volunteer populations.

Mr. Denny, VA, asked for clarification on DOI's method of using "hours worked" to calculate volunteers. Mr. Meredith confirmed that DOI calculates the number of volunteers based on the number of hours worked on an annual basis. Mr. Rowe noted that NPS tracks both the number of volunteers and the hours they work. Mr. Denny then commented on the difference between DOI's calculations and most agencies' use of OPM figures to determine injury and illness statistics. Ms. Brayden stated that SHARE statistics eliminated volunteer information from the final figures because of the employment data issues.

Tom Galassi, OSHA, noted that one of the main purposes of the recordkeeping system was to allow site safety and health personnel to identify hazards. He then queried Mr. Meredith as to whether DOI tried to avoid having volunteers perform the more hazardous activities. Mr. Meredith referred the question to Ms. Guches.

Ms. Guches explained BLM's restrictions on volunteer activities and stated that although volunteers and employees received the same training, volunteers did not perform "hazardous duty." She also noted the varied nature of volunteer schedules and concomitant difficulties with statistical calculations.

Mr. Rowe clarified that NPS does not prohibit volunteers from many jobs, but does match the volunteers' capabilities to a suitable task. He also noted the overall hazards of many environments inherent to the NPS.

Mr. Hallmark commented on SHARE statistic calculations, workers' compensation claims, and subtracting volunteer claims from the final counts. He also mentioned unique functions of specific groups of volunteers, such as boaters documenting water levels for the Department of Commerce. He then stressed the importance of paying attention to such situations so, "that when injuries occur, somebody takes care of them."

Marvin Dickerson, Federal Emergency Management Agency (FEMA), spoke of the necessity for a national effort to inform potential volunteers about the need for safety, particularly in hazardous environments. He noted that many volunteers, particularly those responding to disasters, were not necessarily concerned with working safely, and that that altruism could affect an organization's safety programs and workers' compensation statistics. Mr. Dickerson mentioned the need for attempting to ensure that volunteers are made aware, both of the appreciation for their efforts and the necessity of ensuring their safety.

Mr. Foulke referred to issues with providing training for Gulf Coast volunteers who responded to the disasters in the area, and the legal separation between “volunteer” and “employee.” He then reiterated the need for providing safety and health training to volunteers and asked for more information on the training they receive. Mr. Meredith replied that DOI volunteers receive much the same training as DOI employees.

Ms. Brayden emphasized the importance of such information to OFAP and asked that it be provided in response to OSHA’s annual report request to the agencies. Mr. Meredith confirmed that it would be included and expressed his enthusiasm for providing such input.

Ms. Brayden noted the importance of tracking OSHA Form 300 data to identify hazardous worksites, as recommended in the GAO report. She mentioned difficulties with reporting OSHA 300 data that coincides with the timeframe for agency annual report submissions, but that OSHA’s annual report request would provide an opportunity for agencies to provide feedback on their OSHA 300 data collection efforts.

### **Lunch Break**

The Council recessed for lunch.

### **Federal Agency Training Week**

Mr. Foulke reconvened the FACOSH meeting and introduced Ms. Brayden to update the Council on OSHA’s Federal agency training initiatives. Ms. Brayden noted that, due to limited resources, many agencies depend on safety officers with limited experience and/or collateral duty safety personnel. She stressed the importance of providing training to enhance the capabilities of safety staff and called attention to OSHA’s free web-based collateral duty safety course (Course # 6000). Ms. Brayden provided details on the course, but also emphasized the need for additional training.

Ms. Brayden stated that OSHA would host a week of training for federal personnel on November 16-18 (sic: November 14-16) at the OSHA Training Institute and would offer “a menu of half-day courses over the three days providing students an opportunity to select up to six seminars of interest from a wide variety of safety topics” in the areas of general industry, construction, and industrial hygiene. When asked for clarification about training costs, Ms. Brayden stated that, while there was no tuition fee for the Training Week, agencies would need to cover travel costs.

Mr. Thompson, APWU, asked Ms. Brayden about the level of the courses and whether they were introductory in nature. Ms. Brayden replied that the courses assumed a basic foundation, such as the collateral duty course.

Mr. Rowe, NPS, extolled the concept of the Training Week and expressed his interest in taking advantage of it. He also offered to help fund similar events in the regions due to the difficulties in arranging for all interest parties’ attendance at a single location at a

single time. Mr. Galassi, OSHA, noted that OSHA was exploring opportunities to expand its training offerings.

Mr. Rowe provided details on DOI's use of distance learning technology. He mentioned the versatility of the medium and offered to collaborate with OSHA to expand the learning opportunities for federal safety and health personnel. Mr. Foulke expressed his approval of the idea.

## **Pandemic Flu**

Mr. Foulke provided introductory comments on OSHA's effort to provide guidance on recognizing and combating the hazards of a pandemic in the workplace. He then introduced Suey Howe, DOL's Deputy Assistant Secretary for Policy and Jennifer Silk, Deputy Director, OSHA's Directorate of Standards and Guidance, to present information as OSHA's experts on the issue.

Ms. Howe described how DOL is working closely with the Homeland Security Council, and several federal agencies including the Department of Health and Human Services (HHS), Centers for Disease Control (CDC), the VA, Department of Education, Department of Agriculture (USDA), Department of Treasury, Department of Homeland Security, and Department of Commerce in a coordinated government-wide effort to address the issue of a pandemic flu outbreak.

Ms. Howe provided some background information on flu in general, and the definition of a pandemic. She discussed the varying severity of pandemics and projections of the rates of morbidity and mortality depending on the severity. She also provided estimates of a severe pandemic's effects on the economy, business operations, and provision of essential services. Ms. Howe then detailed a few of the strategies to deal with a pandemic and noted the federal emphasis on planning. She specifically mentioned the President's release of a national strategic plan and the various actions required of federal agencies, as well as the dates by which those actions are to have occurred. She also noted that agency plans would be "fine tuned" as specific knowledge and strategies became available.

Included in Ms. Howe's presentation was information on the unique contingencies taken into consideration when planning for a response to a pandemic. She also provided specific references to various federal documents on the subject along with training information and a selection of web resources.

Ms. Silk continued the presentation with information on OSHA activities related to pandemic response, noting OSHA's unique role of safeguarding workers in the event of a pandemic. She stated that OSHA has issued guidance on protection of poultry workers from avian influenza, and noted there are a number of guidance documents currently in the clearance process. She advised that OSHA has created two pandemic influenza working groups to identify issues and develop recommendations relative to the pandemic flu. The Pandemic Flu Policy Group has two subgroups, one looking into DOL and

OSHA issues, and the other looking at employer and employee issues. The second Policy Group is addressing Respiratory Protection.

Ms. Silk stated that in the event of a pandemic incident of national significance, OSHA would continue to perform its critical functions, including responding to fatalities, imminent dangers, complaints, and accident investigations. OSHA would also have a role in providing safety and health specific guidance and assistance to employers and employees in the federal response community.

Ms. Silk spoke of how OSHA had developed a hierarchy of potential exposure scenarios and the steps necessary to protect each category of worker. She cited examples of specific strategies such as telecommuting to minimize worker exposure, and discussed how to protect “high impact” employees, such as emergency response workers, from exposure.

Upon the conclusion of Ms. Silk’s presentation, Mr. Foulke opened the floor to questions. Ms. Rodriguez, AFGE, asked if there was any sense of agencies’ progress in fulfilling their responsibilities. Ms. Howe replied that she thought all the agencies had begun the planning process and several were well along in their response plans. She also asked those present if they were aware of their agencies’ progress and emphasized the need for commitments from agency leaders.

Ms. Rodriguez responded with information from a briefing she had attended the previous day at OPM. The briefing had covered OPM’s response plans and the need to be aware of other plans and response efforts. Ms. Howe noted the importance of cooperation and communication among all areas of emergency response.

Mr. Meredith, DOI, mentioned several situations unique to his employees’ work with various types of wildlife and his department’s efforts to develop a plan to protect employees in those areas. He also noted that many DOI subcomponents have extensive interaction with the public and must plan accordingly.

### **Motor Vehicle Safety**

Before beginning the presentation on Motor Vehicle Safety, Assistant Secretary Foulke introduced Bryan Little, his new Deputy Assistant Secretary. Mr. Foulke also noted that that the Motor Vehicle Safety presentation had been moved up on the agenda.

Mr. Foulke began the discussion by noting that, per Executive Order (EO) 13043, all federal employees must use seatbelts when traveling on official business. He also noted that former Assistant Secretary John Henshaw’s efforts, through a variety of initiatives, to obtain 100 percent compliance with the EO. He then introduced Larry Liberatore, OSHA Coordinator for the Motor Vehicle Safety Campaign, to provide an update on the progress toward that goal.

Mr. Liberatore detailed the history of the motor vehicle safety workgroup and thanked its participants. He noted that the group’s focus was to develop a model program for

assisting federal agencies without fleets and the attendant fleet management safety programs, policies, and procedures. Mr. Liberatore provided the Council with a copy of the workgroup document, outlining on a basic motor vehicle safety program. Mr. Liberatore outlined the document's contents and called attention to various points. He also noted a few areas of current research, such as cell phone use and pre-screening of driving records. Mr. Foulke then asked for questions.

Dr. Williams, NASA, asked about the existence of research comparing the distraction of hands-free cell phone use to holding a conversation with a passenger. Mr. Liberatore was not aware of any such research other than the effects of passengers and conversations on teenage drivers.

Mr. Nelson, HUD, asked if the workgroup had addressed GPS systems because their use was highly interactive. Mr. Liberatore stated that the group had not addressed GPS systems but that the Federal Motor Carrier Safety Administration was conducting such research within the trucking industry.

Mr. Galassi, OSHA asked Mr. Liberatore about the absence of discussion on airbags. Mr. Liberatore replied that there is an assumption that all vehicles are equipped with airbags, similar to seatbelts.

Mr. Foulke then noted the positive impact of seatbelt legislation. He mentioned the potential positive impact on workplace safety with increased use of seatbelts among federal employees.

Mr. Bowling, DoD asked if the group had addressed different types of vehicles such as 15-passenger vans. Mr. Liberatore replied that the group had developed the document as general guidelines and had discussed vehicle selection but that the discussion had not been included in the final document. He also mentioned that the National Transportation Safety Board's website provided extensive information on the subject.

Mr. Foulke closed the discussion and thanked Mr. Liberatore.

### ***New Business***

Assistant Secretary Foulke stated that the Council would move on to New Business, but that the Cooperative Programs presentation remained as an item of Old Business for later in the afternoon.

### **Facility Design for Safety and Health**

Mr. Foulke introduced David Marciniak, Safety and Health Manager, General Services Administration (GSA). Mr. Marciniak stated that GSA was asking FACOSH to possibly put together a sub group to address safety and health in facility design. He asserted that designing out hazards by using systems safety techniques was more efficient and less costly than correcting problems later on.

He noted that, when designing a building, it was a general assumption that the combination of building codes and OSHA regulations would ensure a safe workplace. But, according to Mr. Marciniak, there would be greater cost and personnel savings by designing a safer workplace in the initial architectural and concept stages. He mentioned a GSA design guide that included such considerations.

Mr. Marciniak stated that GSA wanted FACOSH to create a committee or subgroup to gather information and research on incorporating safety and health into facility design in accordance with the rules, regulations, Executive Orders, consensus standards, trade practices, and building codes. He noted that this type of collation would benefit workers in general, whether they were federal or contract employees.

Mr. Marciniak discussed specific areas, such as roof design and equipment location on roofs that would benefit from this sort of pre-construction contemplation. He noted specific examples of both good and bad design with respect to safety and health.

Mr. Marciniak listed several of the topics covered by GSA's design guide and also gave a URL for those wishing to view it online. Mr. Foulke then stated that FACOSH would discuss the subgroup further at its next meeting.

With respect to the subgroup, Ms. Rodriguez, AFGE, asked about a timeframe for completion and expected outcomes. Robert Lee Martin, Jr. Special Assistant to the President, Organizing Director, National Marine Engineers Beneficial Association (NMEBA), asked for relative costs of some of the guidelines. Mr. Marciniak replied that GSA had taken costs and benefits into account during the development process.

Mr. Foulke asked about equipment and machinery guidelines. Mr. Marciniak answered that there was a section in the guide, but that it did not provide extensive details.

Mr. Bowling, DoD, queried the existence of a group looking at construction and maintenance on a government-wide basis. Mr. Marciniak was unaware of any such group but Mr. Bathurst, HUD, directed Mr. Bowling to the National Research Council.

Mr. Galassi, OSHA, noted that OSHA's regulations in the area of building design were performance-oriented and referenced the Life Safety Code. He asked Mr. Marciniak about the GSA publication's relationship to that code. Mr. Marciniak stated that the GSA guide was attempting to address areas not covered by other documents.

### **Cooperative Programs**

Assistant Secretary Foulke introduced the remaining item of Old Business, highlighting several of OSHA's cooperative programs including the Voluntary Protection Program (VPP), Strategic Partnerships, and Alliances. He mentioned that federal agencies remain underrepresented among these programs' participants when compared to the private sector. However, there a few federal agency VPP sites making great progress.

Mr. Foulke then introduced Cathy Oliver and Laura Seeman of the OSHA, Office of Partnerships and Recognition to provide an update on federal agency participation in OSHA's cooperative programs. Ms. Oliver provided an overview of the VPP, Strategic Partnership Program, and the Alliance program. She reported that there are currently seven agencies with 83 VPP sites and over 50,000 federal civilian employees, 12 federal partnerships covered by the Strategic Partnership Program, and Alliance program agreements with the Environmental Protection Agency (EPA), MSHA, DOL, National Institute for Occupational Safety and Health (NIOSH), and the Internal Revenue Service (IRS). Ms. Oliver also discussed the process of becoming a VPP site and the VPP Corporate and VPP Challenge programs. She recognized USPS, DoD, NASA, DOI and the U.S. Mint for their outstanding performance in the VPP.

Mr. Foulke then introduced Laura Seeman, Team Leader, OSHA, Strategic Partnership program. Ms Seeman explained how the Strategic Partnership program is facilitated through the collaboration of employers, employees, and labor organizations to reduce injuries and illness at worksites. She also described the numbers and type of organizations participating in these programs, and highlighted that there have been a total of 29 partnerships between OSHA and other federal agencies, 12 of which are still active today. Ms. Seeman specifically made mention of partnerships with USPS, the Department of the Army, DOI's NPS and Indian Health Service, and Federal Corrections Institute.

Ms. Seeman continued on by describing federal agency participation in the Alliance Program. She distinguished Alliances as partnerships which are not work-site based. Instead, they provide opportunities for associations and groups to work with OSHA on a broad scale. Ms. Seeman explained that Alliances had been particularly helpful in developing safety and health e-tools.

Ms. Oliver then opened the floor up for questions. Ms. Rodriguez, AFGE, expressed union concern with OSHA's involvement with organizations once they have gone through the VPP process. Ms. Oliver responded that employees don't give up any rights by participating in VPP and that they continue to be fully protected by OSHA. Ms. Seeman stressed the importance of emphasizing these rights with employees.

### ***New Business Continued***

Assistant Secretary Foulke then returned to New Business and asked if there were any additional items to discuss.

Mr. Bathurst, HUD, suggested that FACOSH take a more in-depth look at the 1904 reporting requirements.

Mr. Martin, NMEBA, asked if the Motor Vehicle Safety report had been accepted by the Council. Mr. Liberatore responded no and that the workgroup established by the previous Council has accepted it, but the work has never been shared with the full Council. Mr. Martin then motioned to accept the report. The Council proceeded to accept the report following a verbal vote.

Mr. Foulke then suggested that the next FACOSH meeting be scheduled for Thursday, March 1, 2007.

The meeting was adjourned at 3:40pm.