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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

**ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH
(ACCSH)**

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Bruce Swanson
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1 Charlie, we will have Bruce and the Directorate of
2 Construction Update. And Bruce is also going to
3 talk about the action item list that is in your
4 green folder. So when we get to that, you will be
5 able to get that out.

6 With that, I would like to introduce Dr.
7 Roger Brauer who is the Executive Director of the
8 Board of Certified Safety Professionals who I have
9 asked to come today and talk to us about
10 certifications in construction.

11 For those of us that we did the work, I
12 think I can speak for our company and maybe some
13 others also that I am aware of, when we get the
14 request for a proposal in from customers, we are
15 seeing a lot more requests asking for the safety,
16 health, and environmental professional depending on
17 what type of person the RFP is asking for or a
18 combination of persons to be certified.

19 And BCSP has done a lot of work
20 developing the certifications. We have lots of
21 different types of certifications for the
22 construction industry. And I thought this would be
23 an appropriate time for Dr. Brauer to come before
24 us and explain all this stuff to us.

25 Roger.

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1 Special Presentation:
2 Report on Certifications Available
3 in the Construction Industry

4 DR. BRAUER: Thanks a lot, Mr.
5 Burkhammer. I appreciate the opportunity to speak
6 to this group. I have provided you with a copy of
7 my presentation slides that I will be working
8 through this morning, as well as a packet of
9 literature about some of the programs I will be
10 talking about.

11 I am going to be using transparencies.
12 Hopefully, you can turn that on.

13 CHAIRPERSON BURKHAMMER: Some of us may
14 have to move.

15 DR. BRAUER: I will try to save a little
16 time at the end for your questions. Okay.

17 If we can flip to the next slide, a quick
18 overview of the topics I am going to discuss this
19 morning are: who is the Board of Certified Safety
20 Professionals?

21 And I also represent another activity
22 that is a joint venture with the Board of Certified
23 Safety Professionals and the American Board of
24 Industrial Hygiene. It is called the ABIH/BCSP
25 Joint Committee. And I will explain that group as

1 I go along.

2 I want to talk about certification
3 quality because there is a lot of choices on
4 certification.

5 I want to talk about certification value.
6 How does it add value to employers and people who
7 rely on practitioners? And also, what are some of
8 the trends and certification?

9 To set the stage a little bit, this slide
10 is a little bit small on the screen, but the
11 general concept is: what is certification all
12 about?

13 It is trying to assess competency. When
14 somebody goes to hire an individual for a position,
15 somehow you hope through the process, whatever it
16 is that you use to select an individual that they
17 can perform the duties associated with the job.

18 So at the top of the chart, you have
19 functions and tasks that might be associated with
20 an activity or job.

21 And you have individuals, the individual
22 who fills that. And you are trying to project
23 their performance. And you hope that they are
24 competent at what they do.

25 Now, it depends on several things. You

1 try to assess their knowledge and skill. And
2 normally, in employment, you look at their
3 education or training. You look at their
4 experience. Those are two common elements.

5 But as we did move down the middle
6 column, the education and training is represented
7 on the left side of the chart, experience on the
8 right side.

9 And down the center is various formalized
10 ways of evaluating individuals. And generally, in
11 certification, you deal with all three areas.

12 The certification program typically
13 evaluates education or training. It evaluates
14 experience. And it evaluates people's knowledge
15 and skill through examination.

16 And most certification programs involve
17 all three of those components.

18 And so if the individual meets the
19 standard associated with the certification, they
20 get to use a title that is awarded. It is a
21 completely volunteer program as opposed to
22 licensing that is offered by states.

23 And the employer or contractor or
24 whoever, depending on the individual service can
25 rely on the certification as an additional way of

1 screening the competency of the individual.

2 There is no perfect way to identify that
3 everybody is going to perform 100 percent correctly
4 and very efficiently in any kind of job. That is
5 impossible, but certification plays a role in
6 helping people make decisions about individuals.
7 Okay.

8 The next slide.

9 Who is the Board of Certified Safety
10 Professionals? It was established in 1969. It
11 grew out of an activity with the American Society
12 of Safety Engineers. It was chartered in Illinois
13 as a not-for-profit corporation.

14 It has 13 directors. We have one public
15 director who has no involvement with the
16 profession.

17 We have 12 directors who must hold a
18 certified safety professional designation to serve.
19 They serve as volunteers for no more than two to
20 three year terms. And they represent the profession
21 at large, different kinds of job settings.

22 And many of them are nominated by the six
23 sponsoring organizations in the right column which
24 include the American Society of Safety Engineers,
25 the American Industrial Hygiene Association, the

1 National Safety Council, the Institute of
2 Industrial Engineers, the System Safety Society,
3 and the Society of Fire Protection Engineers.

4 BCSP is not a member organization. It is
5 strictly a credentialing board. The only members
6 we have are the 13 directors. And they serve as
7 the officers and directors of the activity.

8 And our function is to promote the
9 certification and protect it as well, but we don't
10 provide member services. That is what sponsoring
11 organizations do.

12 The next slide.

13 To date, we have had about 27,000
14 applications since 1969. About 16,000 certificates
15 have been issued for this program which is a
16 professional level program.

17 Currently, we have 9,900 people who hold
18 the certificate. And we have about 5,500 roughly
19 in process.

20 The ASP, Associate Safety Professional,
21 is an interim title designating that they have
22 passed the first of two levels of examinations.

23 The next slide.

24 In general, the certification process,
25 and this is typical, an individual has to apply.

1 They have to meet some standards of the certifying
2 board. Incidentally, certification is a fairly
3 simple business in one sense.

4 The certification board sets standards
5 and evaluates people against the standards. And
6 generally, the standards involve the three areas:
7 education, experience, and demonstrated knowledge
8 by examination.

9 For the CSP, there is a two-tiered exam
10 process, safety fundamentals and comprehensive
11 practice.

12 And another feature of the certification
13 programs is many of them require recertification
14 with certain frequency. And we require it every
15 five years. And it involves 10 categories of
16 activities. We will talk about the process a
17 little bit later.

18 And also, with the CSP program, we offer
19 specialties. We used to offer it as an option at
20 the second level as a choice between comprehensive
21 practice, but we have now moved it after the CSP to
22 be consistent with other professional fields like
23 medicine and law.

24 An M.D., for example, you go to school,
25 get a state license first, then go and do a

1 residency in a specialty area, and get a
2 certification from a peer certification board in
3 that specialty.

4 And that is the way we are structuring
5 our specialties now. The specialties include a
6 construction safety specialty.

7 The education requirement for the CSP,
8 the minimum is an associate degree in safety and
9 health or a bachelor's in any field.

10 Traditionally, many people have entered
11 the safety profession from a variety of
12 backgrounds.

13 We have seen a major shift to people
14 coming out of safety degree programs in the United
15 States. So the majority of people applying now
16 have degrees in the safety field.

17 We award credit for the degree on a
18 varying scale relative to a curriculum standard for
19 safety practice. And some people who would be
20 short because of their education background can
21 gain the additional credit through extra
22 experience.

23 If they meet the academic requirement,
24 then they can sit for the fundamentals exam. And
25 graduate work counts toward experience, not the

1 minimum education requirement.

2 The next slide.

3 Experience, we have a point system. That
4 is equal to one month of professional safety
5 practice. We give them one point for each month.
6 The minimum is four years, but they may have to
7 make up some for a deficiency in the academic
8 requirement.

9 We use six criteria to determine whether
10 somebody's experience meets a professional
11 standard. And they are briefly outlined there.

12 The minimum is 50 percent of their job
13 has to be safety. It has to be the primary duty.
14 The focus has to be on prevention on harm rather
15 than response to dangerous situations which is what
16 we would typically assign to public safety, fire
17 and police protection.

18 It has to be at an appropriate level and
19 has to have a breadth of responsibility rather than
20 strictly one kind of activity related to safety.
21 If they meet this requirement, they can sit for the
22 comprehensive practice exam.

23 The next slide.

24 Continuance of certification, they have
25 to gain 25 points every five years. And as I

1 mentioned, there are 10 categories of activities.

2 There are upper limits in certain areas.

3 It is unrestricted on continuing education. The
4 main focus is getting people to keep up with change
5 in their practice.

6 The next slide.

7 Specialty exams are optional. There is
8 no additional title except that an individual has
9 demonstrated competency in the specialty. They
10 have to hold a CSP.

11 And the first one we have on line is
12 ergonomics and construction safety. And system
13 safety will be on line in the next couple of
14 months.

15 Other ones are possible. We have some
16 groups that are interested in other areas of
17 specialty, but we haven't made a decision on
18 whether we will set those up.

19 The next slide.

20 The ABIH/BCSP Joint Committee began in
21 1985. It's a joint venture with two parent
22 certification boards, the American Board of
23 Industrial Hygiene and BCSP.

24 The focus of this group is on technician
25 and technologist certification and safety and

1 health as well as worker/supervisor kinds of
2 programs.

3 Currently, we operate three. The joint
4 committee is open to work with groups and other
5 kinds of needs.

6 The one that has been around the longest
7 is the occupational health and safety technologist.
8 It's a fairly general certification. The
9 qualifications at this level are less stringent
10 than they are for the professional practice.

11 Another one that was started in 1995 at
12 the request of representatives of the construction
13 industry was the construction health and safety
14 technician. I would consider it very equivalent in
15 level to the OHST program.

16 The other one that was requested by the
17 construction industry was a safety trained
18 supervisor program in construction. And both of
19 those are in operation.

20 To give you an example of the models of
21 these programs, the OHST is the oldest. It
22 requires, the model for this program is, five years
23 experience in occupational safety and health. The
24 minimum is 35 percent of job duties. So this
25 program allows for adjunct positions and roles of

1 that sort to qualify.

2 The exam has 200 questions. We allow
3 five hours. It is currently there are about 1,800
4 individuals who hold this certification.

5 And again, it has a recertification
6 requirement on a five-year cycle. It is patterned
7 similar with a point system under a different
8 activity.

9 The next slide.

10 The construction health and safety
11 technician, the model is a little bit different.
12 It requires a combination of training, education,
13 and experience. And it is very flexible.

14 So an individual with a high school
15 education and safety and health training, I think
16 the minimum is 30 hours can combine it with
17 construction experience and qualify it for this
18 program to sit for the examination.

19 At the other extreme, we have people who
20 may come out of an associate degree program in a
21 community college in safety and want to work in
22 construction safety. They would qualify. They
23 have to have a little less experience because they
24 have a stronger background in safety and health.

25 So I hear some examples of combinations

1 of qualifications.

2 Under training and education, high school
3 plus if somebody went through an OSHA 35-hour
4 course, they would qualify.

5 For high school and 40 hours of safety
6 and health training or high school and three years
7 in a safety and health position if they don't have
8 academic training course work in safety and health
9 or a degree in safety and health, all of those
10 would qualify.

11 Plus, they have to have experience in
12 construction. And they either have to have
13 experience as a supervisor or in a safety and
14 health position to qualify.

15 The next slide.

16 But it provides a lot of flexibility.

17 Here is a chart of what we would call an
18 exam blueprint. It lists the subjects and the
19 distributions on the exams.

20 We always make this information public so
21 people can be prepared. And I will explain a
22 little bit later under quality how you arrive at an
23 exam blueprint. It is not arbitrary. There are
24 formal procedures that are appropriate in the test
25 and measurement business.

1 The next slide.

2 The safety training supervisor in
3 construction is targeted at first-line supervisors.
4 One point, the concept was included in draft
5 federal legislation. And that is kind of the model
6 that was requested of us.

7 And the focus of the program is on job
8 site safety rather than safety of a particular
9 craft.

10 And we assume that an individuals know
11 safety about their craft that they are in, but many
12 times, they don't have a broader picture of the
13 kinds of hazards and activities across crafts that
14 might create a hazard for the crew they are
15 responsible for or vice versa. And so the focus is
16 on a broader perspective of construction safety on
17 a job site.

18 It does not depend totally on
19 regulations, but a significant portion of this exam
20 is based on regulations.

21 When you move to a professional practice
22 examination, there is very little on regulation
23 because the professional practitioner relies on
24 principles and practices to deal with situations
25 when they are no rules.

1 Obviously, the rules in compliance is the
2 foundation, the minimum that an employer has to
3 deal with, but the professional practitioner very
4 often has to go beyond that. So that is one form
5 of difference as you move up the scale.

6 The examination for this program has 75
7 questions. We allow two hours for the exam.

8 The next slide.

9 All of the exams that we offer in all of
10 our programs are delivered by computer. Currently,
11 we have a contract with Sylvan Cometric a branch of
12 Sylvan Learning Systems.

13 They would venture that they own about 85
14 percent of the computer delivered exam capability
15 in the United States. That is slowly changing.

16 Currently, the exams are available every
17 business day at about 350 locations in the U.S. and
18 Canada. And people call an 800 number after they
19 register with us and take their exam at a location
20 of their choice. They have to make an appointment.

21 They get their results immediately after
22 logging off the computer system. The questions are
23 presented one at a time on the screen. And all you
24 have to do is be able to push A, B, C and D on the
25 keyboard or operate a mouse. It is a fairly simple

1 procedure.

2 There is a practice session that they use
3 to familiarize themselves with the procedure. They
4 can go back to items. There is a screen at the end
5 that shows items you mark to go back to or ones you
6 skip. And you just click on the item number and it
7 jumps back. And you can go back to it. So it is
8 fairly easy to move around within the exam.

9 All of the questions that we use are
10 multiple choice so that they are objective. Okay.

11 I am going to talk about passing scores
12 later, but passing scores on all of our exams are
13 based on the difficulty of the items themselves.
14 And I will explain that procedure.

15 The questions are written by
16 practitioners. They do not come from somebody in
17 an ivory tower, but they go through a lot of work.
18 And we will talk about that.

19 And the contents, the blueprints for the
20 exams are based on what people do in their jobs.

21 So we will go to the next slide, please.

22 Now, I want to switch to quality. Those
23 are the programs that we run. And quality is a
24 very important issue because people have a lot of
25 choices in certification.

1 Now, in the United States, there are two
2 general organizations that set standards for peer-
3 operated certifications.

4 There is the National Commission for
5 Certifying Agencies, NCCA. It was started in the
6 1970s with the grant from the Department of
7 Education.

8 The other one that is generally open is
9 the Council of Engineering and Scientific and
10 Specialty Boards, CESP.

11 And it grew out of a national symposium
12 on credentialing in the engineering and science and
13 related fields because the states don't always
14 license all the areas of practice that fall out of
15 those areas.

16 All of the programs that we operate are
17 nationally accredited. And the CSP is nationally
18 accredited by both of those organizations. It is
19 the only safety and health certification that is
20 dual certified, dual accredited.

21 Next slide.

22 How does accreditation work and what are
23 some of the standards that one has to comply with?

24 I am not going to go into a great deal of
25 detail. I will focus on some of these to give you

1 an idea of what is involved in accreditation.

2 First of all, independence and
3 governance. Example, membership cannot be a
4 requirement for certification because it is not
5 fair to the individuals who are not members. So it
6 is a fairness issue. So certification has to be
7 open to anyone who would qualify.

8 Governance has to be operated in an open
9 manner. It cannot be completely self directed. So
10 there has to be a nominating and election process
11 that the sitting organization cannot operate
12 totally independent.

13 So in our programs, we have nominations
14 from outside organizations, nominations from the
15 profession at large. Election is normally held,
16 well, within the organization for the joint
17 committee.

18 Certain positions are elected by the
19 parent boards as opposed to the joint committee
20 board. So you have a mix so there is not
21 completely internally controlled governance.

22 And one position in each of the
23 organizations under national accreditation has to
24 be a public director, someone who is independent of
25 the profession and represents the interests of the

1 public at large in practice.

2 It has to be financially sound and
3 stable. And so one issue is, is the certification
4 going to be around for awhile? Or is someone just
5 creating it to generate some funds and disappear?
6 That becomes important.

7 And so in our programs, we have public
8 audits that meet national accounting standards.
9 And you make those things public so that people can
10 see the financial status.

11 Nondiscrimination, you have to meet
12 federal qualifications in nondiscrimination. You
13 have to have due process. You have to publish the
14 nondiscrimination qualifications in your literature
15 and things like that.

16 Fairness in testing, and that gets
17 involved in three areas. And I will talk about
18 those in the next slides.

19 Security, if you don't have a secure
20 exam, the certification is in essence worthless.
21 And so security all the way through draft, editing,
22 item bank management, use of the exams becomes a
23 very important issue.

24 And national accreditation looks at your
25 practices with regard to protecting the exam

1 materials.

2 Recertification is a requirement in
3 national accreditation. You cannot achieve a
4 certification and hold it for the rest of your
5 life. You have to stay up with practice that is
6 represented by the certification.

7 Next slide, please.

8 Examination validity, well, what is that?
9 In essence, when you put together an examination to
10 test somebody's competency, the issue is, are you
11 testing what they actually do on their job? And
12 does that, the subject material really represent
13 what the certification is issued for?

14 And so you go through a series of
15 activities that really stem from a job analysis.
16 You get people together who work in that area and
17 develop some consensus over a one-three day
18 activity to identify what it is that they do.

19 And you identify it in multiple tiers.
20 You do job function and maybe tasks or
21 responsibility. And within each of those, you
22 identify the knowledge and skill that is required
23 to be effective in those.

24 Then, very often you convert that
25 information from the initial group into a survey.

1 And you go out to people in practice and ask them
2 how important are these things in your practice?
3 How much time do you spend on them? And how
4 critical are they?

5 Because if somebody fails to know that
6 subject and it would have a severe consequence,
7 that becomes an important criteria in including it
8 on the exam.

9 So then, there are procedures based to
10 evaluate the survey responses and convert it into
11 an estimate of what portion of the exam ought to be
12 devoted to each subject.

13 And we rely testing measurements, experts
14 to help us with that whole process. We contract
15 currently with Columbia Assessment Service. They
16 are located in Raleigh, North Carolina. And they
17 provide testing services of various kinds for
18 several professions.

19 The result of that whole activity is an
20 examination blueprint like the chart we had up
21 there. The subject is on the exam and the
22 distributions.

23 We just went through that with the CSP.
24 It costs us \$100,000 to go through that procedure.
25 And all we ended up with is a new blueprint for the

1 future, the next five-year period for our CSP
2 exams.

3 Next slide.

4 Question development, it is not a simple
5 process. I was at a presentation. And one
6 certifying body was required to ensure their
7 question bank. And when they did their analysis,
8 they ended up ensuring each question for \$2,500.

9 You say, well, that is pretty high. By
10 the time you go through the process of getting
11 quality questions, questions that measure what they
12 are supposed to and are effective at it, it's a lot
13 of work.

14 And you can't have poor quality
15 questions. I am not going to go into all the
16 details of question development, but it goes
17 through a lot of stages.

18 We get people in practice to help us
19 draft the questions. Then, it goes through at
20 least three edits: a technical edit to make sure
21 it's technically correct. It has all the
22 components required to present the material.

23 If it requires illustrations, we always
24 identify a source for the authority for the answer
25 for every question, a published source.

1 Then, it goes through an English edit
2 which looks at style and grammar and reading level.

3 Psychometric edit, psychometricians are
4 testing measurements experts. They look for flaws,
5 things that might give away the correct answer or
6 the incorrect answer. And the way you write them
7 can influence that.

8 Then, we in our procedure, we send them
9 out to people in practice to have them look them
10 over after they are fully edited and say from your
11 practice point of view, can you find anything that
12 may be flawed?

13 And we give them five criteria to
14 evaluate against. And if anybody says no to any of
15 those five criteria, it doesn't meet my personal
16 test, we ask them to explain why. And we evaluate
17 them.

18 And a procedure that we now use is
19 pretesting. The exams that are delivered to the
20 individuals contain a few items that do not count
21 toward the score, but we can evaluate do they
22 really contribute to the cut score? Do people meet
23 a minimum competency level?

24 And we get statistics on them, get
25 performance data before we ever include them in an

1 exam.

2 At that point, they are accepted into the
3 item bank, the question bank. And when we do
4 revisions to the exam itself, we draw on the
5 question bank to create the new edition and then
6 put it in use.

7 The next slide.

8 Oh, I want to talk about passing scores a
9 little bit. I do not have a slide on it. When you
10 set passing scores for a certification exam, it is
11 different than what most of us have experienced in
12 school, as a kind of reference.

13 And in school, there are two kinds of
14 testing. If you take a course in, say, high school
15 or college, most of us are familiar with 70 percent
16 as passing.

17 Well, that is totally arbitrary. I know
18 I have taught in college for 20 years. And I could
19 set the score wherever I wanted to.

20 I was the only individual who determined
21 who passed or failed my course. And nobody in the
22 university ever questioned what standards I used.

23 I could set them any place I wanted to
24 while you want to be reasonable. But people had to
25 turn in papers. They had to do other things than

1 just the exams.

2 And if you had an exam and you looked at
3 the result afterward and you said, well, people did
4 not get this question right. I said I must not
5 have done a good job of teaching. So you give them
6 a little extra credit. You've made some
7 adjustments.

8 Well, on a competency exam, you cannot do
9 that. It is not an arbitrarily set scale. You do
10 not make adjustments afterwards. You set a
11 standard. And people have to meet that standard.

12 The other one that most of us are
13 experienced with is achievement tests. Your kids
14 go through school. They take tests. And they come
15 out in the 95th percentile. And you think Johnny
16 is really a great kid. They are really smart.

17 But what you did was you evaluated on a
18 scale of all of the other kids that took that exam.

19 So maybe, there were a lot of poor test
20 takers that took the exam. And Johnny was at the
21 upper end, but you didn't know it. The other kids
22 influenced where your child came out on that scale.

23 You cannot do that on a certification
24 exam. It is not fair because if I sit with a group
25 of good test takers, I am going to fail the exam.

1 If I sit with a group of poor test takers, I will
2 pass the exam. And what their score was influences
3 whether I met the competency standard. That is not
4 a fair procedure.

5 So what we use is what is called the
6 Enkoff procedure. And that is fairly common in
7 certification exams.

8 You have a panel of experts in the
9 subject evaluate each question in terms of what
10 portion of the individuals who meet the
11 qualifications for competency should know the
12 answer. And you essentially do an average across
13 all the raters, across all the questions, and come
14 up with a passing score.

15 The net effect is if you have difficult
16 items, you expect fewer people to get them right.

17 The standard is adjusted to the
18 difficulty of the material that is included on the
19 exam. And each edition of the exam has some
20 different questions. So there should be some
21 variation in the passing score under that
22 philosophy.

23 The other one is every individual who
24 sits for the exam has exactly the same chance of
25 passing it as anyone else. And so that kind of

1 procedure is essential in competency evaluation.

2 The next slide.

3 Here is some data about the CSP. We
4 don't have as rich a data for some of the other
5 programs as yet.

6 But, for example, the average pay for the
7 CSP from the 1998 data was \$68,000. And based on
8 some other data sources, the differential between
9 somebody who holds that certification compared to
10 someone who does not, the average pay differential
11 is somewhere on the order of \$16,000 based on
12 several studies.

13 From the American Society of Safety
14 Engineers membership data, they compared if you
15 compared that salary to the average member salary,
16 there is at least a \$10,000 a year pay difference.
17 So in terms of the individual as a return on
18 investment, it is fairly large for their career.

19 The next slide.

20 So one of the values of certification is
21 it does affect pay.

22 Here is some other data. The top two
23 show the \$16,000 pay differential from the
24 Industrial Safety and Hygiene study and ASOC
25 membership data.

1 We just got some new data in with our
2 evaluation survey of 1,000 people. And that just
3 came in a couple of weeks ago. But currently, the
4 average pay for CSPs is around \$75,000.

5 And so it does affect pay. We have
6 several sources that show that. So one value at
7 least to the individual is it affects pay. It
8 affects opportunity for work as they compete with
9 other people.

10 They certainly have a personal
11 satisfaction because they have met a standard of
12 their peers. That is always a result.

13 The employer may depend on it in
14 various ways in hiring and selecting people for
15 certain assignments.

16 And let's go to the next slide.

17 Another way that employers recognize it
18 is in their job ads. And this if for the CSP.
19 Over the last two decades, the portion of job ads
20 appearing in professional safety identifying the
21 CSP has grown to around 50 percent from around 20
22 percent.

23 Normally, you ask for education and
24 experience, but more and more certification is
25 coming up in the requirements for certain

1 positions.

2 The next slide.

3 And many times, we have no knowledge when
4 a government organization at the federal, state, or
5 local level chooses to use certification as a
6 qualification either in a standard regulation or in
7 contracting.

8 Let me take the local, for example. In
9 Chicago, the Deep Tunnel Project requires that the
10 safety officer for the contractor be a CSP.

11 In New York city has adopted that for
12 certain kinds of construction projects. We had no
13 knowledge of it until they called up and asked for
14 some guidance on, did they set their policy
15 correctly in terms of the availability of people?

16 So we provided some information to them
17 to help them fine tune their policy perhaps, but we
18 do not help them write it. We do not lobby as a
19 certification board. That is not our role.

20 States, one of the active areas in states
21 is changes in worker comp laws. And very
22 frequently, they incorporate certification
23 qualifications in who can serve as a loss control
24 representative for an insurance company or a self
25 funded program.

1 Again, we do not -- very often we do not
2 get any information. I found out recently Nevada
3 passed a law in construction that requires
4 certification for certain kinds of responsibilities
5 in the construction work. And I did not know about
6 it until after the law was in place. They do not
7 ask us.

8 So more and more, employers and
9 government agencies at various levels are starting
10 to rely on certification as a qualification to help
11 ensure competency in certain kinds of activities.

12 The next slide.

13 I want to talk about a few trends in
14 certification.

15 The next slide.

16 In the United States, I heard a statistic
17 that since 1990, the certifications available to
18 people in a variety of fields has more than
19 doubled.

20 And one asks the question, well, why
21 would that be true? There are a couple of reasons.
22 States are very reluctant to expand licensing.

23 Generally, the rule of thumb for states
24 to get involved in licensing is if a professional
25 practice of some kind serves the public directly as

1 customers.

2 So we have licensing for everything from
3 barbers and beauticians up to professional
4 practice. physicians, but in most of those cases
5 the individuals provide services directly to the
6 public. And the state has a responsibility to
7 ensure that the public is protected.

8 For other disciplines where people
9 primarily work for employers, the liability
10 attaches a little differently.

11 And in most cases, the expansion in
12 credentialing, assessing competency is a volunteer
13 program through certification because the states do
14 not want to deal with licensing or liability that
15 attaches to an employer. So it is growing.

16 The other one from the employee's point
17 of view is a change in employment model. When I
18 graduated from college, the majority of the
19 engineers that I graduated with would get a job
20 with a company and expect to stay with that company
21 their entire career. And the company took care of
22 your progress and your professional advancement.

23 Not true anymore. There is no profession
24 where the individual can expect to work for the
25 same company their entire career.

1 And most people are projecting that
2 people graduating today will have at least six
3 employment or career changes during their lifetime.
4 The number keeps growing.

5 So how can the individual go to an
6 employer and say I know this field? Certification
7 and competency testing help answer that.

8 So the individual takes charge of their
9 professional development or their career
10 development through certification.

11 So in addition, there is proliferation as
12 a result. We recently did an evaluation and
13 identified 150 titles available to people in the
14 United States in safety, health, environment and
15 ergonomics.

16 Of those 150 titles, 10 are nationally
17 accredited. The four I talked to you about today
18 are nationally accredited. They are four of those
19 10.

20 We think that the national standards are
21 a way for whether it is employers or government
22 agencies to evaluate the quality of a certification
23 program. They are public standards.

24 They are well established in theory.
25 Many derive from testing standards of the American

1 Psychological Association. So one way to deal with
2 that is to look at what standards the program
3 meets.

4 But we see an expanded use in
5 certification by employers, by owners, by
6 governments. It is not the total answer to
7 everything, but it does play a role.

8 There is also a growing interest in the
9 United States following the lead of some other
10 countries in identifying the skills required for
11 people in all kinds of jobs.

12 So we have the National Skills Standards
13 Boards. And one of the interesting things is the
14 procedure that you follow to identify what skills
15 are required for whether it is retail work, a
16 craft, a profession is exactly the same procedure.

17 You start with a job analysis. You
18 identify what people do and what knowledge and
19 skill is required in that, what are the core
20 competencies to be effective in those areas. And
21 you use the results to do training, to do
22 education.

23 And certification uses it on the other
24 end to validate that the individual has achieved
25 the knowledge and skill.

1 You go through a training program, you do
2 not always have an evaluation process at the end.
3 So certification can compliment those validated
4 training programs in many cases.

5 The other thing that we see in safety is
6 the distribution of safety responsibility. The
7 general trend is to continually move safety
8 responsibility lower and lower in the organization.

9 And how do you help ensure that wherever
10 the responsibility lies that the individuals
11 involved are competent in dealing with safety and
12 health issues that fall in their area of
13 responsibility? Certification can play a role
14 there in those kinds of programs.

15 And the demand for certification is
16 starting to appear as the safety and health
17 responsibility is pushed down.

18 Another one is outreach to smaller
19 companies. One of the statistics that I recall is
20 in the United States there are 4.5 million
21 businesses with fewer than 100 employees.

22 Most companies are not going to hire a
23 safety and health specialist until they have
24 probably on the order of 400 employees. It just
25 does not -- it is not the kind of specialty that

1 you can afford within that kind of business
2 structure.

3 So one of the things happening in safety
4 and health is an increase at least at the
5 professional level in consulting. We see it in our
6 statistics. We have seen it in industrial hygiene
7 statistics.

8 And it creates the opportunity to provide
9 outreach services that were normally left to large
10 companies. They can outreach to smaller companies.
11 And so we see that as a trend.

12 So as a small company buyer of services,
13 the question is, how can I determine that the
14 individuals providing services are competent in the
15 safety and health field? And certification plays
16 that role.

17 So those are some trends.

18 So in the last slide just as a quick
19 summary, there is growing interest in
20 certification, in safety, health, environment, and
21 ergonomics.

22 Certification if it is done well is
23 linked to the job skills, the job knowledge. It is
24 value added for employers and owners. It is value
25 added for employees and practitioners.

1 Quality in certification is essential.
2 It is easy to create a program and give somebody
3 some letters behind their name, but does it really
4 mean anything? And is the program a quality one?

5 And national accreditation standards are
6 emerging as the point of reference to measure
7 quality of certification programs.

8 I appreciate the time. And I will take
9 any questions that you might have.

10 CHAIRPERSON BURKHAMMER: Thank you,
11 Roger.

12 Questions?

13 Jane.

14 MS. WILLIAMS: Roger, do you have in this
15 packet, I didn't have time to go through it, a
16 listing of your review centers for testing?

17 DR. BRAUER: We don't operate any. We
18 leave that to member organizations or private
19 companies. We think it is a conflict of interest
20 for us to be doing the preparation for
21 certification and be the certifying body.

22 We do provide practice exams for some of
23 our programs.

24 MS. WILLIAMS: What are --

25 DR. BRAUER: The practice exams. We have

1 for the CSP, yes, we have two new editions. And we
2 will have one off the press for OHST this week or
3 next week.

4 CHAIRPERSON BURKHAMMER: Bruce.

5 MR. SWANSON: I was intrigued actually by
6 this issue of the insurance on each question.

7 DR. BRAUER: Well, 2,500. Did I say
8 2,500?

9 MR. SWANSON: Yes.

10 DR. BRAUER: \$2,500.

11 MR. SWANSON: Then, I am not as
12 interested.

13 (Laughter)

14 DR. BRAUER: Okay.

15 MR. SWANSON: What would be the proof of
16 loss that your insurance company would be looking
17 for?

18 DR. BRAUER: If you had a breach of
19 security on an exam. And there are ways to tell
20 particularly in paper and pencil. You have to
21 distribute them by courier or some way if it gets
22 lost, where did it go?

23 You get feedback that somebody copied it
24 who had responsibility for it and distributed that
25 which sometimes happens with paper and pencil.

1 We think computer delivery is much more
2 secure. Sylvan operates over a private network.
3 The computers are diskless work stations. So
4 somebody cannot copy from that.

5 They are all encrypted. And they are
6 encrypted at a level where it probably takes
7 somebody 300 years to encrypt one item.

8 So the security in computer delivery is
9 much, much higher.

10 CHAIRPERSON BURKHAMMER: Larry.

11 MR. EDGINTON: One thing I was thinking
12 about during the presentation that would be a great
13 partnership for contractors in the building trades
14 would be certification of a form and a general form
15 in the safety training supervisor category.

16 Or maybe even get it to where when the
17 apprentices graduate, upon graduation from
18 apprenticeship school, they can sit for the safety
19 training supervisor exam.

20 DR. BRAUER: My comment, particularly for
21 the safety training supervisor, a worker level
22 program, one of the things that we have been
23 watching is the technology for Internet based
24 delivery engines that can be operated securely.

25 You have to set up a proctoring system

1 somewhere with paper and pencil, but you can
2 deliver to any point.

3 And I was just at a certification
4 conference, a national conference. And there are
5 vendors that have some very nice programs now. And
6 I will be doing a RFP to see what kind of price we
7 can get for that program in particular.

8 But with credentialing the exam, you have
9 to have proctoring because you have to know that
10 the person who logged in on the exam is the one
11 pushing the keys and that there is nobody else
12 assisting them while they are completing the exam.

13 So proctoring is essential. There is no
14 way around it no matter what level of
15 identification you use.

16 CHAIRPERSON BURKHAMMER: It would be
17 fairly easy for apprenticeship graduation.

18 MR. EDGINTON: Pardon me.

19 CHAIRPERSON BURKHAMMER: That would be
20 fairly easy to set up for apprenticeship.

21 MR. EDGINTON: I think you are right. We
22 are starting to look at that ourselves.

23 CHAIRPERSON BURKHAMMER: Okay. Michael.

24 MR. BUCHET: What kind of controls have
25 you got to identify the individuals?

1 DR. BRAUER: We have they have to present
2 identification, a picture ID, signature. They have
3 to log in and log out of the Sylvan Testing Center.

4 The testing center is videotaped, audio
5 taped in the testing room. So there really is not
6 too much opportunity to substitute somebody.

7 And very often, we will use a Social
8 Security number. Because the credential attaches
9 to an individual, you know, people are concerned
10 about the privacy of Social Security numbers.

11 But we required it on our applications so
12 that we could identify where you have the same name
13 across individuals who the individual really is.

14 CHAIRPERSON BURKHAMMER: No further
15 questions?

16 (No response.)

17 CHAIRPERSON BURKHAMMER: Thank you very
18 much, Roger. We appreciate you coming and sharing
19 with us.

20 DR. BRAUER: I might point out that we
21 just completed a salary survey for the CSP. It
22 involved 4,300 people.

23 And there breakouts, 170 breakouts. So
24 it is really benchmarking data that has never been
25 available before for professional safety practice.

1 And we will be announcing new blueprints
2 as a result of the major study. That study of
3 professional safety practice is the most
4 comprehensive study of what practitioners do since
5 the NIOSH study of the early 1970s.

6 CHAIRPERSON BURKHAMMER: Thank you very
7 much.

8 DR. SWEENEY: Mr. Chairman.

9 CHAIRPERSON BURKHAMMER: Marie.

10 DR. SWEENEY: This is not directed at
11 Roger. Thank you very much.

12 This is what -- this is a comment that
13 Roger made relative to certification. The National
14 Skills Standards Board is moving along quite
15 quickly on manufacturing standards. At least, I
16 know that.

17 And NIOSH has played a heavy role in
18 developing the safety, at least some of the safety
19 standards.

20 Where is construction on this? And is
21 there -- and is OSHA moving, participating on that
22 because I know we have not been invited to
23 participate in terms of developing safety
24 standards, safety and health standards?

25 (Laughter)

1 DR. SWEENEY: And we all probably should
2 be inputting into that activity.

3 Nobody knows?

4 CHAIRPERSON BURKHAMMER: I don't know.
5 I'm not involved.

6 Michael.

7 MR. BUCHET: I served for awhile as the
8 council's representative on the construction
9 industry coalition which was one of the first
10 phases of the construction industry cluster's
11 efforts under that National Skills Standards Board.

12 We got to the point where we had
13 elections for the controlling council. And at that
14 point, the funding I think ceased. And the effort
15 is in hiatus waiting more funding.

16 The original grantees were the building
17 trades and one of the umbrella contractor
18 associations.

19 And largely, it was made to invite as
20 many people as possible to participate. And I know
21 I submitted OSHA's Directorate of Construction's
22 name myself several times.

23 We never got around to doing a great deal
24 of talking about the core skills, but certainly
25 there were a number of us there who were

1 championing the idea that safety had to be
2 considered one of the core competencies in
3 construction.

4 When the funding comes back, we will see
5 what happens.

6 CHAIRPERSON BURKHAMMER: Was that that
7 joint program between the building trades and NCA,
8 the coalition? Is that the one that McCormack and
9 Charles Green co-chaired?

10 MR. BUCHET: Yes.

11 CHAIRPERSON BURKHAMMER: Okay. Okay.
12 Next, we will hear the Safety and Health Program
13 Standard for Construction Report.

14 Mr. Cloutier.

15

16

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1 ACCSH Workgroup Reports Continued:
2 Safety and Health Program Standard
3 for Construction

4 MR. CLOUTIER: I will provide a copy for
5 all ACCSH members.

6 But the Construction Safety and Health
7 Program Workgroup met on Wednesday, December 8th.
8 There were 14 members and interested parties,
9 stakeholders, and ACCSH members present.

10 The group reviewed the March 14th, 1997
11 ACCSH recommendations to OSHA for revisions to 1926
12 subpart (c). The group agreed that there would be
13 no changes to this document at this time.

14 Berrien Zettler, Deputy Director of
15 Construction, reported that the directorate has
16 developed a revised subpart (c). And he will
17 provide this document to the workgroup in early
18 January, 2000.

19 The workgroup is eagerly awaiting the
20 distribution of the document.

21 The workgroup discussed the directive
22 that will accompany this revised standard should be
23 in plain English. The workgroup would also like to
24 review the directive.

25 The workgroup discussed the use of the

1 word "frequent" in the existing standard.
2 Currently, there is no definition for frequent and
3 perhaps seen in the new standard of the directive
4 would include the definition for that word.

5 We also talked about the multiemployer
6 policy since Part C. And the term, we would rather
7 wait until the new multiemployer policy is issued
8 before discussing it further.

9 The workgroup is going to reconvene in
10 Chicago, but it looks like we have been ousted for
11 the sanitation. And we will have another meeting
12 prior to the May meeting.

13 That's all.

14 CHAIRPERSON BURKHAMMER: Discussion?

15 Larry.

16 MR. EDGINTON: No.

17 CHAIRPERSON BURKHAMMER: Steve, Jane,
18 170.

19

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1 ACCSH Workgroup Reports Continued:

2 OSHA Form 170

3 MS. WILLIAMS: Mr. Chairman, we are going
4 to review the 170 Workgroup meeting of two parts.
5 Michael is going to assist me.

6 We had two meetings. That's our last
7 ACCSH meeting on this issue. The first was held in
8 November.

9 And at that point in time, we were really
10 trying to contemplate what issues we would be
11 facing in the review process of the 170 document.

12 We wanted to confirm our positions and
13 its need. And we also wished to talk specifically
14 with the directorate as to their support of those
15 activities.

16 We did accomplish all of those items.
17 Because there was so many concerns of what we were
18 going to do and how we were going to do it, it was
19 recommended that we have a joint meeting with data
20 collection.

21 At our last ACCSH meeting, data
22 collection had very specific questions on our
23 directions for the 170 revision.

24 So we scheduled this November joint
25 workgroup meeting. It was very, very successful

1 because it did in fact put us all on the same page.

2 The director of the construction, Mr.
3 Zettler. He offered some specific insights to us.
4 He had some very good recommendations. And it was
5 easily determined that we were all on the same
6 page.

7 The minutes for that November meeting I
8 believe is in your packet as well as a flow chart
9 that we created to more or less highlight to the
10 committee our internal process work with this
11 issue.

12 After that meeting -- it was also
13 suggested in that meeting that we have Janet Macon
14 from the Department of Energy who has had some
15 specific research and advances that they had made
16 in their coding process for fatalities.

17 And also Dr. William Schriver from the
18 University of Tennessee was suggested to also meet
19 with us who has done some very specific work in the
20 fatality investigations.

21 So we invited both of those persons to
22 come back with a more detailed presentation to us
23 at our December workgroup meeting which in fact
24 they did.

25 The Form 170, to just briefly give you a

1 background on it, is a document that is being
2 utilized for the reporting of fatality information
3 in construction.

4 But what has been evident from the
5 information is that it is randomly used. It is not
6 a required mandate for its use at this point in
7 time.

8 And data is not as accurate as it could
9 be to depict the entire scenario of what we are
10 trying to find, the incident causes and
11 contributing causes so we can, one, target or,
12 secondarily, that we can look at the issue and try
13 to determine where we need emphasis on regulation
14 and/or standard enhancement.

15 At the conclusion of our December 7th
16 meeting, we looked at the specific items that we
17 wanted to do from this point forward. And that is
18 the part of which I will cover with a motion on one
19 of those items.

20 And then, we will go into an outline of
21 where we are going with this form. Michael is
22 going to do that part for me.

23 The first item in the multiple questions
24 that we did in fact respond to was that the joint
25 workgroups confirmed their previous commitment of

1 all of our prior multiple workgroup meetings for
2 recommendation to OSHA that the Form 170 revision
3 be a priority for OSHA.

4 We think the sooner that we can get the
5 form, the sooner that it can be implemented and the
6 sooner that we get the training for the CSHOs to do
7 this.

8 OSHA would be served in its targeting
9 efforts for the fatality data that they truly need
10 to assist them.

11 With that first item, Mr. Chairman, I
12 move that ACCSH recommend to the agency total
13 support of resources to assist the workgroup to
14 revise the Form 170 in a timely manner.

15 CHAIRPERSON BURKHAMMER: I have a motion.

16 Do we have a second?

17 MR. BUCHET: Second.

18 CHAIRPERSON BURKHAMMER: The motion is
19 seconded.

20 Discussion?

21 (No response.)

22 CHAIRPERSON BURKHAMMER: Hearing none,
23 all in favor of the motion signify by saying aye.

24 VOICES: Aye.

25 CHAIRPERSON BURKHAMMER: Opposed?

1 (No response.)

2 CHAIRPERSON BURKHAMMER: Motion approved.

3 MS. WILLIAMS: Thank you.

4 The other items we looked at upon
5 revision completion of Form 170 will be highly
6 recommended to be a mandatory form for the CSHO's
7 completion. It indicates the fatality.

8 CSHO training must be a vital part for
9 the appropriate use of the form. The Form 170, we
10 are desiring to be user friendly and
11 standardization of the input that we need for it.

12 The Form 170 maximize the narrative data
13 from the reports that we are receiving from the
14 University of Tennessee.

15 It is very evident that the use of the
16 narrative was extremely important in really
17 depicting what was happening in the area of the
18 incident to begin with.

19 The employee and employer representation
20 be included for completion. We need to ensure that
21 all avenues of an incident are evaluated both by
22 interest of the employer as well as the employee,
23 that the form not be subject to one way or the
24 other.

25 At our next meeting, Janet Macon will

1 provide, they are, history questions. This is the
2 Department of Energy, the history questions that
3 they have developed to date for the CSHOs to put in
4 and respond to specific fatality information.

5 Our staff liaison who is Camille
6 Villanova will create a new working document Form
7 170 incorporating all the workgroup recommendations
8 accepted to date.

9 This form is a 37-page document at this
10 point. And we have had multiple, multiple meetings
11 and recommendations that we have accepted as an
12 internal workgroup process.

13 And we have been trying to show the
14 various recommendations by italics, by underscore,
15 by bold letters. It is becomingly an extremely
16 complicated document to work with.

17 We are just going to take the document at
18 this point and call it our next phase 170 interim
19 working document number two and utilize that so
20 everybody has the same document to work from in our
21 next meetings.

22 The use of the Form 170 when issued will
23 include validity checks of the data and audits for
24 a period of time to determine accurate input. That
25 will be very essential to the completeness of the

1 form.

2 And then, the co-chairs will work with
3 Dr. Schriver to assist in the development of data
4 questions to review regional fatalities for
5 targeting, are targeting, and meetings with CSHOs
6 to input into the development process as soon as
7 the co-chairs' schedules permit us to do that.

8 The co-chairs of Marie Haring Sweeney,
9 Michael Buchet, Steve Cooper, and myself.

10 What we are saying in that, we feel it is
11 very important to get CSHO's input into the form
12 that they will need to be completing. And we want
13 to hear from them what they feel will work, what
14 they feel ill not work.

15 So when we do develop a recommended form
16 to OSHA that it has all the inputs that we need to
17 make this a successful document for its use.

18 And needless to say, we are working very
19 closely with Mr. Zettler and Liz Kanel and all of
20 OSHA so we can more or less mirror the process we
21 went through with the success of multiemployer and
22 come out with a conclusive document that would be
23 hopefully be able to be instituted in a rapid
24 manner.

25 I think that basically covers everything

1 that I had. Marie may have comments. Michael, I
2 am sure, will then go into a brief review of the
3 target areas in the form that we were looking at to
4 give you some background.

5 CHAIRPERSON BURKHAMMER: Marie.

6 DR. SWEENEY: Just reiterate what I said
7 yesterday to Charles, this form is really important
8 in collecting appropriate data or relevant data so
9 that we can -- OSHA can be able to use it more
10 effectively in intervention prevention activities
11 and for education and outreach.

12 So by making it more user friendly by
13 standardizing the data with BLS. Then, both of the
14 places have the same stuff. By making the
15 narrative more usable, we might be collect correct
16 data and more user friendly data.

17 MS. WILLIAMS: We just had included among
18 the workgroup participants --

19 CHAIRPERSON BURKHAMMER: Microphone.

20 MS. WILLIAMS: I'm sorry.

21 CHAIRPERSON BURKHAMMER: No, microphone.

22 MS. WILLIAMS: We have concluded in the
23 workgroup meetings and today we believe that the
24 BLS coding system will be very appropriate for us
25 to incorporate.

1 They have already worked closely with us
2 and told us that we can extend the digiting in
3 their code system to pick up more specific
4 information that we would like to see to help
5 target other information.

6 I have a meeting next week with the
7 Bureau of Labor Statistics. And we will be working
8 four to five hours to look at what do we need to
9 recommend five digiting or six digiting characters
10 to pick up the extent of the information to
11 demonstrate.

12 It is all on their system. So I will be
13 working with them so we can see that. And then, I
14 will report back to the workgroup meeting whenever
15 our next one is going to be.

16 CHAIRPERSON BURKHAMMER: Okay. Thank
17 you.

18 Marie.

19 (No response.)

20 CHAIRPERSON BURKHAMMER: Michael.

21 MR. BUCHET: For the ACCSH members, you
22 have this sheet in your packet. This sheet is the
23 8th and 9th of November version modified on the 6th
24 of December.

25 And it appears to be a form that is

1 actually a block diagram and flow chart. We took
2 the hard information that is required, the current
3 information that can be filled out on the so-called
4 Form 170 and broke it into what we thought would be
5 useful blocks that showed some sort of a flow for
6 the person doing the investigation and for the
7 person who enters the data if they are not the same
8 person.

9 We then, if you look at the back of this
10 document, you will see, took out three blocks worth
11 of information that we felt were hard to collect,
12 misleading, of limited use, or all of the above,
13 yes, subjective also.

14 You will see in the block, and I am not
15 going to go through each one, that there are
16 footnotes on certain types of information.

17 In the first block, most of that we
18 suggest should be filled in automatically on this
19 form as the compliance officer fills in other
20 required forms by OSHA.

21 So that there is not a replication of
22 effort and so that we reduce the chance of misentry
23 because if you have to type the same information in
24 four or five different places, I guarantee you will
25 get it wrong one or two of the places.

1 So we are suggesting that automated fill-
2 in will greatly speed the process and improve
3 accuracy.

4 In the second block, and by second I mean
5 following the arrows, site information. We had a
6 considerable discussion on the types of
7 construction.

8 It was noted that the earlier draft
9 version seemed very much tilted to vertical
10 construction or fall incidents.

11 So we have suggested we are going to have
12 to do more work on finding descriptors of different
13 types of construction so that it will not drive the
14 person doing the investigation or the data entry to
15 consider only falls.

16 And that again Jane is going to visit the
17 Bureau of Labor Statistics. The big push with
18 using BLS coding is that as the information is
19 currently collected by OSHA in many cases it cannot
20 be compared to any bigger sample.

21 The coding is not standard. So there is
22 no way to look at this, for instance, and compare
23 by SIC code the experience that OSHA is seeing
24 directly against some of what BLS is seeing in
25 their annual survey, for instance.

1 So we have a blanket recommendation that
2 BLS coding or extensions of BLS coding be used in
3 all the places that are possible. And that will
4 give this information the ability to be compared
5 against much greater and much greater concurrent
6 data and much longer term historical data.

7 If you follow through the blocks, and
8 I'll let you do this, we are soliciting your
9 comments if you think the flow is ill advised or if
10 you think that going from investigation to site-
11 based information to the information identifying
12 the deceased worker.

13 And this form can also be used in cases
14 of catastrophes. So it may be the injured workers.
15 Please let the workgroup know.

16 Task information is another place where
17 we thought we had to expand the collection of data
18 and again use some sort of coding system that
19 allowed comparison against bigger data sets.

20 There was considerable concern that what
21 is currently being captured does not tell you what
22 the person being injured or killed was doing at the
23 time of the incident.

24 We also think there should be some way of
25 capturing what the people around that person was

1 doing.

2 If it was my action that killed Mr.
3 Devora, then what is doing may not be all that
4 important, but it may be what I was doing that is
5 really important. And we get to that a little bit
6 further down.

7 The inventor exposure, we wanted to -- we
8 moved some data into this as the result of the last
9 workgroup meeting. And I think those are self
10 explanatory.

11 Type of event, the event type is a
12 conflict. We need to do research within the
13 current framework to find out why OSHA has listed
14 two of these, apparently the same piece of data
15 under two titles. It may not be, but we are not
16 sure.

17 Then, you go up to the part, the body,
18 That is fairly simple. And the BLS coding does a
19 good job of that.

20 The nature of the injury or illness,
21 there may be some problems with that. BLS coding
22 does not speak plain English.

23 And there, the process of educating
24 ourselves and educating the compliance officers and
25 whoever fills this form in or enters it into the

1 data system is crucially important because I don't
2 think we want to reinvent a coding system for the
3 nature of the injury or illness because you lose
4 the ability to compare it against much bigger data
5 sets.

6 Source, and here we had some discussion.
7 How many sources of injury or illness do we need?
8 The Department of Energy currently has four sources
9 of injury in their report structure.

10 In our discussion up until the workgroup
11 we had this week, we thought that three might be
12 able to cover the narrative -- not narrative, the
13 description of the event in a coded format.

14 In our last workgroup meeting, we had a
15 fairly strong discussion on whether if you identify
16 a primary source and a secondary source, if you
17 could reach a third source without doing a root
18 cause analysis. And where are we going to educate
19 the CSHOs on doing root cause analyses? We didn't
20 come to an answer on that.

21 We would love suggestions.

22 And one of the things that we worked up,
23 we didn't have enough time to do with this form,
24 Susanne Marsh from NIOSH worked through a series of
25 scenarios that she pulled out of the census of

1 fatal occupational injuries and had developed a way
2 to go through this diagram showing how we could
3 code those.

4 And we were going to work through a
5 number of those with the workgroup to see if we
6 became comfortable with what we have outlined as a
7 process to see if the process actually worked or
8 worked relatively well. And we will try to do that
9 in future meetings.

10 Thank you, Mr. Chairman.

11 CHAIRPERSON BURKHAMMER: Thank you.

12 MR. BUCHET: And Mr. Masterson has a
13 question.

14 MR. MASTERSON: Actually, it's two. One
15 of them that struck me is on the nature of illness
16 and injury --

17 CHAIRPERSON BURKHAMMER: Microphone.

18 MR. MASTERSON: I'm sorry.

19 Marie, you might be better able to help
20 me here. There is I believe they are called IC-9
21 codes that the medical profession uses particularly
22 as it relate to types of injuries. It is fairly
23 standardized across the United States.

24 Would it make more sense rather than
25 using the BLS code in that particular field because

1 then it would be relating right back to other
2 medical fields?

3 DR. SWEENEY: I would have to go back and
4 see whether or not this is the occupational injury
5 codes. They in fact may be consistent with the
6 ICD-9. And actually, we are going to ICD-10 in the
7 next year and a half.

8 So let me get back to you on that
9 question and see whether or not they are the same.
10 I think the ICD coding and the BLS coding are a
11 little bit different and they have a little bit
12 different information in it.

13 And if you would give me the luxury of a
14 week, I might be able to find out. I will talk to
15 Susanne.

16 MR. MASTERSON: Okay. You see the reason
17 I am asking that question because, you know, the
18 doctors and medical professionals that are in a lot
19 cases going to be determining what the entry is
20 whether it has been a sprain injury or whatever.
21 They are going to be using those codes.

22 And if what we are reporting relates back
23 to those, it might make it easier on the CSHO to
24 actually document accurate data.

25 DR. SWEENEY: The ICD codes may not even

1 be available to the CSHOs. This is an area, the
2 nature and the sources are two parts that we have
3 to go back into anyway.

4 So we will be getting back to you on
5 those questions.

6 MR. MASTERSON: Okay. And the other
7 thing I wanted to bring up is as you are moving
8 more and more towards standardized coding, the BLS
9 coding, it would lend itself to multiple choice
10 lists.

11 And in that fashion, it would make sense
12 because one of the issues that I have heard is that
13 there has been a lack of completeness in the forms
14 that we have been getting back.

15 Would it make sense to computerize with a
16 variety of hand-held type systems that are
17 available today to computerize the data entry so
18 that you cannot skip the field?

19 MR. BUCHET: Yes. We appreciate both
20 your comments. And crucial to the effort that the
21 joint committee is doing is, one, is to make this
22 data very useful and comparable to the biggest
23 universe of data.

24 So whether it is the BLS codes or the
25 ICD-9 codes, that is one of the intents.

1 The other thing is we keep talking about
2 a form. And in fact, that is simply a shorthand
3 fore what we hope is going to be a seamless process
4 on a computer both hand-held and desktop with drop
5 down boxes so they can either do a check box for --
6 because nobody is going to remember all these
7 codes.

8 It will have built-in logic that will say
9 if you get to source one, hit this button if you
10 think there is another source. If you don't think
11 there is another source, then it will allow you to
12 go on to the next field that you have to fill in.

13 So we appreciate the comment. And please
14 come and help us because that little palm deal
15 you've got, speed.

16 CHAIRPERSON BURKHAMMER: Larry.

17 MR. EDGINTON: Thank you. I've only had
18 the opportunity to attend one of the workgroup
19 meetings. And I've got to tell you that the level
20 of detail was making my head hurt, but at the same
21 time, clearly it is the kind of thing that needs to
22 be understood.

23 But the thought that occurred to me at
24 that meeting and sort of floated around with me and
25 came back again yesterday when I heard the

1 assistant secretary talk about the agency's
2 investment in technology, I can't help but think
3 about whether or not the agency has the
4 technological capabilities to utilize the system
5 that you are talking about devising.

6 And it would seem to me it might be fair
7 if we don't know that there is a sort of parallel
8 track that there is an assessment as to whether or
9 not within the agency they can either utilize
10 existing technology or alternately what technology
11 they are required to have or purchase.

12 CHAIRPERSON BURKHAMMER: Michael.

13 MR. BUCHET: The workgroup is working
14 closely with Camille Villanova and Berrien Zettler.
15 And we have some sense that what we are trying to
16 create is not without a great deal of possibility
17 currently and should much easier to do with a new
18 system.

19 CHAIRPERSON BURKHAMMER: Felipe.

20 MR. DEVORA: What Larry talked about a
21 little bit yesterday and Mr. Jeffress talked about
22 culture and about changing behavior in the
23 construction culture.

24 Well, and at this workgroup meeting, it
25 was very interesting to me that the gentleman from

1 Tennessee pointed out that of the 640, I don't
2 know, narratives that they went through, I think it
3 was like 80 percent were wrong, really didn't --
4 the narrative, really didn't describe the incident
5 correctly.

6 And then, also the other comment I heard
7 in the workgroup meeting that, you know, this is a
8 CSHO out in the field that is having to change his
9 whole schedule to go out here and fill out these
10 boxes.

11 And the comment was made. I don't know
12 by whom, you know, that these guys, they really
13 don't care about them. They just want to get this
14 form done and want to get on down the road.

15 So before, you know, this is great, the
16 technology we are inventing, but I think that my
17 comment is that the culture of the CSHOs at that
18 level really needs -- that educational process
19 needs to begin before we get into these palm
20 readers with this new technology.

21 MR. BUCHET: We are merging a lot of
22 steps. Another component of what the joint
23 workgroup has, has spent a good deal of time and
24 energy on as we heard recommends to OSHA is that
25 there is a training program.

1 One piece that we haven't talked about so
2 much is getting the input from the people who will
3 use these processes in the field to help design it.

4 I think what we heard from the University
5 of Tennessee was that there was some inaccuracy in
6 the coding.

7 And the way they proved it was by looking
8 at the narratives. And the narratives themselves
9 are fairly accurate as far as they could tell.

10 One of the things that this process will
11 do is to make the information at least logically
12 sequential. And we will get input from the field
13 to make sure that our understanding of logic is
14 their understanding of logic.

15 We can also create teachings.

16 CHAIRPERSON BURKHAMMER: Marie.

17 Jane, go ahead.

18 MS. WILLIAMS: We also were talking. And
19 I hope I get the name of this department,
20 Information Technologies. I guess are the people,
21 I think are the people who are working with
22 updating your system and everything.

23 And me and Mr. Zettler, we are going to
24 be interfacing with them, meaning him to ensure
25 that our path and their path are in fact on the

1 correct road that we all need to be on.

2 And the other issue is we realize that we
3 are going to have to work very closely with Bruce's
4 shop to make sure that we end up with a product
5 that is going to be useful and that it does in fact
6 help the CSHO do the job that we feel is needed.

7 CHAIRPERSON BURKHAMMER: When we first
8 started this workgroup with Jane and Steve, I think
9 the impression was that this was a slug effort, you
10 know. And they were going to get into this. And
11 we are going to get bogged down in the minutia.

12 But the more this group and the data
13 collection group have come together, I think that
14 this is one single item that ACCSH could give OSHA
15 that could be a tremendous boost in helping them do
16 their jobs better and more efficient.

17 So I think this workgroup has done a
18 tremendous amount of work.

19 And if you haven't had an opportunity to
20 participate in this group and you are not
21 technologically challenged like me, it is
22 phenomenal for what they have accomplished and what
23 they are doing.

24 So Marie.

25 MS. WILLIAMS: There is excitement at the

1 end of workgroup meetings these last two.

2 CHAIRPERSON BURKHAMMER: Marie.

3 DR. SWEENEY: I just want to respond a
4 little bit to what Felipe had to say the problem
5 with the original form are some of the things that
6 we are trying to do away with to prefab the errors
7 that we are seeing and also to prevent the lethargy
8 about filling in the form.

9 We are also uncovering some other issues.
10 And that is why we want to talk to CSHOs about this
11 form and perhaps about other ones that they are
12 filling out, that there are actually multiple forms
13 that they need fill out in addressing a fatality.

14 And perhaps, a lot of the data from the
15 other forms can be merged. And then, you know, you
16 can click a button.

17 And if there is a Form 2000, that Form
18 2000 can be adapted from the information that we
19 put in the 170 or vice versa.

20 So there is really -- this is just I
21 think kind of a tip of the iceberg in helping them
22 get appropriate data.

23 CHAIRPERSON BURKHAMMER: Mr. Masterson.

24 MR. MASTERSON: One of the things that
25 you may want to take a look at is the process you

1 just described, Marie, is very consistent with most
2 of the newer systems and risk information
3 management systems that are used by insurance
4 companies in worker's compensation areas.

5 A lot of the data collection that you are
6 talking about is going to be very, very similar.
7 And the sharing of the data between fields is a
8 real common practice between the system, payroll
9 data base systems, and things like that.

10 There are probably some products out
11 there that get real close to meeting your need
12 right now that is designed to go across either a
13 mainframe or a large server.

14 CHAIRPERSON BURKHAMMER: Bear in mind
15 that OSHA has met several times. And I know Joe
16 Deer and Charles have met with the insurance
17 industry on more than one occasion to try and come
18 up with some kind of partnership of sharing data
19 between insurance companies and OSHA.

20 It has been a failed attempt at best.
21 And the insurance companies continue to say that
22 there data is proprietary and confidential to the
23 employee. And I know that the unions also support
24 that the worker's comp data is proprietary to the
25 employee.

1 And I think we need to find a way to
2 break that barrier. And Dr. Peterson I guess had
3 some suggestions on how the 170 Workgroup might
4 look at that.

5 So there is some things improving on that
6 sharing of material.

7 MR. MASTERSON: Yes. I just want to make
8 sure. I wasn't talking about using the insurance
9 company's data base.

10 There is a lot of outside vendors that
11 create these systems for this data collection. And
12 it is freestanding system that would be OSHA's
13 system.

14 I happen to support the confidentiality
15 of that same information that you were referring
16 to.

17 But all I am leading to is there are
18 systems out there that might already meet the data
19 collection need and sharing the fields as far as
20 all the information. So you only enter it one
21 time.

22 CHAIRPERSON BURKHAMMER: Okay. Michael.

23 MR. BUCHET: I just want to make sure
24 that while we are discussing the 170 Form and the
25 usefulness of this data and how is it collected

1 that we not casually assign a fair amount of fault
2 to some of the problems with it to the people in
3 the field.

4 It is an incredibly cumbersome tool. And
5 we have absolutely no idea how the process is done.

6 We suspect that somebody takes notes in
7 the field when they stacked up in an input box in
8 the office. And then, somebody is left to put in
9 the information in the computer in the best way
10 they can.

11 We do know that the data itself is
12 problematic, but I do not think that we should jump
13 to the conclusion that certain groups of people are
14 the reason for its being problematic.

15 CHAIRPERSON BURKHAMMER: Okay. Let's
16 take a 10-minute break. And then, we will come
17 back and Jane will lead a discussion on guidelines.

18

19

20 (Whereupon, at 10:05 a.m., the meeting
21 was recessed.)

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10:15 a.m.

CHAIRPERSON BURKHAMMER: Yesterday, Jane had made a motion on the ACCSH Guidelines Task Force that she chairs. And we had some discussion and we made a decision to leave that motion on the table until today. So we are ready to bring that back up now.

Jane.

1 ACCSH Guidelines

2 MS. WILLIAMS: Thank you, Mr. Chairman.

3 It became apparent yesterday in talking with
4 various co-chairs that there is definitely
5 confusion on what our guidelines currently say, the
6 content of some of the language in our guidelines
7 and how to get this issue accomplished to the end
8 goal.

9 It is true that our guidelines allow us
10 to post our meeting notices. We have chosen to do
11 that as a committee because we do wish to get as
12 much information to the public to attend our
13 workgroup meetings as we possible can. We value
14 their input.

15 So that process is not intended to be
16 changed. What the motion was and what the concern
17 was was the method and manners of software that the
18 workgroups use to get the information to DOC so
19 something else can happen.

20 But I don't think that this is an issue,
21 Mr. Chairman, that we are going to resolve here
22 today.

23 I think I need to work with our chairs
24 and Mr. Swanson and yourself, when we originally
25 did the guidelines, and Mr. Cooper who was the co-

1 chair on this.

2 And then, we can review what they need
3 and the software manner in which they need it and
4 also ensure we clarify the intent of our in-process
5 working document.

6 So that is a graceful to lead in to ask
7 you to please withdraw my motion of yesterday to
8 amend the advisory guidelines and that I will
9 continue to work with DOC and the Guideline
10 Workgroup Committee to achieve that goal.

11 CHAIRPERSON BURKHAMMER: Michael, do you
12 withdraw your second?

13 MR. BUCHET: I withdraw my second.

14 CHAIRPERSON BURKHAMMER: Motion
15 withdrawn.

16 Thank you, Jane.

17 Before we have public comment, I would
18 like you to get out the workgroup assignments. I
19 would like to go down the list and give you my
20 thoughts. And we can discuss each one.

21 I want to combine the Safety and Health
22 Program standard and the training standard into one
23 workgroup.

24 Does anybody disagree with that?

25 (No response.)

1 CHAIRPERSON BURKHAMMER: And where it
2 says both co-chairmen are the same for both groups,
3 we will leave that as is.

4 Bob, on fall protection, there was a date
5 batted around yesterday of May. Is that still a
6 firm date for finishing?

7 MR. MASTERSON: That is a goal. I will
8 not say it is a firm date. We are going to do
9 everything we can to be done in that timeframe
10 though.

11 CHAIRPERSON BURKHAMMER: Okay. So we
12 will leave this workgroup as is with you and
13 Felipe.

14 MR. MASTERSON: Yes.

15 CHAIRPERSON BURKHAMMER: Data Collection
16 and Targeting --

17 MR. SWANSON: Mr. Chairman, may I comment
18 on your Fall Protection Workgroup?

19 CHAIRPERSON BURKHAMMER: Yes.

20 MR. SWANSON: I understand that there was
21 some conversation during the workgroup meeting
22 about the Federal Register comment period. And
23 anybody that was in that workgroup the other day, I
24 strongly recommend that if you've got things to say
25 if you want them part of the official record that

1 you save them before the January deadline and put
2 them on the docket.

3 That does not mean, of course, that ACCSH
4 is a different -- is another pathway or vehicle.
5 It can't be used to make your comments.

6 But ACCSH's comments will not be part of
7 the legal document. It will be after the fact if
8 they are made.

9 MR. MASTERSON: Bruce, at the workgroup
10 meeting, that was explained. We would like their
11 comments, but that did not substitute for a
12 submission to the docket.

13 MR. SWANSON: Very good. Thank you.

14 CHAIRPERSON BURKHAMMER: Data Collection
15 and Targeting has basically combined itself with
16 170. And I would like to leave that, make that an
17 official combination.

18 Mr. Buchet.

19 MR. BUCHET: Would you care to
20 reconsider?

21 I think we have enough independent work
22 to do on the separate issue of data collection. So
23 that workgroup can stay separate.

24 We will certainly continue to work
25 together on the 170, but the Dodge Report has

1 nothing to do with the Form 170. And that
2 certainly has something do with data collection.

3 Mr. Peterson's effort has all to do with
4 data collection, nothing to do with the Form 170.
5 I think it would just be counter productive for the
6 Form 170 effort to bog it down with the greater
7 question of data collection.

8 CHAIRPERSON BURKHAMMER: Jane.

9 MS. WILLIAMS: Mr. Chairman, I totally
10 concur with Michael because the 170 Workgroup
11 really can't support any additional work from those
12 guys. We just need their input to us.

13 (Laughter)

14 CHAIRPERSON BURKHAMMER: Yielding to the
15 committee chairs, we will --

16 (Laughter)

17 CHAIRPERSON BURKHAMMER: To show you I'm
18 not a dictatorial chairman.

19 (Laughter)

20 MR. SWANSON: In this instance.

21 CHAIRPERSON BURKHAMMER: There will be no
22 comments allowed.

23 (Laughter)

24 CHAIRPERSON BURKHAMMER: Cranes, Larry,
25 we are still good to go. And you are going to

1 maintain your committee. And depending on the
2 response to the motion that was approved, we will
3 make a decision then.

4 MR. EDGINTON: Right. We intend to keep
5 moving.

6 CHAIRPERSON BURKHAMMER: Yes.

7 MSDs, that is a continuation.

8 MR. BUCHET: Certainly, Mr. Chairman.

9 CHAIRPERSON BURKHAMMER: Thank you.

10 Hexavalent Chromium is now up and
11 running?

12 MR. DEVORA: Yes.

13 CHAIRPERSON BURKHAMMER: Multiemployer is
14 fading fast.

15 MR. DEVORA: It will die in Chicago.

16 CHAIRPERSON BURKHAMMER: Die in Chicago.

17 Silica, Marie, can that go away?

18 DR. SWEENEY: I think we can -- we both,
19 Larry and I, I am speaking for Larry and myself, we
20 concur it can go away until such time OSHA needs
21 more assistance on their proposed rule.

22 CHAIRPERSON BURKHAMMER: Okay. Let's
23 delete that workgroup. And we can bring it back if
24 the need arises.

25 MS. WILLIAMS: Mr. Chairman.

1 CHAIRPERSON BURKHAMMER: Jane.

2 MS. WILLIAMS: I have just a question, a
3 clarification. If Marthe said yesterday they want
4 to accelerate the track for this, would not the
5 workgroup be involved with her to find out how fast
6 they were going and where?

7 CHAIRPERSON BURKHAMMER: Well, we have,
8 this workgroup has supplied all of the data we've
9 done in our full motion to that group. They have
10 all of our stuff.

11 MS. WILLIAMS: Yes.

12 CHAIRPERSON BURKHAMMER: If they want to
13 continue to have any questions or response to the
14 material we have provided them, Marie is available
15 to do that.

16 MS. WILLIAMS: Okay. Thank you.

17 CHAIRPERSON BURKHAMMER: The Salt Lake
18 City Workgroup, can we delete, Michael?

19 MR. BUCHET: I just consulted with our
20 designated federal official and felt that we might
21 it keep going for at least one more meeting.

22 I would like to invite everybody in ACCSH
23 to visit the -- if you don't know how to visit the
24 web site, please talk to Camille. Visit at the web
25 site and look at the draft advisory.

1 CHAIRPERSON BURKHAMMER: Powered
2 Industrial Trucks, I talked to Steve. And Larry is
3 in concurrence. That one can go. It is now a
4 published standard.

5 Diversified Construction Workforce, we
6 continue with.

7 MS. WILLIAMS: Yes.

8

9 CHAIRPERSON BURKHAMMER: Construction
10 Certification of Paperwork Reduction and Review is
11 pretty well deleted. I think we can delete that.

12 MS. WILLIAMS: Deleted.

13 CHAIRPERSON BURKHAMMER: And the PPE
14 standard, those of us who had comments have
15 responded and as we were directed to do. So we can
16 delete that group.

17 We have two ones that we want to
18 consider. One is Noise. And I would like Marie
19 Haring Sweeney and Felipe to co-chair that. I
20 think their expertise in that field speaks for
21 itself.

22 If there is no disagreement from ACCSH,
23 we will leave that. We will bring that up as a
24 formal workgroup. And they will be the co-chairs.

25 And the other one was PSM. We think we

1 need to have at least for a couple of meetings a
2 workgroup on PSM to work with Marthe and to try to
3 figure out what we need to do there.

4 And Danny, if you would co-chair that
5 one, please, along with Owen and just kind of get a
6 feel for where you two think we need to go with
7 this? And if you see us going nowhere, let us know
8 in the May meeting and we will dissolve the
9 workgroup.

10 MS. WILLIAMS: Mr. Chairman.

11 CHAIRPERSON BURKHAMMER: Jane.

12 MS. WILLIAMS: While you are in the
13 process of deleting, I would like to bring one
14 back, please.

15 CHAIRPERSON BURKHAMMER: Let me guess
16 which one that might be.

17 MS. WILLIAMS: It might be --

18 CHAIRPERSON BURKHAMMER: And I think I
19 was finished. And that's the next one.

20 MS. WILLIAMS: Oh.

21 CHAIRPERSON BURKHAMMER: Is the
22 Sanitation Workgroup, the return of.

23 MS. WILLIAMS: Thank you.

24 CHAIRPERSON BURKHAMMER: And if there is
25 no objections, we will return the Sanitation

1 Workgroup with the co-chairs of Jane and the
2 esteemed Mr. Cooper.

3 And the charge is?

4 MS. WILLIAMS: The charge will be, I
5 noticed in your notice of long-term proposed
6 activities, one of the items that you had listed in
7 there was gender-specific toilets which the
8 workgroup had some gender-specific concerns about.

9 (Laughter)

10 MS. WILLIAMS: So we would like to work
11 with you on that issue and see what other
12 additional efforts we need to help on.

13 MR. SWANSON: Thank you for that
14 recommendation.

15 CHAIRPERSON BURKHAMMER: I also think
16 this workgroup can continue its push to move
17 sanitation to the forefront.

18 MR. SWANSON: I was always curious as to
19 whether or not that was a political action
20 committee that was being formed.

21 (Laughter)

22 CHAIRPERSON BURKHAMMER: No, I don't have
23 that down here, PAC.

24 (Laughter)

25 MS. WILLIAMS: And if I may, Mr.

1 Chairman, Bruce asked a very good unofficial
2 question yesterday. Are there priorities? And we
3 talked about priorities. And this might be
4 something that we could start looking at to assist
5 them with some of our information processes.

6 MR. MASTERSON: I appreciate you bringing
7 that up, Jane. One of the things that I have
8 noticed and I have really been conscious of at this
9 meeting is every motion that we have made on almost
10 every subject that has come up we have requested
11 that OSHA put a priority on it.

12 If everything is a priority, nothing is a
13 priority. I think as an advisory committee, we
14 have to be very cognizant that Bruce and his team
15 have limited resources.

16 And if we are going to start asking for
17 priorities, maybe we need to do our own
18 prioritization of what we think is the most
19 important issues.

20 I am not taking anything away from
21 sanitation. I happen to agree with everybody else.
22 I think it is one of the few things where labor and
23 management always agrees.

24 But I think we have to be cognizant of
25 the issues that the OSHA team and our support

1 faces.

2 Five priorities out of five means nothing
3 is really a priority.

4 CHAIRPERSON BURKHAMMER: Thank you, Bob.
5 Jane.

6 MS. WILLIAMS: Bob, I totally agree. And
7 from my last comment, I was going to ask the chair
8 if he would consider a workgroup similar to what we
9 did with the guidelines which was a closed
10 workgroup of persons to help review all of the
11 issues that ACCSH has determined are priority
12 because it is not fair to the DOC or anyone.

13 And I thought that might be a
14 recommendation that I wish to submit for your
15 consideration.

16 CHAIRPERSON BURKHAMMER: I think it is a
17 realistic idea. Why don't we make that part of
18 Jane's charge as guidelines?

19 And you carry that torch with you.

20 MS. WILLIAMS: Yes, sir.

21 CHAIRPERSON BURKHAMMER: And then, report
22 back to the committee.

23 MR. SMITH: Does that mean that you guys
24 are going to consult with --

25 CHAIRPERSON BURKHAMMER: Owen.

1 MR. SMITH: I'm sorry. I said, does that
2 mean that this workgroup is going to kind of
3 consult with OSHA to kind of get some kind of idea
4 which way they are leaning to when you set these
5 priorities?

6 MS. WILLIAMS: Mr. Chairman, contradict
7 me if you don't feel this is an appropriate answer.

8 My thought would be that the co-chairs of
9 the ACCSH would have an input into what we feel is
10 priorities, but then we would meet as we did with
11 Bruce before in his office and see how realistic
12 some of these priorities are so we get a true feel
13 of what can be achieved and what might have to go
14 to another priority level. Or it would be a group
15 effort.

16 MR. SMITH: Thank you.

17 CHAIRPERSON BURKHAMMER:

18 Michael.

19 MR. BUCHET: We have discussed
20 expectation management. And I thought we agreed
21 that we were going to learn how the standard
22 setting process works before we start.

23 CHAIRPERSON BURKHAMMER: May meeting.

24 MR. BUCHET: Well, before we even start
25 tackling the question of priorities.

1 As I understand what we do is make
2 recommendations. So we are only recommending a
3 priority. We are recommending it from a relatively
4 narrow standpoint at this point.

5 And although we may have a high emotional
6 content and a large frustration factor, in the real
7 world, until we find out how the process works a
8 little bit more, that is all we are expressing.

9 And I don't know that we need to spend a
10 lot of time on that effort.

11 CHAIRPERSON BURKHAMMER: Felipe.

12 MR. DEVORA: My only comment to that is
13 as an advisory board, we advise. I mean,
14 regardless, advice is advice.

15 (Laughter)

16 MR. DEVORA: Once you give it, it's out
17 of your hands. What that receiver does with that
18 advice and how he prioritize or they or she or
19 whatever prioritizes that advice, I kind of think
20 it is a circular argument.

21 Once we give it to OSHA, we have
22 accomplished our task.

23 CHAIRPERSON BURKHAMMER: Bruce.

24 MR. SWANSON: I appreciate the point on
25 behalf of OSHA, the last two comments made. And I

1 believe for all OSHA, certainly my own opinion is
2 what I heard here in the last couple of days as we
3 talked about sanitation and we have had prior
4 conversations on the sanitation thing, I know Ms.
5 Williams and some other people indicated some
6 frustration.

7 Why, you know? Why should we keep
8 working at this high energy level in trying to
9 produce advice for you folks if you are not doing
10 anything with it?

11 And I would really hate to lose the
12 enthusiasm. I appreciate that it is only advice.
13 You give it and you walk away, but that is really
14 not the way human emotions work.

15 And you have invested all this time and
16 energy in it. And I am very sympathetic with
17 Jane's view on sanitation.

18 We do have to manage expectations because
19 I would hate to see anybody on this panel or the
20 panel as a whole lose any of its enthusiasm for the
21 really great work you have been doing in the last
22 couple of years.

23 It is appreciated. Don't get frustrated
24 with us being a governmental organization with very
25 limited resources. And we just can't move as you

1 would expect us or like us to do on some of this
2 stuff.

3 MR. BUCHET: Mr. Chairman.

4 CHAIRPERSON BURKHAMMER: Thank you,
5 Bruce.

6 I think we have kicked this around
7 enough.

8 (Laughter)

9 CHAIRPERSON BURKHAMMER: We will accept
10 all of the advice and the advice that you have
11 shared with us.

12 And Jane, would you just go ahead and
13 take that as part of your charge and --

14 MS. WILLIAMS: I would just like to ask a
15 question. Am I not correct that we could have more
16 than --

17 CHAIRPERSON BURKHAMMER: The microphone.

18 MS. WILLIAMS: I'm sorry. Am I correct
19 in that we can have more than two co-chairs for a
20 group, workgroup, say, three if we thought that the
21 process might need it?

22 CHAIRPERSON BURKHAMMER: No.

23 MS. WILLIAMS: No way?

24 CHAIRPERSON BURKHAMMER: Two is company.
25 Three is a crowd.

1 VOICE: It's dictatorial.

2 (Laughter)

3 CHAIRPERSON BURKHAMMER: The next
4 question.

5 (Laughter)

6 CHAIRPERSON BURKHAMMER: Mr. Evans.

7 MR. EVANS: I think the committee that is
8 looking into how to move things along need to take
9 into consideration that federal OSHA has a five-
10 year strategic plan built into that. They have a
11 one-year performance plan.

12 And what they are going to try to
13 accomplish in standards is all spelled out in that.
14 And I am sure that is going to be their main goals.
15 And to substitute something else, I believe will be
16 a breach of their internal agreement.

17 CHAIRPERSON BURKHAMMER: Thank you.

18 Mr. Buchet, you are chopping at your
19 pencil.

20 (Laughter)

21 MR. BUCHET: Thank you for this
22 demonstration of leniency and nondictatorialness.

23 (Laughter)

24 MR. BUCHET: Possibly, there as for some
25 pitfalls to setting priorities. And that is if we

1 set our own priority, then something comes along.
2 And we have to change our own priority.

3 Maybe, a device for us would be something
4 along the lines of what goes on at Capital Hill
5 every once in awhile.

6 You get a vote of the sense of one of the
7 bodies of the other. And the sense of this body
8 without a doubt is that sanitation should have a
9 higher priority.

10 But if we put it as our first priority,
11 then what happens to all the other stuff that we
12 are pushing along?

13 So I think when we look at priorities,
14 maybe we want to change the word. We certainly
15 want to be able to say this is something of vital
16 concern to us.

17 And I think Mr. Swanson recognized our
18 emotions and the ability to express them, but maybe
19 the priority device is the wrong one for expressing
20 them.

21 CHAIRPERSON BURKHAMMER: Yes. I think
22 that is an excellent comment. And that is why I
23 would like Jane to take this with her when she goes
24 to the guidelines comments and come back to us and
25 kind of give us a better feel for what she thinks

1 realistically, even though in her heart sanitation
2 is, but what realistically we can achieve as a
3 committee.

4 And Bruce is absolutely right. I mean,
5 we spent a lot of time and effort. You guys spent
6 a lot of your valuable time doing a lot of hard
7 work. And if the work is to no avail, I think we
8 need to realize that and channel our efforts and
9 directions to what is.

10 I will entertain a finish comment from
11 you, Jane, on why you think you need three co-
12 chairs rather than two.

13 MS. WILLIAMS: Well --

14 CHAIRPERSON BURKHAMMER: Microphone.

15 MS. WILLIAMS: As we have seen on several
16 occasions in workgroup meetings, sometimes the
17 amount of work is great, is an awful lot.

18 But secondly, not in all meetings do two
19 co-chairs show up. And I am not saying this would
20 be a standard process.

21 But I think maybe if you had a very
22 complicated issue or something and there was a
23 possibility that one may not be available, it would
24 lend some support to the other co-chair.

25 And it would be totally up to the co-

1 chairs if they felt that this was not a need. It
2 was asked of me.

3 And from my knowledge, there was nothing
4 preventing a workgroup from establishing three co-
5 chairs if it thought it might facilitate their
6 efforts in some manner.

7 CHAIRPERSON BURKHAMMER: If the co-chairs
8 feel that a third head would be worthwhile, add to
9 the process, there is nothing wrong with that.

10 MS. WILLIAMS: Thank you.

11 CHAIRPERSON BURKHAMMER: The problem is
12 for years and years, I would say probably the first
13 23 years, 24 years of ACCSH, there was one
14 chairman.

15 And then, we went to two so we could get
16 a consensus chair to where we would try to have two
17 different bodies represent as co-chairs. Either
18 they were in management or public or labor.

19 It doesn't always work out that way, but
20 most of the time we have been very successful with
21 that.

22 And I just -- I don't want to set a
23 precedent of going to three. If we have a
24 situation that has occurred on a couple of
25 occasions where both workgroup chairs are traveling

1 or out of pocket or get some emergency that comes
2 up that they can't attend, there is not a thing
3 wrong with having a back-up that is knowledgeable
4 in the workgroup.

5 Just picking someone to come and show up
6 as a body who is not knowledgeable in the workgroup
7 operations is not a great idea.

8 So we will leave it to each of you to
9 select if you wish someone to support in case of.

10 MS. WILLIAMS: Okay.

11 CHAIRPERSON BURKHAMMER: Mr. Swanson,
12 Directorate of Construction Report.

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1 Directorate of Construction - Update

2 MR. SWANSON: Yes. We have a couple of
3 folks from my shop who have joined us.

4 And Berrien, Noah, however you guys have
5 worked out the priority.

6 (Pause)

7 CHAIRPERSON BURKHAMMER: Berrien and
8 Noah, welcome.

9 MR. CONNELL: Thank you. I guess I will
10 start with multiemployer. I am pleased to announce
11 that today the new multiemployer policy will be
12 posted on OSHA's web site. You have received
13 copies of it here today.

14 We are very grateful to ACCSH and very
15 grateful to the ACCSH workgroup and the chairs for
16 all the help that we got on this difficult project.

17 We thought long and hard about the
18 modifications that ACCSH recommended to our initial
19 draft. And I think that you will see that the
20 final work product was influenced by a number of
21 those recommendations.

22 The final product is not a whole lot
23 different from what you say earlier. We have
24 changed it somewhat in its structure to make it
25 flow a little bit better.

1 We have also tried to emphasize the two-
2 step analytical process that we have been talking
3 about for a long time. It is in fact those two
4 steps are now reflected throughout the draft.

5 We also tried to be responsive to what we
6 felt was a concern that there would be more
7 examples. We now have 13 examples. We thought
8 maybe we should stop there.

9 So thank you very much for your
10 assistance on that.

11 Next week on December 16th, OSHA will be
12 meeting with the SENRAC meeting to consult with the
13 committee on the steel erection final rule. That
14 meeting is open to the public as our Federal
15 Register notice indicated.

16 Safety and health programs, we are
17 planning to send out our latest draft text on the
18 program standard amendment for construction to you
19 in January.

20 Confined space, we do anticipate a public
21 release of our draft text very soon. I know I have
22 heard myself say that before.

23 (Laughter)

24 MR. CONNELL: We have been spending a lot
25 of time as you know on steel erection, but that

1 work product is -- it really is ready to go.

2 And we will be holding -- I anticipate
3 that we will be holding a stakeholder meetings,
4 probably four stakeholder meetings next year on the
5 confined space standard.

6 One other thing that I would mention
7 since Mr. Jeffress mentioned it yesterday on our
8 interpretation letter processing, I am pleased to
9 announce that this past year, we have cut our
10 processing time by about 15 percent.

11 We still look forward to further
12 improvements on that.

13 We have also instituted a joint quality
14 rating system on our interpretation letters. We
15 rate our letters for quality in conjunction with
16 the Solicitor's Office. And we also keep track of
17 processing time in the department once the letter
18 leaves our office.

19 And I am pleased to announce that that
20 processing time has dropped tremendously. So I
21 think we have made some successful steps in that
22 regard.

23 And I would be happy to answer any
24 questions about standards and multiemployer.

25 CHAIRPERSON BURKHAMMER: Marie.

1 DR. SWEENEY: Noah, thank you for your
2 presentation. One of the things that we asked
3 Marthe or suggested to Marthe that you in fact are
4 going to be holding stakeholder meetings and it
5 involves construction to come to the committee.

6 And we can help you with perhaps the
7 selection of sites as opposed to having four in
8 Washington or in the big, you know, sort of chosen
9 cities that always are hit.

10 We would be more than happy to give you
11 some selection options.

12 MR. CONNELL: Thank you. We appreciate
13 that.

14 CHAIRPERSON BURKHAMMER: Larry.

15 MR. EDGINTON: Mr. Chairman, just a
16 comment on the multiemployer. Over the last
17 several months, I have received numerous phone
18 calls from some of my locals, much along the lines
19 of I know what the workgroup encountered is that at
20 the state level now in many instances, there seems
21 to be a belief that OSHA is in the process of
22 changing its multiemployer citation policy.

23 And I have been trying to put those
24 rumors to rest as best I can, but I think, you
25 know, it is very important and incumbent upon all

1 of us to make sure everyone understands.

2 And I think this clearly says this that
3 if the clarification is really not a change.

4 CHAIRPERSON BURKHAMMER: Right. Right.
5 Felipe.

6 MR. DEVORA: Recordkeeping, where are we
7 at?

8 (Pause)

9 CHAIRPERSON BURKHAMMER: Danny.

10 MR. EVANS: A quick comment. We have a
11 new facility in Las Vegas, Anderson, Nevada. The
12 room is every bit as big as this I think. And as
13 long as I get enough notice, we can use that at no
14 cost to anybody for stakeholder meetings or
15 whatever.

16 And there is a couple other smaller rooms
17 to use for breakout committees or whatever.

18 CHAIRPERSON BURKHAMMER: Well, Las Vegas
19 is certainly one of the cities that is booming in
20 construction. So --

21 MR. EVANS: Yes.

22

23 CHAIRPERSON BURKHAMMER: Jane.

24 MS. WILLIAMS: Lock-out, tag-out or is
25 that -- it is lock-out, tag-out?

1 MR. CONNELL: That status of it?

2 MS. WILLIAMS: Yes.

3 MR. CONNELL: Do you want to address
4 that?

5 (Laughter)

6 MR. CONNELL: They prioritized the
7 discussion.

8 MR. SWANSON: Yes. Let's get back to
9 priorities. It is not being actively worked on.

10 MS. WILLIAMS: Okay.

11 CHAIRPERSON BURKHAMMER: Any other
12 comments or questions for Noah?

13 Bruce.

14 MR. SWANSON: Before we ditch Noah here,
15 we never ditch Noah. One of the things, Noah, that
16 I am not sure folks have a full appreciation for is
17 really, you know, how many folks we've got in your
18 office, professionals.

19 You mentioned in passing that, you know,
20 we have been spending an awful lot of time on steel
21 erection here recently.

22 Some on the committee here suggested we
23 should less time perhaps. But your entire staff
24 has really been working.

25 I mean, everybody in your office is a

1 member of a team that has a piece of the steel
2 erection standard. And that has been time
3 consuming, you know.

4 Behind that, we have people who have
5 other tasks. They are the primary folks on the
6 fall protection issue.

7 We have others that have another task on
8 confined space, but those have been suffering also
9 in the interest of steel erection recently.

10 The one task that never goes away and
11 that we get no let up on and cannot write ourselves
12 any excuse letters is answering the mail, you know,
13 the Assistant Secretary's mail and mail directed to
14 our directorate for interpretation of standards
15 flows through your office on a regular basis.

16 I know it is painful for you to sit in
17 that chair and tell folks that, well, I'm sorry.
18 We just haven't been working on lock-out, tag-out,
19 but that is the truth. And that is a quick and
20 dirty rendition of what Noah's folks have been
21 doing. And there is just no more time in the day
22 to do some of this.

23 CHAIRPERSON BURKHAMMER: Noah, how many
24 people do you have?

25 MR. CONNELL: We have nine professionals.

1 CHAIRPERSON BURKHAMMER: Okay.

2 Felipe.

3 MR. DEVORA: Let me just say. I don't
4 think the intent of these questions is to put Noah
5 on the spot. It is just more of, you know, we come
6 to these meetings. And we go back to our
7 constituents or whatever, you know.

8 And when they ask us about lock-out, tag-
9 out or recordkeeping, you know, that we don't tell
10 them, no, they are not doing anything about it. We
11 use Bruce's words.

12 (Laughter)

13 CHAIRPERSON BURKHAMMER: Berrien.

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1 Directorate of Construction - Update

2 (Continued)

3 MR. ZETTLER: Thank you, Mr. Chairman.

4 It is not my intent to go into a detailed review of
5 all the things that DOC has done. Mr. Swanson has
6 given you an overview of the kinds of things that
7 are keeping us occupied.

8 One of the things I should note is that
9 it is not only Noah's staff that is 100 percent
10 engaged in doing the work that that office is
11 putting out. It is also Noah.

12 I think Noah is almost single handedly
13 responsible for the multiemployer document. So I
14 think we should not ignore that either.

15 Going onto other things, I would like to
16 address the action items that were left over from
17 the ACCSH meeting.

18 But before I do that, I would like to
19 point out a handout which I think you all got. It
20 is a single page with a reproduction of the old,
21 what is now the old Internet construction page and
22 on the other side, the new Internet construction
23 page.

24 I am pleased, extraordinarily pleased to
25 announce that that page is now up. It is on the

1 web.

2 When you click on the construction word
3 on the OSHA home page which is for some reason
4 under outreach, when you click on that page, you
5 will now see before you the redesigned construction
6 page.

7 This is an initial attempt for us to
8 reorganize the stuff that is already on the web.
9 The ACCSH page is now a tab on that page.

10 I think that this will be -- this is an
11 extraordinary improvement in the way the
12 construction material is presented to the public.

13 We intend to continue to make
14 improvements on that page to continue to add items
15 which are not now on the web or even if they are on
16 the web are not immediately accessible through the
17 construction page, but are of interest to the
18 construction industry.

19 So we intend to continue to make
20 improvements. And I really am pleased and I hope
21 you are, too, with the new Internet page for
22 construction.

23 CHAIRPERSON BURKHAMMER: This is a big,
24 big improvement from the previous, the
25 simplification, the drop-downs. And it is very

1 easy to use and very user friendly.

2 And Michael, I am pleased to see that on
3 the ACCSH page, it does not say anything about we
4 have to put drafts or workgroup reports or any of
5 that stuff. So I would like you to check that out.

6 (Laughter)

7 CHAIRPERSON BURKHAMMER: Please continue
8 there.

9 (Laughter)

10 MR. ZETTLER: Turning now to the action
11 items that were from the last meeting, the first
12 one, this committee has already dealt with
13 yesterday.

14 We have been working with the -- on the
15 coordination side, we have been working with the
16 Chicago Land Council.

17 We will be paying for or we are in the
18 process of arranging as we announced yesterday, we
19 will be paying for the rooms on a purchase order.

20 So it is absolutely essential to avoid
21 our spending money unnecessarily that if any change
22 in your plans come about between now and the
23 February meeting that you let us know promptly.

24 Number two, and I don't know if this is
25 exactly what Felipe was getting at on the

1 recordkeeping, but you all made a recommendation
2 with respect to construction certification and
3 paper work reduction some -- I don't remember
4 whether it was the last meeting or the meeting
5 before.

6 But anyway, you made a recommendation on
7 that. The safety standards, who is in charge of
8 making these changes has decided to accept the
9 recommendation of ACCSH and will not be making --
10 at least for the time being will not be making any
11 changes in the certification and paper work
12 reduction activities that they were contemplating
13 previously.

14 Make the HAZWIC report available. That
15 has been done. The HAZWIC report is on-line. It
16 can be read by anyone in the public who wishes to
17 read that. It is under the ACCSH tab.

18 So I hope all those of you who are
19 interested have indeed confirmed that that is true.

20 Number four, we discussed this already.
21 The agency has made a decision to publish the MSD
22 Workgroup product. It is currently as we told you
23 earlier in this meeting, that has been -- I think
24 we told it here. It might have been in the
25 workgroup. I forgot now whether it was the

1 workgroup or in the meeting.

2 But we are doing some editorial work.

3 And we are also having the staff ergonomist in OSHA
4 read through that document as well.

5 We will be getting back to you on any
6 changes that we make or that we suggest. We will
7 be getting back to you before we publish that
8 document.

9 And I think I made a promise to the
10 workgroup that we would have that done by the
11 February meeting -- actually before. We will have
12 it in your hands before so that you all can discuss
13 at the -- the workgroup can discuss it in the
14 context of the February meeting.

15 We have talked already about silica. You
16 all have established the workgroup. So I don't
17 think we need to say any more about silica.

18 I think all of you were provided
19 passwords so that anyone who -- of course, the
20 construction advisory has not been available. Even
21 if you had a password, you would not have seen
22 anything.

23 (Laughter)

24 MR. ZETTLER: But we hope that will be
25 remedied shortly. It is still not available, but

1 hopefully it will be available, the construction
2 advisory will be available soon, but we are way
3 ahead because you all have passwords.

4 On the copy of subpart (v), I think you
5 all got a copy of subpart (v), the draft subpart
6 (v). I hope you did anyway. I have been told that
7 you did. And if you didn't, we have those
8 available if any of you are interested in it.

9 And finally, schedule the joint meeting,
10 well, we have taken care of that. That took place
11 -- that has taken place I think twice since the
12 last meeting. So there is nothing more I don't
13 think that we need to say about that.

14 The one thing that I would, however, in
15 that context is that we talked a little bit about
16 OSHA's capability, technical capability to deal
17 with the 170 product which the work group is
18 presumably going to recommend eventually to ACCSH
19 and ACCSH in turn presumably to the agency, however
20 that goes.

21 If that should occur and the agency
22 should -- the ACCSH should recommend a revised 170
23 Form to the agency, I have thought it appropriate
24 to bring to future meetings of the ACCSH 170
25 Workgroup, I have thought it appropriate to invite

1 and to bring staff members from our OMBS Section of
2 the Information Technology.

3 I have already discussed that with them.
4 And they will have a person present at that meeting
5 so that we can talk about not only the putting up
6 or the putting on line the form itself, but also to
7 discuss the coding issues, particularly the coding
8 issues relating to the BLS codes.

9 So we will have people present at those
10 meetings in the future.

11 MR. BUCHET: Would it be instructive to
12 ask Jane if she can bring her demonstration from
13 DOE back to show to your technical people?

14 MR. ZETTLER: Yes. Actually, Camille
15 already raised that to me. It may be -- I don't
16 want to waste the time of the workgroup since you
17 all have already seen that demonstration.

18 But I did -- I do believe that Camille's
19 suggestion that our people, our OMBS people look at
20 that would be useful. And so we will attempt to
21 set that up so that they can view that.

22 That I think is all I have to say at this
23 time. And I will be happy to talk about any issues
24 which you all might raise.

25 Thank you, Mr. Chairman.

1 CHAIRPERSON BURKHAMMER: Larry.

2 Thank you.

3 MR. EDGINTON: Thank you, Mr. Chairman.

4 Berrien, you had said that the
5 directorate as I understood it had accepted the
6 ACCSH recommendations with respect to no limitation
7 of recordkeeping requirements.

8 However, as I understand it and recently
9 reminded items laying on my desk is, however, that
10 it does not relieve the agency from Paperwork
11 Reduction Act requirements when you continue to
12 solicit comments as to whether or not you should be
13 maintaining those requirements.

14 I've got to tell you, the agency is
15 wearing me out on cranes.

16 MR. ZETTLER: Yes.

17 MR. EDGINTON: It seems like every time I
18 turn around, I am getting comments on maintaining
19 inspection records on cranes.

20 MR. ZETTLER: The agency is still -- as
21 you correctly observed, the agency is still under a
22 responsibility to reduce its paper work burden.

23 All I am saying is that at the moment at
24 least for the time being, they are accepting the
25 recommendation of the ACCSH on the topic of

1 certifications and paper work reduction.

2 That does not mean that forever and ever
3 those issues will be off the table, but they are
4 for the time being. And the agency is looking in
5 other directions to meet its paper work reduction
6 at the present time.

7 CHAIRPERSON BURKHAMMER: Thank you.

8 Michael. No.

9 Thank you both very much.

10 MR. SWANSON: Let me -- well, let me ask
11 you, Berrien, to tell these folks in 30 words or
12 less about next Monday's signing ceremony down in
13 St. Louis which I think is a landmark.

14 MR. ZETTLER: Yes. We have been -- for
15 about two or three years now, we have been working
16 with the organization called Pride in St. Louis,
17 Missouri.

18 This was originally brought to us by the
19 area office which entered into discussions with
20 Pride.

21 Pride is an organization of contractors
22 and unions in the St. Louis area. They -- it's
23 practically -- I mean, it is the group of
24 construction both on the union and on the company
25 side for the St. Louis area.

1 The St. Louis area office began as I said
2 about three years ago began conversations with
3 Pride for a potential partnership.

4 The idea ballooned and grew like topsy.
5 And it became a national office issue as well. We
6 have now worked and debated and made changes and
7 made changes to changes and the whole process which
8 took an extraordinarily long time, but we have now
9 reached the conclusion of that.

10 And we have a document which we believe
11 is an excellent example of the kind of partnership
12 which OSHA would like to enter into with the
13 construction industry in various areas.

14 You heard Mr. Jeffress say yesterday that
15 these partnerships seem to work best when they are
16 worked at a local level.

17 But we believe that the St. Louis
18 document could very well serve as a kind of
19 template for any other local groups that would like
20 to set up a partnership with OSHA.

21 Getting to -- now, my 30 words start.

22 (Laughter)

23 MR. ZETTLER: Next week, Mr. Swanson and
24 Mr. Jeffress will be along with the regional
25 administrator in Kansas City and the area director

1 will be present for a signing ceremony for that
2 Pride partnership.

3 I am sure there will be a lot of local
4 press on it. I think, again, it is an excellent
5 document that will I am sure be used by other
6 organizations around the country as a kind of
7 example or a model partnership.

8 We have already had at least two separate
9 geographical areas come to us with an interest in
10 seeing that document. And it will be available.
11 We will put it up on the web. So it will be
12 available to anybody who wants to look at it.

13 MR. SWANSON: I understand also that the
14 local building trades council invited President
15 Charles Green down there. I don't know if he is
16 going. The president of the FAC is going to be
17 down there and participate in the same ceremony.
18 So there is reason to believe that this might some
19 prospect.

20 MR. ZETTLER: Yes.

21 CHAIRPERSON BURKHAMMER: Okay. Thank you
22 very much.

23 MR. SWANSON: You're welcome.

24 MR. ZETTLER: Thank you, Mr. Chairman.

25 CHAIRPERSON BURKHAMMER: With that, we

1 have been -- go ahead, Larry.

2 MR. EDGINTON: I know I have been
3 badgering Bruce about this off and on for the last
4 several months, but I'm wondering if you have any
5 additional knowledge or updated information as to
6 how close the agency might be in finally releasing
7 the compliance directive for the powered industrial
8 forklift rule.

9 MR. SWANSON: I don't. Anybody from
10 staff that can help me on that? Noah, do you have
11 any information?

12 MR. EDGINTON: I mean, we continue to get
13 phone calls almost daily. And the reason I say
14 that is many of our locals have talked to local
15 level OSHA staff. And they sort of say, we're
16 waiting to hear.

17 MR. SWANSON: Yes.

18 MR. EDGINTON: And I think in all
19 fairness to both ourselves as being a training
20 provider and to our employers who are trying to be
21 in compliance, I mean, there are a lot of unknowns.

22 And I think there is a great deal of
23 uncertainty about field staff being left to their
24 own devices, so to speak, in knowing what to do.

25 MR. SWANSON: I honestly, Larry, thought

1 we were beyond this point, but we will make a point
2 in checking with our colleagues, seeing we are, and
3 dealing with you directly.

4 MR. EDGINTON: Thank you.

5 CHAIRPERSON BURKHAMMER: Jane.

6 MS. WILLIAMS: Could I also have a
7 response to that because we are getting the
8 conflicting concerns with the interpretations? So
9 I am very interested in it.

10 MR. SWANSON: We will get an update and
11 copy everyone on the committee.

12 MS. WILLIAMS: Thank you.

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1 Public Comment Period

2 CHAIRPERSON BURKHAMMER: We have one
3 public comment request.

4 Charlie Maresca, are you prepared to talk
5 now?

6 MR. MARESCA: Good morning. I'm Charles
7 Maresca, Director of Legal and Regulatory Affairs,
8 Associated Builders and Contractors. With me is
9 John Herzog, Director of Government Relations for
10 the Air Conditioning Contractors of America.

11 In the light of the recent unhelpful
12 exchange of correspondence, I appreciate the
13 opportunity to speak on behalf of my members
14 concerning the brochure on musculoskeletal
15 disorders in construction.

16 It is helpful to know that the agency has
17 agreed to the -- that the brochure will not be used
18 in its current form as an enforcement tool and that
19 the agency recognizes that in construction, a
20 variety of intervention strategies are already
21 being tried.

22 Concerns remain, however, about the
23 development of a standard for construction
24 following the development of a standard for general
25 industry.

1 Concern also remains that although the
2 agency is calling the brochure an outreach
3 document, OSHA is not committed to any formal
4 outreach program to obtain information on correct
5 practices in construction.

6 We recommend that this committee
7 acknowledge the lingering concerns about the
8 brochure and that the committee encourage OSHA to
9 commit itself to a formal outreach program using
10 the practices listed in the brochure as examples of
11 strategies now being used in the industry.

12 Thank you.

13 CHAIRPERSON BURKHAMMER: Charlie, could
14 you repeat, please, the two things that you are
15 asking ACCSH to do?

16 MR. MARESCA: That the committee
17 encourage, that this committee encourage OSHA to
18 commit itself to a formal outreach program using
19 the practices listed in the brochure as examples of
20 strategies now being used in the industry and that
21 the committee acknowledge the lingering concerns
22 about the brochure as it is today.

23 (Pause)

24 CHAIRPERSON BURKHAMMER: Thank you,
25 Charlie, I appreciate it.

1 MR. HERZOG: Could I add one thing? One
2 of the things that I notice --

3 MS. WILLIAMS: Microphone.

4 MR. HERZOG: Sure.

5 That might be helpful since there is a
6 disclaimer as you know. I saw it the other day in
7 the hard copy in the workgroup meeting. Disclaimer
8 is kind of buried in the preamble.

9 I would suggest that maybe you want to
10 take it and box it and put it big bold face, big
11 bold type face. In that way, it will help
12 alleviate some of the concerns.

13 The other question I had, Michael, did
14 you get the information from Tom Broderick on the
15 meeting that we can distribute?

16 MR. BUCHET: It is not distributable, but
17 I can give you the phone number.

18 MR. HERZOG: Okay. Great.

19 CHAIRPERSON BURKHAMMER: Thank you.

20 Thank you very much, both of you. Thank you.

21 Jane.

22 MS. WILLIAMS: Mr. Chairman, if I may
23 respond to one of the issues. I know myself as a
24 participant in this meeting and I think Berrien
25 acknowledged just a few minutes ago.

1 I am not sure there was anyone in our
2 workgroup meeting or especially myself on this
3 committee that does not acknowledge our lingering
4 concerns, one, the document.

5 And as you heard this morning from Mr.
6 Zettler, as well as what we heard in our workgroup
7 meeting, it will come back to ACCSH and the
8 workgroup if the chair feels that that is the
9 method for us to be sure that we are comfortable
10 and that we have an end product that will meet the
11 items of concern you are voicing.

12 CHAIRPERSON BURKHAMMER: Thank you, Jane.

13 Any other comments?

14 Michael.

15 MR. BUCHET: The lingering concerns were
16 addressed at the workgroup. The lingering concerns
17 were addressed by Mr. Jeffress. They have been
18 addressed here. And we will continue to address
19 them.

20 The form of the draft document is sort of
21 problematic at this point because it was a draft
22 recommendation that was passed onto OSHA in a four-
23 part motion.

24 And the nature of the outreach itself is
25 one of the provinces of the workgroup. The

1 workgroup has committed itself to discussing and
2 discovering other processes, avenues, and means of
3 reaching the industry for two purposes.

4 One is to find out what successful
5 practices are out there and to pass them on. And
6 the other one is to pass on what's been collected.

7 CHAIRPERSON BURKHAMMER: Thank you,
8 Michael.

9 I think when the -- Mr. Jeffress and you
10 have heard from others, once the brochure goes
11 through, the technical writers and the English
12 experts and all that within OSHA and it comes back
13 to us, I think I made notes here of the concerns
14 that have been expressed by Mr. Maresca and Mr.
15 Herzog.

16 And I think at that time we can retake a
17 look at the document in a context with their
18 comments to us today and make sure that their
19 concerns are addressed.

20

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1 ACCSH New Business and Discussion Period

2 CHAIRPERSON BURKHAMMER: Any other
3 comments or new business anybody would like to
4 bring up before we adjourn?

5 Michael.

6 MR. BUCHET: Late yesterday, we got some
7 information faxed to us from the Construction
8 Safety Council in Chicago. And I am going to hold
9 it up and show it to you, but it is so dark that we
10 cannot reproduce it.

11 However, I will read you the dates of
12 their conference. Their conference runs the 15th
13 through the 17th of February, 2000. It is at the
14 Rosemont Convention Center.

15 The ACCSH meeting is sandwiched around
16 it. The ACCSH workgroups are on the 14th of
17 February and the full ACCSH meeting on the 17th at
18 the Holiday Inn across the street from the Rosemont
19 Convention Center.

20 If you are interested in attending the
21 Construction Safety Council's Protecting Our Future
22 2000 Conference, call the Construction Safety
23 Council. They have an 800 number, 552-7744. They
24 have a normal number, 708-449-0200.

25 Thank you, Mr. Chairman.

1 CHAIRPERSON BURKHAMMER: You're welcome.

2 Any other new business, discussion?

3 (No response.)

4 CHAIRPERSON BURKHAMMER: Thank you very
5 much.

6 Meeting adjourned.

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9 (Whereupon, at 12:13 p.m., the meeting
10 was concluded.)

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1 C E R T I F I C A T E

2 This is to certify that the foregoing
3 proceedings of a meeting of the U.S. Department of
4 Labor, Occupational Safety and Health
5 Administration, Advisory Committee on Construction
6 Safety and Health, Volume 2, held on December 10,
7 1999, were transcribed as herein appears and that
8 this is the original transcript thereof.

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SONIA GONZALEZ
Court Reporter

