

MACOSH EXECUTIVE SUMMARY

Washington, D.C.

March 3 and 4, 2004

The second meeting of the newly re-chartered Maritime Committee on Safety and Health (MACOSH) met in Washington, D.C. on March 3 and 4, 2004.

Wednesday, March 3, 2004

In attendance were members of the Committee: MACOSH Chairperson James Thornton, North Grumman Newport News Shipyard; Dan Nadeau, Bath Iron Works; James D. Burgin, National Maritime Safety Association; Captain John McNeill, Pacific Maritime Association; Captain Teresa Preston, Atlantic Marine/Alabama Shipyard; Charles I. Thompson, III, Virginia International Terminals; Stephen D. Huddock, NIOSH, DART, C-24; Captain Keith D. Cameron, U.S. Coast Guard; Michael Flynn, International Association of Machinists & Aerospace Workers; William (Chico) McGill, International Brotherhood of Electrical Workers, Local #733; and Mike Freese, International Longshore and Warehouse Union. Others present included Jim Maddux as the designated Federal Official and Susan Sherman, Committee Counsel.

James Thornton, Chairman of MACOSH introduced Gary Visscher as the Deputy Assistant Secretary. Mr. Visscher welcomed the committee members on behalf of Secretary Chao and Assistant Secretary for OSHA John Henshaw. Mr. Visscher noted that the agency appreciated very much their work on the committee and their willingness to serve and provide the agency with policy advice on occupational safety and health issues for maritime work. Mr. Visscher noted that since the last meeting the committee was able to establish goals, identify issues of concern, and assign those issues to workgroups who will be reporting to the full committee.

Mr. Visscher also noted a number of important issues the committee will be discussing, including ergonomics, pedestal fall protection, outreach projects, alliances, traffic speed control, powered industrial trucks, and hexavalent chromium. Mr. Visscher also explained that the hexavalent chromium rulemaking is on a court-ordered schedule. The agency is scheduled to publish a proposed hexavalent chromium rule no later than October 4, 2004, and a final standard no later than January 18, 2006. Mr. Visscher also noted the Health workgroup has been reviewing the agency's draft materials and they will be discussing this issue later today. On behalf of the agency, Mr. Visscher told the committee "we do hope that this committee will be able to provide us with recommendations at this meeting so that we can give them serious consideration. This is an unusually fast time schedule that we're working on with this rulemaking." Mr. Visscher proceeded to inform the committee that the proposal is undergoing the small business review process, a statutory mandate in terms of the regulatory process. The agency has sent the draft materials and will have meetings with the small business representatives over the next few weeks. Once the regulatory review process is over, there will be a comment period that will certainly be useful to get the input of the

maritime community at this stage of the rulemaking. Mr. Visscher also mentioned that there is a small shipyard on the SBREFA panel.

Chairman Thornton entered a motion to accept, deny, comment, or correct, the minutes for the first MACOSH meeting October 15 and 16, 2003. All members accepted the motion and the motion carried.

Next, Chairman Thornton opened the floor for discussion and solicited reactions from the committee members concerning the process of the workgroup meetings. The committee responded positively to the workgroup meetings.

Afterwards, Jim Maddux gave the update on standards and guidance projects.

- ✚ Vertical Tandem Lifts. The comment period for docket Vertical tandem lifts was extended for a couple of months so that people could provide more comments. The docket is now closed. There were two requests for hearings. The hearing may be held in May or June, in Washington, D.C.
- ✚ Subpart P Shipyard Fire Protection. The proposal was out two years ago, and OSHA accepted comments. The agency received about three dozen comments. There were no requests for hearings. The proposal is moving towards a final rule. Currently, the final rule is in our solicitor's office for review by second-level solicitors. The process should be completed within the next two weeks. Soon after clearance from SOL the proposal will go through the departmental clearance process.
- ✚ Subpart F General Working Conditions in Shipyards. The majority of the current shipyard rule has been carried forward, with minor editorial changes. The agency has considered using 1910 sanitation standards that already apply to land side and tailor the requirements to shipyard conditions. The agency is reviewing the longshoring, and construction sanitation rules to see what can be brought into the rule that makes sense. The agency will try to write the emergency medical services and first aid much the same way combining the current 1910 and 1915 requirements. In addition, some of the smaller rules will just say follow the 1910 standards. There are two areas of the proposal that are brand new and will have probably the most controversy as the proposal moves forward: Lockout/tagout (LOTO) and vehicle safety. The agency will probably adjust the 1910 LOTO standard a little to correspond to shipyard conditions. The other area is vehicle safety, which will consist of basic safety practices.

Mr. Maddux' concluded his presentation and Chairman Thornton opened the floor to questions from MACOSH and the public. A committee member posed a question concerning 1915.86 (lifeboats). Mr. Maddux explained that the agency is looking at making small changes to 1915.86 mainly because of a recent accident where a life boat had been taken down to test it. The issue was not whether employees should ride in lifeboats during a particular situation, but if employees should be allowed to ride in them

at all. In response to Jim's answer, and on behalf of the Committee, Captain Teresa Preston suggested OSHA look at the Coast Guard studies and regulations on this issue. Jim Maddux continued with his presentation and requested information from individual shipyards through the committee on current work practices for vehicle safety and lock-out/tag-out. Another question was posed by Chico McGill that concerned working on hot circuits. Jim Maddux responded to a question by stating that the LOTO requirement in Subpart F would take care of a good part of working on hot circuits. Jim continued and requested information for Subpart F from Chico McGill on hot circuits or other accidents that LOTO may have help prevent an accident. In addition, Theresa Nelson (National Shipbuilding Research Program) offered to share information with OSHA on tag-out, a summary of the program elements and an assessment of the effectiveness of each program that's currently being used in shipyards. They are also collecting incident information.

Next, Mr. Maddux delivered a presentation on maritime guidance projects

- ✚ Hanging scaffolding. The agency did some editorial work to the document, and provided MACOSH with the latest version.
- ✚ Abrasive blasting - this document will address the health hazards of silica and alternative materials that are being used. The agency is expecting a draft document from contractors soon. Jim Maddux will review the document, and subsequently will distribute it to the health workgroup for review.
- ✚ Fall Protection on Ship Pedestals - this document deals with fall hazards while latching or unlatching twist-locks or performing lashing work. Jim Maddux and Mr. Rossi have reviewed the first draft from the contractor. Jim Maddux asked the container safety work group for assistance for ways to improve the document. In turn Jim will get all the information back to the contractor and ask them for a second draft that merges the two documents and incorporates the new information from the workgroup, with more emphasis on guardrails for protection. A committee member suggest the workgroup prepare a document, give it back to MACOSH, and get MACOSH involved possibly at the next meeting.

Following, Jim Maddux delivered a presentation on general industry rulemakings that may potentially affect the maritime industry.

- ✚ Hexavalent chromium rulemaking
- ✚ Silica
- ✚ Subpart S, the electrical rules (proposal)
- ✚ Beryllium
- ✚ Respirator fit testing (nearing proposal stage) an amendment to 1910.134
- ✚ Subpart D, walking working surfaces (proposed in the early '90s). There was a question of whether or not we will deal with this issue well enough in Subpart F rulemaking so that the 1910 standard will no longer apply to shipyards.
- ✚ The Standards Improvement Project

- ✚ PPE payment (ongoing) trying to figure out what to do with this issue. Issues dealing with PPE are: tools of the trade in the area of maintenance and repair trades, and short-term workers.

Next, Jim Maddux delivered a presentation on guidance projects that may have some potential impact on the maritime industries.

- ✚ **Beryllium**
- ✚ **Hazard Communication** – this guidance project focuses on the accuracy of material safety data sheets. The agency has a specific web page devoted to assisting people to try and keep accurate with their safety data sheets. The current rule will not be changed.
- ✚ **Silica**
- ✚ **Motor vehicle safety** – the agency partnered with the National Highway transportation Safety Administration so that we can come out with a motor vehicle safety program booklet that will have joint publication by both OSHA and NHTSA.
- ✚ **PPE for disaster situations** – no relation to PPE payment. This project deals with the kind of PPE preparation needed to make for disasters, or some really big accident i.e., rescue, clean up, etc.,
- ✚ **PELs** - identifies the risks from chemicals. Encourages employers to think about whether they want to follow the OSHA PEL or whether they want to adopt, at least inside of their own company, some lower exposure limit. This is not a standards activity. No intention to change the PELs in the standards.
- ✚ **Explosive dust** – the agency will be looking to get out some information to people to help raise the awareness of potential explosive dust.
- ✚ **Indoor air quality** – An ongoing issue the agency think would be helpful for people.

Mr. Bill Perry, Director, Office of Chemical Hazards in the Office of Standards and Guidance followed with an update on Silica.

- ✚ A draft standard was completed last year with requirements that will apply to general industry and maritime. The draft standard included provisions seen in other health standards, such as exposure assessment, health screening, hygiene facilities, regulated areas, and worker training. The draft contained some specific provisions on abrasive blasting which was consistent with the requirements of 1910.94. There were some additions the agency is interested in getting some input on. Some alternatives being considered are to prohibit the use of dry sand as a blasting agent in enclosed areas; and requiring a professional safety and health person to be responsible for establishing procedures for setting up regulated areas around blasting operations. There were some comments on outdoor blasting operations and some concern for a requirement that prohibited dry sweeping, high turnover, heat stress, repetitive motion disorders, and silica sand as an abrasive blasting agent. The SBREFA report was completed on December 19. The agency is developing options for how we should proceed with

the rulemaking. At this point, no specific decisions have been made on how to proceed, or what action we will take, or a timetable for that action since OSHA is still looking at all the recommendations and considering options.

Mr. Perry responded to a question posed by a committee member by inviting anyone that may have information, data, recommendations, or comments concerning the draft standard to send that information to him. Mr. Perry also mentioned that there is a second draft standard as a part of this package. He goes on and explained that OSHA is very interested in by-stander exposures, where there are workers not engaged in silica-related operations that are nonetheless exposed because of things happening near by. Mr. Perry concluded by reiterating that if there is any information out there that the industry think should be considered that they send him the information.

Mr. Buchet with the Directorate of Construction, Office of Construction Services, followed with a presentation on Cranes and Derricks. The agency is aware of the sensitivity to what may happen if the rulemaking for cranes and derricks changes part of 1926.550 and it may have some impact in the maritime industries. However, the negotiated rulemaking affects only the construction cranes and derricks standard. In response to a Federal Register Notice, the agency received 50 plus nominations, and selected 23 negotiated rulemaking committee members. The committee intends to have its draft work done by the end of July. The committee is meeting today and they are sorting through information considering what defines a crane. The committee will continue to meet in May, June and July. The committee published a list of 17 or 18 potential topics.

- ✚ **Operating procedures** - a list of some of the ongoing discussions surrounding operating procedures are: boom stops, anti-two-block devices, or anti-two-block devices warning devices, insulating links, how to operate near power lines.
- ✚ **Signaling** – The committee has been discussing ways of signaling between the crane operator and the person who wants the service. The committee has been discussing some procedures on how use telecommunications. The committee has talked about qualified people, competent people, and some sort of certification process for testing knowledge and their abilities in understanding it, or being able to record it.
- ✚ **Inspections** – The committee is working on how to normalize criteria for inspection.
- ✚ **Keeping clear of the load** – There is discussion remaining on the topic of how to do it safely, and what abatements are available.
- ✚ **Fall protection** -- there is ongoing discussion with the committee about fall protection as in personal fall arrest, or guardrails, or ladder systems.
- ✚ **Wire rope and the criteria of wire rope and inspection of wire rope** – The committee is wrestling with looking at the safety factors and how they're assigned and whether or not to adjust them. The committee is also looking at using synthetics. The agency is waiting for the industry to bring information on synthetics to us.

- ✚ **Derricks** – the committee is talking with people who have derricks and have overhead cranes to find out how to deal with them.
- ✚ **Critical lifts or engineering lifts** – in the operation section of the standard there will be requirements for certain types of lifts.
- ✚ **Verification criteria for the components of the crane** – we’re looking for something in the standard that says if you want to operate a crane in this country it has to be built to these standards and it has to meet certain criteria for its structural integrity.
- ✚ **Structural integrity** – a very big issue, the idea of verifying the structural integrity of the crane is increasingly important, as the tolerances and the manufacturing get tighter and tighter.
- ✚ **Floating cranes, cranes on barges, and cranes used in marine construction** – the issue of the crane moving back and forth from industry to industry is not really the business of this negotiated rulemaking, but OSHA and the committee are sensitive to the fact that what we do may have unintended consequences beyond the realm of construction.
- ✚ **Safety devices** – with the help of the members of the committee and research by OSHA staff, we developed a list of 170 named devices. After the committee finishes safety devices, they will start going back over the issues and try to clarify the concepts and resolve the terminology that they want to present to OSHA.
- ✚ **Tower cranes** – The committee has decided that we probably need to fine-tune signaling for tower cranes and there will be some tower crane-specific information in the standard. In addition, operator cab criteria are another issue the committee will be discussing.
- ✚ **Limited criteria for cranes with 2,000 pound or less lifting capacity** – will be tackled at the meeting at the end of March.

Mr. Buchet ended his presentation and Chairman Thornton opened the floor to questions. Mr. McGill asked Mr. Buchet if he could make his presentation available to MACOSH since they didn't get to see it on the disk. Jim Maddux responded and informed the committee that OSHA would make copies available to them.

Mr. Buchet’s presentation was entered into the record as “Exhibit 3.”

The next presenter, Mr. Mike Seymour, Director, Office of Physical Hazards & Others delivered a presentation on Shipyard Ergonomics Guidelines. The guideline is organized similar to the previous guidelines that we’ve published for nursing homes and the drafts for poultry and grocery, in that it’s got an introductory section that addresses program approaches to ergonomics and a section that addresses specific control measures for ergonomic problems in specific operations. We are proposing controls that employers can look at, can gather ideas from, and implement or not implement as it fits their own particular circumstances. The control measures address power tools, metal work; materials handling, those kinds of tasks. They are addressed in the context of either a shop, or in a ship, where the environment is very different. In terms of our schedule, we expect to finish the review process with OSHA and the Department, then publish it in draft form. Following that, there will be a public comment period where we’ll be

receiving writing comments from any interested stakeholders. Finally, OSHA is planning to hold a stakeholder meeting where interested stakeholders can come in and give us their ideas and their approaches for improving the draft guidelines, and then we'll produce the final.

Mr. Seymour concluded his presentation and Chairman Thornton opened the floor to questions.

Mr. Flynn stated for the record that it's the Machinist Union's position to look forward to the day of a promulgated standard on ergonomics. Chico McGill reiterated the request for the record. Chairman Thornton asked Mr. Seymour is there something specifically that the committee could do, or provide to assist in this effort? Mr. Seymour responded that he would like the committee to consider providing OSHA with data that will help make the business case for ergonomics in the shipyard environment, either on an individual firm or establishment basis or on the industry basis. He also stated that the agency would like related success stories about how individual shipyards, how individual establishments have evaluated the effectiveness of their ergonomics programs. Any information, photos of specific control measures, certainly we'd look at them and try to figure out how to integrate them in the document, particularly if they're accompanied by comparative information about injuries and illnesses before and after the implementation of a particular control. A timeline has not been established for this guideline.

The next presentation was Beryllium and Hexavalent Chromium by David O'Connor, Office of Chemical Hazards – Metals, Directorate of Standards and Guidance.

- ✚ **Beryllium** – OSHA has a request for information and is currently in the process of reviewing the responses received for that request, and also the published literature regarding occupational exposure to beryllium. OSHA has contractors working on risk estimates for the health effects associated to exposure to beryllium and the agency is looking at endpoints that would include sensitization, the allergic reaction to beryllium exposure, chronic beryllium disease, and lung cancer. The agency has a contractor performing site visits and reviewing the feasibility information being used to develop a draft regulatory text and the supporting analysis. The regulatory agenda has OSHA starting the SBREFA process for beryllium in September of this year. By then, the agency will have a draft available for review by the small entity representatives, and the agency could certainly make that available to the committee at forthcoming meetings.
- ✚ **Hexavalent Chromium** – the agency was initially ordered by the court to continue expeditiously in December of 2002, and the court laid out a schedule in April of 2003. That set fixed dates as far as proposing the rule in October of 2004, and issuing a final rule in January of 2006. The SBREFA process was initiated in December of 2003 and is now ongoing. Afterwards the agency will revise the proposal before it goes into OMB review. After the proposal is issued, OSHA will have a 90-day comment period, which would be followed by public hearings, followed by a post hearing comment period. OSHA is looking at four areas that apply to shipyards painting and surface preparation, including abrasive

blasting and grinding; welding and thermal cutting of stainless steel, could also bring in welding and cutting on surfaces which have received some type of paint or coating that contains hexavalent chromium, woodworking operations with CCA-treated lumber; and some electroplating operations where there are captive shops doing electroplating.

- + **Painting and surface preparation** – 6,230 exposed workers in maritime.
- + **Welding and thermal cutting** – approximately 4,722 exposed workers, the vast majority of whom would be exposed below one micron per cubic meter.
- + **Woodworking operations** – there are about 319 exposed workers.
- + **Electroplating** – OSHA didn't separate the maritime shops from general industry shops in the analysis. But, for the most part the majority of people are exposed below 1 microgram per cubic meter there.

Mr. O'Connor asked the committee for descriptive information with regard to the exposure profile that the agency has for employees who are exposed to hexavalent chromium that reflects current worker exposures. The information needs to be very specific and should indicate things like length of sampling, an eight-hour twa, or some shorter term; the location of the sampling device, and personal versus area sampling. For example, the activity being performed with as much specificity as you're able to give. Also, with regard to baseline practices, any information MACOSH or the public may have regarding what's currently being done in the industry with regard to what types of controls are currently being used, when using respiratory protection, the use of protective clothing, what's being done with regard to medical surveillance. With regard to the information requested, Mr. O'Connor would like to get the information by the last full week of March. In addition, the agency will do its best to take that information into account before the proposal goes out.

Mr. O'Connor concluded his presentation and Chairman Thornton opened the floor to questions from MACOSH and the public participants.

Mr. Flynn asked what percentage of those exposed is shipyard related? Mr. O'Connor responded and stated that he is unsure of the percentage, but will check into it and try to get that information for the committee if it's available. Mr. McGill asked about secondary exposure of chromium. Mr. O'Connor explained that he's not aware of studies that were directly attempting to get those secondary effects, but in general measuring exposure across the board throughout a facility, there may be individuals in a workplace that may not be working with hexavalent chromium compounds, but were nonetheless measured in these studies with regard to their exposures there is information on that, and the committee will be provided with a copy of that study. Mr. O'Connor emphasizes that the agency is focusing on the effects that are associated specifically with hexavalent chromium in this rulemaking.

"OSHA's Beryllium and Hexavalent Chromium Rulemakings" dated March 3, 2004 was entered into the record as "Exhibit 1," and the Draft Chromium (VI) Standard for Construction was entered into the record as "Exhibit 2."

Next, the Health work group delivered a report on their activities. Initially the group started looking at eight subjects. They were: hexavalent chromium, ergonomics, diesel exhaust and vapors, hearing, AED, radiation, silica, and beryllium. After several teleconferences, the committee decided to focus more closely on four of the subjects. The topics were reduced to chromium, ergonomics, diesel exhaust, and hearing. The health workgroup made a recommendation to OSHA to continue to visit other sites in the shipbuilding community and incorporate the industry's best practices; the NIOSH's study; and the National Ship Research Program (NSRP) work into the OSHA ergonomics guidelines.

After listening to discussion about the health workgroups recommendations, the committee voted, and unanimously agreed to accept the workgroups recommendations.

- ✚ MACOSH recommends that the health workgroup collect additional hexavalent chromium data from maritime interests and provide the data to OSHA. The health workgroup will try to provide data by March 30, with a deadline of April 15. The data may include exposure monitoring, injuries and illnesses, costs, and abatement control measures. The additional data will be used by OSHA as it develops the hexavalent chromium standard for the maritime industry.
- ✚ MACOSH recommends that OSHA propose a hexavalent chromium rule for maritime that is not combined with the general industry proposed rule. The rule should be similar to the separate rule being considered for construction, allowing OSHA to tailor the rule to the maritime work environment.

Next, the Traffic Safety workgroup identified the scope of what the committee is looking for on the shipyard side. It will be basically all production areas, material warehouses, and some roadways within the shipyard. On the marine terminal side, container yards, pier traffic lanes, and driving under the container cranes. The workgroup identified numerous factors that contribute to accident and injuries within the shipyard and longshoring industries i.e., poor operation of machinery; terminal mechanics in the container yard, over-the- road trucks; pedestrians struck by vehicles; training; and drug testing. The motor vehicle safety workgroup recommended that Longshoring should be involved in some e-tools or SHAC type products.

After listening to discussion about the traffic safety workgroups recommendations, the committee voted, and unanimously agreed to accept the workgroups recommendations.

- ✚ MACOSH recommends OSHA produce a traffic safety guidance product for the longshore industry to help employers and employees reduce traffic accidents and injuries. The guidance product would be most useful in the form of an e-tool that can be used on the Internet.

✚
The traffic safety workgroup's presentation was entered into the record as "Exhibit 4."

Afterwards, the Safety Culture Workgroup reported on two issues; one was a safety culture or a work safety culture that consisted of three different things, statistical measurement, root cause analysis, and then the ultimate goal would be culture change. The work group suggested that the safety culture workgroup conduct a pilot project with maritime interests to determine the most common root causes of maritime accidents and report them to the full committee. MACOSH will develop two lists of the 15 most common root causes, one for longshoring and the other for shipyards.

After listening to discussion about the safety culture workgroups recommendations, the committee voted, and unanimously agreed to accept the workgroups recommendations.

- ✚ MACOSH recommends that the safety culture workgroup conduct a pilot project with maritime interests to determine the most common root causes of maritime accidents. MACOSH will develop two lists of the 15 most common root causes, one for longshoring and the other for shipyards.

Thursday, March 4, 2004

Tom Galassi presented the enforcement update on the strategic plan and key initiatives. Under the strategic management plan, the agency will be looking at hazards relevant in shipyard and maritime industry and the ship and boat building SIC code.

The secretary announced her four-pronged approach to deal with ergonomics in April 2002.

- ✚ Enforcement
- ✚ Guidelines
- ✚ Compliance assistance
- ✚ Research

Enforcement has issued 13 general duty clause citations for ergonomic related incidents. There are a number of ways to conduct inspections:

- ✚ SST (site specific targeting)
- ✚ Site specific targeting program
- ✚ Local initiatives
- ✚ Complaints and referrals

Enforcement has conducted about 1,600 inspections focusing on ergonomics. OSHA has distributed 243 hazard alert letters to employers. OSHA is trying to come up with a policy that addresses follow-up procedures for those letters.

OSHA has issued a shipyard tool bag directive and a longshoring tool shed directive, which will go out in December. These directives lay out all the strategic tools to address:

- ✚ Shipyards
- ✚ Ship repair
- ✚ Shipbuilding
- ✚ Compliance assistance
- ✚ Outreach
- ✚ Training
- ✚ Enforcement
- ✚ Applicable standards information

OSHA has several emphasis programs. For example; the one for lead was put out in July of 2001. The amputations program was revised, and an asthma program is being developed.

OSHA sends out about 13,000 – 14,000 letters annually notifying the employers who have a significantly high injury and illness rate.

OSHA is working on other key initiatives for Material Safety Data Sheets (MSDS) and the hazard communication guidance documents. OSHA's directorate of enforcement will develop a directive to launch a MSDS program. Mr. Galassi asks the committee for

comments on the MSDS program and informed MACOSH that OSHA will prepare a MSDS checklist after the agency has identified the 10 chemicals.

The agency is working to change federal agency injury and illness recordkeeping from Worker's Compensation data to the new 1904 standards. Hopefully the initiative will be effective in 2005. The President signed an initiative for federal Safety and Health and Return to Employment initiative on January 9, 2004.

Mr. Galassi concluded his presentation and Chairman Thornton opened the floor to questions from MACOSH and the public participants.

Captain McNeill asked about the cut-off data for DART DAFWI rates? Mr. Galassi explained to the committee that the primary list cut-off for DART is 14, and DAFWI is 9. Teresa Preston asked if the 13,000 letters that were sent out to employers are public record. Mr. Galassi explained that there was a press release dated February 27 that announced that action.

Iona Evans informed the committee and Mr. Galassi of a letter that was circulated asking the enforcement office for an official interpretation of hot work. Mr. Galassi responded by saying that the agency will have to go through the normal study of the record, preamble, regulation, and then consult with the attorneys to get an official agency position on the issue. Ed Willwerth proposed his document be submitted to the record to counter the opposing position to the issue. He also explained the different elements of hot work and asked that OSHA would consider all the aspects of determining hot work into account.

Tom Galassi's presentation was presented to the record as "Exhibit 5."

Next, Cathy Oliver, Director of the Office of Partnerships and Recognition gave a presentation on Alliances and Partnerships. The strategic partnership program was formalized in 1998. Incentives for partnership programs are: reduced penalties, focused inspections, consultation priority service, and assistance from OSHA. Partnership programs are evaluated annually. There are regular quarterly conference calls and annual meetings. There are national, regional, and area office level partnerships. Partnerships are individual at the local level; industry based; or hazard based focusing on a particular hazard or problem. There are currently 215 active partnerships at all levels. There are four active participants in the maritime sites that cover 60 employers and 16,000 employees. Region 9 has a partnership with the port of San Diego Ship Repairers Association. There are 35 employers involved in the partnership.

Voluntary Protection Programs was founded on the 1989 safety and health guidelines OSHA published. There are over 1,000 work sites in the VPP program and two maritime VPP sites. OSHA is working on three new initiatives this year: the challenge program, corporate VVP initiative, and construction.

Ms. Oliver's presentation was entered for the record as "Exhibit 6."

Afterwards, Lee Anne Jillings gave her presentation on Alliances. The Alliance program was established in March of 2002. It was designed to complement and build upon the success of the other cooperative programs that the agency has, in some cases, more than 20 years of experience. Alliances are formed with trade associations, businesses, educational institutions, government agencies, and organized labor entities. There are three primary goal areas: training and education, outreach and communication, and promoting the national dialog. Each alliance has an implementation team made up of representatives from OSHA, as well as the organization that has entered the alliance with OSHA. There are quarterly implementation team meetings. The alliance agreements last for two years and are renewable. There's an annual report for each alliance that summarizes the impact and progress made in achieving the goals. It is also an opportunity for organizations to build a cooperative and trusting relationship with OSHA. Alliances provide opportunities for participants to network with other organizations committed to workplace safety and health. They provide an opportunity to leverage resources to maximize worker safety and health protections. In addition, alliance programs afford an opportunity to gain recognition for those participating in it as proactive leaders in safety and health. Active organizations are: the maritime industry, construction, manufacturing, professions societies, other government agencies, academia, and organized labor. Issues being addressed through the Alliance program are:

- ✚ Ergonomics
- ✚ Silica
- ✚ Encouraging and promoting the awareness of professional certification
- ✚ Emergency preparedness
- ✚ Motor vehicle safety
- ✚ PSM and reactive chemicals
- ✚ Material safety data sheets
- ✚ Business case for safety and health

Next are some alliance activities that relate to the maritime industry. On July 15, 2003, the American Shipbuilding Association and the National Shipbuilding Research Program both signed alliances with the Agency. The Shipbuilders Council of America entered an alliance with OSHA in January 31, 2003. The three alliances are focusing on increasing access to an awareness of training and educational materials in the maritime industry on safety and health. This alliance will likely discuss maritime issues, and in particular, potentially motor vehicle safety or forklift safety issues. There are maritime alliances in Region 1, Region 6, Region 9, and Region 10. There is another alliance program under development for the maritime industry in Region 6 with the U.S. Coast Guard. Recently the National Safety Council approved the workshop submission that we sent in on the maritime safety that's an outgrowth of alliances together. The alliances will be engaged in providing input and expertise for SHIPS and the shipyard video project as OSHA moves forward with those projects. OSHA is looking at updating/revising training courses for OSHA staff on maritime issues. All three alliances in the maritime industry have a web page that is devoted to the alliance and pertinent information is there.

Ms. Jillings has concluded her presentation, and Chairman Thornton has opened the floor for questions. Mike Flynn asked if the funding for the alliances the same as the funding for the partnerships? Is there a similar amount of funds dedicated to each one?

Ms. Jillings responded by stating that the funding for all the cooperative programs is part of OSHA's overall budget towards funding cooperative programs. There's no particular line item on any of the programs. They are funded out of a general source for funding compliance assistance and cooperative programs. The committee also asks if more money has been dedicated to the partnership or to the alliances out of that one source. Ms. Jillings responded that the information was not available to her at the moment; however she will find that information and get it to him.

Ms. Jillings presentation was entered into the record as "Exhibit 7."

Next, Mr. Henshaw made a surprise appearance and told the committee that he is looking forward to hearing their responses and advice on what OSHA can do to continue to advance safety and health. In addition, Mr. Henshaw thanked everyone for being there.

Next, Cathy Goedert gave an update on Science, Technology, and Medicine. The ship repair e-tool has been completed and is on the Web. The Agency is continuing to work on the shipbuilding and the ship breaking e-tool, and in addition we're working on barge cleaning. The initial development has been done for all these products. Next week there's a meeting with the Shipbuilders Council of America. They will finalize the barge cleaning e-tool content and review the ship breaking and shipbuilding. Then OSHA will start the products all through the final clearance process. Assuming that there are no major changes in what's been done to date, the e-tools should be implemented this year. Last year there was a shipyard fatality animated videos produced and there were some adjustments that needed to be made in the text and the voice-overs. The contract to do the work was awarded this week. The work should start in about two weeks and is expected to be finished, reviewed and cleared by, tentatively, June 11. It should be out by the end of the third quarter.

OSHA has also funded an additional set of fatality animated videos. That contract was also just awarded this week. That takes much longer, but it is expected to have those finished by this time next year. The alliances and the steering committee will all be part of that review. The agency is going to submit the maritime fatality animated videos to the World Safety Congress's film and video festival that will be part of the Congress in September of 2005. OSHA is working on the safety and health injury prevention sheets. OSHA will be talking to Chet soon about a schedule for the development of the six ships that we itemized in that task order. We don't have any money for additional topics in 2004.

After the presentation, Chairman Thornton opened the floor up to questions from MACOSH and the public.

Mr. Burgin asked if there is any plan to do any marine cargo handling or longshoring animated videos. Ms. Goedert explained that right now, we have a very tight budget. We met with the compliance assistance coordinating group for the Agency and went through all of the safety and health subjects and determined where resources ought to be applied. This year, this covers everything that we are able to do. Now, we haven't made any plans for what we'll develop next year. At this point, there isn't anything else, but there could be in the next fiscal year.

Ms. Goedert's presentation was entered into the record as "Exhibit 8."

The Electrical Standard Update given by, David Wallis, Director of the office of Subpart S of part 1910 contains OSHA electrical standards for general industry. There are two groups of standards in that subpart, electrical installation requirements and safety-related work practices. OSHA's electrical installation requirements are based on the National Electrical Code, but NFPA 70(e) takes the electrical code and boils it down into the basics. OSHA is proposing that this project would update those standards to the latest version of NFPA 70(e). The document was cleared by OMB March 3, 2004, so it will probably be published as a proposal in the next couple of weeks. The marine terminal standard in part 1917 specifically incorporates Subpart S requirements for marine terminals in Section 1917.1(a)(2)(iv). These standards apply to electrical installations aboard vessels if they are shore-based. The proposal would not change the scope of Subpart S. As for shipyards if there weren't any electrical standards covering a particular hazard in the shipyards standard, Subpart S would apply. There are some electrical requirements in the shipyards. For example, Section 1915.92 contains a provision on electric lighting, and 1915.132 requirements on portable electric tools. The Scope of Subpart S exempts installations in ships and vessels. Only shore-based wiring will apply to Subpart S. Mr. Wallis concluded his presentation, and Chairman Thornton opened the floor for questions. Mr. Favazza asked does Subpart S cover the trench that cranes hook onto and then it goes to a small substation?" Mr. Wallis explained that electrical wiring for cranes is normally considered utilization wiring and would be covered under Subpart S. Mr. Favazza also stated that there are concerns about adding more tangential regulations, because it would be too much information to funnel to the small industry.

Mr. Wallis responded that the agency is aware that some employers may not understand, but there are very few electrical codes that people use. The main code is the National Electrical Code, and OSHA's standards are almost word-for-word right out of the electrical code.

Next is the Container Safety Workgroup presentation, given by Captain John McNeill. The issues of the container safety work group are: pedestal lashing and other lashing problems; riding the beam, and mechanic's safety training. The chairman of the workgroup explains that the pattern on the lashing depends on the height of the load, the weight of the containers, and the design of the vessel. Lashers who do this work need a secure place to stand especially at the edge of the vessel and most vessels don't have any

kind of protection to keep lashers from falling. The Port of Felixto designed a device for vessels that don't have protection for lashers.

The committee recommends OSHA develop a rule that would require vessels to provide guarded platforms for lashers.

After the recommendation by the container safety workgroup, there was discussion among the committee. Captain Teresa Preston commented that this is an issue we would be asking OSHA to bring to the international front and perhaps encourage the different ports to require it. Chico McGill asked, "How prevalent are these types of accidents?" The workgroup chairman responds that lashing accidents are one of the most common accidents on the waterfront today. Another committee member suggested the Coast Guard might be able to assist, because they have regulations for handrails. Pete Favazza stated that the ILWU were 100 percent in favor of this rule.

- ✚ MACOSH recommends that OSHA develop a standard to require vessels to provide guardrails on platforms where longshore workers are lashing and unlash containers, and performing other work, in order to reduce fall injuries.

The next issue was riding the beam. The operation under consideration is transferring workers from the dock to the ship and vice-versa by means of a personnel cage attached to the lifting beam of a container crane. Three issues discussed were: should there be anchor points in the cage to attach the fall protection harness; should the crane be set to operate in a "slow" mode while transferring workers; and should the personnel cage be fitted with an emergency stop switch to enable the occupants and the passengers in the cage to stop the operation in the event the crane driver is incapacitated. The recommendation on the first issue is that OSHA should be encouraged to make a rule that anchor points should be provided. The recommendation is that this is not necessary. Finally, personnel cage being fitted with an emergency stop. The recommendation is that it should not be equipped with an emergency stop.

- ✚ MACOSH recommended that OSHA develop a longshore standard to require fall protection when employees are inside a cage being lifted by a crane. Employers should be required to install anchor points at a low point in the cage, and employees must tie off to the anchor points to reduce fall injuries.

Captain McNeill's presentation was entered into the record as "Exhibits 9 and 10."

The third item for container workgroup discussion safety training for maintenance workers and repair workers was continued with a presentation given by Captain Teresa Preston. A list was established of the typical safety training given to maintenance and repair workers at her shipyard are: hearing conservation; HAZWOPPER; respiratory protection; welding and hot work, etc. Several committee members discussed their training programs and possible topics. The committee then approved the following recommendation for a guidance product:

- ✚ MACOSH recommends OSHA produce a guidance product for the longshore industry outlining safety and health training issues for maintenance and repair staff. The guidance product should cover mandatory training under OSHA's longshore standards, and recommend training commonly used by shipyard employers for maintenance and repair workers. The guidance product would be most useful in the form of an e-tool that can be used on the Internet.

After listening to discussion about the container workgroup recommendations that were presented by Captain McNeill, the committee voted, and unanimously agreed to accept all of the workgroup recommendations.

The next presentation was the Outreach Workgroup discussion, also given by Captain Teresa Preston. The workgroups top priority was alliances. The second was e-tools, the third was the SHIPS program, and the fourth was the website. Following a discussion of outreach issues, the committee developed and approved the following recommendations.

- ✚ MACOSH recommends that OSHA complete the six Safety and Health Injury Prevention Sheets (SHIPS) currently in development, and fund additional SHIPS for the longshore industry. MACOSH should provide input on the subject matter and priority of additional SHIPS.
- ✚ MACOSH recommends that OSHA produce safety and health e-tools for the longshore industry and set aside funding to update and maintain the shipyard e-tools.
- ✚ MACOSH recommends that OSHA continue to develop alliances in the maritime industry, with appropriate union involvement. MACOSH further recommends that OSHA support regional alliance meetings with maritime and other interests to allow alliances to network on safety and health matters and facilitate the sharing of safety and health best practices information between alliances.

After listening to discussion about the outreach workgroups recommendations, the committee voted, and unanimously agreed to accept the workgroups recommendations

The outreach workgroup discussion and the presentation on safety training for workers were entered into the record as "Exhibits 11 and 12."

Next, Chairman Thornton called for open discussion. The committee discussed the next meeting. The committee is looking to meet the week of June 14 in Washington, D.C. with the workgroup breakouts on June 15, and the full committee meeting on June 16 and 17. In addition, during open discussion, MACOSH recommended they all stay at the same hotel where the meeting is held. Chairman Thornton suggested the workgroups preload their presentations so that time is not wasted queuing up their presentation. Mr. Chairman also recommends cordless microphones for the public to accommodate their engagement in the discussions. One committee member suggested using larger rooms for the workgroup sessions so the public can be involved.

After the facility hardware issues, Chairman Thornton opened up the discussion for what the committee is going to do going forward and what tasks are remaining. Starting the discussion was the Health workgroup. The workgroup has two deliverables prior to the next meeting, one is to submit the NSRP best practices and the other is to get industry sampling on exposure of hexavalent chromium by March 30m no later than the 15th of April. Items the health workgroup plan to present at the next MACOSH meeting is diesel exhaust and vapors, hearing loss, and perhaps silica.

Next, the vehicle safety workgroup stated that the main outcome of the workgroup was an e-tool program. The workgroup is in suspension for this moment until such time as other activities or issues come before it that are brought and need to be worked by this group.

Following the vehicle safety workgroup update, the safety culture workgroup gave an update of their future. The safety culture workgroup will develop a list of whys, send it out, and then analyze them to see where they fall, into what areas, and see then how that drives initiatives that would, indeed, affect the culture change that is desired.

Next, the outreach workgroup reported on future projects. The workgroup has made their recommendations on all but one of the items they started with. The committee as a whole seems to be very supportive of outreach as a whole, and fairly familiar with it. The only thing left is to respond back on the web site changes and that could be examined at the next committee meeting. Other than that the outreach workgroup will take on work as it comes in.

One committee member suggested that if there is something anyone or the agency can think of during the interim, it should be channeled to the workgroups. The committee goes on to suggest that group leaders who have members absent during one of the conference calls, give the members a summary of the information in the conference call.

The chairman of the outreach workgroup mentioned that the workgroup could work on some of the fatal facts information, the fatality information for longshoring into some sort of pamphlet form.

Another committee member suggested that the longshoring group and the shipyard group meet separately and discuss possible future issues that could be added into the main flow of the next meeting. At the end of the day the longshoring group and the shipyard group get together and discuss their findings and the chairman of each workgroup get together and coordinate their efforts.

Chairman Thornton briefly touched on the agenda, and asked MACOSH to allow him self and OSHA staff to work on the agenda for the next meeting. One committee member made a request to hear from John Ferris' Office of Homeland Security. Chairman Thornton also encourages MACOSH to submit any suggestions for the Agenda to himself, or Jim Maddux.

Wrap-up

A committee member asks OSHA to look at a list that NMSA has put together over the last couple of years for training requirements in the longshoring industry, and marine terminals, and provide some feedback on the project. Another committee member encouraged the workgroups to continue the work outside the one-week in June and encourage workgroup conference calls, or exchange e-mails. Another committee member suggested considered putting drug and alcohol testing on the table as a standard for the industry because of the high hazard.

Finally, the Chairman concluded the meeting by thanking OSHA, MACOSH, and the public participants for their support, collegiality, and professionalism.