

MEETING AGENDA

HIOSH ADVISORY COMMITTEE

Date: February 17, 2011
Time: 1:00 p.m. - 3:00 p.m.
Place: **HIOSH TRAINING ROOM 427**
Keelikolani Building
830 Punchbowl Street

- 1) Member Introductions/Roll Call – quorum call
- 2) Approval of December 1, 2010 Minutes
- 3) Director’s Comments
- 4) Information From HIOSH to the HIOSH Advisory Committee:
 - a. Program Status & Solutions
 - i. Staffing
 - ii. Partnerships
 - (a) Hawaii SGEs
 - (b) Certified Safety and Health Professionals (CSHPs)
 - b. Proposed standards (see attached summary and links)
 - c. Proposed Directives (see attached summary and links)
- 5) Old Business
- 6) Information From HIOSH Advisory Committee to HIOSH
 - a. Training Subcommittee Report
 - b. Around-the-Table Comments
- 7) Public Comments
- 8) Next Meeting: May 19, 2011
- 9) Adjournment

STANDARDS

1. **ACETYLENE – Standard Revision**, OSHA Direct Final Rule dated 8/11/2009
 - a. Link:
http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21026
 - b. Updates references, e.g. Compressed Gas Association (CGA G-1, 2003)
 - c. Rule affects generation and distribution of acetylene – not welding.
 - d. State is required to adopt same or similar
 - e. HIOSH Recommendation: Adopt Identical – impact is minimal
2. **HEXAVALENT CHROMIUM – Standard Revision**, OSHA Direct Final Rule dated 5/14/2010
 - a. Link:
http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21503
 - b. Revises the employee notification requirements in the exposure determination provisions of the Hex Chrome Standard – now required to notify employees whether above or below the PEL.
 - c. State is required to adopt same or similar
 - d. HIOSH Recommendation: Adopt identical
3. **STEEL ERECTION – Technical amendment to standard**, 5/17/2010
 - a. Link:
http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21509
 - b. Amendment adds a nonmandatory note to the Steel Erection standard. The note provides information regarding existing Federal Highway Administration regulations that may apply to employers engaged in activities covered by OSHA's Steel Erection Standards.
 - c. State is required to adopt same or similar.
 - d. HIOSH Recommendation: Adopt identical
4. **CRANES AND DERRICKS in CONSTRUCTION – Final Rule**, 8/9/2010
 - a. Link:
http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21692
 - b. New Subpart CC
 - c. Summary
 - 1) Requires certification or licensing for operators of equipment covered by standard of 1 ton or more.
 - 2) Employers must determine whether the ground is sufficient to support the equipment and associated loads.
 - 3) Employer required to assess hazards, i.e. overhead powerlines, objects, people, swing radius
 - 4) Requires inspections of equipment
 - 5) Requires training of employees in work zone.
 - d. Major impact on Hoisting Machine Operators Licensing
 - 1) Definition and rated load of hoisting machine – down to 1 ton

STANDARDS

- 2) NO grandfathering
 - 3) Employer to pay for licensing of employees on board as of date of standard.
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- e. State is required to adopt same or similar
 - f. HIOSH Recommendation: Adopt with minor changes to effective date of employment for payment by employer.

DIRECTIVES

1. **CPL 02-02-076 National Emphasis Program – Hexavalent Chromium, 2/23/2010**
 - a. Link: http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-02-076.pdf
 - b. Executive Summary: NEP focusing on health hazards presented to workers by occupational exposure to hexavalent chromium and a number of other toxic substances often found in conjunction with hexavalent chromium. Directive contains directions for identifying and inspecting workplaces where workers are likely to be exposed to hexavalent chromium and other toxic substances, as well as relevant procedures and plans for compliance assistance.
 - c. State is Not required to adopt
 - d. HIOSH recommendation: Adopt as hexavalent chromium is a significant hazard to Hawaii's workers.

2. **CPL 02-01-048 Clarification of OSHA's enforcement policies relating to floors/nets and shear connectors; cancellation of CPL 02-01-046 (September 30, 2009), 4/30/2010**
 - a. Link: http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-01-048.pdf
 - b. Summary: Modification to Question and Answer #23 and #25 re OSHA de minimis citation:
 - 1) 1926.754(b)(3) requires a fully planked or decked floor or nets in multi-story structures within 2 stories or 30 feet, whichever is less. If employer requires all employees to wear PFAs, then violation of 1926.754(b)(3) would be de minimis. Modification made to allow inspector discretion.
 - 2) 1926.754(c)(1) requires shear connectors be field installed after installation of decking. If employer requires all employees to wear PFAs, then violation of 1926.754(c)(1) would be de minimis. Modification made to allow inspector discretion.
 - c. State is NOT required to adopt, however, enforcement of steel erection standard must be "as effective as" OSHA.
 - d. HIOSH recommendation: Adopt, but clarify that HIOSH does not have "de minimis" citation.

3. **CPL-02-00-149 – Severe Violator Enforcement Program (SVEP) – 6/18/2010**
 - a. Link: http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=4503
 - b. Executive Summary: "This instruction establishes enforcement policies and procedures for OSHA's Severe Violator Enforcement Program (SVEP), which concentrates resources on inspecting employers who have demonstrated indifference to their OSHA ct obligations by committing willful, repeated, or failure-to-abate violations. Enforcement actions for severe violator cases include mandatory follow-up inspections, increased company/corporate awareness of OSHA enforcement, corporate-wide agreements, where appropriate, enhanced settlement provisions, and federal court enforcement under Section 11(b) of the OSH Act. In addition, this Instruction provides for nationwide referral procedures, which includes OSHA's State Plan States. This Instruction replaces OSHA's Enhanced Enforcement Program (EEP)."
 - c. Significant Changes:
 - 1) High Hazard Emphasis Hazards are targeted and include fall hazards and hazards identified from the following National Emphasis Programs (NEPs):

amputations, combustible dust, crystalline silica, excavation/trenching, lead, and shipbreaking.

2) Nationwide referral procedure for SVEP employer.

- d. State is required to adopt same or similar
- e. HIOSH Recommendation: Adopt identical

4. **10-05 (CPL 02), PSM Covered Chemical Facilities National Emphasis Program, 7/8/2010**

- a. Link: http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_10-05.pdf
- b. Executive Summary: This notices provides guidance to OSHA national, regional, and area offices for implementing an NEP to reduce or eliminate workplace hazards associated with the catastrophic release of highly hazardous chemicals.
- c. Significant Changes: Cancels prior NEP (09-06(CPL 02)), extends instruction from July 26 to September 30, 2010.
- d. State is NOT required to adopt, however, strongly encouraged.
- e. HIOSH recommendation: NOT adopt, directive is already expired.

5. **10-07 (CPL-02), Injury and Illness Recordkeeping National Emphasis Program, 9/28/2010**

- a. Link: http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_10-07.pdf
- b. Executive Summary: Based on several academic studies, Congressional request, and a inquiry by the Government Accountability Office (GAO), OSHA is undertaking an effort to identify and correct under-recorded and incorrectly recorded injury and illness cases.
- c. Significant Changes: Prior NEP is expanded to include industries listed on the BLS table SNR02 for CY 2006 and 2008 with focus on manufacturing industries.
- d. State adoption is NOT required. However, questions regarding accuracy of injury and illness reporting may have to be addressed.
- e. HIOSH Recommendation: NOT adopt. Inspectors should follow current Field Operations Manual and verify accuracy through established inspection methods.

6. **CPL 02-01-049, 29 CFR Part 1915, Subpart I, Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment, 11/4/2010**

- a. Link: http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-01-049.pdf
- b. Executive Summary: Provides guidance to inspectors concerning policy and procedures for implementing inspection programs in shipyard employment where personal protective equipment (PPE) is used.
- c. Significant changes: Effect is primarily on employment payment for PPE, and updating national consensus standards for PPE.
- d. State is required to adopt same or similar.
- e. HIOSH Recommendation: Adopt. Impact is minimal as Hawaii's jurisdiction would be only to public sector workers employed in shipyard operations. However, since there may be a few public sector workers in this area, HIOSH would adopt to ensure update of national consensus standards for PPE.

7. **STD 03-11-002, Compliance Guidance for Residential Construction, 12/16/2010**

- a. Link: http://www.osha.gov/OshDoc/Directive_pdf/STD_03-11-002.pdf
- b. Executive Summary: This instruction cancels OSHA Instruction STD 03-00-001.
- c. Significant Changes: Cancelled prior instruction which essentially negated the need to demonstrate infeasibility or greater hazard for certain types of residential

construction tasks.

- d. State adoption is not required, however states must have a definition of “residential construction, and an enforcement policy that is as effective as that of OSHA.
- e. HIOSH Recommendation: NOT adopt. HIOSH never adopted STD 03-11-002 so there is nothing to cancel. Adopt definition of “residential construction” and the citation policy.

Definition of “residential construction”:

- (1) The end use of the structure being built must be as a home, i.e. a dwelling (*Suggest using International Residential Code definition of 1 and 2-family homes and townhomes of up to 3 stories*), and
- (2) The structure being built must be constructed using traditional wood frame construction materials and methods (although the limited use of structural steel in a predominantly wood-framed home, such as a steel I-beam to help support wood framing, does not disqualify a structure from being considered residential construction.

INPUT on definition requested by no later than March 17, 2011. Send comments in writing to Shishido.Jennifer@dol.gov – include rationale for suggested definition.