

The entire transcript of this meeting can be viewed at www.regulations.gov at Docket Number OSHA-2017-0004 “June 5, 2019 MACOSH Meeting Transcript” as [Exhibit 47](#)

MEETING SUMMARY
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
MARITIME ADVISORY COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH
(MACOSH)

Wednesday, June 5, 2019

U.S. Department of Labor
200 Constitution Ave, NW
Washington, D.C. 20210

MACOSH Members:

Donald V. Raffo (Electric Boat Corporation, MACOSH Chair)
Matthew Layman (U.S. Coast Guard)
James Rone (Washington State Department of Labor and Industries)
Alice Shumate (National Institute for Occupational Safety and Health)
Regina Farr (U.S. Department of Transportation Maritime Administration)
Robert Fiore (International Longshoremen’s Association)
Michael Podue (International Longshore and Warehouse Union)
Robert Godinez (International Brotherhood of Boilermakers – Iron Shipbuilders)
David Turner (VP SSE/NYK Ports)
William Crow (Virginia Ship Repair Association)
Jeremy Riddle (BalTerm, LLC)
Gunther Hooch (National Safety Council)
Amy Sly Liu (Marine Chemist Association)
Lawrence Russell (National Fire Protection Association)
Doug Fitzgerald (Special Agency Liaison Alternate, Office of Workers’ Compensation Programs)
*James Reid (International Association of Machinists and Aerospace Workers)

*Denotes Absent

OSHA Staff:

Amy Wangdahl, Designated Federal Official, Director, OSHA, Office of Maritime and Agriculture
Nicholas DeAngelis, OSHA, Office of Maritime Enforcement
Danielle Watson, OSHA, Office of Maritime and Agriculture
Jennifer Levin, Committee Counsel, Office of the Solicitor

Members of the Public:

Fred Gilliam, International Longshore and Warehouse Union (ILWU)

Ray Benavente, International Longshore and Warehouse Union (ILWU)
Tracy Burchett, International Longshore and Warehouse Union (ILWU)
Michael Hall, Pacific Maritime Association
Curtis Shaw, Pacific Maritime Association

Opening Remarks, Roll-Call and Introduction of Members

Donald Raffo, MACOSH Chair

Amy Wangdahl, Director, OSHA Office of Maritime and Agriculture

The following discussion can be found on pages 4–11 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Don Raffo, Chairman, called the meeting to order and introduced himself. He welcomed everyone and thanked them for their time and efforts in traveling to the meeting. He then called the roll of members and noted all were present except Mr. Reid. Mr. Raffo recognized the OSHA support staff and asked all others in attendance to introduce themselves on the record.

Amy Wangdahl, Director of the Office of Maritime and Agriculture, welcomed everyone and provided a briefing on procedures in the event of an emergency.

Welcome to MACOSH Presentation

Don Raffo, MACOSH Chair

The following discussion can be found on pages 11–24 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Mr. Raffo provided the Committee with a brief summary of the function of MACOSH, procedures for carrying out committee business, and the type of products typically developed. Mr. Raffo also impressed upon the Committee the importance of the first meeting, where they would have the opportunity to determine the items they will work on for the charter.

The presentation entitled “MACOSH Introduction, was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 43](#).

Ethics Presentation

Vanessa Myers, Office of the Solicitor

The following discussion can be found on pages 33–43 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Ms. Myers, an ethics attorney with the Office of the Solicitor, introduced herself and thanked the Committee for their service. She provided the Committee with an overview of the ethics rules they are subject to while serving on MACOSH. While most of the members are not employees of the federal government, they are still expected to uphold a standard of conduct that ensures public trust in the integrity of the government and its processes. The U.S. Department of Labor *Summary of the Ethics Rules for Non-Federal Individuals* was included in the materials provided

to the MACOSH members and referenced during the discussion. Ms. Myers outlined the key rules that federal advisory committee members are expected to follow, including the prohibition from misusing government affiliation, resources, and information. Additionally, members were strongly encouraged to disclose any conflicts of interest to the Agency and to keep separate government work from their private work and/or political activities.

Directorate of Standards and Guidance Update

William Perry, Director, Directorate of Standards and Guidance

The following discussion can be found on pages 43–62 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Mr. Perry welcomed the Committee and thanked them for their attendance. The presentation started with an update of the rulemaking initiatives that OSHA has focused on since MACOSH last met, highlighting those relevant to the maritime community. Phase IV of the Standards Improvement Project that revised or removed outdated, duplicative, or unnecessary safety and health requirements was published May 14, 2019. Revisions applicable to the maritime industry included the elimination of the collection of social security numbers as methods for tracking employees that existed in the chromium and asbestos standards; removal of the term “feral cats” as an example in 29 CFR 1915.80(b) from the definition for vermin; and incorporation of updated International Labor Organization (ILO) guidelines into the OSHA asbestos standards, such as the allowed use of electronic copies of chest X-rays instead of printed copies. Other rulemaking topics discussed included:

Injury and Illness Recordkeeping and Reporting Requirements: Published January 29, 2019, this final rule rescinds the requirement for employers to provide OSHA with 300 and 301 forms. Instead, employers will still be required to submit the 300A injury and illness forms, which must now also include the employer identification number.

Respirable Crystalline Silica: Published March 25, 2016, this final rule covers general, maritime, and construction industries. The Agency developed a number of resources, including frequently asked questions (FAQs) that were developed in collaboration with industry and labor representatives that employers should find useful in complying with the standard.

Beryllium: In January 2017 OSHA published two final rules -- one dealing with beryllium exposure in general industry, and the second for exposure in shipyard employment and construction. However, in June 2017, OSHA published a proposed amendment to the shipyard employment and construction rule, which would rescind the ancillary provisions (exposure assessment, medical surveillance, and training) that are typically in health standards, while still keeping the new permissible exposure limits (PELs). The Agency is still going through the comments received in response to the proposal and is working toward issuing a final rule later this year.

Walking-Working Surfaces: Published January 17, 2017, this final rule addresses walking-working surface hazards and personal fall protection systems in general industry. Many of the provisions have applicability to shipyard employment activities, which OSHA’s Shipyard Employment “Tool-Bag” Directive has been updated to reflect the changes from the general industry standard.

Proposed rulemakings that are actively being worked on involve Hazard Communication standard updates, Emergency Response and Preparedness, Fall Protection in Shipyards, and Powered Industrial Trucks.

Next, Mr. Perry reported that there were eleven recommendations during the last MACOSH Charter, ten of which were guidance products. OSHA published five of those products, is working to finalize one other, and is considering the remaining four. The committee was also successful in translating into Spanish a number of existing OSHA publications that have proven to be beneficial to the industry.

Finally, Mr. Perry discussed the Safe + Sound Campaign that is now in its third year. The campaign, which has over 200 partners throughout all industries, aims to promote the value of safety and health programs. By partnering with organizations such as the National Safety Council, ASSP, AIHA, and CPWR, the Agency has been successful in providing useful information and guidance, particularly targeted to small- and medium-size businesses, to get programs started or improve the ones that they already have.

The presentation entitled “DSG Update” was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 44](#).

Enforcement Programs Update

Patrick Kapust, Acting Director, Directorate of Enforcement Programs

Steven Butler, Director, Office of Maritime Enforcement

Laura Seeman, Management Analyst, Office of the Director

The following presentation can be found on pages 63–94 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Mr. Butler began by talking about recent updates to OSHA’s PPE, Confined Spaces, and Shipyard Employment “Tool-Bag” Directives that are consistent with revisions made to the corresponding regulations. The revised directives also include refreshed links, diagrams, and interpretations.

Next, Ms. Seeman provided an overview of the Site-Specific Targeting (SST) program that was first launched in October of 2018. While OSHA had similar targeting programs in prior years, they were based on the OSHA Data Initiative. Instead, this new program bases targeting on the revised recordkeeping regulations that require electronic submittal of injury and illness information from the 300A forms. So far, the program is using data from 2016, but starting in October of 2019 will be using a combination of the data spanning 2016 – 2018. This will allow for trending over all three years.

Mr. Butler then briefly discussed OSHA’s Rapid Response Investigation (RRI) program, which encourages collaboration between OSHA (National and Regional Offices) and employers to improve overall safety. An increase in the number of RRI investigations and severe injury reporting has minimized the number of traditional inspections.

Mr. Kapust then discussed the increase in penalties. He explained that the increase is due to the Inflation Adjustment Act for the average serious violation. This increase has affected the maritime industry more so than other industries as a result of the size of employers, which are typically large. Whereas other industry employers are issued a penalty reduction of up to 70 percent for small employers.

The presentation entitled “FY 2019 MACOSH Enforcement Update” was entered into the record at Docket Number OSHA-2015-0014 as [Exhibit 45](#).

Maritime Safety and Health Training

Annette Braam, Assistant Director, Training Programs, Directorate of Training and Education

The following presentation can be found on pages 95–113 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Ms. Braam provided an overview of the Directorate of Training and Education (DTE) that consists of three offices — OSHA Training Institute, Office of Training and Educational Development, and Training Programs Office.

Among the three offices, DTE affords OSHA staff, compliance assistance personnel, and the public with education and training opportunities.

Specifically, the OSHA Training Institute (OTI) trains federal and state compliance officers, consultants, whistleblower investigators, and OSHA professional and technical support personnel. They offer over 50 different technical courses, and their courses are enforcement- and compliance-based.

The Office of Training and Educational Development designs and develops courses and training materials for OTI that consist of classroom and online training, and webinars. They also assist with developing curriculum for the OTI Education (OTE) Centers, as well as work with the Alliance and Partnership programs to develop specific curriculum.

The Training Programs Office, which is where Ms. Braam works, consists of the OTE Program, the Outreach Training Program, and the Susan Harwood Training Grants Program. In 2019 three funding opportunities, totaling \$10.5 million, exist for the Susan Harwood Training Grants Program. To date, this program has resulted in the development of over 600 training packages that includes instructor guides, student manuals, PowerPoints, tests, activities, and videos. All materials are available for free download on OSHA’s website.

Ms. Braam then spoke about the 26 OTE Center locations that are spread across the country, with at least one center in every OSHA region. Currently, OTE has three specific maritime courses: maritime standards courses (CSE 5410), train the trainer outreach course (CSE 5400), and refresher trainer course (CSE 5402). OTE is requesting help from MACOSH to expand educational opportunities for the maritime community in the future. First, OTE would like assistance in separating and expanding CSE 5410 into two; one for shipyard employment and another for longshoring. Second, OTE would like assistance determining which of the other existing non-maritime specific courses would be appropriate for either shipyard employment, longshoring, or both.

The presentation entitled “Safety and Health Education in the Maritime Industry” was entered into the record at Docket Number OSHA-2017-0004 as [Exhibit 46](#).

OSHA Activities Update

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health

The following presentation can be found on pages 115–120 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Ms. Sweatt expressed her pleasure in being able to address the Committee at the first meeting of the new charter, and thanked the membership for agreeing to serve on the committee. She explained that OSHA’s goal is for every worker to go home safe and healthy at the end of each day, which requires the Agency to maintain balance between compliance assistance and enforcement in order to reach that goal. Under Secretary Acosta’s leadership, the department is committed to fully and fairly enforcing the laws under its jurisdiction. Ms. Sweatt then highlighted some of the most recent OSHA activities:

Silica: OSHA began enforcing the silica standard in the maritime industry last June, and have a wide range of compliance assistance materials, including a small entity compliance guideline for maritime.

Falls Campaign: During the month of May, the sixth-annual kick off of the National Safety Stand-Down to Prevent Falls took place. Since OSHA began this campaign six years ago, nearly 10 million workers have been reached through stand-down events.

Heat Campaign: The Summer months present a greater potential for heat-related illnesses to occur. OSHA reminds industry of the importance to educate employers and workers about the dangers of working in heat, indoors and out, and the importance of water, rest, and shade for preventing heat-related illnesses from occurring.

Safe and Sound Campaign: August 12 – 18, 2019, marks the third-annual Safe + Sound Week. The Safe and Sound Campaign is a year-long initiative to help reinforce the importance of safety and health programs in every workplace.

Suicide Prevention: Suicide is a serious public health problem that can have lasting harmful effects on individuals, families, workplaces and communities. The agency is

looking at ways to work with our federal agency partners and stakeholders to help shed light on this problem and find ways to help prevent these terrible incidents from happening. OSHA has created a new webpage with resources to help employers and workers identify the warning signs and know who and how to call for help.

Open Discussion, Closing Remarks, Adjournment

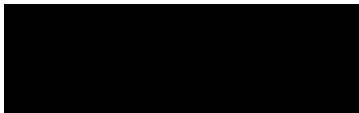
The discussion and closing remarks can be found on pages 121–136 of the meeting transcript at www.regulations.gov at Docket Number OSHA-2017-0004.

Mr. Raffo provided the opportunity for each member to give closing remarks. Chairman Raffo closed the meeting by thanking the members for their service and recognizing the Committee’s ability to work together, putting differences aside, to develop products that provide safety and protection to the workers in maritime industries.

The meeting was adjourned at 11:40 am EST.

I hereby certify that, to the best of my knowledge, the foregoing minutes are an accurate summary of the meeting.

Submitted by:



Donald Raffo
MACOSH Chair
Date: August 14, 2019