

**Advisory Committee on Construction Safety and Health (ACCSH)**  
 Minutes of December 5-6, 2013 Meeting

U.S. Department of Labor  
 Frances Perkins Building  
 200 Constitution Avenue, N.W.  
 Washington, DC 20210

The meeting of the Advisory Committee on Construction Safety and Health (ACCSH) was called to order by Chairman Erich J. (Pete) Stafford, at 1 p.m., Thursday, December 5, 2013. The following members and OSHA staff were present (\* mark members who participated via WebEx conferencing):

<b>NAME</b>	<b>SECTOR REPRESENTED</b>	<b>TITLE &amp; ORGANIZATION</b>
Kristi Barber *	Employer Representative	President, GBA Construction, Inc., Glenn C. Barber & Associates, Inc.
Jeremy Bethancourt *	Public Representative	Co-Owner and Program Director, Arizona Construction Training Alliance
Kevin R. Cannon	Employer Representative	Director of Safety and Health Services, The Associated General Contractors of America
Sarah Coyne	Employee Representative	Executive Assistant Director, International Union of Painters and Allied Trades/Finishing Trades Institute
Roger Erickson *	Employee Representative	MOST Administrator, Mobilization Optimization Stabilization and Training, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, AFL-CIO
Matt Gillen	Federal Representative	Deputy Director, NIOSH Office of Construction Safety and Health and Coordinator, NORA Construction Sector
Steve Hawkins *	State Representative	Administrator, Tennessee Occupational Safety and Health Administration
Walter Jones	Employee Representative	Associate Director, Occupational Safety & Health, Laborers' Health and Safety Fund
Thomas Marrero, Jr.	Employer Representative	National Safety Director, Tradesmen International, Inc.
Jerry Rivera	Employer Representative	Regional Safety Director, Power Design Inc.
Donald L. Pratt	Employer Representative	President & CEO, Construction Education and Consulting Services of Michigan

Laurie A. Shadrick	Employee Representative	Training Specialist, United Association of Plumbers and Pipefitters
Erich J. (Pete) Stafford	Employee Representative	Director of Safety and Health, Building and Construction Trades Department of the AFL-CIO; Executive Director, CPWR-The Center for Construction Research and Training
Charles Stribling	State Representative	OSH Federal-State Coordinator, Kentucky Labor Cabinet, Department of Workplace Standards
Lisa A. Wilson	ACCSH Counsel	Office of the Solicitor, U.S. Dept. of Labor
Dean McKenzie	Designated Federal Official	Acting Deputy Director, Directorate of Construction, DOL OSHA

**Thursday, December 5, 2013**

**Opening Remarks**

Chairman Stafford welcomed the attendees and provided an overview of the meeting agenda. Chairman Stafford informed the audience that if they wanted to address the committee, they must sign up to be recognized during the public comment period at the conclusion of each day.

**Deputy Assistant Secretary for Occupational Safety and Health - Mr. Jordan Barab:**

Mr. Barab began by welcoming the ACCSH members and all who were in attendance. He informed them that the Agency had been particularly busy over the last several months in terms of regulatory activities, general outreach activities, and enforcement activities.

**Regulatory Activities:**

**Silica:** The silica proposal is at the forefront of our regulatory activities. The notice of proposed rulemaking (NPRM), which was issued on September 12th, is basically an update to a 40 year old standard that has a 40 year old permissible exposure limit (PEL). This update will bring the industry into the 21st century. Not only does silica exposure cause silicosis, cancer, Chronic Obstructive Pulmonary Disease (COPD) and other diseases, but the exposure occurs at a much lower level than those currently established. This update is well overdue.

**Recordkeeping:** Another rule that we've just proposed is what we are colloquially calling "recordkeeping modernization". Basically, we will improve injury and illness tracking by collecting the injury and illness logs from employers who are already required to complete them. One of the advantages is that employers will be able to benchmark themselves against other employers in the same industry. Workers will also be able to compare their employers with other employers and we are hoping this will encourage employers to improve their health and

safety performance. Aside from the physical action of sending the information into OSHA, there are no additional requirements put on employers.

**Process Safety Management:** We also issued a Request for Information (RFI) on modernizing our Process Safety Management (PSM) standard. This was a result of the Executive Order (E.O.) the President issued following the ammonium nitrate disaster in West Texas. This E.O., which also goes into a number of security issues and environmental issues that are under the purview of EPA and Department of Homeland Security, will result in improved safety and security in our chemical installations across the country.

**Outreach Activity:**

Mr. Barab provided an update on the temporary worker initiative. The health and safety of temporary workers is probably one of the most important initiatives we've addressed recently. Our basic aim is to make sure that there are no gaps left in the training and protection of these workers. Every worker in the United States, whether they're a permanent or a staffing agency employee, deserves a safe workplace. We are looking mainly at staffing agencies that provide workers to other employers. We have been working with the American Staffing Association very closely to make sure this message gets out to their members.

**Enforcement Activities:**

Mr. Barab briefed the committee on the recent building collapse in Philadelphia. The building was being demolished when a wall without sufficient lateral support collapsed, killing 6 people and injuring 14 others.

The owners of the companies involved were cited with three willful, egregious violations for each day the wall stood without sufficient lateral support; and two willful violations alleging the failures to demolish the building from the top down and for not having an engineering survey by a competent person prior to starting the demolition.

Finally, Mr. Barab acknowledged that ACCSH member Mr. Matt Gillen was retiring and wished him well.

For a full account of Mr. Barab's presentation, refer to page 12 (Line 11) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Discussion of the two hour Introduction to the OSHA 10-Hour and 30-Hour Training Courses**

**Mr. Kevin Cannon, Mr. Roger Erickson and Mr. Jerry Rivera, Training and Outreach Workgroup Co-Chairs**

The Co-Chairs provided a slide by slide presentation of their recommended changes to reduce the current Introduction to OSHA module to eliminate the mandatory 2- hour time requirement.

They led the committee through a robust discussion and provided their rationale for each of their proposed changes. The workgroup recommendations included combining several of the existing slides; relocating some slides to other existing modules in the program; and the elimination of some of the group exercises. The committee as a whole was receptive of their overall recommendations.

For a full account of the Training and Outreach Workgroup presentation, refer to page 35 (Line 1) of the December 5, 2013 meeting transcript in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

#### **Public Comments:**

##### **Mr. Frank Trujillo, Miller and Long Concrete and Construction**

Mr. Trujillo shared his support of the Training and Outreach discussion of the two hour Introduction to the OSHA 10-Hour and 30-Hour Training Courses presentation.

For a full account of Mr. Trujillo's comments refer to page 125 (Line 19) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

##### **Mr. Rod Weber, PENTA Building Group**

Mr. Weber comments were in regards to the Training and Outreach discussion of the two hour Introduction to the OSHA 10-Hour and 30-Hour Training Courses presentation. Mr. Weber said he supported eliminating all of the discussion questions because there is a quiz for general knowledge retention at the end of the module. He felt this would free up quite a bit of time.

For a full account of Mr. Weber's comments refer, to page 129 (Line 19) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

##### **Mr. Tom Trauger, Winchester Homes**

Mr. Trauger also commented on the Training and Outreach discussion of the two hour Introduction to the OSHA 10-Hour and 30-Hour Training Courses presentation. Mr. Trauger said he wanted OSHA to ensure the student handout, instructor's guideline and procedures online all line-up with the recommended changes.

For a full account of Mr. Trauger's comments refer, to page 136 (Line 7) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

##### **Mr. Wayne Creasap, Association of Union Contractors**

Mr. Creasap commended the Training and Outreach workgroup on their two hour Introduction to the OSHA 10-Hour and 30-Hour Training Courses presentation. Mr. Creasap asked the group to ensure they apply their recommendations for the 10 and 30 hour courses appropriately. The 30 hour is perceived more so as a course for supervisors while the 10-hour is seen as a course for workers.

For a full account of Mr. Creasap's comments refer, to page 137 (Line 19) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Mr. Matthew Eckstine, National Commission for the Certification of Crane Operators (NCCCO)**

Mr. Eckstine asked the committee for an update on the proposed crane operator certification extension. He was informed that Mr. Maddux will be addressing that topic during his presentation on December 6, 2013.

For a full account of Mr. Eckstine's comments refer, to page 141 (Line 20) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Ms. Anna Fendley, United Steelworkers**

Ms. Fendley briefed the committee that her organization eagerly awaits the release of OSHA proposed rule on beryllium. She encouraged ACCSH and OSHA to do whatever it can to complete this as quickly as possible.

For a full account of Ms. Fendley's comments refer, to page 144 (Line 8) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Mr. Steve Rank, Ironworkers International Union**

Mr. Rank asked the committee for their continued support to pursue the reinforced concrete standard that's currently on OSHA's regulatory agenda.

For a full account of Mr. Rank's comments refer, to page 149 (Line 10) of the December 5, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

The meeting was adjourned for the day at 3:58 p.m.

Friday, December 6, 2013

Chairman Stafford reconvened the ACCSH meeting at 1 p.m., Friday, December 6, 2013.

**Assistant Secretary for Occupational Safety and Health - Dr. David Michaels:**

Dr. Michaels made a brief visit to the meeting to acknowledge ACCSH member Mr. Matt Gillen's pending retirement. Dr. Michaels thanked Mr. Gillen for the many contributions he had made to the committee and to OSHA over the years and presented him a Certificate of Appreciation.

**Directorate of Construction Update – Mr. Jim Maddux, Director**

Mr. Maddux began his presentation by revisiting the Training and Outreach Workgroup two hour Introduction to the OSHA 10-Hour and 30-Hour Training Courses presentation. He congratulated the committee for really engaging on this issue. Mr. Maddux noted that nearly 700,000 workers took these courses last year making it an amazing opportunity to pass-on valuable information they would probably never get in that kind of detail in any other place. Mr. Maddux thanked the committee for a job well done.

Mr. Maddux provided the committee an update on the following Directorate of Construction areas of interest.

**Web Page Updates:** Mr. Maddux briefed the committee that DOC has begun posting work group meeting minutes on the ACCSH website. We will continue to work our way back and eventually have them all posted. We've also launched a new webpage on construction incidents investigated by DOC's Office of Engineering Services (OES). We now have 40 engineering reports that are posted on that site.

**ACCSH Meetings and Membership:** Mr. Maddux thanked the committee for working through these troubled budget times that have made it impossible to have full face-to-face meetings. However, he noted that by using this WebEx technology, this is our fourth meeting this year. He noted that the terms of six positions on the committee will expire next year and we have asked the public for nominees to fill those positions. Mr. Maddux also welcomed Ms. Lisa Wilson, who replaced Ms. Sarah Shortall, as ACCSH Counsel to the committee. He also thanked Ms. Shortall for all the work she did on this committee for many, many years.

**Construction Fatality Statistics:** The preliminary BLS numbers showed an increase in the 2012 construction fatality numbers compared to 2011. Falls remained the leading cause of construction fatalities. Mr. Maddux briefed that there were 14 more fall fatalities in 2012 than in 2011. However, the construction recordable incident rate was down to 3.7 compared to 3.9 in 2011.

**Standards Update:** Mr. Maddux provided the committee the following updates:

**Confined Spaces:** We are still working through some economic analysis issues, especially on benefits. However, this standard should be ready to go into clearance soon.

**Backovers:** We still have a little bit of work to do to get the kind of industry profile needed to get started on the economic analysis. Interestingly enough, even though the total number of construction backover incidents went up last year, the number of backover fatalities went down.

**Crane Operator Certification:** We are working on a proposal that would extend the date for operator certification by 3 years. It would also extend the existing requirement for employers to ensure that crane operators are competent to operate the crane safely, and if they're not competent, the employer must provide training to make sure that they are.

**Crane Directive:** We are making some great progress on the crane directive. Actually, it is possible we'll have the crane directive out before the next ACCSH meeting.

**Communication Towers:** There have been 14 communication tower fatalities this year ... last year there was one. We've taken steps to improve our monitoring, inspection documentation and outreach efforts in this industry to reverse this trend and save lives.

**Demolition:** As the result of the Philadelphia, PA demolition incident Mr. Barab briefed you all on yesterday, the Agency is taking steps to increase awareness in this industry. We are refreshing our website to make sure it is up to date; we may develop new guidance products; and maybe with the organizations that represent cities and counties to get the word out, especially to city building inspectors about demolition and the OSHA requirements.

**Fall Prevention Campaign:** Mr. Maddux briefed that over the past two years the Fall Prevention Campaign generated over 500,000 views of the campaign webpage. It has also resulted in over 300,000 pieces of literature being distributed. OSHA Regional and Area Offices have conducted nearly 3,000 outreach activities and the On-site Consultation Projects have conducted nearly 6,000 visits related to fall protection in construction.

Last year a few of our Regions did “safety stand downs” for fall protection where they asked employers to shut down and just talk about fall protection. Over 2,000 employers and over 50,000 workers participated in those stand downs. Next year, as part of the Fall Prevention Campaign, we are planning a National Fall Prevention Stand Down to get the whole nation talking about fall prevention.

For a full account of Mr. Maddux’s DOC Regulatory Update, refer to page 13 (Line 17) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Directorate of Standards and Guidance Update on the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) Program**  
**Ms. Deana Holmes, Directorate of Standards and Guidance**

Ms. Holmes provided the committee with a detailed overview of the GHS program. She highlighted two very important dates rolled out in GHS. The first was December 1st, 2013, when all employees had to be trained on the new label and safety data sheet formats. This training must ensure that workers understand and can access and use the information effectively, and also understand that regardless who supplies the chemical, all the hazards will be communicated in the same exact way. The second date is June 1st, 2015, when all provisions of the standard have to be complied with. This includes all the labels and safety data sheets shipped after that date being in the new format.

For a full account of Ms. Holmes’ GHS Update, refer to page 40 (Line 21) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Directorate of Standards and Guidance Presentation on Nanotechnology and Construction**  
**Ms. Janet Carter, Directorate of Standards and Guidance**

Ms. Carter provided the committee an overview of applications where nanotechnology is being used in construction. Carbon nanotubes are used in roofing material, concrete reinforcement and textiles. Ms. Carter said because the Agency knows there are some health implications, we have been heavily involved in the National Nanotechnology Initiative with NIOSH, and we are involved in the Nanotechnology Environmental Health Implications work group.

For a full account of Ms. Carter's Nanotechnology Update, refer to page 59 (Line 7) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Presentation on the Draft Proposed Standard on Occupational Exposure to Beryllium  
Ms. Tiffany DeFoe and Mr. Bill Perry, Directorate of Standards and Guidance  
Ms. Louise Betz, Office of the Solicitor**

Ms. Defoe briefed that the proposal for the new beryllium standard is moving along pretty quickly and the Agency is in the final stages of preparing a Notice of Proposed Rulemaking to send to OMB for review. The main operation in construction where beryllium is an issue for workers is in abrasive blasting. It is a contaminant in some blasting media, primarily coal slags, like Black Beauty and copper slags. In revising the current beryllium standard, the main concern has been to reduce worker's risk of chronic beryllium disease and lung cancer.

For a full account of Ms. DeFoe, Mr. Perry and Ms. Betz's Beryllium presentation, refer to page 86 (Line 18) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Chairman Remarks/Public Comments**

**Mr. Matt Gillen, ACCSH Member, National Institute for Occupational Safety and Health (NIOSH)**

Mr. Gillen, challenged his fellow committee member to think about the awesome responsibility for leadership that comes with being a member of ACCSH. He encouraged the committee to continue their efforts to get the General Services Administration to prequalify contractors for safety and health on federal construction contract. He also suggested that OSHA and ACCSH consider establishing a Focus Four for Health related incidents.

For a full account of Mr. Gillen's presentation, refer to page 100 (Line 22) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Mr. Pete Stafford, Chairman:**

Chairman Stafford led the committee through a comprehensive review of the current workgroups. It was decided after the discussion that the chairman would meet with the OSHA staff to consider the recommendations offered to help make the committee and workgroup more efficient.

For a full account of Mr. Stafford's Workgroup discussion, refer to page 100 (Line 22) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Mr. Paul Mellon, Novetas Solutions**

Mr. Mellon shared with the committee that a lot of the beryllium health issues could be solved



very easily if you were to substitute products. He went on to share that there are abrasives in the industry that do not lead to chronic beryllium disease or lung cancer.

For a full account of Mr. Mellon's discussion, refer to page 148 (Line 11) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

**Mr. Keith Wrightson, Worker Safety and Health Advocate at Public Citizen**

Mr. Wrightson informed the committee that Public Citizen has been involved with the beryllium standard or the proposed standard for many, many years. Public Citizen highly encourages OSHA to consider a PEL of .2 rather the .5 that is currently in the proposal.

For a full account of Mr. Wrightson's discussion, refer to page 162 (Line 6) of the December 6, 2013 meeting transcript, in Docket - OSHA-2013-0006 at <http://www.regulations.gov>.

The meeting was adjourned for the day at 4 p.m.