

Capital Reporting Company  
ACCSH Committee Meeting 08-22-2013

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U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

ADVISORY COMMITTEE ON  
CONSTRUCTION SAFETY AND HEALTH (ACCSH)

Thursday, August 22, 2013

Frances Perkins Building  
200 Constitution Avenue, N.W.  
Washington, D.C.  
10:00 a.m.

Reported by: Christine Allen,  
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1 A P P E A R A N C E S

2 COMMITTEE MEMBERS PRESENT:

3 EMPLOYEE REPRESENTATIVES:

4 Sarah M. Coyne  
Executive Assistant Director  
5 International Union of Painters and Allied  
Trades/Finishing Trades Institute

6 Roger Erickson (telephonic)  
7 International Brotherhood of Boilermakers, Iron  
Ship Builders, Blacksmiths, Forgers & Helpers  
8 AFL-CIO, MOST Administrator

9 Walter A. Jones  
Associate Director, Occupational S&H  
10 Laborers' Health and Safety Fund of North America

11 Laurie A. Shadrick  
S&H National Coordinator  
12 United Association of Plumbers and Pipefitters

13 EMPLOYER REPRESENTATIVES:

14 Kristi Barber (telephonic)  
President, Glenn C. Barber & Associates

15 Kevin R. Cannon  
16 Director of Safety and Health Services, Associated  
General Contractors of America

17 Thomas Marrero, Jr.  
18 National Safety Director, Tradesman International

19 Jerry Rivera  
National Director of Safety, National Electrical  
20 Contractors Association

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1 A P P E A R A N C E S (Continued)

2 STATE REPRESENTATIVES (Cont'd):

3 Charles Stribling  
4 OSH Federal-State Coordinator, Kentucky Labor  
5 Cabinet, Department of Workplace Standards

6 Steven D. Hawkins (telephonic)  
7 Administrator, Tennessee Occupational Safety and  
8 Health Administration

9 PUBLIC REPRESENTATIVES:

10 Jeremy Bethancourt (telephonic)  
11 Co-Owner and Program Director, Arizona Construction  
12 Training Alliance

13 FEDERAL REPRESENTATIVES:

14 Matt Gillen  
15 Deputy Director, Office of Construction Safety  
16 & Health, CDC/NIOSH, Office of the Director

17 DESIGNATED FEDERAL OFFICIALS:

18 Dean McKenzie (Acting Chairman)  
19 Office of Construction Services, Directorate of  
20 Construction

21 COMMITTEE CONTACTS:

22 Damon Bonneau, ACCSH Coordinator, Office of  
Construction Services, Directorate of Construction

COMMITTEE COUNSEL:

19 Sarah Shortall  
20 ACCSH Counsel, Office of the Solicitor, DOL

21

OSHA:  
22 Jim Boone, Directorate of Construction, OSHA

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1                   A P P E A R A N C E S (Continued)

2    OSHA (Cont'd):

3    Chuck Harvey, OSHA

4    Eric Kampert, OSHA

5    Jim Maddux, OSHA

6    Ashkea McAllister, OSHA

7    Courtney Murray, OSHA

8    Lucero Ortiz, OSHA

9    Michael Payne, Directorate of Construction, OSHA

10   Kim Robinson, Solicitor's Office

11   David Ward, Directorate of Construction, OSHA

12   ALSO PRESENT:

13   Troy Armstead, Air Force Safety

14   Charlie Bird, Balfour Beatty Construction

15   Christine Branche, NIOSH

16   Graham Brent, National Commission for the  
17    Certification of Crane Operators

18    Chris Cole, Inside OSHA

19    Una Connolly, American Road and Transportation  
20    Builders Association

21    Matthew Eckstine, National Commission for the  
22    Certification of Crane Operators

      Don Head, Balfour Beatty Construction

      Myron Laible, Outdoor Advertising Association

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1 A P P E A R A N C E S (Continued)

2 ALSO PRESENT (Cont'd):

3 Lisa London, University of Texas at Arlington, OSHA  
4 Training Institute Education Center

5 Howard Marks, National Asphalt Pavement Association

6 Rob Matuga, National Association of Home Builders

7 Mike McCullion, Sheet metal Contractors Association

8 Thad Nosal, Insurance Services Office

9 Marcus Odorizzi, City of Rockville, Maryland

10 Travis Rhoden, J.J. Keller and Associates

11 Bruce Rolfsen, BNA Occupational Safety and Health  
12 Reporter

13 Scott Schneider with the Laborers Health and Safety  
14 Fund, North America

15 Jim Tomaseski, International Brotherhood of  
16 Electrical Workers

17 Steven Todd, Specialized Carriers and Rigging  
18 Association

19 Tom Trauger, Winchester Homes

20 Chris Williams, Associated Builders and Contractors

21 Lauren Williams, Associated Builders and  
22 Contractors

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1 P R O C E E D I N G S

2 (10:00 a.m.)

3 ACTING CHAIR McKENZIE: Good morning,  
4 everyone. I would like to welcome everyone and open  
5 the meeting. Welcome to Committee members, especially  
6 as soon as we get them online there.

7 Our regular Chairman, Pete Stafford, had a  
8 family emergency dealing with his ailing father and  
9 was not able to join us, so he's off in Kentucky this  
10 week. So, therefore, I'll be the official Acting  
11 Chair of record, opening the meeting, closing the  
12 meeting, and then certifying the minutes for the  
13 official minutes of the meeting.

14 Graciously, Walter has agreed to assist us  
15 and help out. He'll moderate the meeting for us. We  
16 really appreciate your assistance, Walter.

17 MR. JONES: Welcome, everyone. Again, we're  
18 waiting on Vanita (phonetic) to come up with the  
19 password so we can bring online the folks who are on  
20 the phone, but in the meantime I want to keep it  
21 moving because we're going to lose Dr. Michaels in  
22 about 15, 20 minutes.

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1           So I'd like to start until they can bring us  
2 online with going around the table, everyone  
3 introducing theirselves and the new members, starting  
4 with Chuck.

5           MR. STRIBLING: Good morning. My name is  
6 Chuck Stribling with Kentucky Labor Cabinet  
7 representing State governments.

8           MR. RIVERA: Jerry Rivera, Employer Rep.

9           MR. CANNON: Kevin Cannon, Employer Rep.

10          MS. SHADRICK: Laurie Shadrick, Employee  
11 Rep.

12          MS. SHORTALL: Sarah Shortall, ACCSH  
13 Council.

14          DR. MICHAELS: David Michaels, Assistant  
15 Secretary, OSHA.

16          MR. JONES: Walter Jones, Employee Rep.

17          ACTING CHAIR MCKENZIE: Dean McKenzie,  
18 Designated Federal Official.

19          MS. COYNE: Sarah Coyne, Employee Rep.

20          MR. GILLEN: Matt Gillen, NIOSH Rep.

21          MR. MARRERO: Tom Marrero, Employer Rep.

22          MR. JONES: If I could start right here.



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1           ACTING CHAIR McKENZIE: You have a  
2 microphone? Who's got the wireless?

3           COURT REPORTER: And please sign in at the  
4 desk and write legibly.

5           MR. MARKS: Howard Marks with National  
6 Asphalt Pavement Association.

7           MS. CONNOLLY: Una Connolly, American Road  
8 and Transportation Builders Association.

9           MR. SCHNEIDER: Scott Schneider with the  
10 Laborers Health and Safety Fund, North America.

11          MR. TODD: Steven Todd, Specialized Carriers  
12 and Rigging Association.

13          MR. ARMSTEAD: Troy Armstead, Air Force  
14 Safety.

15          MR. BIRD: Charlie Bird, Balfour Beatty  
16 Construction.

17          MR. HEAD: Don Head, Balfour Beatty  
18 Construction.

19          MR. COLE: Chris Cole, Inside OSHA.

20          MR. TRAUGER: Tom Trauger, Winchester Homes.

21          MR. ODORIZZI: Marcus Odorizzi, City of  
22 Rockville, Maryland.

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1 MS. McALLISTER: Ashkea McAllister, OSHA.

2 MR. LAIBLE: Myron Laible, Outdoor  
3 Advertising Association.

4 MR. RHODEN: Travis Rhoden, J.J. Keller and  
5 Associates.

6 MR. ECKSTINE: Matthew Eckstine, National  
7 Commission for the Certification of Crane Operators.

8 MR. BRENT: Good morning. Graham Brent,  
9 also with NCCCO.

10 MR. TOMASESKI: Jim Tomaseski, International  
11 Brotherhood of Electrical Workers.

12 MS. WILLIAMS: Lauren Williams, Associated  
13 Builders and Contractors.

14 MR. WILLIAMS: Chris Williams, also with  
15 ABC.

16 MR. BOONE: Jim Boone, Directorate of  
17 Construction, OSHA.

18 MS. ROBINSON: Kim Robinson with the  
19 Solicitor's Office.

20 MS. LONDON: Lisa London with the University  
21 of Texas at Arlington, OSHA Training Institute  
22 Education Center.

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1 MS. ORTIZ: Good morning, everybody. Lucero  
2 Ortiz with OSHA.

3 MR. COTCHEN: Don Cotchen, Industrial Info  
4 Resources.

5 MR. PAYNE: Michael Payne, Directorate of  
6 Construction, OSHA.

7 MR. KAMPERT: Eric Kampert, OSHA.

8 MR. HARVEY: I'm Chuck Harvey with OSHA.

9 MR. MURRAY: Courtney Murray with OSHA.

10 MR. NOSAL: Thad Nosal with the Insurance  
11 Services Office.

12 MR. MADDUX: Jim Maddux with OSHA.

13 MR. ROLFSEN: Bruce Rolfsen with BNA  
14 Occupational Safety and Health Reporter.

15 DR. BRANCHE: Christine Branche, NIOSH.

16 MR. WARD: David Ward, OSHA's Directorate of  
17 Construction.

18 MR. JONES: All right, I want to thank you.

19 While we're waiting for the online folks to-- for us

20 to get a password to get the online folks, I'm

21 instructed by Sarah that we do have a quorum and since

22 that is the case, I'd like to introduce Dr. Michaels

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1 and have him give his update.

2 DR. MICHAELS: Thank you so much. Welcome  
3 everyone. It's nice to see such a good crowd here.  
4 I'm scheduled in just a little while to meet with  
5 Secretary Perez, so I'm going to keep my remarks brief  
6 and I'll let you get to the work that need to be  
7 doing.

8 As you heard, unfortunately, Pete Stafford  
9 is not able to join us as originally planned. His  
10 father fell ill and he was called away to care for  
11 him. So, let's all keep Pete and his family in our  
12 thoughts and prayers and thank Dean and Walter for  
13 stepping up to the plate here and I'm sure this  
14 meeting will run very smoothly.

15 I also wanted to acknowledge the fine work  
16 of the work groups that have been getting together in  
17 between the full member committee meetings. And I  
18 that it's in these work group meetings that the most  
19 detailed work gets done. I very much appreciate the  
20 time, the care, and the expertise that all of you  
21 bring to these work groups.

22 You know, summer is traditionally a slow

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1 time for initiating programs or moving forward on  
2 projects, but that is not the case at OSHA. We've  
3 been moving ahead with a number of activities and  
4 initiatives, and I'd like to fill you in on some of  
5 them.

6 I think as you've all heard by now one of  
7 the issues that we're very concerned about is the  
8 protection of temporary workers. And I appreciate the  
9 work the Subcommittee is doing to address this issue  
10 here and I look forward to your recommendations.  
11 We've been hard at work on this initiative and later  
12 today Mary Lynn from our Directors of Enforcement  
13 Programs will be briefing you on our perspective and  
14 on other activities related to protecting temporary  
15 workers. I'm very glad to see ACCSH has formed a work  
16 group to give advice on this important topic.

17 Earlier this summer we held a webinar with  
18 the American Staffing Association focused on  
19 protecting temporary workers. It had many hundreds of  
20 people listening from across the country. That  
21 webinar is on our website and we will be creating a  
22 new web page that gathers all the materials on

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1 protecting temporary workers to make it easier for the  
2 public to access this information. And one of the  
3 things that we are collecting is best practices. We  
4 want to disseminate those best practices--

5 (Interruption.)

6 DR. MICHAELS: Hey.

7 MR. JONES: I thought he was here.

8 DR. MICHAELS: Sorry. Who knew? In any  
9 case, I think obviously that's an area that we're  
10 looking to, the employer community around the country,  
11 both staffing associations and the client employers  
12 who bring on temporary workers, to look at best  
13 practices and to disseminate those best practices.

14 We're also monitoring a very alarming trend  
15 that's occurring among workers involved in  
16 communication towers. In the past year there have  
17 been 13 fatal incidents at communication tower  
18 worksites with a total of 14 fatalities. Eight of  
19 these events have occurred in the past 12 weeks alone.  
20 That's a significant spike in incidents and fatalities  
21 compared to previous years' data. We're currently  
22 investigating the causes of these fatalities. We'd

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1 like to know what's going on. We'll be reaching out to  
2 the tower construction and maintenance industry as  
3 well as to the major cellular network carriers to  
4 develop some solutions that better protect workers  
5 engaged in this very dangerous work. And I think a  
6 number of people in their room have some experience in  
7 this area. And obviously, you know, this is a valued  
8 advisory committee. Any advice that you want to give  
9 us on that we would gratefully receive from you.

10           OSHA's moving forward with a fourth phase of  
11 rulemaking in our Standards Improvements, or SIPs,  
12 Project. And you will be reviewing a number of  
13 proposed standard changes tomorrow. We're hopeful  
14 this will wrap up the ACCSH review process for what we  
15 call SIP IV, and we'll continue to work on that  
16 proposed rule. As you know, you have a statutory role  
17 in this and we're pleased that you're here to review  
18 these suggested changes.

19           Now, since it's after 10:00, I can tell you  
20 that the Bureau of Labor Statistics just released its  
21 preliminary data on fatal occupational injuries that  
22 occurred in 2012. In general, the data show that

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1 together, all of us--employers, unions, health and  
2 safety professionals, trade associations, and OSHA--  
3 are making a significant difference. In the period of  
4 increased economic activity, one in which we might  
5 expect to see increased injury rates, the national  
6 work-related fatal injury rate dropped from 3.5 per  
7 100,000 full-time equivalent workers to 3.2. That's a  
8 significant drop and one about which we should be  
9 pleased. Now, these are preliminary numbers and they  
10 will go up slightly, but a drop that size is clearly  
11 significant and won't be overcome by the final numbers  
12 that are going to come out six months or so.

13           But still, we have far to go. There are  
14 still more than 4,000 workers who have lost their  
15 lives last year on the job. But these data do show  
16 progress. However, there are two areas in which there  
17 was a notable lack of progress, and one is the  
18 construction industry, where the rate of fatal  
19 injuries increased from 9.1 in 2011 to 9.5, and may go  
20 up slightly more because, again, these are preliminary  
21 numbers and the 9.1 were final numbers.

22           Now, perhaps this is not unexpected in a



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1 period of growth. There was more work being done,  
2 more hours spent on construction work last year. And  
3 while this is a rate based on number of hours, we know  
4 when more work occurs, when new workers are brought  
5 on. When many new workers are hired there's increased  
6 risk of injury and fatality and so we might expect  
7 this increase. But clearly we can and we must do  
8 better, and we look to this Committee to help us do  
9 that.

10           The second area of concern is the category  
11 that includes oil and gas drilling. Fatal injuries,  
12 the number of fatal injuries in oil and gas extraction  
13 rose 23 percent. OSHA's very much focused on this  
14 area as well. And as many of you know, a national  
15 voluntary stand-down of U.S.

16           onshore exploration and production is  
17 planned for November 14th of this year. That's really  
18 a stand- down for the whole U.S. onshore oil and gas  
19 drilling and extraction industry to promote safety and  
20 health awareness. The event is co-sponsored by the  
21 National STEPS Network, which is an alliance that OSHA  
22 has with a large number of oil and gas- extracting

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1 employers. I see Lisa London in the back from the  
2 University of Texas, which also plays a very key role  
3 and is having a national meeting in December.

4 MS. LONDON: Correct.

5 DR. MICHAELS: In Dallas, which I think is  
6 already probably overbooked, but if you're interested  
7 in oil and gas safety and health, that's the meeting  
8 to go to.

9 But this national stand-down where across  
10 the country workers will stop work and review safety  
11 and health procedures. It's a partnership of the  
12 National STEPS Network, which is the OSHA Alliance,  
13 OSHA, NIOSH, and a number of different industry  
14 associations. We think this is of vital importance  
15 because we see the increase in fatalities that is  
16 occurring in this industry.

17 Now, today, I'm pleased to announced that  
18 OSHA has launched a new web page focused on the needs  
19 of women working in the construction industry. When  
20 you go on to that web page, which is live today, I'd  
21 like to point out that former ACCSH member Liza  
22 Arioto, who championed--as you remember, had

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1 championed women in construction during her term here,  
2 her picture is there. She's one of the photographs of  
3 women in construction and she really was very  
4 instrumental in moving this forward.

5           The new web page focuses on two safety and  
6 health issues of particular concern to women:

7           sanitation hazards and proper-fitting  
8 personal protective equipment. And it has links to  
9 other resources. Having this website up is a  
10 longstanding recommendation from ACCSH. We're glad  
11 we've made some progress in this area. Just  
12 yesterday, on behalf of OSHA, I signed an alliance  
13 with the National Association of Women in Construction  
14 to develop training resources that will help protect  
15 women in the construction industry.

16           All across the country, OSHA is partnering  
17 with unions, worker centers, employers, trade  
18 associations, and civic groups to conduct outreach and  
19 education, and to stage safety stand-downs to promote  
20 ways of preventing fatalities and injuries from falls,  
21 which, as you know, is the leading cause of death in  
22 the construction industry. And I highly recommend you

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1 take a look at the BLS statistics. For the second  
2 year they have statistics on the height involved in  
3 fatal falls among workers. And, again, there were a  
4 sizeable number of workers who died from falls at very  
5 high elevations, above 20 or 30 feet, but also a very  
6 substantial number of falls that occurred below 20  
7 feet and even below 10 feet. And it points us in some  
8 very significant directions to go in terms of  
9 instituting protections for those workers.

10           So since the start of this year's  
11 construction season we've held voluntary stand- downs  
12 across the country covering thousands of construction  
13 employers and tens of thousands of workers. And we  
14 have more stand-downs planned in Kansas, Missouri, and  
15 Nebraska. In Dallas, Texas, we'll be advertising the  
16 Preventing Falls campaign on the public bus system  
17 this month through late September. And we've  
18 collaborated to place posters in mass transit systems  
19 in Maryland and Massachusetts as well. And I  
20 understand that Jeremy Bethancourt is working on a  
21 similar effort in Phoenix, Arizona.

22           Have we been able to get the folks on the

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1 phone on the line yet?

2 MR. JONES: We have not.

3 DR. MICHAELS: Well, when you speak to  
4 Jeremy later, you'll tell him I expressed my thanks to  
5 him.

6 We've also been making aggressive use of  
7 social media and the results, I think, are impressive  
8 and encouraging. We send out daily Stop Falls Tweets,  
9 which in July alone prompted more than 3,000 people to  
10 visit our Stop Falls web page.

11 We've also continued updating the fall  
12 prevention resources on the Stop Falls page, including  
13 two of our newest resources: a bilingual, that's  
14 English-Spanish, booklet on ladder safety and a  
15 training guide with three Fall Prevention Toolbox  
16 talks. I really want to thank NIOSH for their great  
17 work on this. This has been a terrific collaboration.  
18 And I want to thank Dr. Branche, who's sitting in the  
19 front row, who I know you'll be hearing from as well.

20 All these materials are available--these  
21 materials I just mentioned are available in  
22 traditional and cell phone or mobile-friendly formats,

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1 so work crews can access safety and health information  
2 in real time, both on and off the job site. If anyone  
3 here would like multiple copies in print of the Fall  
4 Prevention Training Guide, please get in touch with  
5 our Office of Communications and we can provide them.

6           You know, this summer we again partnered  
7 with the National Oceanic and Atmospheric  
8 Administration and the National Weather Service in our  
9 national awareness campaign to prevent heat illness in  
10 outdoor workers. And for the third consecutive year  
11 we promoted our Water-Rest-Shade message through  
12 safety stand-downs, bilingual training resources,  
13 radio interviews, social media, and our heat  
14 smartphone app. I'm particularly proud to report  
15 today that more than 100,000 have downloaded our  
16 Smartphone Heat Safety Tool since we launched that app  
17 two years ago. In fact, we broke our own record last  
18 month when more than 18,000 people downloaded it, more  
19 than any other single month. So that app really has  
20 turned out to be a very useful tool for workers, for  
21 employers, for others across the country.

22           So while we're in the final weeks of summer

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1 there's still many hot days ahead of us. We can't let  
2 our guard down, and thank you all for your work on  
3 this.

4 Multiple generations have embraced this new  
5 world of social media with remarkable speed and  
6 enthusiasm. And avenues such as Twitter present us  
7 with new and, I think, quite effective ways to  
8 communicate rapidly with millions of people. So I'm  
9 hoping that members of ACCSH encourage employers and  
10 workers in the construction industry to follow the  
11 Department of Labor on Twitter and to friend us on  
12 Facebook. You know, it's a Department of Labor  
13 Twitter feed and Facebook site. And by doing that you  
14 can get all of OSHA's newest resources and stay  
15 current on trending topics on safety and health.

16 So that's, in brief, the update from OSHA. I  
17 think I have about five minutes before I have to leave  
18 to get to my next meeting, so I think I can take a  
19 couple of questions if people have them. I'm told you  
20 have to identify before you speak your name for the  
21 sake of the folks who are transcribing this.

22 MR. JONES: Well, I have one quick question.

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1 Last year you talked about setting up a website to  
2 show the OSHA PELs and then compared them with NIOSH's  
3 RELs and then ACGIH's TLVs. And we're wondering where  
4 are we at on that? Are you still thinking--

5 DR. MICHAELS: Yes, actually we've made  
6 great progress on that and we expect to see a number  
7 of different web-based products coming out soon  
8 focusing on chemical hazards.

9 We recognize that the PEL modernization  
10 process is broken. The vast majority of our  
11 permissible exposure limits date back to the 1960s and  
12 some of them were outdated then. But for those of you  
13 who don't know the history, when the OSHA Act was  
14 passed was passed in 1971, we were allowed to  
15 essentially adopt existing consensus standards and  
16 government regulations. And so the under the Walsh-  
17 Healey Act the government had essentially adopted the  
18 1968/1969 ACGIH PELs List. And so we took all of  
19 those and they became the OSHA PELs, and that was  
20 about 500 different chemical exposure levels.

21 Since then, OSHA has up-dated about 30 and  
22 so 450, 470 have been unchanged since the late 1960s,



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1 and they're clearly out of date. NIOSH has done some  
2 terrific work for many years issuing recommended  
3 exposure limits. And they're slightly than PELs.  
4 They don't take economic or technological  
5 feasibilities into account. They're health-based  
6 standards. The State of California has its own  
7 standards in process as do some other states and  
8 they've issued occupational exposure limits. The  
9 ACGIH continues to modernize and improve theirs. And  
10 so we've put together quite a few materials that we  
11 will soon be making public to allow people to compare  
12 those.

13           In addition, though, we are preparing a  
14 Request for Information, laying all this information  
15 out. We expect to publish it within a few months,  
16 where we ask our stakeholders, the safety and health  
17 community, technical experts, academics, employers,  
18 unions, trade associations to weigh in on what we  
19 should do. Given current law and various court  
20 decisions, what should we do to increase worker  
21 protection from chemical exposure hazards? And we  
22 hope when we put that out we really get some

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1 thoughtful input from all of you.

2           Maybe I'll take one more question if anyone  
3 has one. If not--okay. Well, I'm going to thank you  
4 all very much. Thank you for coming. Thank you for  
5 those on the phone if you get to hear me. But if not,  
6 other people will thank them. And I look forward to  
7 hearing the results of this very important meeting  
8 that you're having.

9           MR. JONES: Thanks, David.

10          DR. MICHAELS: Thank you, Walter.

11          ACTING CHAIR MCKENZIE: Thank you.

12          MR. JONES: Okay. Before we move on, I want  
13 to check the situation of our on-phone members.

14          MR. BETHANCOURT: This is Jeremy. We  
15 finally got to hear Dr. Michaels say goodbye.

16          MR. JONES: And we can still barely hear  
17 you. Jeremy, could you go ahead and introduce  
18 yourself and then after Jeremy, anyone else that's  
19 online introduce yourselves, please?

20          MR. BETHANCOURT: Jeremy Bethancourt,  
21 member, Public Representative.

22          MR. ERICKSON: Roger Erickson, MoST

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1 programs, International Brotherhood of Boilermakers,  
2 representing the employees.

3 MR. HAWKINS: Steve Hawkins, Tennessee OSHA,  
4 representing State Plan states.

5 MS. BARBER: Kristi Barber, Employer  
6 Representative.

7 MR. JONES: I think that's everyone, thank  
8 you. And I apologize for just bringing you online  
9 now.

10 Next up we have Dr. Christine Branche giving  
11 us the NIOSH update, and you get the nice comfy chair.

12 MS. SHORTALL: When Ms. Branche comes up  
13 here I would like to enter into the record this  
14 Exhibit No. 1, the agenda for the August 22-23 ACCSH  
15 meeting.

16 MR. JONES: Thank you.

17 DR. BRANCHE: Good morning. Can you hear  
18 me? For those of you, I know that I've submitted  
19 slides and I suspect that those of you who are  
20 participating by phone have been given the slides as  
21 well. I'm going to skip over a few of the slides and  
22 I'll let you know which ones I skip over.

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1 I'm on Slide 2. I'm going to skip the part  
2 about describing our office and get right to answering  
3 some questions that arose around ABLES. I'm going to  
4 talk about some new construction research  
5 developments, say something briefly about the Falls  
6 Prevention campaign, and then close out with talking  
7 about an update on green construction and building  
8 information modeling. That means I'm skipping Slide  
9 Numbers 3, 4, and 5.

10 It's my understanding that ACCSH had  
11 questions about our ABLES Program, our Adult Blood  
12 Lead Epidemiology and Surveillance Program. And the  
13 question that I understand that was raised was the  
14 justification for the decision that NIOSH made in  
15 discontinuing our funding for that program.

16 The ABLES Program is a state-based  
17 surveillance program of laboratory reported adult  
18 blood lead levels. The program objectives is to build  
19 state capacity to initiate, expand, or improve adult  
20 blood lead surveillance programs so that they can  
21 accurately measure trends and adult blood lead levels--  
22 -say that three times fast--and which can effectively

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1 intervene to prevent lead overexposures. NIOSH has  
2 funded state ABLES programs to submit those blood lead  
3 data for adults back to NIOSH. And NIOSH has  
4 encouraged developing local capacity to conduct the  
5 exposure surveillance.

6           Some states have performed well beyond the  
7 ABLES funding requirements. Many states have  
8 submitted data about lower levels than required. And  
9 the level required is a blood lead level exceeding 25  
10 micrograms per deciliter. The states are also  
11 conducting occupational health interventions.

12           For example, in 2011, data submitted by 13  
13 states contained information on lead exposures for 80  
14 percent or more of their cases with blood lead levels  
15 ranging from 10 to 24 micrograms per deciliter.  
16 Twenty-three of the states have state- based  
17 occupational surveillance cooperative agreements--  
18 sorry, occupational health surveillance cooperative  
19 agreements. In eight of the states, the same  
20 principal investigator that oversees ABLES also  
21 oversees the state-based surveillance cooperative  
22 agreement.

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1           The next slide. I'm on Slide 7. The ABLES  
2 Program does have some construction components, so  
3 I'll give you some highlights there. Manufacturing has  
4 had the greatest number of elevated blood lead levels,  
5 again over 25 micrograms per deciliter, in 2009: 72  
6 percent manufacturing, 14 percent for construction.

7           However, construction had the greatest  
8 proportion of individuals with blood lead levels of 40  
9 micrograms per deciliter of all industries. And in  
10 order the trades that showed the highest elevations  
11 were: painting and paperhanging at 27.1 percent;  
12 bridge, tunnel, and elevated highway construction at  
13 25.2 percent; special trade contractors at 26.3  
14 percent; and heavy construction at 20.4 percent.

15           I'm on Slide 8. Now, in accordance with the  
16 Budget Control Act of 2011, which is a series of  
17 spending cuts also known as sequestration, NIOSH  
18 cancelled all contracts to fund State ABLES programs  
19 that use Fiscal Year 2013 funds. Now, it's our  
20 understanding that sequestration cuts are permanent.  
21 We hope that states will consider ways in which they  
22 can continue building on program structures and

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1 systems created under ABLES, but we recognize that  
2 many states may not have that capacity.

3           For the 23 ABLES states that also  
4 participate in the NIOSH state-based surveillance  
5 program, occupational lead surveillance is one of the  
6 health indicators for which they are expected to  
7 collect--sorry, contracted with to collect data. We'd  
8 like to see continued surveillance information  
9 collected into the future within funded programs and  
10 we're working with our staff to be able to examine  
11 those opportunities. We also plan to engage with our  
12 stakeholders on this issue to see how we can continue  
13 data collection and/or intervention activities in the  
14 future. And the NIOSH ABLES team will continue  
15 supporting the state ABLES program through technical  
16 assistance and the website will remain on the website.

17           I'm on Slide 9. Now, we've made progress in  
18 protecting workers from the deleterious effects of  
19 lead exposure and we have provided the occupational  
20 safety and health community with essential information  
21 for setting priorities for research and intervention,  
22 and we've conducted intervention ourselves. We feel

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1 that workers in the United States and abroad are  
2 healthier because of our work in this area and our  
3 achievements are a result of the strategic  
4 partnerships in this area.

5           Despite our accomplishments, lead exposures  
6 remain a national occupational health problem and it's  
7 unfortunate that we've had to stop funding this  
8 program. Are there any questions before I continue?

9           (No response.)

10           UNIDENTIFIED SPEAKER: Just real quick, I  
11 think it's self-evident, but--

12           DR. BRANCHE: We'd ask that you wait for the  
13 microphone.

14           MR. MARKS: Howard Marks, National Asphalt  
15 Pavement Association.

16           COURT REPORTER: Wait, you need a  
17 microphone, sir.

18           MR. MARKS: Howard Marks, National Asphalt  
19 Pavement Association. I think it's probably self-  
20 evident, but our membership also represents the road  
21 construction industry. I'm assuming that the lead  
22 exposure is a result of the abraded lead-based paint.



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1 Is that correct?

2 DR. BRANCHE: It's all lead exposure  
3 wherever their occupational source. It's not any  
4 particular one. It's not any one particular source.

5 MR. MARKS: So has there been identification  
6 of some of the sources? That I guess is my question.

7 DR. BRANCHE: That information is available  
8 on the website and the answer is yes. Apparently I'm  
9 out of order for asking for questions, but I knew that  
10 this was a particular question that ACCSH asked and I  
11 wanted to must sort of dispense with something that  
12 really is a part of my area of expertise.

13 So I'm now on Slide 10. The month of June  
14 was a banner month for construction at NIOSH. There  
15 were several products that we released and outcomes  
16 that we were able to provide. The first of them was  
17 Straight Talk About Nail Gun Safety. Jim Albers in our  
18 Division of Applied Research and Technology was the  
19 main developer of a comic format to illustrate the  
20 potential risks of traumatic injury using nail guns  
21 and how these risks can be reduced. If you've not had  
22 an opportunity to download or if you've not received

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1 information about this particular publication, the web  
2 address is listed here on the slide. Real-life  
3 examples from residential building construction are  
4 used to explain nail gun traumatic injury risks  
5 related to two different nail gun triggering systems  
6 and a variety of residential framing nailing risks.

7           The information in the publication is based  
8 on focus group discussions that NIOSH convened with  
9 residential building subcontractors, safety  
10 specialists, and workers, as well as NIOSH- sponsored  
11 research, and the nail gun guy that we published with  
12 great fanfare in collaboration with OSHA in 2011. The  
13 publication is in the public domain. It can be freely  
14 copied or reprinted and is available in English and  
15 Spanish.

16           Our next publication also released in June  
17 is Simple Solutions for Home-Building Workers, also  
18 developed by Jim Albers. It also is available in the  
19 public domain and is available in English and Spanish.  
20 This publication was written especially for young and  
21 less-experienced home-building workers. Original  
22 drawings and non-technical language are used to

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1 describe manual material handling injury risks and how  
2 these risks can be reduced or eliminated.

3           Next in June, our much-anticipated Ladder  
4 Safety smartphone app was released. Dr. Peter, I  
5 won't pretend to pronounce his last name, in our  
6 Division of Safety Research was the main author of  
7 this particular app. It has a number of tools for  
8 measuring, inspection, the proper use of ladders, as  
9 well as accessories. It was quite anticipated and  
10 it's been well received.

11           And then finally in June, we had an  
12 invitational safety workshop on safety culture and  
13 safety climate in June that was co-sponsored with CPWR  
14 and the National Institute for Environmental Health  
15 Sciences. It was stimulated by a national  
16 occupational research goal and the construction track  
17 participants included contractors, researchers, labor  
18 and trade associations, consultants, as well as the  
19 insurance industry. There were presentations and small  
20 group discussions that covered a number of questions  
21 from what do the terms "safety culture" and "safety  
22 climate" mean and what factors influence them? A

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1 report is soon to follow, but materials from the  
2 presentation are posted on the website listed.

3           There were several ACCSH participants: Pete  
4 Stafford, Kevin Cannon, Walter Jones, Jeremy  
5 Bethancourt, and Jim Maddux was in attendance as well.

6           A couple of other things that I wanted to  
7 update you on. There was a 2010 National Health  
8 Interview Survey. The Health Interview Survey is  
9 something that's implemented on a periodic basis. And  
10 in 2010, NIOSH funded an occupational health  
11 supplement.

12           There are over 17,000 current and recent  
13 U.S. workers supply information on their industry,  
14 occupation, and workplace health conditions and  
15 exposures related to work organization, psychosocial  
16 issues, exposures and conditions. The results allow  
17 useful prevalence estimates for the construction  
18 sector. This particular supplement and the survey  
19 were the subject of a NIOSH science blog that was  
20 posted on June 24th of this year, and our posts  
21 continue to be available. There was a construction  
22 component to the report and the link is also available

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1 through the blog.

2           Information from the occupational health  
3 supplement as it concerns construction is on Slide  
4           15. A few of the examples are: skin  
5 exposure to chemicals. The question to which the  
6 respondents were replying was, during the past 12  
7 months, did you regularly handle or were you in skin  
8 contact with chemical products or substances at work  
9 twice a week or more? The results estimate that 31  
10 percent of all construction workers have exposure to  
11 potential skin hazards at work. This compares to 20  
12 percent of U.S. workers. The top two--trades and  
13 construction--were painters at 58 percent and then  
14 pipelayers, plumbers, pipefitters, and steamfitters at  
15 44 percent.

16           Another examples is inhalation exposures.

17           The question was for the job that you held  
18 the longest were you regularly exposed to vapors,  
19 dust, gas, or fumes at work twice a week or more?  
20 50.8 percent of construction workers have exposures to  
21 such--inhalation exposures, and this compares to 25  
22 percent of all U.S. workers. The top two construction

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1 trades were: pipelayers, plumbers, pipefitters, and  
2 steamfitters at 72 percent; and painters at 69  
3 percent.

4 I'm going to skip Slides 16 and 17. And I  
5 know that Jim Maddux is going to provide an update  
6 about the Construction Falls Prevention campaign. All  
7 I wanted to say is that we now have available an  
8 additional image that's available electronically only  
9 and you would need to get in touch with me if you'd  
10 like to use that. It's available for you to be able  
11 to add your own logo and your information to it just  
12 like has been done for the main campaign poster. This  
13 is simply an alternative.

14 Also available through our NIOSH Flickr are  
15 photographs of good construction practices that we  
16 were able to take with cooperation from Jeremy  
17 Bethancourt. If you need access to those, if you  
18 can't find them immediately through our NIOSH Flickr  
19 site, then please get in touch with me.

20 Turning to our green construction activity,  
21 I'm on Slide 19, our NORA Construction Sector Council  
22 has been interested for some time in integrating

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1 safety and health into green construction. And we've  
2 been able to develop a relationship with the U.S.  
3 Green Building Council and been trying to have  
4 influence or at least be able to bring some  
5 information to bear for the leadership and energy and  
6 environmental design, the LEED rating system.

7           Moving to Slide 20, our interest here and  
8 the way we think that the integration of occupational  
9 safety and health can best be accomplished is looking  
10 at life cycle safety. And when you look at design  
11 construction operations and maintenance renovation and  
12 then the deconstruction of a building, there's an  
13 opportunity for design certainly, but also an  
14 opportunity to integrate worker safety and health into  
15 all of those stages. What we've been trying to promote  
16 is to think about operations and maintenance work  
17 throughout the design. If you design for worker  
18 safety and health, having that particular element in  
19 mind, then you probably are designing well for all  
20 phases of the construction, from construction through  
21 deconstruction, properly.

22           We've been able to--I'm sorry. So life

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1 cycle safety is something that we know appeals to  
2 facility owners. And what we've done is we've  
3 submitted a draft pilot credit for a safe roof plan to  
4 the U.S. Green Building Council for their review.

5           So with the Falls Prevention campaign as  
6 well as our work with the U.S. Green Building Council,  
7 and in green construction generally, I'm on Slide 22,  
8 many of our efforts are aimed towards preventing falls  
9 from roofs. And we know that fall hazards are  
10 amenable to prevention by both design and planning.  
11 So many of the interventions that we seek are things  
12 like installing parapet walls, guardrails, fall-  
13 restraint systems, and then using fall-arrest systems,  
14 and encouraging equipment location that's set back  
15 from the edge of the roof.

16           I just did Slide 23. I'm on Slide 24. A  
17 Green Building Safety Curriculum is now available from  
18 the Construction Center of Excellence, which developed  
19 the curriculum. They are located at Renton Technical  
20 College and worked with a number of partners from  
21 across the state of Washington to develop it. It's  
22 available at the website listed on the slide. And if



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1 you have any questions we ask that you appeal to the  
2 director, Shana I think it's Peschek, but I can't say  
3 that I know how to pronounce her last name. I  
4 apologize if I've missed it.

5           The Construction Center of Excellence is a  
6 resource for industry, education, and labor in the  
7 construction industry. And the website is intended to  
8 assist you in finding agencies, training programs, and  
9 opportunities and information about the construction  
10 industry that will provide connections for you to gain  
11 knowledge and resources to fit your needs.

12           Two more items. Also stimulated by a NORA  
13 goal is our exploration in building information  
14 modeling. And we were able with the AGC of

15           America, the BIM Forum which is also part of  
16 AGC, and CPWR to host an invitational workshop,  
17 building information modeling to eliminate  
18 construction site hazards. That meeting took place  
19 earlier this month and we were able to host a number  
20 of individuals from diverse groups that are related to  
21 this topic: construction contractors, researchers,  
22 labor, architects, as well as engineers. The ACCSH

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1 participants for this were Kevin Cannon, who was a co-  
2 host, Walter Jones, and Matt Gillen.

3 I'm on Slide 26. The format here, again,  
4 using life cycle safety--sorry, like the stages of  
5 life cycle safety to examine where BIM could be used  
6 to integrate worker safety and health. And while not  
7 an exhaustive list, some of the questions that we  
8 explored were what can research tell us about the  
9 potential for BIM to improve construction safety and  
10 health? And how can BIM features be used to improve  
11 prevention through design efforts, including pre-job  
12 planning, communication, and training? And we will be  
13 posting that information with AGC and the BIM Forum  
14 and we'll let you know when the presentations are  
15 available for you to review them.

16 And then lastly, the NIOSH Prevention  
17 Through Design Program earlier this month  
18 released four education modules. Those modules are:  
19 architectural design and construction  
20 education, reinforced concrete design, structural  
21 steel design education, and mechanical/electrical  
22 systems education. Each of the modules outlines the

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1 motivations for prevention through design, encourages  
2 including Occupational Safety and Health  
3 considerations early in the design process, and  
4 identifies hazards associated with each of the topics.  
5 Each also includes an instructor's manual and a slide  
6 deck.

7 MR. JONES: Thank you, Christine. Do I have  
8 any questions from ACCSH members, including those on  
9 the phone?

10 (No response.)

11 MR. JONES: Is there any questions in the  
12 audience?

13 (No response.)

14 MR. JONES: Well, I have one. Christine, I  
15 attended the BIM conference. I thought it was  
16 fantastic. I'm not clear on where we go next. It  
17 seemed like it's a private industry-driven product  
18 where you're 3D modeling projects, whether it's  
19 building information modeling in this case, but  
20 eventually we're looking at civil engineering as well.  
21 Where do we go next with this in terms of inserting  
22 safety and health, rule-checking software into

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1 Navistar, some of these other projects, so that the  
2 CLASH technology would take over and find these  
3 problems during the designing stage and handle them  
4 before, you know, we get to the project stage?

5 DR. BRANCHE: Excellent question. It turns  
6 out that the BIM Forum--again, which is part of AGC--  
7 had a meeting shortly after our workshop and the  
8 contractors apparently were very enthusiastic about  
9 this and would like to continue some of the  
10 discussions as an adjunct of the BIM Forum. So now  
11 we're working out some of the mechanics, but I think  
12 the first step is that the BIM Forum has stated that  
13 they're willing to host on their website all of the  
14 presentations from the meeting.

15 MR. JONES: Oh, fantastic.

16 DR. BRANCHE: So there'll be an opportunity  
17 to not only have any of you be able to download that  
18 information, but we're looking for ways through which  
19 we can continue the discussion. So I'm very  
20 enthusiastic about that.

21 (Discussion off the record.)

22 MR. TRAUGER: Tom Trauger, Winchester Homes.

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1 A question about the nail gun materials and the home  
2 building and the ladder safety. I know they just came  
3 out in June, but what is NIOSH's process to find out  
4 how effective these materials are and how well they're  
5 received or if they're really being used in the field  
6 by workers? I'm assuming that you have some kind of  
7 process or you do an evaluation maybe six months, a  
8 year, or whatever. I'd just like to know how  
9 effective they are or they will be because it's  
10 pretty--or in August since they just came out in June.

11 DR. BRANCHE: Excellent question. To be  
12 honest, I don't know about the evaluation plan that  
13 may be underway for the materials handling document or  
14 the newer nail gun comic. But I do know that it's a  
15 valid criticism that we certainly do put a lot of  
16 information out and don't necessarily have a plan in  
17 place for knowing how effective they are or what  
18 feedback we can get. But we've done that, we've tried  
19 to put in place, and are still designing some  
20 evaluation efforts for the Falls Prevention campaign.

21 As it concerns the ladder app, because it's  
22 an app that I believe--I have to remember what Peter

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1 told us about that. I believe they're trying to work  
2 with the phone companies to see how many downloads  
3 they have for that because it is free. Purchasing it  
4 would certainly be an easy way to be able to know how  
5 many people are using it. But I believe that there is  
6 an opportunity for them to know how many downloads  
7 there have been for the-- ore requests. I'm sorry,  
8 I'm not particularly phone app savvy.

9 But those are excellent questions and I can  
10 take those back to the researchers and ask them what  
11 they know. Not unless you know something different,  
12 Matt.

13 MR. GILLEN: No, I was just going to add a  
14 couple things. That evaluation is a wonderful thing,  
15 but, you know, one, it does cost money; and two, you  
16 can't really ask more than nine people any questions  
17 without getting OMB review and that takes a long time.  
18 And so, you know, some of the more informal review we  
19 do like how many downloads things get, we check in  
20 with people about how they used it, trade associations  
21 and folks about their feedback that they're getting,  
22 and things like that. So we do try to do as much

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1 informal as we can.

2 DR. BRANCHE: Right, the website data can be  
3 very helpful.

4 MR. GILLEN: And just to follow, to be I did  
5 participate in the latter review application, so--

6 DR. BRANCHE: Thank you

7 MR. GILLEN: --that's what kind of triggered  
8 the question. Since I participated and Jeremy  
9 participated, and others participated, I was curious,  
10 what's going on with the other products?

11 DR. BRANCHE: Again, I can get that  
12 information and feed that back to the Committee.

13 MR. JONES: Sure, thank you. Thank you,  
14 Chris. Oh, Cole, excuse me, I'm sorry. Jerry?

15 MR. RIVERA: Not a question. Not a  
16 question, but mainly--

17 MR. JONES: Jerry, introduce yourself,  
18 please.

19 MR. RIVERA: Jerry Rivera, Employer Rep. And  
20 to the NIOSH staff, thank you very much for the  
21 efforts in leading innovation and safety. I mean, the  
22 app, the feedback that I've heard so far has been very

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1 useful. It's another tool in the toolbox, so I'd like  
2 to commend that NIOSH staff for their efforts in  
3 creating innovation and safety for the construction  
4 industry. So thank you.

5 DR. BRANCHE: I'll make sure the staff--I  
6 will convey that to the staff. Thank you.

7 MR. JONES: All right, thank you, Christine.  
8 While we wait for Jim Maddux to come up and make his  
9 update, I'd like to inform the member of the public  
10 this is an open meeting and then you can address the  
11 Committee. There's a sign-up sheet in the back of the  
12 room, I trust, that you can sign up to. And we will  
13 give you an audience with the committee at the end of  
14 today, at the end of the meeting, and tomorrow as  
15 well. If there isn't a list back there inform me, so  
16 I can get one running.

17 MS. SHORTALL: Mr. Jones, before Mr. Maddux  
18 begins his presentation, I just want to enter into the  
19 record an exhibit NIOSH Construction Activities,  
20 Presentation by Dr. Branche.

21 And just to follow up on what Mr. Gillen was  
22 saying, all of the federal agencies, if they want to



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1 conduct information-gathering activities they must get  
2 permission from the Office of Management and Budget if  
3 they want to conduct information-gathering from more  
4 than nine people, so that's what Mr. Gillen was  
5 talking about. That doesn't prohibit trade  
6 organizations or others from conducting their own  
7 information gathering activity unsolicited by the  
8 government. And provided that information, but the  
9 agencies are limited in how much information they're  
10 permitted to gather from the public.

11 MR. BETHANCOURT: Excuse me, Sarah, this is  
12 Jeremy Bethancourt. Along that that thought process I  
13 guess I do have one comment or a question perhaps. Be  
14 that as it is where they're not specifically able to  
15 do it, one of the things that I was thinking is how I  
16 wonder we in the industry can assist in trying to get  
17 some feedback to them. Is there a format--and I guess  
18 I should have asked this before Dr. Branche steps  
19 down, but is there a format that we can get from NIOSH  
20 perhaps that will assist them, that's within some sort  
21 of a guideline that they have for asking questions or  
22 having feedback on such things.

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1 MS. SHORTALL: I think you would need to  
2 contact NIOSH. But you have to be careful it doesn't  
3 look like government fingerprints are what- -and on  
4 whatever information we want to collect because then  
5 it will appear as though the government is asking for  
6 that information. It's not that the government cannot  
7 ask for information from where the nine parties, it's  
8 simply that we have to get permission from OMB to do  
9 it, and that's a strenuous process. That includes  
10 publishing of the Federal Register, asking for  
11 comment, whether we should be conducting that type of  
12 information-gathering. And as Mr. Gillen was saying,  
13 it does cost money.

14 MR. BETHANCOURT: So it isn't necessarily  
15 prohibitive to do basically, you know, offline, to  
16 just say I would like to help you and provide some  
17 feedback unsolicited. Are there guidelines? And I  
18 could just contact NIOSH. Is that what you're saying?

19 MS. SHORTALL: I would contact NIOSH, so  
20 they can tell you what would be appropriate within the  
21 guidelines of the Paperwork Reduction Act  
22 requirements.

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1 MR. BETHANCOURT: Very good, thank you.

2 MR. JONES: Matt?

3 MR. GILLEN: Nope.

4 MR. JONES: All right, thank you. Jim,  
5 please, welcome to the Committee and--

6 MR. MADDUX: Thank you, Walter.

7 MR. JONES: --we appreciate your update and  
8 any information you have to give us.

9 MR. MADDUX: Great to be here. First off,  
10 I'd like to apologize for our technical difficulties  
11 this morning. I was actually fairly prepared to say  
12 that I thought that we were getting a better handle on  
13 this and doing a better job of managing these sort of  
14 remote meetings.

15 MR. JONES: No worries.

16 MR. MADDUX: But it looks like we've got  
17 some work to do yet.

18 MR. JONES: No worries. No worries.

19 MR. MADDUX: So we'll stay on that.

20 On the personnel front, I did want to note,  
21 of course, Ben Bare retired after the last meeting  
22 that you guys had. And so Dean is our Acting Deputy

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1 now in the Directorate of Construction. And Eric  
2 Kampert, who's in the audience, is the Acting Director  
3 of our Office of Construction Services. So we're  
4 going through the process of advertising for a deputy  
5 position and working through that and these guys are  
6 filling in, in the meantime.

7 I did want to really thank the committee for  
8 working through these sort of budget troubled times  
9 that we have, that have made it impossible to have a  
10 full face-to-face meeting. I think that the remote  
11 system, we're still working through the bugs and  
12 trying to get it to work as smoothly as we can. But  
13 what we have been able to do by using this technology  
14 is that this will be our fourth meeting this year and  
15 it's been many, many, many years since ACCSH has been  
16 able to have a full four meetings, which is the  
17 maximum that we've listed under the charter. So I  
18 think that we have been successful at making things  
19 work, and I thank you for your patience in working  
20 through all of those issues.

21 We've gotten some work done on the cranes  
22 Cranes, on SIPs IV, on the training issues, and on the

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1 temp worker issues with the work groups. So I'm  
2 really very pleased with that work.

3           Also, on kind of the Committee business  
4 front, probably before our next meeting we'll be  
5 putting out a notice asking for nominations to the  
6 Committee. We have a number of positions that will be  
7 open, I think, 5:00 or 6:00, so we'll be going through  
8 that process again.

9           We've also been continuing to have work  
10 group meetings in between the full meetings, which Dr.  
11 Michaels mentioned. And those have just been small  
12 meetings with ACCSH members talking about their  
13 individual issues and trying to work through kind of  
14 the details of those issues. Certainly when we get  
15 our next full, live meeting with all the members here,  
16 we'll have work group meetings using our traditional  
17 format, doing a couple of hours per work group and  
18 making them open to the public and having  
19 presentations and so forth. I am actually really  
20 hopeful that we can do that soon. We have, I think,  
21 about three or four presenters for different work  
22 groups that are lined up that we felt that it would be

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1 a little bit clumsy to try and do in this format, that  
2 we would really anticipating our next live meeting.

3 So some updates, new web pages. We've  
4 managed to get some good work done on the Internet.

5 One of the really interesting pages that we  
6 put up since the last meeting has to do with  
7 structural incidents and the reports. So these are  
8 the reports that our Office of Engineering Services  
9 does on structural collapses and so forth. And so  
10 we've been able to post those reports on the Internet  
11 on this structural report site. We started out with a  
12 dozen. We've been adding to that. We're up to about  
13 30, so we're getting more and more of them all the  
14 time. When we get to where we have, you know, where  
15 we kind of have all of them up there, we want to try  
16 and have a little bit of an outreach effort, try and  
17 get out to the design schools and the engineering  
18 educational institutions, and encourage them to use  
19 these reports of things that went poorly as part of  
20 the training for their young engineering students.

21 A special thanks to Mohammed and to his  
22 folks, Gopal, who have been working tirelessly to get

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1 these on the Internet.

2           We also put up a nail gun page. This has  
3 been very helpful. As you know, we had our nail gun  
4 guidance document that we did with NIOSH, and we had  
5 that in English and Spanish. Then our folks in  
6 Communications went to the effort to turn those  
7 documents into e-publications, so that you can get  
8 them on the various e-readers, on tablets, and so  
9 forth. Then NIOSH came out with the comic book  
10 product. And so we had enough material to create a  
11 whole nail gun page so that all that stuff is in one  
12 little repository where people can't get to it. So  
13 we've got all of our OSHA products, the NIOSH  
14 products, and some links to the various research  
15 institutions, especially to Duke that have done a lot  
16 of work in this area, so I think that's a good,  
17 helpful piece.

18           Dr. Michaels mentioned the women in  
19 construction page. There will be a press release  
20 later today talking about that and the new alliances  
21 in that area. So we're really looking forward, maybe  
22 at the next meeting, the Committee could give us some

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1 feedback on that page and how we dealt with their  
2 recommendations and give us some additional, okay,  
3 here's some fine-tuning or some things that could be  
4 done better on that page. I'm pretty happy with it.  
5 It has taken several turns to kind of get it to be,  
6 you know, where we want it, but it's looking pretty  
7 good.

8           On the standards area, we're continuing to  
9 work on our Confined Spaces for Construction Rule.  
10 We're still hoping to get that at least into OMB by  
11 the end of the year.

12           We also have a number of crane issues that  
13 we're dealing with, the crane certification issues and  
14 some crane amendments to try and make some small  
15 changes to the crane standard.

16           And we're continuing to do research on the  
17 backover issue and on rebar. I will make a plug as I  
18 did at the last meeting for the backover web page.  
19 Megan Smith on our staff has done a great job of  
20 keeping that page up and so it's current to all of the  
21 current research and technology and so forth on  
22 backovers.



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1           We're also continuing to work on the  
2 residential construction issues. We still have a lot  
3 of outreach going on, putting together more outreach  
4 products for workers and employers in the residential  
5 area. And we've been working with the various states  
6 that have different requirements for residential fall  
7 protection to make sure that their requirements are at  
8 least as effective as the federal requirements, which  
9 is kind of a term of art, as Chuck and Steve know, to  
10 try and make sure that we're solid there.

11           The fall campaign, as Dr. Michaels said, a  
12 lot of activity in the fields, different kinds of  
13 outreach efforts. The stand-downs have been  
14 particularly popular this year. I think the one in  
15 Region 2 was thousands and thousands of employers. And  
16 so those have been a really big success and a new  
17 addition to kind of our outreach catalogue that we've  
18 done this year.

19           We also put out the ladder safety document,  
20 which was a document that we adapted from a Singapore  
21 document that's been very popular, and that was OSHA's  
22 first electronic publication. And it's really

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1 particularly nice on the cell phone because it goes  
2 kind of one little page at a time, through one safety  
3 tip after another.

4           Of course, Dr. Michaels mentioned the BLS  
5 data that just came out. It is sort of discouraging  
6 that the construction incidents are up this much.  
7 They've gone from approximately 720 to over 775. What  
8 that means, since these are preliminary numbers, when  
9 those numbers get adjusted in 6 months, we're probably  
10 back over 800.

11           Now, there has been a big increase in  
12 construction in 2012, and so we've got more workers,  
13 we've got more exposure to construction hazards that  
14 I'm sure are a big contributor to that. But we do  
15 have to remember that, you know, it hasn't been that  
16 many years ago that we were running at 1,200  
17 fatalities a year. And so I am really concerned that  
18 as the industry returns to health and we see more  
19 construction, that we do not get back to those numbers  
20 that we've seen in the past. So I continue to kind of  
21 make the challenge to the construction sector, you  
22 know, this is the moment of truth for us, you know, as

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1 construction returns, to make sure that we stay with  
2 the same or improve safety and reduce these horrible  
3 fatalities.

4           And I would just end with the cell towers  
5 that Dr. Michaels also mentioned. There was a Wall  
6 Street Journal article this morning on cell tower  
7 safety. We are investigating a very large number of  
8 incidents in the field and trying to figure out what  
9 the various problems are. There have been a number of  
10 falls where people simply weren't tied off, one  
11 incident where there was an aerial lift that tipped  
12 over. And so, it's really been a horrible rash of  
13 fatal incidents in the cell tower industry and we're,  
14 you know, trying to do something to figure out how to  
15 reach out to the industry and how to keep this from  
16 continuing.

17           So those are my remarks this morning. I'd  
18 be happy to take any questions.

19           MR. JONES: Thank you, Jim. Do we have any  
20 questions from anyone on the phone? Any questions  
21 from the table here? Chuck?

22           MR. STRIBLING: Thank you.

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1 MR. JONES: Introduce yourself.

2 MR. STRIBLING: Chuck Stribling, State  
3 Representative. A couple things.

4 With regard to the apps, they're obviously  
5 very popular and becoming more and more popular. And I  
6 believe currently the apps are set up for Apple and  
7 Android platforms. And I would ask the agency maybe  
8 to take a look at developing those apps also for  
9 Windows. Windows is now in the smartphone market and  
10 if that app could be developed over there, I think you  
11 might also get some more hits, some more downloads.

12 And then the other thing is with regard to  
13 the stand-downs, which have been very popular. Region  
14 4 has had a couple that we've participated in. Has  
15 OSHA given any thought or Directorate of Construction  
16 given any thought to maybe having a national stand-  
17 down day in the construction industry?

18 I mean, it's good to hear about the upcoming  
19 stand-down day in the gas and oil-drilling industry,  
20 if I got that right. We know it's in November, so  
21 maybe if we could--you know, if the agency wanted to  
22 establish a day somewhere in the future that it's

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1 publicized ahead of time and gives all the states a  
2 chance to get onboard to state plans and maybe, you  
3 know, information can be pushed out through the  
4 network that you have.

5           The regional stand-downs are good, but,  
6 quite frankly, you know, the advance notice and the  
7 preparation time for us to be involved is kind of  
8 short, so I'm just sort of thinking every region's  
9 doing it now, so what about maybe a national day? Just  
10 an idea.

11           MR. MADDUX: Yeah. No, it's a very good  
12 idea. Thank you.

13           MR. GILLEN: Matt Gillen here. It sort of  
14 goes together with this just recent announcement about  
15 the increase in fatalities and the increase in the  
16 fatality rate just to sort of make the industry aware.  
17 She said the moment of truth. You know, the fact that  
18 there are new workers, need training, and other  
19 things, the two might go together. It's good timing  
20 maybe.

21           MR. MADDUX: Yeah, yeah. I think what we'll  
22 probably do, certainly we have several more regions

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1 that have stand-downs planned, so I think that we'll,  
2 you know, not get in their way of continuing to have  
3 these stand-downs that they're having. But once  
4 they've gone through their cycle, you know, I think  
5 that would be worth really thinking about doing.

6 MR. JONES: Jerry.

7 MR. RIVERA: Jerry Rivera, Employee Rep.  
8 Jim, thank you for the report and thanks for OSHA  
9 making these meetings available virtually to the  
10 stakeholders. I think it's just another way to reach  
11 out to the general public and engage more folks.

12 One question is I know the intent is to move  
13 to the face-to-face meetings on the work groups. Is  
14 there any consideration being considered at this point  
15 for work groups' virtual meetings to occur as well  
16 moving forward until that face-to-face actually  
17 happens?

18 MR. MADDUX: Yeah, we've been giving that  
19 some thought and that may be--you know, depending on  
20 how the budget stuff goes here at the end of the  
21 fiscal year, that may be the only option that we have,  
22 you know. I'm sort of advocating for sort of an

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1 every-other-meeting approach. You know, maybe we  
2 could do one full meeting live, then a virtual  
3 meeting, full meeting live, and set up sort of a  
4 rotation like that, that that might work well and also  
5 be sort of, you know, fiscally responsible. But, you  
6 know, it's just hard to tell how all of this budget  
7 stuff will turn out.

8 MR. RIVERA: Thank you.

9 MR. JONES: I have a question. David  
10 mentioned the increase in fatalities associated with  
11 oil and gas extraction. I'm not clear where that  
12 falls in terms of DOC. But do you have an idea of  
13 what type of fatalities we're looking at?

14 MR. MADDUX: I haven't done much work on  
15 that, so I would hate to conjecture. I think that  
16 there's actually maybe some of the BLS data that's  
17 coming out today that may talk a little bit about  
18 that. And we could probably get some more information  
19 for you, but I don't have it at my fingertips.

20 MR. JONES: Okay, thank you. Any questions  
21 from the audience?

22 MR. SCHNEIDER: Scott Schneider with

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1 Laborers. I was going to ask about public  
2 participation in the work group meetings that are  
3 being done by phone. Because I guess at the last  
4 ACCSH meeting I thought, you know, people go to work  
5 at meetings, they sign up on a list of people that are  
6 interested in that work group, and it seems like the  
7 public participation is very important, so I'm  
8 wondering how that--what the plans are for that or why  
9 that wasn't included in the last set of work group  
10 phone conference calls.

11 MR. MADDUX: Right. Well, we meet with our  
12 solicitors, with Sarah and some of the other folks in  
13 the Solicitor's Office, and, you're right, we've had a  
14 long tradition of having public work group meetings.  
15 But really, almost all of the work group meetings that  
16 ACCSH has had, have been the ones that are associated  
17 with the full sit-down meeting in the two days prior.  
18 And certainly the public participation in those has  
19 been a very important component of having a good,  
20 robust discussion.

21 We felt like with the work groups  
22 especially, you know, with the difficulty of



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1 announcing meetings, you know, putting out press  
2 releases and all that, that we would experiment with  
3 just doing some smaller work group meetings that are  
4 allowed under the FACA and that are used by all of our  
5 other OSHA Advisory Committees, you know. So I think  
6 that, at least in my view, I think that that's been a  
7 big success in terms of the work groups carrying on  
8 their work kind of in between meetings and not having  
9 a totally, you know, kind of downtime in between the  
10 full meetings, and that that's been helpful.

11           But we're still looking at--you know,  
12 especially if we're not able to do full sit-down  
13 meetings and we want to have presenters, you know,  
14 then maybe we'll go to something like this where we  
15 can do something, people can log in on the Internet  
16 and attend and see slideshows and see the presenters  
17 and hear their views, so that we can open them up to a  
18 broader group. So we're still experimenting our way  
19 through this, but overall, you know, I've been pleased  
20 with the work groups and the way that they've  
21 functioned.

22           MR. MADDUX: Yes, Graham.

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1 MR. BRENT: Thank you, Jim. Good morning.  
2 Thanks for your report. My name is Graham Brent,  
3 National Commission for the Certification of Crane  
4 Operators.

5 You mentioned the two crane issues that  
6 you're working on and it's almost exactly 3 months to  
7 the day that you announced at this meeting or the day  
8 before this meeting that OSHA was proposing to extend  
9 the deadline for the crane operator certification  
10 requirements in order to possibly reopen the rule. I  
11 know you didn't bring your crystal ball with you  
12 today, but can you give any sense at all when we might  
13 see a publication with a Notice of Proposed  
14 Rulemaking? There's a tremendous expectation in the  
15 industry about this matter, as you might imagine.

16 MR. MADDUX: Right, yeah. No crystal ball,  
17 but maybe I can do the Carnac thing from Johnny  
18 Carson.

19 I really do hate to make a prediction. We  
20 have a document that--a Federal Register notice that  
21 we've drafted. We're kind of in the process of  
22 working out the exact words in that document with our

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1 Solicitor's Office, and that process is going very  
2 well. So, you know, I'm hoping maybe October or  
3 November we'll be able to publish that.

4 MR. BRENT: Thank you.

5 MR. JONES: Okay. If there aren't any more  
6 questions, we're going to take a short break and we'll  
7 convene again at 11:30.

8 (Break.)

9 MR. JONES: All right, I'd like to reconvene  
10 the ACCSH Committee meeting here. And I'd like to  
11 remind the members of the public that there's a sign-  
12 up sheet in the back for you to address the committee  
13 as soon as we finish with committee business and the  
14 sign up list in the back, everyone is welcome to sign  
15 up.

16 We'd like to start by hearing a presentation  
17 or testimony from Mary Lynn from the Directorate of  
18 Enforcement Program on OSHA's Temporary Worker  
19 Initiative. Thank you for joining us, Mary.

20 MS. LYNN: Thank you. Good morning,  
21 everybody, it's my pleasure to be here today to talk  
22 to you about OSHA's initiative on protecting temporary

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1 workers.

2 I am in the Directorate of Enforcement  
3 Programs and the Director of the Office of Chemical  
4 Process, Safety, and Enforcement Initiatives and this  
5 initiative actually is being worked on in the  
6 Directorate of Enforcement Programs but is certainly a  
7 joint effort in OSHA with the other directorates here  
8 in the national office as well as the very important  
9 field work that's going on.

10 We appreciate your interest in this very  
11 important topic of protecting the safety and health of  
12 temporary workers and this morning I'm going to be  
13 presenting information that OSHA has been developing  
14 in regard to safety and health protections for the  
15 temporary workers.

16 I'm going to include information on the  
17 Temporary Worker Initiative, some recommended  
18 practices for protecting Temporary Workers, and talk a  
19 little bit about the shared responsibility of staffing  
20 agencies and host employers in protecting temporary  
21 workers.

22 OSHA has launched this Temporary Worker

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1 Initiative that includes ensuring that staffing  
2 agencies and host employers understand their safety  
3 and health responsibilities under the Occupational  
4 Safety and Health Act. Temporary workers are entitled  
5 to the same protections as direct hire employees.

6 We believe that it's well recognized that  
7 temporary staffing agencies and host employers share  
8 control over the employee and therefore share  
9 responsibility for their safety and health, and it is  
10 essential that both employers comply with all of the  
11 relevant safety and health requirements.

12 In recent months, we have had many reports  
13 of temporary workers suffering fatal injuries and  
14 often during their first day on the job. There have  
15 been fatal injuries where workers have been exposed to  
16 dangerous heat stress, exposure to chemical and fall  
17 hazards without appropriate fall protection, and  
18 exposure to hazardous energy requiring lockout/tag out  
19 devices.

20 In one of these cases, a 21-year-old  
21 temporary worker was crushed to death his first day on  
22 the job. Incidents such as these involving temporary

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1 workers with recognized hazards that can be prevented  
2 and they must be prevented, and I will say that if you  
3 go to our website at osha.gov there are some press  
4 releases that discuss some of these cases involving  
5 the temporary worker fatalities.

6 I'd like to now talk to you a little bit  
7 about our initiative and what our initiative involves.

8 OSHA launched the Temporary Worker  
9 Initiative on April 29th 2013, this year, and this was  
10 our first action where we sent a memorandum to our  
11 field highlighting the importance of protecting  
12 temporary workers. The memo instructs our compliance  
13 officers to ensure that safety and health protections  
14 are in place including training.

15 We understand that we have a need for better  
16 enforcement data, and this initiative will help  
17 provide us more information on the hazards that  
18 temporary workers are exposed to, therefore our  
19 inspectors are going to be using--are using--a code to  
20 put on their inspection information files so that we  
21 will be able to pull--rapidly pull data that will help  
22 us see what hazards temporary workers are being

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1 exposed to and what types of situations that they're  
2 involved in out in the field.

3           Inspectors will also assess whether  
4 temporary workers have received the required training  
5 related to the safety and health hazards that they're  
6 exposed to, and very importantly, in a language and  
7 vocabulary that they understand.

8           In regard to who is covered under this  
9 initiative, temporary workers are those that are  
10 supplied by a host employer and paid by a staffing  
11 agency. We'll talk a little bit more about that  
12 relationship in a little bit.

13           In this Temporary Worker Initiative, we're  
14 also reaching out to stakeholders. We want to have a  
15 better understanding of the nature of this very much  
16 growing industry and we also want to help in  
17 increasing the awareness of safety and health  
18 responsibilities shared by the staffing agencies and  
19 the host employers.

20           The stakeholders that we have been reaching  
21 out to include national safety and health associations  
22 such as the American Society of Safety Engineers, the

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1 American Staffing Association, OSHA state plans,  
2 training organizations, the National Institute for  
3 Occupational Safety and Health, and individual  
4 staffing agencies have also approached us.

5           In the initiative, we've also been promoting  
6 compliance assistance nationally. For example, we  
7 held a webinar just this past July with the American  
8 Staffing Association and it was attended by more than  
9 500 people including both staffing agencies as well as  
10 their host employers. We provided them information  
11 very similar to what I'm providing you today.

12           We also plan to develop some other outreach  
13 materials such as FAQ sheets.

14           We're working with our stakeholders, those  
15 that I just mentioned, to identify and develop best  
16 practices, some guidance that we hope to plan to  
17 publish very soon, and we are working with NACOSH on  
18 this effort as well.

19           We've met with our two national advisory  
20 committees, including ACCSH, and we appreciate both  
21 you and NACOSH focusing on this very important issue.

22           I'll present to you now some data that we



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1 have collected on this current initiative and as a  
2 result of the April 29th instruction, 385 inspections  
3 have been or are being conducted, which have  
4 identified temporary workers exposed to safety and  
5 health violations. And approximately 20 percent of  
6 these inspections are in the construction industry.  
7 Thus far, 483 violations have been cited at workplaces  
8 where temporary workers are present.

9           This data is maturing in terms of the number  
10 of violations. Out of these 379 inspections, many of  
11 them are still open and citations may not have been  
12 issued yet, so this number may rise.

13           The top violations at worksites with  
14 temporary employers include those related to the use  
15 of powered industrial trucks, electrical hazards, as I  
16 mentioned before, lockout/tag out, not providing  
17 devices to lockout/tag out hazardous machinery, fall  
18 protection in construction, machine guarding, and  
19 hazard communication. A few of these hazards were  
20 identified in those recent cases that I mentioned  
21 earlier.

22           What I'd like to do now is share with you

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1 some of the recommended safety and health practices  
2 that we have actually been in the process of gathering  
3 through interviews with our stakeholders. These are  
4 recommended practices and if there are specific  
5 standards in general industry or construction that are  
6 applicable to these types of employment arrangements,  
7 employers must follow those requirements.

8           So, the first recommended practice I'd like  
9 to discuss is the--a written safety and health  
10 program, both the staffing agency and the employers  
11 should have a safety and health program and ensure  
12 that the temporary workers are addressed by these  
13 programs.

14           A safety and health program should help  
15 employers both identify hazards and develop the  
16 protective measures for the temporary workers, and we  
17 know that these programs have been effective in  
18 reducing injuries, illnesses, and fatalities.

19           A safety and health program should include  
20 management commitment, and very important, employee  
21 involvement, worksite analysis and hazard assessments,  
22 hazard prevention and control, and safety and health

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1 training.

2           Next, both employers should perform a hazard  
3 assessment of the worksite. Typically, we expect that  
4 the host employer would have already actually  
5 conducted a hazard assessment of the workplace, but  
6 before sending workers to the site, the staffing  
7 agencies need to also be aware of the hazards that  
8 exist. They need not become experts on specific  
9 workplace hazards, but they should determine what  
10 conditions exist at the worksite that they are sending  
11 workers to and how to best ensure protection for those  
12 workers.

13           They really need to know what these workers  
14 are going to be doing, that is key to this whole  
15 process.

16           The staffing agencies can accomplish this  
17 particular hazard assessment by visiting the  
18 workplace, perhaps performing their own assessment  
19 requesting and reviewing both the host employers  
20 hazard assessment and maybe their log of recordable  
21 injuries and illnesses.

22           There's one key point that I want to make

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1 and I'll repeat it a few times this morning, and that  
2 is that each employer should consider the hazards,  
3 that it is in the best position to prevent and  
4 correct, and to comply with the appropriate safety and  
5 health standards.

6 Another practice, and this is no new thing,  
7 particularly in the construction industry, is to  
8 define the scope of work in the contract. This will  
9 discourage tasking the worker to perform duties that  
10 are--they're unqualified or untrained to perform and  
11 may carry a high risk of injury.

12 Another benefit of the specific contractual  
13 language is that there is a clear understanding of  
14 each employer's role in protecting the worker.

15 Now we'll move into the recommended  
16 practice, of course, of training, very important.  
17 Conducting new project orientation as well as specific  
18 safety and health training, and the host and the  
19 temporary staffing agency should work together to  
20 ensure that workers who come to new projects are given  
21 an orientation before they start the work or whenever  
22 work may change and that the applicable safety and

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1 health general topics are covered as well as the site-  
2 specific training, and again, as Dr. Michaels has so  
3 much stressed, in a language and vocabulary that they  
4 can understand.

5           A last best practice that I'll talk about,  
6 and very important, is maintaining communication. This  
7 is critical for both the staffing agency, the host  
8 employer, and the workers. This will help ensure that  
9 injuries and illnesses are being properly recorded and  
10 reviewed and that underlying hazards are corrected,  
11 and it's also a very effective way to identify injury  
12 and illness trends.

13           By keeping in touch with the workers, the  
14 staffing agency can bring concerns to the host  
15 employer early, before injuries occur. Workers can  
16 alert the staffing agency if they are being assigned  
17 work that is outside of the scope of what they are  
18 trained and qualified to do.

19           And the staffing agency can also verify that  
20 the appropriate training has been conducted. The  
21 bottom line is that the staffing agency and the host  
22 employer need to communicate how they will address the

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1 safety and health provisions for the temporary  
2 workers.

3           Moving on, I'd like to just spend a few  
4 minutes on this employment structure that we're  
5 talking about. It's basically a triangular employment  
6 structure. Where you have the host employer, the  
7 staffing agency, and the temporary worker, and the  
8 shared responsibility is by both the staffing agency  
9 and the host employer.

10           OSHA has concern that some of the employers  
11 may use temporary workers as a way to avoid meeting  
12 all of their compliance obligations. The temporary  
13 workers might get placed in a variety of jobs  
14 including the most hazardous jobs, and that they are  
15 more vulnerable to workplace safety and health hazards  
16 and retaliation than workers in traditional  
17 relationships.

18           The temporary workers are often not given  
19 adequate training or explanations of their duties by  
20 either the temporary staffing agency or the host  
21 employer, so therefore it's essential that both  
22 employers comply with the OSHA requirements.

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1           As we've been stressing, again, both  
2 employers, the host and the staffing agency, have  
3 roles in complying with the Workplace Safety and  
4 Health requirements, and they share responsibility.  
5 And again, a key concept that I would like to drive  
6 home is that each employer should consider the hazards  
7 that they are in the best position to prevent and  
8 correct and in the better position to comply with the  
9 regulations.

10           For example, staffing agencies might provide  
11 general safety and health training where the host  
12 employer might then in turn training the temporary  
13 worker on the equipment specific, personal protective  
14 equipment specific information that they're going to  
15 need to perform that job safely. The key is the  
16 communication between all parties. The staffing  
17 agencies have a duty to inquire into the conditions of  
18 the worker's assigned duties and ensure that they're  
19 sending their workers to a safe workplace. Ignorance  
20 is not--ignorance of the hazards is not an excuse.

21           The staffing agency has the duty to inquire  
22 and verify that the host has fulfilled its

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1 responsibilities for a safe workplace. And just as  
2 important, the host employers must treat the temporary  
3 workers like any other worker.

4           So, I just want to summarize with two main  
5 points, that staffing agencies have a legal obligation  
6 not only to comply with the requirements that are  
7 under their exclusive control, but also to monitor the  
8 working conditions of the employees at clients'  
9 worksites, and host employers must treat the temporary  
10 workers like any other workers in terms of training  
11 and safety procedures.

12           There are a few questions that we will pose  
13 to ACCSH and welcome your input, first of all in  
14 regarding the gathering of best practices. As I said,  
15 we are putting together some recommended best  
16 practices and we welcome input on these practices,  
17 what's being identified out in the workplace that will  
18 help us share this information.

19           Also, any additional outreach or compliance  
20 assistance efforts that OSHA can undertake and  
21 possibly some additional groups or stakeholders that  
22 we may talk to in regard to this initiative. And any



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1 input on additional enforcement strategies for  
2 addressing safety and health issues.

3 I'll close with just a little bit of  
4 information on some enforcement guidance that actually  
5 has been put out by OSHA in terms of the use of  
6 temporary workers. At [www.osha.gov](http://www.osha.gov), and you'll see in  
7 your handouts, there are three letters of  
8 interpretation that may be helpful in addressing  
9 issues with temporary workers.

10 I'd like to thank you for your commitment to  
11 addressing this important issue of protecting  
12 temporary workers and we'll have a few minutes for  
13 questions.

14 MR. JONES: Thank you, Mary. Is there anyone  
15 on the phone that has an ACCSH member on the phone  
16 that has a question for Mary? Okay, anyone at the  
17 table here? I'm sorry, who's that, Jeremy?

18 MR. BETHANCOURT: I'm sorry one of the  
19 things that we discussed at one of our workgroup  
20 meetings--

21 MR. JONES: Jeremy, I need you to kick it up  
22 a little bit. We can barely hear you.

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1 MR. BETHANCOURT: I'm sorry, one of the  
2 things that--is that better?

3 MR. JONES: Yeah, it's better.

4 MR. BETHANCOURT: I'll just sit closer.  
5 How's that?

6 MR. JONES: Thank you.

7 MR. BETHANCOURT: One of the things that we  
8 discussed during the workgroup meeting is the fact  
9 that simply adhering to only staffing agencies doesn't  
10 necessarily encompass the entire issue with regard to  
11 the classification in practice or in name of what a  
12 temporary worker is, especially in the construction  
13 industry.

14 Is there any thought to broadening the  
15 approach to also include what are referred to as piece  
16 workers or labor type of things in the industry where  
17 it's not just necessarily because they fit a certain  
18 code that they are focused on? Does that make any  
19 sense?

20 MR. JONES: Yeah, but before you answer that  
21 question, that kind of covers where I was going to go  
22 next. How do you define a temporary worker?

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1 MS. LYNN: There are many definitions of  
2 workers in these various categories, and the Bureau of  
3 Labor Statistics has been a great source for us for  
4 some of these definitions, and kind of umbrella  
5 categories of these various temporary workers, but for  
6 the purposes right now of this initiative, we have  
7 chosen to look at the issue of, as I mentioned before,  
8 where we have workers that are working at a host  
9 employer's worksite and paid by a temporary staffing  
10 agency.

11 That's not to say that we're not concerned  
12 about these other employment relationships at all, and  
13 we will certainly deal with those as they come up and,  
14 as I said, you know, this is sort of a-- we're at the  
15 beginning stages of this initiative and, you know,  
16 seeking this input is very important to us in  
17 recognizing, you know, all of these different  
18 employment relationships that are out there and for  
19 our consideration in the future.

20 MR. JONES: Jeremy?

21 MR. BETHANCOURT: I guess that's it.

22 MS. COYNE: I have a question.

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1 MR. JONES: Sarah, please.

2 MS. COYNE: Sarah Coyne, employee  
3 representative. Without knowing in great detail how a  
4 staffing agency becomes a staffing agency, when you  
5 referred to responsibilities of both entities--the  
6 staffing agency and the host employer--and I  
7 wholeheartedly agree with you. My question is, is how  
8 will you monitor or--will you pursue a licensure  
9 agreement or something that will be tangible to hold  
10 the staffing agency responsible for acquiring the  
11 knowledge and understanding of what a hazard  
12 assessment is? Will they be required to have trained  
13 professionals to provide the specific--site-specific  
14 training that Temporary Worker A will need?

15 And then my other question would be, I  
16 believe towards the end of your presentation, which,  
17 by the way, I thought was very thorough, you had  
18 stated that the host employer could check-- excuse me  
19 that the staff agency could check on the employer.  
20 Will the employer be able to also check on the  
21 staffing agency and their credentialing and their  
22 documentations of not only who's providing the

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1 training but what their qualifications are?

2           Yeah, that wasn't just a simple question,  
3 but I think you understand what I'm getting at is the  
4 licensing of the staffing agency. Who are they? What  
5 do they bring to the table? What makes them qualified  
6 to do a hazardous assessment, and who do they have on  
7 staff that's qualified to provide the site-specific  
8 health and safety training so that it's a dual  
9 partnership not only from the contractor, but the  
10 agency, to work together to hopefully someday avoid a  
11 first day fatality or any fatality for the temporary  
12 workers.

13           MS. LYNN: Sure. You know these are very  
14 good points and, you know, as I mentioned, you know,  
15 we don't expect that the temporary staffing agency is  
16 going to--has to become an expert in safety and  
17 health, but has the duty to inquire and verify and a  
18 best practice might be the staffing agency--and many  
19 do, apparently, that we have been talking to have  
20 safety and health professionals on staff that can help  
21 provide more in depth training or may be able to go to  
22 the worksite and maybe conduct an onsite hazard

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1 assessment.

2           But as far as the licensure of the staffing  
3 agencies in order to be competent in these duties,  
4 OSHA typically does not--none that I have ever known  
5 of, actually, gotten involved in that type of  
6 situation.

7           But, again, a best practice would be having  
8 staff that is competent and capable of doing that or,  
9 you know, at least asking for an employer's hazard  
10 assessment and reviewing that and becoming very  
11 familiar with what's--I think one of the most  
12 important things is that the staffing agency know what  
13 those workers are going to be doing. That is the  
14 first step to really understand how protections can be  
15 afforded.

16           But, again, a lot of these are recommended  
17 practices that we're definitely working toward, and  
18 the other point you brought up was also a great point  
19 too, the host employer's responsibility to verify with  
20 the staffing agency, what have you done and what have  
21 you provided so that I, as the host, know what I need  
22 to do to augment this--you know, this protection for

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1 the worker.

2 MS. COYNE: Thank you.

3 MR. JONES: Tom, you and Jeremy run our  
4 workgroup on this. Do you have any comments?

5 MR. MARRERO: Yeah, I have a couple  
6 comments. With the hazard assessment of worksites  
7 and, you know, just so everybody's familiar, I'm the  
8 National Safety Director with Tradesman International.  
9 We are a temporary labor provider of construction  
10 workers, so--performing a hazard assessment on  
11 worksites isn't always going to be feasible because of  
12 regulations of how do you get on the worksite, you  
13 have to have a background check, some of our clients  
14 might take our employees out of state, out of the  
15 country, and so forth.

16 So, I completely agree that we should be  
17 doing hazard assessments and that's something that we  
18 do preach to our sales reps and so forth as well as  
19 walking our employees out to the jobsite, getting them  
20 familiar with the client, and so forth.

21 And you made a comment, Sarah, about how  
22 does the host employer verify our qualifications?

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1 Well, a majority of our clients require us to do a  
2 prequalification form where we have to present a lot  
3 of our information to them prior to even setting foot  
4 on their job.

5 I do have one other comment to Mary Lynn.  
6 Your presentation was beautiful. I love everything  
7 that's in here, but I do have to disagree that our  
8 employees that I have seen are not subjected to any  
9 more hazards than anybody else on the jobsite.  
10 Construction is a dangerous business as it is, so--  
11 but our employees--I have not seen, in my tenure with  
12 my company now, any scenario where our employees are  
13 subjected to anything more dangerous or more hazardous  
14 than their own employees.

15 MR. JONES: One second. Jeremy, do you have  
16 any comment on workgroup activities?

17 MR. BETHANCOURT: I do, to the point that  
18 was just made, I mean, I guess it just reinforces why  
19 I believe that we really--and I hope that--I  
20 understand that this is new and we're moving forward,  
21 but we really need to broaden the thought process with  
22 the other dynamic relationships that are in the



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1 construction industry relating to workers, whether  
2 they're classified through a temporary agency or not.

3 I just want to reiterate that because in a  
4 lot of cases, in the construction industry and in my  
5 area of the country, those workers who are considered  
6 a temp worker or approached as a temp worker, whether  
7 they're from a temp agency or not, they actually are  
8 exposed to the higher risk, they put those folks on  
9 the roof, I mean, that's where-- at least in my  
10 industry, that's where a lot of the risk is. Those  
11 are the guys that go up on the roof.

12 So, that's really what I have to say. I  
13 hope it continues to get broadened and that OSHA will  
14 come back to us and ask us for some assistance with  
15 perhaps ways that the industry has been able to  
16 successfully mitigate and train those types of  
17 workers, because I know that there's no doubt going to  
18 be a lot of folks who really are trying to make sure  
19 that their temporary workers are--

20 MR. JONES: Or Jeremy, what we--go ahead,  
21 Matt.

22 MR. GILLEN: I was just going to clarify.

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1 So, Jeremy, are you referring to what sometimes are  
2 called independent contractors?

3 MR. BETHANCOURT: Yes, yes. Is that Matt?

4 MR. GILLEN: Yes.

5 MR. BETHANCOURT: Yes, and I know that that  
6 is another area in the construction industry that's an  
7 issue, is that you'll get workers--and we've seen this  
8 because we, I guess, call them on it for lack of a  
9 better way of saying it, when we have different  
10 interactions in different organizations, where the  
11 workers come in and they're improperly classified as  
12 independent contractors, which I didn't get to hear  
13 Dr. Michaels' comments, but I'm guessing he probably  
14 addressed some of that as well where they're not  
15 classified correctly.

16 And so, although they're not truly  
17 independent contractors, they're treated as such and  
18 thereby then not provided training, and I really think  
19 that's where we need to broaden this.

20 MR. JONES: Hey, Jeremy--

21 MR. BETHANCOURT: --if I'm on track with  
22 what was being asked.

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1 MR. JONES: Jeremy, can you, for tomorrow's  
2 meeting, draft us up some language that would speak to  
3 the issue you're speaking of then we could make a  
4 formal request of OSHA to broaden it in a way that you  
5 and Thomas and maybe Jerry and Kevin and others feel  
6 may be appropriate?

7 MR. BETHANCOURT: I would love to that, and  
8 so I guess one of the things that we could do, Walter,  
9 if the other folks would like to join, maybe we can  
10 set up some sort of a call amongst ourselves, because  
11 I'd like to contribute, or even email back and forth  
12 for a few hours tonight.

13 MR. JONES: I like the email idea.

14 MR. BETHANCOURT: I like that idea.

15 MR. MARRERO: Tommy and Jeremy.

16 MR. BETHANCOURT: Tom, just you and I  
17 working on it, I think we could do pretty well, not to  
18 exclude anybody, but we could probably put something  
19 together, I think, Tom.

20 MR. MARRERO: Yeah, I'll give you a call  
21 later on then today.

22 MR. BETHANCOURT: Perfect, sir. I'll be

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1 waiting for you. Keep in mind I'm three hours behind  
2 so I've got a little bit more time to work than you  
3 do.

4 MR. JONES: Jerry, did you have a comment?

5 MR. RIVERA: No.

6 MR. JONES: Kevin?

7 MR. CANNON: You reported that 20 percent of  
8 the inspections under this initiative have been in  
9 construction?

10 MS. LYNN: Correct.

11 MR. CANNON: And, you know, you provided the  
12 definition of temporary worker currently being just  
13 someone that's being supplied by a staffing agency.  
14 Is that what you're finding in these 20 percent--I  
15 mean, what was the employment relationship in these 20  
16 percent of the cases?

17 MS. LYNN: Good question. The employment  
18 relationship--the direction to our field was to code  
19 those inspections where there was a temporary worker  
20 supplied by a staffing agency to a host employer, and  
21 that temporary worker was exposed to a volative  
22 condition, so that's what would bring an inspection

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1 into that fold of the 20 percent in construction.

2 MR. CANNON: So, you're not saying like  
3 contractor/subcontractor relationships?

4 MS. LYNN: No.

5 MR. JONES: Jerry, did you have a comment?

6 MR. RIVERA: Yes, Jerry Rivera, employee  
7 rep. It's basically a comment. First of all, thank  
8 you for the presentation and for some of the  
9 recommended practices. It definitely is a start.  
10 However, you know, there are some things, some  
11 challenges that I see in looking at some of the  
12 outlines, you know, for example, have we written a  
13 safety health program between, you know, the host and  
14 the staffing agency, you know, the first question  
15 comes to mind, which one will they follow? Will you  
16 guys consider moving forward at least an inter-  
17 reaction or a written record that the exchange of  
18 information occurred and maybe what information was  
19 exchanged?

20 For example, again, I'll capitalize on the  
21 safety and health program, which one will the employee  
22 follow, the staffing agencies or the employer? And it

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1 seems pretty cut and dried, you say, well, of course,  
2 the host employer will be the one we'll follow, but  
3 that's not clear cut all the time.

4           The other gaps that I see is in training,  
5 you know, will the training that the staffing agency  
6 provides, either through a third party or through a  
7 staffing agency be recognized? The reason why I  
8 mention that is, often, as an employer, you put out a  
9 request to a staffing agency, I need a forklift  
10 operator, and I know there's mechanisms that we have  
11 to do as employers to verify that that is valid, but,  
12 you know, sometimes you get to a scenario where they  
13 have a credential and then you get a cold shoe on the  
14 ground that says, no, you had to do it, not the  
15 staffing agency, so these are challenges that I see  
16 and I like to hear input in how you're planning to  
17 address some of these, but definitely you're going- -  
18 the best thing that you're doing is to inquire, and I  
19 commend you for that.

20           MS. LYNN: Thank you. And I agree with you,  
21 there are many challenges in this type of relationship  
22 and in the training and the equipment being used and

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1 et cetera, and I think that, you know, one of the  
2 things that might be of help is to take a look at a  
3 few of these letters that we have put out already, but  
4 I will say that, you know, we are working with our  
5 field and providing enforcement guidance and I think  
6 that in so many of these cases, it's going to be on a  
7 case-by-case basis as far as, you know, who would have  
8 been in that best position to control and correct the  
9 hazard and provide the training.

10           And I do understand, particularly in the  
11 area of the powered industrial vehicles, the  
12 forklifts, et cetera, you know, there's a lot of  
13 training that's out there and that you can request  
14 employees that have been specifically trained to use  
15 certain equipment.

16           And, again, I don't have a cut and dried  
17 answer for you, but we will look at it on a case- by-  
18 case basis and try to determine who had that best  
19 balance to be able to ensure that those employees were  
20 protected appropriately.

21           MR. RIVERA: And just one last comment, you  
22 mentioned who is in the best position, you know,

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1 moving forward. Consider this, defining that very  
2 clearly because I think it would be a disservice to  
3 the employee at the end of the day for the staffing  
4 agency and the host employer to kind of not really  
5 know where they stand on it, so it's kind of an error  
6 provocative environment, no, it's your responsibility,  
7 it's mine, I know there's contracts that are signed to  
8 a certain degree, but these things can turn into a  
9 slippery slope, but that's all I've got to say about  
10 that one.

11 MS. LYNN: Thank you.

12 MR. GILLEN: Matt Gillen, you mentioned  
13 performing--is this okay?

14 MR. JONES: Please.

15 MR. GILLEN: You mentioned performing a  
16 hazard assessment of the worksite, which sounds a  
17 little vague. I was wondering if any of your  
18 discussions the idea of the job hazard analysis comes  
19 up? Because that seems like a real useful term  
20 because it involves the job and tasks and people  
21 evaluating that, and it's usually simple, but it talks  
22 about the forms and talks about the controls and seems



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1 like it would be a useful thing to encourage people to  
2 do for this.

3 MS. LYNN: That's a great comment. And that  
4 term, job hazard analysis, yes--

5 MR. GILLEN: Great.

6 ML: --we have used it and it's a good  
7 recommendation, actually.

8 MR. JONES: Do I have any more comments for  
9 you folks on the phone?

10 (No response.)

11 MR. JONES: All right, Boom?

12 MR. BOONE: Jim Boone, OSHA.

13 MR. JONES: Do you want to come up to the  
14 microphone--

15 MR. BOONE: --I think what Jerry maybe was  
16 talking about on the independent contractors are like  
17 day laborers, which is huge in construction, and where  
18 it's kind of the underground economy and probably the  
19 most exposed employees out there that don't get the  
20 training.

21 MR. JONES: Thank you.

22 MR. BETHANCOURT: That is one aspect, yes.

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1 That would be correct. I think we have a big  
2 opportunity here.

3 MR. ODORIZZI: Marcus Odorizzi with the City  
4 of Rockville. I had kind of a two-part question, just  
5 piggy backing on what Kevin was asking. There were  
6 close to 500 violations issued. Were they issued to  
7 the temporary staffing agency or to the host employer?  
8 And second part question, I think in construction the  
9 term host employer is too vague because the host  
10 employer could be the project owner, constructor,  
11 could be the general contractor; it could be the  
12 subcontractor hiring the day laborer or temporary  
13 worker. So, could you kind of expand on, you know,  
14 if citations were issued to the host employer, who was  
15 that host employer in construction?

16 MS. LYNN: Good point. I don't have that  
17 data right now. We don't have it broken down in that  
18 manner yet, but we hope to in the future as this  
19 initiative continues.

20 I will say that when we do find a situation  
21 where the temporary workers are not protected, both  
22 employers, the staffing as well as the host employer,

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1 could be subject to citation and there have been cases  
2 where we have cited both the host as well as the  
3 staffing agency.

4 I just don't have the specific breakdown at  
5 this point, but we hope to have that in the future.

6 In regard to--I've just got to go back to--  
7 oh, the different situations involving host employers  
8 where you might have, you know, especially in  
9 construction, that's a good point and maybe we can get  
10 more input from the ACCSH advisory committee on that.

11 MR. JONES: I have two questions in the  
12 audience. I believe over here in the corner. Sir.

13 MR. DWYER: Thank you, Steven Dwyer with the  
14 American Staffing Association. Really appreciated  
15 your presentation and we continue to appreciate the  
16 relationship we have with OSHA and we think we've done  
17 good things so far and look forward to doing more good  
18 things, webinars and whatnot.

19 One comment and two questions if I may. I  
20 would reiterate the gentleman to your right's comment  
21 about trying to be more specific giving some examples,  
22 and I know it's difficult because there are so many

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1 permutations so you're not going to cover them all,  
2 but I know that our members, our staffing firm  
3 members, and clients, really are looking for that kind  
4 of example in terms of who really is responsible for  
5 what in these types of circumstances. They're looking  
6 for guidance. They're willing participants to be  
7 educated and we have an opportunity to do that and I'd  
8 hate to squander that opportunity.

9           The questions I had, though, really two-  
10 fold, one, you said that the staffing firms will have  
11 an obligation to verify with clients, with the host  
12 employers, that the training has been done, and I'm  
13 wondering how they need to go about that verification  
14 process? And the second question is, in the  
15 citations, the violations that you've found where  
16 temporary workers have been exposed to hazardous  
17 conditions, whether the host employer, the client's  
18 employees, also have been exposed to those conditions  
19 or is it just a matter of the clients not training the  
20 temporary workers? Or are they neglecting their  
21 duties for their own internal workers as well?

22           MS. LYNN: Great questions. Thank you. And

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1 I think in regard to the citations and--we don't have  
2 it broken down in regard to, say, a particular  
3 violation, is it just the temporary workers exposed or  
4 is it the host employers' employees as well, and I  
5 would venture to say that very oftentimes, it's  
6 probably both, but in some instances it may have just  
7 been the temporary worker depending on the type of  
8 company it is, et cetera.

9           So, again, hopefully in our data collection,  
10 we might be able to do some breakdown like that, but I  
11 will take note of that, that that would be something  
12 interesting to see.

13           In regard to how to verify that the training  
14 has been done, the staffing agency verifying that, I  
15 mean, again, it's a recommended practice where it  
16 might be done in a variety of ways, asking for some  
17 sort of documentation, maintaining communication, as  
18 we discussed, with the employees and asking them, have  
19 you been trained, how thorough was the training, you  
20 know, those types of situations. But, you know, and I  
21 know that we'll probably see a wide gamut of what has  
22 been done to inquire and verify, but what we're

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1 looking for is that it at least is being done.

2 MR. SCHNEIDER: Scott Schneider with  
3 Laborers'. You were asking for best practices, and I  
4 think what Thomas mentioned might be something you  
5 should look at and it comes from the subcontracting  
6 arena which is prequalification where basically the  
7 host employer will say to the staffing agency, I need  
8 some verification from you or I'm going to prequalify  
9 the staffing agency that they're going to send me  
10 people that have adequate training and qualifications  
11 to do the job properly and I think, you know, that  
12 could be considered a best practice, and maybe Thomas  
13 can give us more information about what you guys  
14 encounter from some of your clients in terms of pre-  
15 qualifications.

16 MR. MARRERO: It varies, you know, with  
17 numerous different contractors. Some contractors  
18 might just ask for guys that have forklift  
19 certifications or--it all varies on the type of job  
20 that we do, and there's so many different variations  
21 because we cover every aspect of construction, and  
22 staffing in general covers everything from bakers to

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1 oil pipeline and construction.

2           So, one of the things that we do is we  
3 provide to all of our employees within OSHA, so as a  
4 minimum guideline as well as a safety orientation and  
5 so forth--as a general training for them.

6           MR. JONES: Thank you, Thomas. Do we have  
7 any more questions?

8           MS. SHORTALL: I just would like to go over  
9 a logistics point about what Thomas and Jeremy will be  
10 doing for tomorrow in terms of developing some  
11 recommendations since we will be doing this by WebX  
12 and teleconference again. I'm going to request that  
13 as soon as you're done with your written product, you  
14 send it to every member on the advisory committee,  
15 including the DFO and myself, and also Mr. Bonneau so  
16 he would be able to make up some copies tomorrow  
17 morning.

18           MR. MARRERO: Okay.

19           MR. BETHANCOURT: Yes, ma'am.

20           MR. JONES: That was easy. I thought you  
21 were going to put a kibosh to this idea.

22           MS. SHORTALL: No, no. Just want to make

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1 sure everyone will be aware of it.

2 MR. JONES: All right. And moving right  
3 along, thank you, Mary, great presentation.

4 MS. LYNN: Thank you.

5 MS. SHORTALL: And well since I was not  
6 putting a kibosh, can I do one more thing?

7 MR. JONES: Please.

8 MS. SHORTALL: I would like to enter into  
9 the record as Exhibit 3 at this time, "Protecting the  
10 Safety and Health of Temporary Workers" presentation  
11 by Mary Lynn.

12 MS. LYNN: Thank you.

13 MR. JONES: Up next we're going to do a  
14 discussion of the OSHA-10, OSHA-30 training courses.  
15 Our OTI workgroup--I guess I shouldn't call it OTI--  
16 but our ACCSH training and outreach workgroup, and I  
17 didn't attend the last meeting so I'm not totally  
18 clear on what you guys were doing and where we're  
19 going, so I'm going to turn this over to the two of  
20 you.

21 I believe Hank Payne is on the phone?

22 MR. PAYNE: Yes, I am.



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1 MR. JONES: Thanks, Hank. Welcome. So,  
2 Kevin, Jerry, take the ball and run.

3 MR. CANNON: All right, I'm going to kick it  
4 off and just go for a little background and then  
5 Jerry's going to go to the more detailed review as to  
6 where we are at this point.

7 But, you know, one of the first projects  
8 that the training and outreach workgroup kind of dove  
9 into was to review the OSHA introduction. You know,  
10 currently it's a two-hour mandatory session and we  
11 think that amongst, you know, the ACCSH members as  
12 well as those who were participating from the public  
13 during that initial meeting that all thought that that  
14 timeframe was a little much, unnecessary, could be  
15 reduced, and so we put forward a recommendation, maybe  
16 two meetings ago, that OSHA consider removing the two-  
17 hour requirement and allowing the instructor to spend  
18 at a minimum of 60 minutes, one-hour, on it.

19 So, since that recommendation was made, the  
20 workgroups have been meeting via WebX, conference  
21 call, and you know you make the broad recommendation  
22 to reduce the timeframe, but in theory you have to

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1 also look at some of the content to see what could be  
2 eliminated, either because it was, you know,  
3 repetitive or covered in other areas or just did not  
4 lend itself to advancing the safety and health  
5 knowledge of the worker who was sitting through the  
6 course.

7           So, that's where we are at this point. You  
8 know, we've met, we've had--the last call was a couple  
9 weeks ago, I do believe. OSHA folks have been  
10 participating and so that's where I'll turn it over to  
11 Jerry and let him go through the slides that are  
12 currently in place and I'm not sure if, you know,  
13 copies were made for folks in the gallery to follow  
14 along.

15           MR. JONES: I believe they were.

16           MR. CANNON: Okay, so what, I think, Jerry's  
17 going to do is just focus on the slides that we--

18           MR. JONES: So, what we have are the slides  
19 here and what we're going to walk through are your  
20 recommendations of keepers and tossers?

21           MR. CANNON: Yes.

22           MR. RIVERA: Jerry Rivera, employee rep.

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1 First let me start out by saying that these are  
2 recommended adjustments to the actual modules. We're  
3 actually presenting this with the hope that we can  
4 gather feedback from the general public and some of  
5 the ACCSH members here today.

6 MR. JONES: So this won't be a workgroup  
7 recommendation or is that what you're saying? I'm  
8 lost.

9 MR. RIVERA: The work that we've performed  
10 so far is a recommendation of what adjustments we  
11 believe should be made.

12 MR. JONES: Okay.

13 MR. RIVERA: However, we're seeking the  
14 input of the attendees on the call today to make sure  
15 that--

16 MR. JONES: Us or the attendees?

17 MR. CANNON: Everybody.

18 MR. RIVERA: Both.

19 MR. JONES: Okay.

20 MR. RIVERA: So, just going through these,  
21 those who have the copies, I'm not going to go through  
22 every single one of the power points that we have

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1 suggested or recommended for deletion or  
2 consolidation, but I'll explain in broad terms.

3           You know, as we're going through, if you  
4 look at page number two, we have a strikethrough on  
5 one of the slides and the approach that the workgroup  
6 took with input from some of the building trades, some  
7 of the stakeholders which we represent, and folks that  
8 have been able to reach out to us, is we tried to look  
9 at the curriculum and the information that--made  
10 available to the employees to make sure that they can  
11 effectively identify the hazards, we came to a  
12 conclusion on this one that maybe on this particular  
13 slide, which says "Topic One", on page number two, to  
14 be consolidated with the slide on page number three.

15           Now, again, this is in general conceptually  
16 the recommendation was made based on the input that we  
17 received that both those two topics could be  
18 consolidated into one, even though one talks about the  
19 importance of OSHA to the worker and the other one  
20 talks about the history, instructor input was, look,  
21 we can effectively tackle this in one consolidated  
22 approach.

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1           And that's just one example of what we took  
2 through, but if we also look at some of the broad  
3 based terms, there was also reference in the original  
4 module for two hours that made awareness on the marine  
5 standard, the construction standard, and general  
6 industry. The recommendation in reviewing this in  
7 talking with some of the instructors was that marine  
8 and general industry content should be removed because  
9 it was not specific to the workplace that the  
10 recipient of this training would be receptive to.

11           So, in general, that's what we took into  
12 consideration. There's also another angle that we  
13 considered as we were going through the training  
14 module, that is for example, hazardous chemicals. It  
15 was understood that because there is another module  
16 within the curriculum, the OSHA 10-hour and the 30-  
17 hour that expands or gives a broadened perspective of  
18 the topic, that maybe in the introduction to OSHA  
19 curriculum should not be included.

20           And, again, we're trying to make good use of  
21 time. You know, the recommendation is to, at a  
22 minimum, have 60 minutes of contact with--classroom

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1 contact instruction with the recipient, so having that  
2 challenge we were chartered with, okay, can we take  
3 some of these away.

4           The last one, again, broad based, were some  
5 of the exercises, while exercises--and I'll reach out  
6 to the OTI for more input on this because I understand  
7 that with the diverse workforce meeting, a workforce  
8 that's aging, a non-English speaking workforce, the  
9 exercises are valuable. However, with the content and  
10 the timeframe that we were considering, you know, we  
11 were chartered with, okay, would this be best  
12 addressed in this introduction to OSHA module, or can  
13 this be addressed in other areas?

14           So, as you slide through all these slides,  
15 you will see that pattern of consideration that we  
16 took as we were reviewing and making the  
17 recommendation to delete some of the slides.

18           This is not written in stone. In every  
19 aspect, we've actually presented it here as a  
20 recommendation to gather input, again, both from the  
21 ACCSH members and some of the general stakeholders.  
22 That's what we understood as a workgroup having

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1 reached out to the building trades, our stakeholders,  
2 like associations and instructors, that's what we got,  
3 but for the general public and the ACCSH members,  
4 maybe we'd like to open it up to see what  
5 recommendations they would have upon reviewing this.

6 MR. ERICKSON: Jerry--or Mr. Chairman?

7 MR. JONES: Go ahead, Jeremy.

8 MR. ERICKSON: Roger Erickson.

9 MR. JONES: You need to speak up a little  
10 for us, though.

11 UNIDENTIFIED SPEAKER: It was roger.

12 MR. JONES: Oh, I'm sorry, Roger. Is that  
13 you, Roger.

14 MR. ERICKSON: Roger Erickson, can you hear  
15 me all right?

16 MR. JONES: Yeah, just--

17 UNIDENTIFIED SPEAKER: Please identify  
18 yourself.

19 MR. JONES: Please identify yourself and  
20 speak up. That would be helpful.

21 MR. ERICKSON: Roger Erickson, both  
22 programs, International Brotherhood of Boilermakers,

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1 employee rep.

2 MR. JONES: Go ahead, Roger.

3 MR. ERICKSON: Okay, I just wanted to add  
4 what Jerry was saying there when he had mentioned  
5 health hazards in construction and where we were  
6 looking at and once again, it's very hard because all  
7 of this training is very important, very essential,  
8 but aside from the health hazards in construction, the  
9 other topic we looked at was personal protective and  
10 lifesaving equipment.

11 Both of those topics are covered elsewhere,  
12 should be covered elsewhere, because they are required  
13 topics under both the 10 and 30 hour. That's all I  
14 wanted to add.

15 MR. JONES: Did you remove--I'm speaking now  
16 to Jerry and Kevin. Did you guys recommend removing  
17 those from this?

18 MR. RIVERA: Yes.

19 MR. JONES: Okay.

20 MR. RIVERA: And another one that I can give  
21 an example if I may is when we look on page number  
22 nine it says "Examine exposure medical records", you



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1 know, we kind of try to battle as a group and reaching  
2 out we said, okay, would it be in the best interest of  
3 that employee to, you know, review some of these, or  
4 is this an administrative function. And, again, all  
5 this information is important and trying to achieve  
6 the goal of reducing the module, the instruction, to a  
7 minimum of 60 minutes, you know, that was also one of  
8 the areas that we said, this might be an  
9 administrative function versus something that will  
10 enhance the hazard recognition in the field.

11 MR. JONES: How much time do you think  
12 you've removed?

13 MR. RIVERA: Well, in consideration of  
14 looking at all the slides, we are about at 60 minutes.

15 MR. JONES: Okay.

16 MR. RIVERA: And that's considering about,  
17 you know, two minutes per slide.

18 MR. JONES: Hank, do you have any comments?

19 MR. PAYNE: Yeah. I think my big concern is  
20 that all of the group activities have been eliminated  
21 from this module and I'm just not sure that's going to  
22 be an acceptable recommendation. A lot of the workers

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1 who go through this training now, those group  
2 activities are important to them because they don't  
3 have other venues with which they are encouraged to  
4 participate to talk about hazards and other kinds of  
5 issues.

6           So, if you don't like the group activities  
7 that are in there, then I would recommend you give us  
8 a couple of ideas that you would think would be better  
9 than the ones that are there, but having no group  
10 activities I don't think is going to work.

11           MR. JONES: All right, Hank, if I could push  
12 back just a little, we're talking about no group  
13 activities for just this module. The group activities  
14 still will exist in the other eight hours of--nine  
15 hours of coursework, I'm guessing, right?

16           MR. PAYNE: It depends on what's taught by  
17 whom. Remember, there's no such thing as a 10-hour. It  
18 depends on what modules you select and the trainers  
19 have a lot of leeway in how they train them.

20           MR. JONES: Right, right. Okay. Any  
21 comments?

22           MR. ERICKSON: Roger Erickson. Employee

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1 Rep. All we looked at here was the intro to OSHA, just  
2 that two-hour timeframe that is a current mandatory  
3 topic.

4 MR. JONES: Sarah.

5 MS. COYNE: Sarah Coyne, employee  
6 representative. Thank you for reviewing this and I  
7 think that your suggestions are duly noted.

8 My question to you is, did you run this as a  
9 pilot yet? Have you offered the edits to a group  
10 possibly or just--

11 MR. CANNON: We're not that far along

12 MS. COYNE: You're not that far along.

13 MR. CANNON: Because as Jerry said, these  
14 are recommended. What we recommend could very well  
15 change as far as what's eliminated.

16 MS. COYNE: For argument's sake, though, I  
17 was just wondering if, you know, this is two hours  
18 right now, if you ran it through with the suggested  
19 changes, it's one-hour?

20 MR. RIVERA: Yeah, that's the hope that we  
21 get it down to 60 minutes and that's really what was  
22 our goal, to get to that timeline.

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1 MS. COYNE: And so you hit that bogey with  
2 this?

3 MR. RIVERA: Yes.

4 MS. COYNE: Thank you. Good job.

5 MR. JONES: Thomas.

6 MR. MARRERO: Tom Marrero, employer rep. My  
7 question is for Dr. Payne. How are the group  
8 activities done now online? Is he there?

9 MR. PAYNE: I'm here. I would have to go  
10 look at it.

11 MR. MARRERO: Okay.

12 MR. JONES: Well, my next question is, where  
13 do we go next? What do you suggest we do next, Jerry  
14 or Kevin?

15 MR. RIVERA: Well, first of all, if we can  
16 get some input from the general public, I will take  
17 some notes on this as well. Like we said, initially  
18 the intent is to float this out in front of the  
19 stakeholders and gather some input if we are in the  
20 right direction or if there are some recommended  
21 modifications.

22 MR. McCULLION: Mike McCullion, Sheet Metal

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1 Contractors Association. There's nothing in here  
2 about the four parts of an OSHA inspection. That may  
3 be something that you could cover, and that could even  
4 be maybe an exercise, if you will, because that's  
5 important for the employees to know how the actual  
6 inspection goes, the fact they have a records review,  
7 you know, the onsite inspection, and the closing and  
8 the opening. So, there should be at least some  
9 touching on the actual four parts of the inspection.

10 MR. JONES: Rob.

11 MR. MATUGA: Rob Matuga with the National  
12 Association of Home Builders. One of the other things  
13 that sort of struck me, it's been a while since I've  
14 actually taken a look at the module and I commend you  
15 guys for actually trying to cut this down to just one  
16 hour. We've had some feedback from the membership at  
17 NHB who actually have done some 10-hour training and  
18 they said that that extra hour that you take away from  
19 the introduction for OSHA really could be used for the  
20 hazard awareness, which is the ultimate intent of the  
21 OSHA 10-hour training course.

22 But one of the things in going through here

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1 that struck me that I think is glaringly omitted from  
2 this particular module, there's a lot of focus on the  
3 rights of the workers, there's a lot of focus on the  
4 responsibility of the employer. I will remind  
5 everybody that there is a Section 5(b), it's the  
6 duties of the employees, and I think we're doing the  
7 workforce a disservice by not pointing out that they  
8 have a duty--the employees have a duty to comply with  
9 all standards, all rules and regulations, that have  
10 been issued under the OSH Act as well as that those--  
11 their own actions that they take on the jobsite.

12 I think that this is, I think, something  
13 that needs to be pointed out in this OSHA 10-hour  
14 training program because the employees need to  
15 understand and recognize that they have a duty under  
16 the law to also follow the training that they've been  
17 given and the safe work practices that are laid out in  
18 the OSHA standards. And, like I said, those things  
19 need to be pointed out to the employees themselves.

20 MR. CANNON: And I'll say that, you know,  
21 Chuck, a fellow ACCSH member conducted his review and  
22 also made that same recommendation. And Matt's made a

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1 recommendation--

2 MR. GILLEN: Not on that.

3 MR. CANNON: No, not on that, but as far as  
4 reporting worker's rights.

5 MR. GILLEN: I did notice--

6 MR. JONES: Let me finish up out here and  
7 I'll bring it back to us. Tom.

8 MR. TRAUGER: Tom Trauger, Winchester Homes.  
9 First of all, I'd like to--this is a real tough job  
10 right here trying to do this, so kudos to all of you  
11 trying to do this.

12 There's a handout, a mandatory handout that  
13 goes with this. Are you guys looking at that handout  
14 and will it align with this? Because I've done  
15 several of these and I give that handout out because  
16 pretty much my old TI said, hey, you have to follow  
17 this handout and you need to cover every material in  
18 there, so--just to make sure, don't forget about the  
19 handout when doing this.

20 And I think there's good changes in here.  
21 However, I may not agree with everything. I think you  
22 need to have some kind of group participation because

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1 this topic is very dull, unfortunately, and people  
2 tend to not pay attention, so some kind of way to  
3 engage people in this is great.

4           Having taken a 30-hour online, there are no  
5 group activities, but there are cases where they ask  
6 you questions. If you don't answer all the questions  
7 right, you can't continue to the next section. So,  
8 that's how it's done online.

9           MR. JONES: All right, thanks. You had  
10 another one? Go ahead.

11           MR. HEAD: Yeah, Don Head, Balfour Beatty  
12 Construction. Wow, thank you guys for endeavoring to  
13 do this, to streamline the process. I'm a former  
14 outreach trainer. My credentials are expired, but--  
15 and I introduce myself all the time as a safety guy,  
16 hey, I'm a safety guy, and I do hold a CSP and CHSD  
17 from Board of Certified Safety Professionals.

18           I do have a concern on the one slide, I  
19 guess you're asking for specifics, so exam exposure  
20 and medical records, we do have many construction  
21 workers that do have medical records, we have  
22 respiratory protection where a doctor certifies that



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1 they're good to use a respirator. We also have  
2 abatement workers for lead, asbestos, that type of  
3 thing, so if the workers aren't necessarily in that  
4 kind of work, then later in the sections they might  
5 kind of tune that out, so I think it's good to present  
6 that in the general part of the introduction.

7 MR. JONES: Do I have any more comments in  
8 the audience? Marcus.

9 MR. ODORIZZI: Marcus Odorizzi, City of  
10 Rockville again. I know ACCSH has been really looking  
11 into the Intro to OSHA module for quite some time now  
12 and I believe, correct me if I'm wrong, Walter, has  
13 made a formal recommendation to take a closer look at  
14 the two-hour or look at cutting it back to one hour.

15 MR. JONES: That's what we're doing now.

16 MR. ODORIZZI: Okay, thanks for clarifying.  
17 I guess, can the OTI address their willingness to  
18 accept an ACCSH recommendation and whether or not  
19 internally they have had those discussions to reduce  
20 the two-hour mandatory section, not only for  
21 construction but for general industry? Can someone  
22 from OTI address that?

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1 MR. PAYNE: Yeah, this is Hank Payne.  
2 Basically ACCSH is the organization so far that has  
3 come up with a bona fide effort to make direct  
4 recommendations on paring down the Intro to OSHA  
5 module, and I commend Kevin and Jerry for their work.  
6 I think they've got a lot of great recommendations in  
7 here.

8 And we are working with ACCSH on this and we  
9 will continue to work with ACCSH On this and should  
10 someone be willing to do the same on general industry,  
11 we would also look at that.

12 MR. JONES: Okay. I'm going to come back to  
13 the committee now. Matt, I believe you had some  
14 input.

15 MR. GILLEN: Yeah, boy, it's tough work to  
16 do this. I do have to say though when I look, for  
17 example, that you suggest deleting the slides on  
18 filing an OSHA complaint where there's three slides,  
19 41, 42, and 42 because it's--it looks like Slide 19--  
20 really there's some key information in those three  
21 that aren't really in there. That's kind of an  
22 important issue for workers to feel comfortable they

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1 know how to do it.

2           And so, there probably at least needs to be  
3 one more slide that goes into some of the details on  
4 how you do it, to be fair.

5           The issue I had was about reporting  
6 complaints, so I did see that you commented there on  
7 Slide 15 and so that I guess that information would be  
8 added to Slide 11 to be part of the list.

9           MR. CANNON: Yes.

10          MR. GILLEN: Okay.

11          MR. JONES: Dean.

12          ACTING CHAIR McKENZIE: Dean McKenzie, DFO  
13 with OSHA. One of the things that I think would be  
14 important for the workgroup to consider is, when you  
15 talk about moving things off of the slides here, what  
16 is it going to look like in those other modules, which  
17 is going to have to bring a little bit of those  
18 modules into the conversation.

19                There's a couple places in here where we've  
20 identified material that should--a slide should be  
21 done away with and moved to a couple of slides, I  
22 think it was 10 and 11 or something. Well, one of

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1 those slides is already probably too full now, so  
2 you're not going to succeed in adding much material to  
3 that slide.

4           So, consider those things and, you know,  
5 perhaps what we need to look at is blocking out some  
6 agenda time at a future meeting to sit down and go  
7 through slide-by-slide. It's a painful process, as  
8 you guys already know, but to get the full committee's  
9 involvement, then--you know, buy- in on what you're  
10 wanting to change, and suggesting we change, is  
11 possibly a good exercise to run.

12           MR. JONES: I'm going to push back. I think  
13 that's something we may need to do or may end up  
14 doing, but I've been through that three--twice, I  
15 shouldn't say three times--that will be my third time,  
16 and all of these slides are important, every single  
17 one of them have important data that we need to give  
18 to employees, but we only have X number of minutes and  
19 time and we have to relay important-- so, I've been  
20 through this and I've listened when we've tried to cut  
21 these down. There has been a stakeholder for each  
22 slide in every one of these that I've been through,

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1 you know, and I just don't know that we're going to  
2 get complete consensus at any point, to be really  
3 honest with you.

4 I'm pretty happy that you got it down to an  
5 hour. I'd like to just see us address Hank's original  
6 concern of looking at a way to build in-- Hank and  
7 Tom's point of being able to build in some hands on--I  
8 don't know--training or whatever, to supplement what  
9 we've taken out and then we look at making a--and I  
10 don't know if we need to do a formal recommendation,  
11 just kicking it to the second floor, to Hank, and  
12 seeing what they think and moving from there.

13 But I don't know that going through this at  
14 a future meeting--I don't know. I agree, but I don't  
15 know.

16 MS. SHORTALL: I think you will need to give  
17 a recommendation formally on the record to the second  
18 floor. That's how the procedure for ACCSH works.

19 MR. JONES: I understand, I'm not sure we're  
20 going to be able to get that though.

21 MR. GILLEN: I thought the point of fact  
22 that there's a handout that goes with the course is an

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1 important one and, I mean, in some respects, what the  
2 slide says could talk about the importance of the  
3 issue and refer people to the handout and, you know,  
4 ask people to look at that, and if they have questions  
5 at the end of the course or something--so maybe, you  
6 know, the handout--the two really should be viewed as  
7 a package, don't you think?

8 MR. CANNON: And they do have mandatory  
9 handouts that cover a lot of what we were asking to be  
10 removed.

11 MR. GILLEN: But, so instead of saying  
12 "remove" it, some of the recommendations could be to--  
13 this information should be put into the handouts.

14 MR. CANNON: Handouts.

15 MR. JONES: Or remain in the handouts.

16 MR. CANNON: Identify what handout--

17 ACTING CHAIR MCKENZIE: Yeah, identify the  
18 particular--okay.

19 MR. GILLEN: Yeah, maybe that would help us  
20 take a more balanced view of it.

21 MR. JONES: Jerry.

22 MR. RIVERA: Jerry Rivera with Employee Rep.

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1 I guess I'm looking for some direction here. I've  
2 taken some notes on the input, both from the  
3 stakeholders out there and the ACCSH committee, and if  
4 it's recommended we could do it this way.

5 I would like to insert those recommendations  
6 into the packet that we've submitted and then make a  
7 motion tomorrow if that would be acceptable or, you  
8 know, which would be the best approach? I mean, we've  
9 got--

10 MR. JONES: I have some ideas. Go ahead,  
11 Chuck.

12 MR. STRIBLING: Chuck Stribling, I was just  
13 going to suggest, since the handout is an integral  
14 part of this, I think we need to look at the handout  
15 as well. I'm not comfortable making a recommendation  
16 right now without looking at the handout and/or what  
17 other handouts we think need to be included if we  
18 delete some stuff.

19 To your point on the complaint information,  
20 I mean, I agree, but it talks about complaints in  
21 another part of the presentation and, you know, to me--  
22 -you can talk about how to file a complaint and what

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1 should be included in a complaint in every module, not  
2 just one time in the opening module, you know, it's  
3 employee rights and responsibilities, that's sort of  
4 like every module if I was instructing this.

5           And it was a little disheartening to know  
6 that the workgroup met, and as an ACCSH member I  
7 didn't even know the workgroup was meeting. No clue.  
8 I made my comments and turned them in, that's when I  
9 found out the workgroup had met.

10           MR. JONES: Yeah, yeah, I understand. I  
11 think I'm not going to speak to that because I don't  
12 know what the situation behind it--but this complaint  
13 issue is precisely the point I'm saying. There's a  
14 stakeholder for every slide. And I don't know how we  
15 get past that. One person will say it's good, another  
16 person would say it's out, and I just don't know how  
17 we're ever going to get out there.

18           I think we're already at a point where we've  
19 removed enough slides to get down to an hour. I'm kind  
20 of thinking that's where we should start. We should  
21 address the two glaring issues that Dr. Payne and Tom  
22 pointed out about hands on activities. I don't know



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1 whether you could do that in 24 hours or not.

2           But if we were going to now look at the  
3 additional handout and the additional material  
4 associated with the OTI course, then we were going to  
5 push this back. I don't know that that's entirely  
6 necessary. I think we could deal with this and deal  
7 with the handouts on another moment, but I'm just one  
8 voting member of, I believe, 12, but that's just my  
9 view.

10           So, my recommendation at this point would be  
11 that if you can address what the hands on experience  
12 module issue, which seems to be something that Hank  
13 said is a non-starter, to have this whole intro  
14 without hands on, you know, if that's a non-starter,  
15 we need to address that issue first, if we can. If we  
16 can't, the workgroup will meet between our next  
17 meetings to see how we can deal with that. If you can  
18 get it done overnight and we could bring this up  
19 tomorrow, in terms of a recommendation, because I  
20 think that this is fine as an hour, but it is missing  
21 that one glaring point.

22           If you could figure out a way to address

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1 that, then we could come to a vote and see whether  
2 we're going to make a formal--see what the committee  
3 feels on making a formal recommendation.

4           Otherwise, we punt this to--kick this down  
5 the road to our next meeting. That's just my  
6 suggestion.

7           MS. SHORTALL: I don't know whether what  
8 you're trying to get is a vote tomorrow or consensus  
9 tomorrow. It seems, from the discussion we're having,  
10 that there are some people concerned with making sure  
11 the handout and this material is considered together.

12           That may prevent you from getting a  
13 consensus tomorrow if people don't wish to vote or  
14 feel that they can't vote on something until both are  
15 looked at together. So, I think you need to figure  
16 that and ask yourselves what are you trying to achieve  
17 here, consensus or majority vote.

18           ACTING CHAIR MCKENZIE: Dean McKenzie with  
19 OSHA. One thing that you might want to consider as  
20 well is I know that the overarching issue was two  
21 hours was too long. You set the goal for an hour. If  
22 that turns out to not be achievable in reaching

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1 consensus of an opinion or the content that needs--  
2 everybody--we all finally agree needs to be there and  
3 you get it down to an hour and a half or an hour and  
4 twenty, an hour and fifteen, you've made a nice  
5 progress. Locking it down to an hour as the only  
6 option may not be your most effective move.

7 MR. JONES: But we're there, right?

8 MR. RIVERA: Yeah.

9 ACTING CHAIR MCKENZIE: But you don't have  
10 an exercise.

11 MR. JONES: Yeah, that's what I mean. That's  
12 the--so, I'm kicking the ball back to Kevin and Jerry  
13 and tomorrow you will let us know what you guys have  
14 decided. It will be up to you on whether you want to  
15 take this to a vote or kick this down to the next  
16 meeting to achieve a better consensus.

17 MR. RIVERA: We'll do that and we'll discuss  
18 whether we're ready to make a motion tomorrow.

19 MR. JONES: Yeah.

20 MR. RIVERA: We'll clue Roger on that as  
21 well.

22 MS. SHORTALL: I also--one logistic thing to

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1 bring up, since we did take comments from the audience  
2 on the material that Jerry and Kevin had developed, a  
3 lot of you said your names very quickly and your  
4 organizations very quickly. If you spoke from the  
5 audience here today, it is crucial that you have your  
6 name written down in legible print in our sign-in  
7 sheet so that the transcript will be able to reflect  
8 your comments.

9 MR. JONES: And with that, is there anymore  
10 comments on this issue concerning the OTI, the OSHA  
11 10-, OSHA 30-hour training course, two- hour  
12 introduction that the ACCSH Training and Outreach  
13 Workgroup labored to reduce to an hour?

14 All right. Thank you, Jerry and Kevin, and  
15 like I said, give you the unenviable task of coming  
16 back tomorrow with a decision on what we're going to  
17 do next.

18 MS. SHORTALL: Recommendation.

19 MR. JONES: Well, decision and then we'll  
20 move on to recommendation. Thanks, guys.

21 And with that, I think we're nearing the  
22 end. Did you say--

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1 MS. SHORTALL: Comments.

2 MR. JONES: With that we're nearing the end.  
3 At this point--Damien, is there anyone that's signed  
4 up?

5 MR. BONNEAU: No one signed up on the  
6 comment sheet.

7 MR. JONES: All right, even though you  
8 didn't sign up, this is your opportunity to have at  
9 it. Anything you want to discuss, it's right here,  
10 the floor is yours.

11 MR. BONNEAU: They still have to sign up.

12 MR. JONES: We've got a taker.

13 MS. LONDON: Lisa London with University of  
14 Texas at Arlington, the OSHA Training Institute  
15 Education Center. I also serve as the Executive  
16 Committee Chair and we serve kind of as an advisory  
17 committee to DTE.

18 I wanted to reiterate the willingness of us,  
19 all of the Education Center directors. We're out  
20 there training trainers every day and we get a lot of  
21 feedback about what works, what doesn't work, when  
22 they come back for update classes what works, what

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1 doesn't work, people who call us and have similar  
2 responses to what you all are struggling with right  
3 now, and so just wanted to reiterate the willingness  
4 of our group to help and participate in any way with  
5 your workgroups as well.

6 MR. JONES: All right. We look forward to  
7 reaching out to you.

8 MR. BONNEAU: We have another one.

9 MR. COTCHEN: Thank you for the opportunity.  
10 In a similar vein--

11 ACTING CHAIR McKENZIE: Identify yourself,  
12 please.

13 MR. COTCHEN: I beg your pardon. I'm Don  
14 Cotchen with Industrial Info Resources. We're a  
15 database publisher that tracks industrial construction  
16 of facilities in the U.S. and listening to the remarks  
17 today about some interest in oil and gas drilling and  
18 safety issues, temporary workers, a lot of those  
19 issues, there's a lot of temporary workers in the oil  
20 patch, people moving in and out of the Bakken, various  
21 areas of the country, this is an opportunity just to  
22 extend our willingness to work with the ACCSH and

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1 government to help to provide more information or  
2 insight about industrial construction activities.

3           Right now we're tracking 38,000 construction  
4 projects, industrial construction projects, in the  
5 United States. It's a growing area of construction  
6 and just wanted to state publically our willingness to  
7 work with the committee and with government in any  
8 area of focus that would involve industrial. And  
9 thank you very much.

10           MR. JONES: Thanks Don. All right, and with  
11 that I want to adjourn for the afternoon, and we'll be  
12 meeting again bright and not so early at 10:00  
13 o'clock, and I'll see you all then.

14                           (Whereupon, at 12:48 p.m., the meeting  
15                           was adjourned.)

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1 CERTIFICATE OF COURT REPORTER

2

3 I, CHRISTINE ALLEN, the Court Reporter before  
4 whom the foregoing proceeding was taken, do hereby  
5 certify that the proceeding was recorded by me; that  
6 the proceeding was thereafter reduced to typewriting  
7 under my direction; that said transcript is a true and  
8 accurate record of the proceeding; that I am neither  
9 related to nor employed by any of the parties to this  
10 proceeding; and, further, that I have no financial  
11 interest in this proceeding.

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CHRISTINE ALLEN  
Digital Court Reporter

18

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22



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