

**Meeting Minutes**  
**The Maritime Advisory Committee for Occupational Safety and Health (MACOSH)**  
**July 14, 2010**

The Maritime Advisory Committee for Occupational Safety and Health convened its sixth and final meeting under the current charter at 8:40 A.M. on July 14, 2010, at the Renaissance Long Beach Hotel, 111 East Ocean Boulevard, Long Beach, CA 90802. The meeting adjourned at 3:38 P.M.

In accordance with the provisions of the Federal Advisory Committee Act, Public Law 92-463, the full Committee meeting and the workgroup meetings held on July 13 and 14, 2010, were open to the public.

**Committee members present:**

James Thornton, Chairman - Northrop Grumman Shipbuilding, Newport News  
Stewart Adams - U.S. Department of the Navy  
Alan Davis - American Seafoods Company  
Michael Flynn - International Association of Machinists and Aerospace Workers  
Lesley E. Johnson - International Brotherhood of Electrical Workers  
Kenneth Killough - South Carolina Stevedores Association  
Charles Lemon - Washington State Department of Labor and Industries  
George Lynch - International Longshoremen's Association  
Marc MacDonald - Pacific Maritime Association  
Tim Podue - International Longshore and Warehouse Union  
Donald V. Raffo - General Dynamics

**OSHA Committee Staff in attendance:**

Joseph V. Daddura, Designated Federal Official  
Susan Brinkerhoff, Counsel  
Veneta Chatmon, OSHA Exhibits Manager  
Christie Garner, Administrative Assistant  
Theresa Clark, Shipyard Workgroup Representative  
Vanessa Welch, Longshore Workgroup Representative

**Staff of the Occupational Safety and Health Administration in attendance:**

Steve Butler, Director, Office of Maritime Compliance  
Angelo Costa, Compliance Officer, Region III  
David Doucet, Compliance Officer, Region VI  
Amanda Edens, Deputy Director, Directorate of Standards and Guidance  
Patrick Edens, National Office of Technology and Management  
Eric Kampert, Office of Maritime, Directorate of Enforcement Programs  
Joe Pedrigo, Region IX  
Kevin Sullivan, Compliance Officer, Region II

John Vos, Compliance Officer, Region IV  
Jack Reich, Compliance Officer, Region IX  
Randy White, Area Director, Region X  
Hsiang Ten-Yen, Training Institute

**Members of the Public in attendance:**

Tracy Burchett, International Longshore and Warehouse Union  
Greg Barker, Ports America  
Mark Blackman, International Transportation Services  
Joe Cortez, International Longshore and Warehouse Union (Local 13)  
Mike Cuffe, Yusen Terminals  
Adrian Diaz, International Longshore and Warehouse Union  
Jeff Facenda, Metro Machine, Virginia  
Pete Favazza, International Longshore and Warehouse Union  
Ray Familathe, Vice President, International Longshore and Warehouse Union,  
San Francisco  
Kelly Garber, Eagle Marine Services, Seattle, WA  
Mike Hall, Pacific Maritime Association  
Carl Halgren, American Equity Underwriters, Portland, Oregon  
Craig Kappe, Metro Ports  
Wes Kenneweg, Syft Technologies, Pittsburgh  
Vince Lamaestra, Maritime Association, San Francisco  
Lawrence Manzo, International Longshore and Warehouse Union (Local 13)  
Mark Mascola, International Longshore and Warehouse Union (Local 13)  
Bill Mutter, Navy Crane Center  
Ray Ortiz, International Longshore and Warehouse Union, San Francisco  
Polly Parks, Southern Recycling  
James Sammons, Signal Administration  
Jeff Smith, International Longshore and Warehouse Union (Local 8)  
Kim Taylor, Navy Strategic Battle Command  
Dave Turner, APM Terminals  
Paul Wiesen, International Longshore and Warehouse Union  
Cameron Williams, International Longshore and Warehouse Union  
Trent Willis, International Longshore and Warehouse Union (Local 10)

Chairman Thornton introduced himself and announced that this meeting held July 14, 2010, is the last under the current charter. Roll call was taken and the public introduced themselves. A summary of the meeting agenda was given by the Chairman, followed by the committee discussion of the minutes from the previous meeting held in Newport, RI, on April 29, 2010. Ms. Parks contended that a portion of the meeting minutes were incorrect in quoting her. The Committee conditionally approved the minutes, pending the verification of the transcript and making any changes necessary to

reflect Ms. Parks' remarks. The minutes were entered into the record under Docket OSHA-2010-0001 as Exhibit 29.

Chairman Thornton asked the Longshore and Shipyard workgroups, in conclusion of the current charter, to "select those products that we were working on, need work on, or new products that perhaps, the future MACOSH may take on for future work." He then complimented the Committee members on the great work they have done and expressed the importance of MACOSH. When looking at the trend of injury rates in the maritime industry, he said that great strides have been made because the amount of injuries have plummeted in the past several years. Mr. Thornton attributed this improvement thanks in part to OSHA's efforts, reaching out to industry representatives such as the unions, as well as the involvement of MACOSH. He, however, emphasized that "there is still work to be done and, as a group, we should be encouraged to . . . continue to fight a good fight to make a difference in people's lives."

### **Opening Remarks**

Amanda Edens, Deputy Director  
Directorate of Standards and Guidance

Ms. Edens echoed Chairman Thornton's compliments to the committee, acknowledging the importance of MACOSH and expressing the Agency's appreciation for the tremendous amount of work that the Committee has accomplished. Ms. Edens then provided the group with an agency update of the spring agenda, as well as discussed guidance products recently published and currently under development. Ms. Edens explained that the regulatory agenda comes out twice a year, once in the spring and once in the fall. The spring 2010 agenda reflects Assistant Secretary Michaels initiatives, which is unlike the fall 2009 agenda that contained many items left from the previous administration. The items on this agenda "reflect some of the new political transition" and list projects that the Assistant Secretary wants to finish in the time that he has with the Agency. Over the years there have been many agenda items that spanned administrations with no real resolution. However, "transparency" is a key concern with the current administration. With that said, there has been a push to only include items on the agenda that will be completed during the term. Therefore, several long-standing items have been temporarily removed and replaced with items that reflect the current Agency priorities.

#### **Current OSHA efforts include:**

- **Beryllium.** The Agency has initiated a peer review on risk assessment and the health effects associated with beryllium exposure and is in the process of selecting academics and scientists that will be involved in reviewing these highly technical sections of the standard. OSHA anticipates completion of this phase in

November of 2010, at which point the Agency will publish a notice of proposed rulemaking.

- **Silica.** The Agency completed the peer review of the health effects and risk assessment sections of this proposed standard in December of 2009. OSHA is currently in the process of developing preamble language and supporting analysis of the rule. The Agency anticipates a publication date of early 2011.
- **Construction Cranes and Derricks.** OSHA considers this rulemaking to be very important. With several crane collapses in the last few years in highly urbanized areas, significant media and congressional attention has focused on the risks involved with cranes and derricks used in the construction industry. The Agency published a proposed rule, received comments, and held public hearings on the subject. The final rule underwent review by OMB and has been sent to the Federal Register for publication.
- **Hazard Communication.** OSHA published a proposed rule to update the existing hazard communication rule to be consistent with the globally harmonized system of hazard communication. Some of the changes involve adopting standardized pictograms, signal words, and hazard warning statements on material safety data sheets and labels. The Agency held two informal public hearings, one in Washington, D.C. and the other in Pittsburgh, PA. The post-hearing comment period closed during May/June 2010 and the team is currently reviewing the comments received and testimony heard to begin development of the final rule.
- **Walking and Working Surfaces.** OSHA published a proposed rule for general industry dealing with fall protection issues, including the use of fall protection in the absence of guardrails, stairs, ladders, and so forth. The comment period is scheduled to close at the end of August, at which point the Agency plans to hold public informal hearings during November 2010.
- **Electric, Power Generation, Transmission and Distribution (Subpart V).** OSHA published the proposed rule in June of 2005 and held public hearings in 2006. However, during the development of the final rule, an issue arose pertaining to the minimum-approach distances for some power lines. An error was found with a table designed for calculating minimum-approach distances to power lines. OSHA revisited this issue by bringing in additional team members to correct the error. The necessary changes were made and OSHA reopened the record during the end of 2008 to consider the work that was done. OSHA is in the final stages of developing the preamble data and hopes to publish early next year.

- **General Working conditions in Shipyard Employment (Subpart F).** OSHA published the proposed rule on December 20, 2007, and gave a 90-day comment period. During the Fall of 2008, two public hearings were held—one in Washington, DC, and the other in Seattle, WA. The post-hearing comment period closed February 20, 2009. This rulemaking revises and updates the existing standards in subpart F of 29 CFR part 1915 that address hazardous working conditions in shipyard employment, such as sanitation, lockout/tags-plus, and housekeeping. The area that had the most issues was the development of the lockout/tags-plus section. The standards team has been working diligently to complete this final rule and has a projected publication date of November 2010.
- **Combustible dust.** Last fall OSHA published an advance notice of proposed rulemaking (ANPR) on combustible dust hazards. The agency held stakeholder meetings across the country from which a great amount of information was gathered. The meetings began in December 2009 and finished up in April 2010. An additional virtual stakeholder meeting was held in June 2010 as an alternate medium for those individuals/groups that could not attend a face-to-face meeting. The Agency is in the process of conducting site visits and research to determine the direction needed to address this difficult issue. OSHA intends to initiate a small-business panel, where the public and the panel will be briefed on the Agency's thinking on what a regulation would look like and its economic impact on small businesses. At that point, the panel will provide feedback to OSHA.
- **Musculoskeletal Disorders (MSD) Column.** This proposed standard, which would implement a new 300 log with an MSD column, was published in January of 2010. The comment period closed in March and a public hearing followed. OSHA is working towards publishing the final rule shortly.
- **Injury and Illness Prevention Program (I2P2).** The Agency is working towards developing an injury and illness prevention program based on the core elements of management leadership; worker participation; hazard identification and assessment; hazard prevention and control; and education and training. OSHA is currently looking at existing national safety programs (i.e., VPP and SHARP), other States' safety programs, such as California, that already have their own safety and health management program underway, as well as relevant existing ANSI and international standards. A series of stakeholder meetings were held, starting in June 2010. So far three meeting have been held, with the next scheduled for July 20, 2010, in Washington, D.C. The next step in the process will be to initiate a Small Business Regulatory Enforcement Fairness Act (SBREFA) assessment.

- **Modernization of OSHA Recordkeeping and Reporting.** This initiative takes advantage of new internet and electronic reporting systems to upgrade our injury and illness reporting systems. Currently, employers keep records until the end of the year. Then those records are provided to OSHA or BLS, which compile the data, leaving a huge lapse of time between occurrence of an incident and its report. The Agency is inquiring as to the feasibility of a system where incidents can be reported as they occur (e.g., within a couple of days or a week). The Agency intends to hold stakeholder meetings shortly to work through this issue.
- **Infectious Disease Request for Information (RFI).** The RFI, published during the spring of 2010, developed from the Agency's early work on pandemic flu (H1N1). There was a concern last Spring with the number of confirmed cases of H1N1 and, at the same time, California passed an airborne disease standard. The Agency felt the urgent need to act. OSHA has a blood-borne pathogen standard but does not have any regulations dealing with airborne pathogens. With the many serious diseases that could be transmitted among workers in the healthcare field, OSHA deemed it important to focus on this area for future standards. The RFI is currently out for comment and went through CDC. Once the comment period closes, both Agencies will work together to determine the next step.

### Questions and Answers:

Q: Mr. Flynn asked if the data in the hazard communication standard will include permissible exposure limits?

A: Ms. Edens responded that "Yes. One of the sections on the safety data sheet would have the list." She further explained that the Agency proposed only requiring the inclusion of OSHA's permissible exposure limits. However, many commenters advocated that OSHA require TLVs, expressing that this was necessary, especially since some of OSHA's PELs are outdated.

The Agency's rationale for not requiring the TLV was that we wanted to make it as harmonized as possible and avoid having different kinds of occupational exposure limits for all different countries. But the Agency believes that, in fact, the manufacturer has the ability to put what they want on there. So, the rule has been modified to specify that listing the PEL on safety data sheets is required, but additional occupational exposure limits can be listed as well.

Q: Mr. Raffo asked: "If the manufacturer chose to put the TLVs or the RELs on the safety sheets, would you use that as an enforcement level?"

A: Ms. Edens answered that since she is not part of OSHA enforcement, she could not affirmatively answer Mr. Raffo's question.

Q: Mr. Thornton questioned if the recently published proposed rule on Walking and working surfaces would affect the maritime industry? He went on to say that "slips, trips and falls are a major hazard injury-type in the Maritime industry. . . . They seriously increase fatalities." It may be necessary to develop a similar rule for the maritime industry. He further suggested that walking-working surfaces in maritime would be a good candidate for a negotiated rulemaking.

A: Ms. Edens responded to the Chairman that she would have to get back to him on his question.

Q: Mr. Thornton inquired, "What does the Agency prefer to call the I2P2 standard? Does the agency prefer Safety and Health Program Standard?"

A: Ms. Edens responded that the Agency refers to the standard as the Injury and Illness Prevention Program (I2P2).

Q: Mr. Thornton asked that Ms. Edens go into more detail about the MSD column concept and efforts, for the benefit of those meeting attendees who may not understand what we mean by adding another column on the 300 log.

A: Ms. Edens explained that in the past, when employers recorded injuries using the OSHA 300 logs, one of the things that they were required to record was whether employees had a musculoskeletal disorder as a result of the work environment. And a column existed for employers to record this information. However, at some point in the process, this column was removed. Now, under the new administration, the Agency wants to add the column back in.

She further summarized that the reintroduction of this field within the OSHA 300 logs would facilitate tracking of these specific injuries. Without the column, information on musculoskeletal disorders would be wrapped into some other categories and wouldn't be as apparent.

Q: Mr. MacDonald pointed out that the reincorporation of different columns in the 300 logs makes it very difficult for employers that use electronic versions of the log. It can be problematic to isolate dates from previous fiscal years and not contaminate previous data.

A: Ms. Edens explained that she was not aware of this issue, but also has only been involved in the project intermittently. She said the main team working on

this change “has heard [of this issue] and tried to address it . . . We've been working with the BLS, too . . . as an interagency [review] and helping us sort of navigate some of the administrative [aspects].”

Q: Mr. Davis asked if it is the Agency’s intention to apply an airborne disease standard solely to healthcare providers and healthcare facilities, “or is the idea that it's going to apply to schools, commercial fishing vessels and every other place where more than three people gather?”

A: Ms. Edens responded to Mr. Davis’s question by explaining that the Agency’s intent is to focus on health and social service centers, which may include healthcare clinics.

The PowerPoint presentation entitled “PowerPoint presentation on the update of the Directorate of the Standards and Guidance” by Mandy Edens was entered into the record under Docket OSHA-2010-0001 as Exhibit 30.

#### **Directorate Update**

Steve Witt, Director

Directorate of Cooperative and State Programs

Mr. Witt introduced himself and gave a brief history of the various positions he has held within OSHA during an approximate 27 years of service. Specifically he spent eleven years in the Office of the Solicitor; served five years as the Director of Technical Support; and became the Director of Health Standards, as well as the acting Director of Safety Standards, which later became the Directorate of Standards and Guidance. He spent two years in this position and then in 2004 was appointed as Deputy Assistant Secretary, serving under Dr. Henshaw. He held the Deputy position for two years and then became the Director of the Directorate of Construction, serving for approximately one year. Finally, in April of 2008, he became the Director of the Directorate of Cooperative and State programs, where he has resided since.

The Directorate of Cooperative and State Programs is made up of four offices. The office of State Programs is responsible for the States that run their own occupational safety and health programs. The Office of Partnerships and Recognition deals with the Voluntary Protection Programs, the OSHA Challenge Program, and the Strategic Partnership Program. The Office of Small Business Assistance monitors the 53 on-site consultation projects across the country. And the Office of Outreach Services and Alliances runs the national alliances, as well as oversees the regional and local alliances. The Office of Outreach Services and Alliances also maintains the web pages on compliance assistance and provides compliance assistance and outreach.



Mr. Witt showed the group a map highlighting the current State-Plan States, of which there are 27. He explained that the States predominately perform more inspections and issue substantially more citations annually than Federal OSHA. However, the States' penalties are less than Federal OSHA's. He mentioned that Federal OSHA's current initial serious penalties are scheduled to increase by approximate 300 - 400 percent. And it is the intent that the State-Plan States will adopt Federal OSHA's policy.

**Current DCSP efforts include:**

- **National Emphasis Programs (NEPs).** OSHA has a number of NEPs, which include regional local emphasis programs. Some States have adopted the NEPs; however, not all have come onboard. In the past the Agency encouraged State involvement with no real requirement to implement the NEPs within their programs; however, recently, Assistant Secretary Michaels determined that since these are national programs, States will be required to adopt all new NEPs. So far, all the States have adopted the recordkeeping NEP.
- **Complaints about State Program Administration (CASPs).** On January 27, 2010, OSHA changed its policy on CASPs. In the past, federal OSHA gave the regions limited authority, with corrective action authority resting mainly with the States. The Agency has now given the regions broader authority to require States to reopen inspections, especially in discrimination cases. In addition, all serious CASPs will be coming into the national office for an initial review before being returned to the States. The regions will also be doing annual enhanced evaluations of State Plans.
- **Statutory Exemption Program (SHARP).** SHARP is an exemption program for small businesses and high-hazard industries that include employers with 250 or fewer employees. OSHA focuses about 97 percent (approximately 38,000) of their on-site consultation visits. Similar to the Voluntary Protection Program (VPP), this program provides exemption from inspection once they've been accepted as a SHARP company. OSHA is in the process of changing the time frame for the exemptions and will be publishing the change in the Federal Register. One change involves 29 CFR part 1908, which are the consultation regulations.
- **Voluntary Protection Program (VPP).** VPP began in 1982 and has grown every year since. The idea behind this program was to recognize companies that had adopted safety and health management systems/programs that involve both employee and employer. These companies are noted for their best practices and, after undergoing extensive review, are given an exemption from inspections (except in cases of fatalities, catastrophes, and eminent

danger) due to their exemplary safety and health management systems/programs. Although there has been a trend in growth, the initial goal to have 80,000 VPP sites was never reached. However, these sites continue to grow, and all of the State-Plan States have adopted and do have some form of VPP.

- **Strategic Partnership Program.** These OSHA-industry programs are usually of short duration, two or three years, and many times are limited to a particular project. One example would be the construction of stadiums during the past five or six years, which were built under a partnership with OSHA. A substantial number of other large construction projects have been accomplished under partnerships. Some partnerships are on the national level (i.e., National Association of Tower Erectors, Electrical Transmission Distribution Industry, and Ford and United Auto Workers), while many more are on the regional and local level.
- **Alliances.** OSHA's Alliance programs work closely with the Alliance partners to develop implementation teams. They develop certain products that are part of an agreement. OSHA sets up web sites for each alliance where developed guidance products are posted, as well as links to the Alliance partners' web sites. It is a way of focusing on safety and health issues in specific industries.
- **Special Government Employee Program.** This program benefits VPP and also federal OSHA. Employees of VPP companies volunteer their time to OSHA to participate in on-site Federal VPP evaluations. While performing evaluations, these individuals are classified as Special Government Employees (SGEs). Over 1,100 SGEs assist OSHA in implementing VPP. The employer VPP pays for the SGE's salary and travel during evaluations. And in Region 5, nine of the area offices participate in VPP evaluations, with all evaluations conducted solely by SGEs.
- **Challenge Program.** This program is the Agency's effort to promote safety and health management programs in the workplace. No matter the size of the company, small or large, the adoption of or inclusion of a safety and health management program is essential. This effort requires very few OSHA resources; it is mostly made up of volunteers (i.e., employees of companies and trade associations). The volunteer administrators travel across the country and work with participating companies, which go through 24 steps to adopt and incorporate safety and health management programs at their site. Thus far, there have been 39 graduates of the program, 11 of which have applied for and have been recognized as VPP companies. A list of the

participating companies, administrators, and the 24 steps are provided on the OSHA webpage.

**Questions and Answers:**

Q: Mr. Thornton asked if State-Plan States cover public employees. And what about OSHA's jurisdiction over public employees in federal OSHA states?

A: Mr. Witt explained that State-Plan States do cover public employees, while Federal OSHA does not have authority over public employees in federal OSHA States.

Q: Mr. Davis asked Mr. Witt how, both as an industry and as a federal advisory committee, they can help to ensure VPP continues with as much support as possible from the Agency?

A: Mr. Witt stated that if the committee members feel that VPP is still a useful safety feature for their industry, then they should make recommendations as a committee to the Assistant Secretary and Agency for continued support.

The PowerPoint presentation entitled "Cooperative and State Programs Update" by Steve Witt was entered into the record under Docket OSHA-2010-0001 as Exhibit 31.

**Shipyard Workgroup**

Donald V. Raffo

Workgroup Leader

Mr. Raffo discussed the following top priorities of the Shipyard Workgroup, which were determined at the April 29, 2010, meeting, and their status.

- **Commercial Fishing and Fall Protection.** The workgroup drafted a fact sheet, providing guidance on fall protection safety for fishing vessels. The guidance is directed at the commercial fisheries operations, and vessel captains or masters as the target audience. The Longshore workgroup reviewed the document and provided recommendations, which were incorporated. The Committee unanimously voted in favor of accepting the fact sheet, recommending that OSHA publish it. The document entitled "Fall Protection Safety for Commercial Fishing Vessels" was entered into the record under Docket OSHA-2010-0001 as Exhibit 32.
- **Arc-flash Safety.** Many larger ships are starting to switch over to electric systems. This change increases the risk of fatalities due to arc flashes. The workgroup drafted an arc-flash safety document for incorporation into the

upcoming SHIPS document on electrical safety. The document includes specific hazards and abatement recommendations. The Committee unanimously voted in favor of accepting the fact sheet and recommended that OSHA include its information in the electrical safety SHIPS document. The guidance document entitled "Arc Flash" was entered into the record under Docket OSHA-2010-0001 as Exhibit 33.

- **Scaffolding and Cranes (Subpart E).** The workgroup has been conducting a review of 29 CFR 1915.71 (the shipyard employment standard for scaffolds or staging) and 29 CFR 1926.550(g) (the construction standard for crane or derrick suspended personnel platforms). From the information collected and comments received from the public during the previous MACOSH meeting in April 2010, the Shipyard workgroup developed a white paper with specific recommendations to the Agency. It is the Committee's hope that the information provided in the white paper will help OSHA to develop a standard that is unique to the industry. The Longshore workgroup reviewed the document and did not have any suggested changes. The Committee unanimously voted in favor of accepting the white paper as a recommendation to OSHA. The document entitled "MACOSH Recommendations on 1915, Subpart E, April 28, 2010" was entered into the record under Docket OSHA-2010-0001 as Exhibit 34.
- **Fact Sheets.** During a previous MACOSH meeting in January 2010, OSHA presented the Shipyard workgroup with two fact sheets: one on ventilation during hot work, and one on eye protection against radiant energy while welding. The workgroup provided some initial recommendations to OSHA. The Agency incorporated the comments and resubmitted the fact sheets for review and comment.

The Shipyard workgroup conducted a secondary review and then provided the two fact sheets to the Longshore workgroup for review as well. The Shipyard and Longshore workgroups had extensive comments on both documents. Instead of rewriting the fact sheets, the Committee felt it best to provide their comments at the end of each of the documents to allow OSHA to work through the issues.

The Committee unanimously voted in favor of accepting the documents, with consolidated comments, to submit to OSHA for revision. These two fact sheets, each with consolidated comments, were entered into Docket OSHA-2010-0001 as Exhibit 35, "Maritime Industry -- Ventilation for Welding and Allied Operations in Shipyard Employment, 29 CFR 1915," and Exhibit 36, "Maritime Industry -- Eye Protection against Radiant Energy for Welding and Allied Operations in Shipyard Employment, 29 CFR 1915."

- **Shipbreaking Safety Guidance.** During the early part of 2010, OSHA published a guidance document entitled “Safe Work Practices for Shipbreaking,” which provides recommended safe practices, as well as regulatory requirements, for the shipbreaking industry. Following publication, several of the sections were challenged by a member of the public, Polly Parks of Southern Recycling. Since this document was reviewed by MACOSH during the previous charter, the Agency requested the Committee’s involvement in working through the areas under scrutiny. The Shipyard workgroup spent an extensive amount of time reviewing and discussing the comments submitted by Ms. Parks, as well as sought advice from expert consultants.

From the discussions held and the information obtained, the workgroup drafted a white paper that responded to each comment received and provided a summary of the workgroup’s findings and recommendations. The Shipyard workgroup concluded that although there are some areas the document could be improved upon, it did not contain errors or omissions that would endanger worker health and safety. Therefore, they did not recommend, as Ms. Parks suggested, that the document be removed from the OSHA webpage. The findings of the Shipyard workgroup were shared with the Longshore workgroup who accepted their work. The Committee unanimously voted in favor of accepting the white paper entitled "OSHA guidance document on Shipbreaking, OSHA 3375-03, 2010," which was entered into the record under Docket OSHA-2010-0001 as Exhibit 37.

The Committee voted in favor of accepting the workgroup report. The PowerPoint presentation entitled “MACOSH Shipyard Workgroup Summary 7/14/2010” was entered into Docket OSHA 2010-001 as Exhibit 38.

#### **Longshore Workgroup**

Marc MacDonald

Workgroup Leader

Mr. MacDonald reported on the workgroup’s top priorities, determined at the April 29, 2010, meeting, and their status.

- **On-Dock Rail Safety Guidance.** The Longshore workgroup developed a safety guidance document pertaining to marine cargo-handling terminals with on-dock rail capability. Marine terminals with on-dock rail capabilities use rail systems during the loading and unloading of container ships. Some parts of 29 CFR 1917 regulate on-dock rail operations, but primarily focus on box cars and flat cars and things with breakable cargo; no container rail or bulk rail is covered. To address this gap, the Longshore workgroup developed a guidance document which incorporated safety practices for on- and off-rail operations. This

document specifically focuses on container rail and bulk rail to supplement the existing standard. The Committee unanimously voted in favor of accepting the guidance, recommending that OSHA publish it. The document entitled "Safety Guidance for Marine Cargo Handling Terminals with On-Dock Rail Capabilities" was entered into the record under Docket OSHA-2010-0001 as Exhibit 39.

- **Reefer Units.** The Longshore workgroup developed a quick card pertaining to the plugging and unplugging of reefer (refrigerated) units. This quick card is one in a series of cards developed by MACOSH. In marine terminals, many workers deal with reefer units who are not trained to do so. Even when trained, workers face dangers with these units. For example, many times the units are stacked, requiring workers to climb a ladder to monitor and record their temperatures. This poses a potential for fall hazards. The Shipyard workgroup reviewed the document and provided recommendations, which were incorporated. The Committee unanimously voted in favor of accepting the quick card, recommending that OSHA publish it. The document entitled "Plugging and Unplugging of Reefer Units in Marine Cargo Terminals," was entered into the record under Docket OSHA-2010-0001 as Exhibit 40.
- **Mechanics and Marine Terminals.** The Longshore workgroup developed a quick card pertaining to mechanics working in the yard in marine terminals. This quick card is one in a series of guidance developed by MACOSH. The idea for development came as a recommendation from the International Longshore and Warehouse Union, and the Signal insurance company. These two groups pointed out the safety concerns to the Committee, which exist when mechanics are performing repairs on chassis or when stripping a reefer unit located on a chassis. The primary concern is visibility; oftentimes you can't see the mechanics if they are working on the rear axle, underneath the chassis. Therefore, this quick card is intended to point out the safety concerns (i.e., struck by, welding safety, and arc flash awareness) and potential steps employers can take to protect workers. The Committee unanimously voted in favor of accepting the quick card, recommending that OSHA publish it. The document entitled "Mechanics Working in the Yard in Marine Cargo Terminals," was entered into the record under Docket OSHA-2010-0001 as Exhibit 41.
- **Mechanics and Powered Equipment.** In Marine terminals there are larger pieces of equipment (i.e., top handlers, side handlers, etc.) that may break down somewhere on the yard during operation. Due to their size, repairs must be conducted on-site instead of in a shop, which introduces additional risks to mechanics. This quick card highlights some of these additional hazards and describes precautions that should be followed to protect workers, particularly the mechanics performing the work. The Committee unanimously voted in favor of accepting the quick card, recommending that OSHA publish it. The document

entitled "Mechanics Working on Powered Equipment in the Yard in Marine Cargo Terminals" was entered into the record under Docket OSHA-2010-0001 as Exhibit 42.

- **Stuck Cones.** Semi-automatic twist locks (SATLs, also known as “cones”) are used to secure stacked intermodal containers to each other while aboard a ship; the cones have moving parts that can become stuck, making the interlocks inoperable. The issue is how to get someone on top of a container safely to access the stuck cone, and then how to make sure that that person is not in the bight when the container is released. The workgroup conducted additional research and developed a guidance document that provides guidance for dealing with inoperable semi-automatic twist locks. The Committee unanimously voted in favor of accepting the guidance document, recommending that OSHA publish it. The document entitled "Guidance for Training Inoperable Semi-Automatic Twist Locks (SATLs)" was entered into the record under Docket OSHA-2010-0001 as Exhibit 43.

The Committee voted in favor of accepting the workgroup report. The PowerPoint presentation entitled “Longshore Workgroup Final Report 7/14/2010” was entered into the record under Docket OSHA-2010-0001 as Exhibit 44.

### **Ending Remarks**

Chairman Thornton thanked the Committee members and the public for their attendance and expressed his pleasure in serving as Chairman. Mr. Thornton also reported that he will be drafting a letter to Assistant Secretary Michaels, on behalf of the Committee, to encapsulate the accomplishments of the Committee during their 2008 - 2010 term, in hopes of encouraging a quick renewal of the charter. In addition the correspondence will include a note that explains the Committee’s belief that the Voluntary Protection Program is an important aspect of the maritime community.

At 3:38 p.m. – Meeting adjourned

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

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James Thornton, Chairman  
Maritime Advisory Committee for Occupational Safety and Health