

National Advisory Committee on Occupational Safety and
Health (NACOSH)

Meeting

Wednesday, June 15, 2016

9:05 a.m. to 3:21 p.m.

Patriots Plaza 1

395 E. Street, S.W.

Surface Transportation Board Hearing Room 120C

Washington, D.C. 20024

Meeting Summary

MEETING SUMMARY

Welcome and Introductions:

Amanda Edens, Designated Federal Official

Anne Soiza, Committee Chairwoman

ATTENDEES:MEMBERS PRESENT

PUBLIC REPRESENTATIVES:

ANNE SOIZA, Chairwoman

LISA BROSSEAU, ScD

MARK CARLESON

HEALTH REPRESENTATIVES:

ROBIN BAKER, MPH

WILLIAM B. BUNN, III, MD, JD, MPH

MANAGEMENT REPRESENTATIVES:

JOSEPH VAN HOUTEN, PhD

RICK INGRAM

LABOR REPRESENTATIVES:

LAMONT BYRD

SAFETY REPRESENTATIVES:

JESSICA E. MARTINEZ

JAMES JOHNSON

COMMITTEE CONTACTS:

SARAH J. SHORTALL, NACOSH Counsel

JOHN PIACENTINO, NIOSH

AMANDA EDENS, Designated Federal Official

MICHELLE WALKER, Alternate Designated Federal
Official

SPEAKERS:

DR. DAVID MICHAELS, OSHA Assistant Secretary

DR. JOHN HOWARD, NIOSH Director

CHRIS BROWN, OSHA

DAVID O'CONNOR, OSHA

PUBLIC:

MICHELLE JOSEPH, Soteria Solutions

TOM CECICH, ASSE

E X H I B I T S

- EXHIBIT 1: Agenda for the June 15, 2016, NACOSH meeting
- EXHIBIT 2: NACOSH Temporary Workers Injury and Illness Prevention Guideline, Cleaned-Up Version
- EXHIBIT 3: NACOSH Temporary Workers Injury and Illness Prevention Guideline, Tracked Changes Version
- EXHIBIT 4: NACOSH member comments on the OSHA Safety and Health Program Guidelines
- EXHIBIT 5: NACOSH member comments on the OSHA Safety and Health Program Guidelines (Part 2)
- EXHIBIT 6: "Year One of OSHA's Severe Injury Reporting Program: An Impact Evaluation," by Dr. David Michaels
- EXHIBIT 7: U.S. Department of Justice Memorandum on Prosecutions of Worker Safety Violations
- EXHIBIT 8: U.S. DOL and DOJ MOU on Prosecutions of Worker Safety Violations

- EXHIBIT 9: "Developing a Smarter National Surveillance System for Occupational Safety and Health in the 21st Century," National Academies of Sciences, Engineering and Medicine release
- EXHIBIT 10: NIOSH Program Performance "One-Pagers," May 2016
- EXHIBIT 11: NIOSH National Assessment of the Occupational Safety and Health Workforce
- EXHIBIT 12: NIOSH's National Training and Workforce Development Activities
- EXHIBIT 13: "OSHA Worker Safety and Health Activities and the Ongoing Zika Virus Outbreak" PowerPoint presentation by Chris Brown, OSHA
- EXHIBIT 14: OSHA/NIOSH Fact Sheet: "Interim Guidance for Protecting Workers From Occupational Exposure to Zika Virus"
- EXHIBIT 15: "OSHA Final Rule on Occupational Exposure to Respirable Crystalline Silica" PowerPoint presented by David O'Connor, OSHA

EXHIBIT 16: Flyer for the National COSH Network's
2016 National Conference on Worker Safety and
Health

- EXHIBIT 17: "Improve Tracking of Workplace Injuries and Illnesses" PowerPoint presentation by Amanda Edens, OSHA
- EXHIBIT 18: OSHA Fact Sheet titled "Final Rule to Improve Tracking of Workplace Injuries and Illnesses"
- EXHIBIT 19: OSHA Temporary Worker Initiative - Injury and Illness Recordkeeping Requirements
- EXHIBIT 20: Dr. David Michael's charge to NACOSH requesting recommendations and advice to encourage the growth of the osh profession
- EXHIBIT 21: Jim Johnson's notes from the OSH Professionals Pipeline Work Group meeting

S U M M A R Y

NACOSH's June 15, 2016 meeting began with a welcome from Ms. Amanda Edens and logistical information from Mr. John Piacentino. Members of the Committee introduced themselves and then moved on to discussing some old business that needed to be taken care of.

Mr. Jim Johnson brought up the OSHA/NACOSH Temporary Workers Injury and Illness Prevention Program Guideline, and the Committee discussed changes made to that document, including some numbering changes and the addition of some industrial hygiene language. He entertained comments and suggestions on the document from the Committee and put forth the suggestion that it be mentioned on the TWI page on OSHA's website.

After comments and suggestions, Ms. Sarah Shortall informed the Committee that any substantive changes would have to be off the agenda, or the document would have to be brought before the Committee for consideration and a vote. Mr. William B. Bunn made a motion that the document be approved as-is, with minor technical changes. Mr. Johnson seconded the motion.

After some discussion, an amendment was suggested by Mr. Bunn to adopt as the recommendation the final version of the tracked changes document, with minor non-substantive editorial changes at the Chair's discretion, with a unanimous vote in favor of the recommendation. Mr. Johnson then made a motion, which Ms. Brosseau seconded, that the Temporary Workers Injury and Illness Prevention Program Guideline be posted on OSHA's TWI worksite. The motion passed. A third motion was made by Ms. Baker and seconded by Ms. Brosseau that OSHA identify partners to field test the tools contained in the document. The motion passed.

Finally, Mr. Johnson touched on the edits the Work Group suggested in its review of OSHA's updated Program Guidelines for Health and Safety Management Systems. The edits were reviewed and accepted, with some minor revisions.

Dr. Michaels spoke next on some of OSHA's activities. He announced that the standard to protect workers from exposure to respirable crystalline silica

had finally been issued. He stressed the value of NIOSH's input to this standard.

He briefly touched on the issuance of a beryllium proposal that staff is currently working on, before he moved on to the topic of occupational injuries and illnesses and how focused OSHA is on this issue. Dr. Michaels stated OSHA is looking at ways to engage employers more widely in prevention activities, without having to do more inspections.

His next topic was the Severe Injury Reporting Program and how, as shown by a summary of first-year results, more than 10,000 notifications were received, including notifications from what were thought to be low-hazard industries. He said this is due to the requirement that in addition to fatalities, any hospitalizations, amputations, or loss of an eye must be reported. This data will be made available to the public.

According to Dr. Michaels, another focus of OSHA's is the Injury Tracking Regulation. OSHA is trying to use surveillance data, including Worker's Comp data, to better target OSHA resources and move employers to prevention. The Injury Tracking Regulation will go into effect over the next couple of years and will give OSHA a better sense of how to use its resources, as well as move employers to prevent injuries and illnesses without OSHA having to do more inspections. Dr. Michaels felt employers wouldn't want to be known for having poor safety scores, so they might take more of an interest in worker safety. He discussed some of the ways employers might discourage employees from reporting injuries, and said OSHA is working to prevent that.

Dr. Michaels next briefly spoke on other OSHA activities. He announced that the National Academy of Sciences is launching a study on developing a smarter surveillance program for the 21st century, discussed the new Enforcement Weighting System, and how there was

increased emphasis on criminal referrals. He mentioned a Memorandum of Understanding from Sally Quillian Yates on the prosecution of worker safety violations and another from the Department of Justice and Labor on criminal prosecutions of worker safety and loss.

He then discussed the increase in OSHA penalties that will take effect August 01, 2016. Dr. Michaels told how this increase, per the request of Congress, will be approximately 78 percent and is the first time since 1990 that penalties have been increased.

Continuing, Dr. Michaels talked about OSHA's new regulatory products. These included: finishing the Fall Protection in General Industry, involvement in the SBREFA process for Process Safety Management, looking at ways to prevent workplace violence in healthcare settings, and working to protect workers from Styrene exposure. He also said OSHA is looking at blood-lead and medical removal, as well as updating requirements for selection, fit testing, and use of hearing protection devices.

In addition to taking comments and suggestions from the Committee on his presentation, Dr. Michaels shared his thoughts on the lack of up-and-coming safety and health professionals in the United States. He solicited suggestions from the Committee on how this problem should be handled.

Ms. Soiza then introduced Dr. John Howard, who proceeded to give an update on NIOSH. After making some personnel announcements and talking about the restoration and elimination of the Ag, Forestry, and Fishing Program, Dr. Howard began speaking about surveillance.

Tying back into what Dr. Michaels said earlier, he mentioned the National Academy's effort to look at smarter surveillance and then gave the impetus for such an effort: the costs of doing surveillance. He reported that NIOSH is also trying to do surveillance in a smarter way by trying to utilize electronic health records.

Dr. Howard then spoke about NIOSH's new Center of Excellence on Maritime Safety and Health. According to Dr. Howard, there has been a reduction of injury and fatality rates in Alaska due to the NIOSH Fishing Program, and the Program has also looked at fleets in the Gulf of Mexico and off the Grand Banks. The Center was put together so NIOSH could better work with OSHA in this area and concentrate its research efforts.

In addition, NIOSH is working with schools to introduce job safety programs to students. Dr. Howard spoke on how NIOSH has put together curriculum for the Safe, Skilled, and Ready Workforce Program for each state to teach students how to keep themselves safe at a job. Dr. Howard felt a byproduct of this curriculum might be attracting some of those students to the health and safety profession. NIOSH is also working with the Oklahoma Department of Labor to integrate Talking Safety into high schools and is working with the Miami-Dade County School District to educate

eighth, ninth, and tenth grade students on safety and health.

NIOSH has several publications Dr. Howard introduced, including the NIOSH Manual of Analytical Methods, Zika resources, a Criteria Document for Recommended Standard on Heat and Hot Environments, and a hazard alert in the area of hydraulic fracturing. He also touted the Program Performance One-Pagers, which reduce each of the 37 NIOSH programs down to 1 page.

After taking comments and questions from Committee members on his presentation, Dr. Howard gave his thoughts on attracting health and safety professionals. He felt internships would be helpful in achieving that goal. He also suggested speaking with other health and safety professionals and finding out what attracted them to the profession.

The next update was on the Zika virus, and Mr. Chris Brown from OSHA gave that presentation. He gave an overview of the Zika virus -- what it is, how it is

transmitted, and signs and symptoms -- told about current outbreaks, which have not yet made it to the United States, and expressed concern over the reproductive effects and other health effects of the virus. He also referred to the first occupational case in the United States, which was at the University of Pittsburgh.

Next, Mr. Brown talked about what OSHA is doing in regards to the Zika virus. They are providing technical assistance to those who have requested information, guidance, and answers to questions. They are also translating resources into Spanish. They have created a fact sheet, in collaboration with NIOSH, that focuses on outdoor workers. This fact sheet talks about reassignment of employees who have concerns about the reproductive effects and the offer of flexible leave options. It also gives suggestions on how to prevent mosquito bites, including removing standing water and providing employees with insect repellent, with instructions for effective use. The fact sheet also

gives some engineering controls that could be used to shield from risk of the Zika virus, such as enclosing workers in air-conditioned facilities, avoiding tasks that generate aerosols, using appropriate PPE -- such as garments or equipment that cover exposed skin -- and educating workers about the virus.

Questions and suggestions from the Committee included requests for more information on how Zika is transmitted, risks during the different stages of pregnancy, translating OSHA Quick Cards into other languages, and any training and outreach for outdoor workers. After a comment about encountering resistance to the use of DEET, Mr. Brown suggested the EPA list of registered active ingredients might contain a more plant-based alternative to DEET.

Next on the agenda was the NACOSH Emergency Response and Preparedness Subcommittee report, which was presented in tandem by Mr. Lamont Byrd and Mr. Rick Ingram. Mr. Ingram mentioned the large group of organizations working together on the Emergency

Response and Preparedness Program Standard revision, and then he said the EPA would also be included and that the Subcommittee was looking at an RMP Standard EPA had developed. He also explained the scope of the revision.

Mr. Byrd then related that three work groups had been established for the purposes of working on this revision: one focused on transitioning from emergency incident to long-term recovery; one on skilled support employers and employees; and one on establishment of services, community risk assessment, and vulnerability assessment. He relayed what had been accomplished at the previously held meetings.

Mr. Byrd discussed how the regulatory text is going to compel employers and emergency service organizations to discuss hazards in communities and what services they can and cannot provide. He also briefly touched on volunteers at emergency incidents.

After lunch, David O'Connor from OSHA gave an update on the final rule on respiratory crystalline silica, which affects about 2.3 million workers, mostly in construction. He spoke of all the effort that went into developing the analyses for the rulemaking, which were the health effects analysis, the risk assessment, and an evaluation of the economic and technological feasibility of the Rule. After a year of public input, over 2,000 comments on the Rule were received and taken into account.

Mr. O'Connor explained how construction and general maritime industry each has its own standard, though both standards have a new permissible exposure limit of 50 micrograms of respirable crystalline silica per cubic meter of air, as an 8-hour time-weighted average, which is substantially less than the current permissible exposure limit. He relayed the differences in the Standard for each industry and the dates each parts of the Standard go into effect.

In his explanation of the Standard, Mr. O'Connor offered an alternative for construction employers who were worried about a traditional approach to measurement due to continuously changing environments. He said employers were free to follow either method.

He also highlighted the issue of medical surveillance. In the past, employees would receive medical exams offered by employers, and a written medical opinion was provided to the employer, who would then pass that along to the employee. What OSHA is looking at in the Silica Standard is that the employee receives the complete medical findings, with the employer receiving only an opinion that indicates any recommended limitations on respirator use. The employee could choose to provide consent to give the employer more information. Mr. O'Connor then explained effective dates for full compliance.

For anyone interested in learning more about the Rule, he provided the webpage address. The webpage contains

the Rule itself, as well as other supporting information.

Before taking comments and questions from the Committee, Mr. O'Connor discussed litigation surrounding the rule. He said two petitions have been voluntarily withdrawn, but there are still eight pending lawsuits.

Ms. Amanda Edens then gave her presentation on the new Improving Tracking of Workplace Injury and Illnesses, beginning with a little history of the regulation. She stressed that it's a regulation, not a standard, so no hearings were required, only public meetings. She also discussed underreporting, retaliation, ways employers might discourage reporting, and what is being done to address these concerns.

She then said an employer still has an obligation to complete and retain injury and illness records, but the Rule modifies the employer's obligation to transmit the information, which will now be done electronically.

She also broke down what information establishments of different sizes would be required to provide.

Ms. Edens then provided a more in-depth presentation on anti-retaliation measures, including that employees must be told that they have a right to report, that there must be reasonable reporting procedures, and that a reasonable amount of time must be provided for an injury to manifest. She also noted that OSHA is not banning incentive programs or drug-testing programs with this Rule.

After giving a timeline for the parts of this Rule, Ms. Edens mentioned the website for recordkeeping. She explained how employers would register on the site and then upload their data. She also said that they were looking at ways to scrub publicly posted data of any PII (personally identifiable information) it might contain.

The last presentation of the day, the NACOSH Injury and Illness Prevention Program Work Group Report, was

given by Mr. Jim Johnson. He outlined Dr. Michaels' new charge to the Committee: to help OSHA better understand the estimated shortage of OSH professionals in the coming years.

He then gave the Work Group's recommendation to OSHA that the Work Group complete an assessment to lead to informed recommendations for NACOSH to submit for OSHA and NIOSH consideration. He did mention the Work Group needed more clarification as to the scope of the charge and whether there were expectations on deliverables or a time frame. He gave a tentative work plan of gathering, reviewing, and summarizing any relevant, available data and identifying stakeholder organizations to work with. He also identified some next steps the Work Group would take: scheduling conference calls, email exchanges, and then having a day-long meeting.

Ms. Soiza then assigned this Work Group the task of looking into the pipeline of safety and health professionals for the future, and she appointed Mr.

Johnson and Ms. Lisa Brosseau as Co-Chairs. The Committee began discussion of how to go about completing this task.

Ms. Soiza acknowledged the lack of recognition about the profession, likening it to a professional identity crisis. Mr. Bunn thought it might be a good idea to try to get people interested in the profession while they were still in medical residency or even high school. This opened up a discussion on avenues to expand awareness, such as school counselors, professional associations, and apprenticeships.

The idea of looking at successful models to gain ideas on how to interest young people in the health and safety profession was mentioned, and some successful models and internship programs were named. The group concluded that targeting young people might be the way to go.

Ms. Edens questioned the Committee on the types of information they might find helpful in their

discussions, such as presentations from NIOSH and assessment studies. Ms. Brosseau said obtaining a Westat study that had been done might be helpful for gathering national data, and Ms. Baker remarked that getting the needs assessment findings from ERC proposals would probably be helpful, as well. As another avenue of obtaining data, Mr. Johnson suggested identifying stakeholders and asking them for any useful information they might have.

During this discussion, Ms. Soiza suggested identifying clear objectives for the upcoming conference call and perhaps gathering information so the call would be a productive one. Mr. Piacentino suggested the NIOSH training and workforce development website as a means to gather some of that information.

Mr. Johnson voiced concern that the group would concentrate on one certain thing before all the information was gathered. He suggested the idea of putting together a matrix for the different areas of information obtained so the group could get a clear

picture of the challenge and the different views of the stakeholders.

Realizing there would be a lot of information, Ms. Brosseau suggested having a central place to keep all the materials, like a file management system, so everything would be easily accessible to the group. Ms. Soiza requested a separately named folder for the group, which led to a discussion of what to name the group. Mr. Johnson concluded this discussion by outlining the next steps the Committee had agreed upon.

Ms. Soiza ended the meeting by inviting the public to offer any comments or ask any questions. Ms. Michelle Joseph with Soteria Solutions requested an opportunity to speak about developing LEPCs at some point in the future. She said there might be proposed rules in the EPA RMP that might cross over with some of the Emergency Response Subgroup initiatives. Mr. Tom Cecich, the incoming President of the American Society of Safety Engineers, then weighed in on recruiting safety professionals. He mentioned if there's not an

adequate supply of competent professionals, non-competent professionals might fill the void.

Ms. Soiza asked for any additional comments from either the public or the Committee. There were none, and the meeting was adjourned.