

**WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
June 11, 2008
L&I Headquarters, Room S117**

Members Present: Ed Wood, Jr., Communication Workers of America Local 7818; Sharon Ness, United Staff Nurses Local 141; Tom Egan, Board of Industrial Insurance Appeals; Randy Loomans, International Union of Operating Engineers Local 302; Steve Cant, Department of Labor & Industries; Tim Gottberg, GLY Construction; Bob Maus, Ferguson Construction; and Claude Golden, Boeing Company.

Members Not Present: Vaughn Mowery, Safeway, Inc; Bob Abbott, WA and Northern Idaho District Council of Laborers and Michael Roozen, Washington Bulb Company.

Guests: Christine Swanson, AGC; Donovan Quebedeaux, Building Industry Association of Washington; Janice Camp, University of Washington; Nikki Cross, Washington Self-Insured Association; Tom Odegaard, Evergreen Safety Council.

Staff Present: Janet Kenney, John Geppert, Mike Seale, Beth Hoffman, Barbara Silverstein, Mel James, Jenifer Jellison, Bruce Terrell, Chuck Hitchings, Josh Swanson, Susan Campbell, and Bonnie Compton.

Recorder: Bonnie Compton

Opening Remarks – Steve Cant

Rule Activity Update

Martial distributed: DOSH Rules Projects, Chapter 296-155-533-Operator Qualifications and Certification, WAC 296-155-584 through 296-155-58420-Construction Crane Certification, Chapter 296-155, WAC, part C-1-Fall Restraint and Fall Arrest.

- Certification of Crane Inspectors and Crane Operator Qualifications: Legislative mandate requires the agency to develop a new rule to certify crane inspectors. This rulemaking will also include the proposed crane operator qualification requirements. Proposal hearing will be heard on July 22, 2008 with the adoption on November 4, 2008. Steve mentioned the completion of the computer tracking processing system for the Construction Crane Certification program, looking at the manner on issuing certificates and working with national Commissions for the Certification of Crane Operators on the development of the test for the credited inspectors.
- Cranes and Rigging for Construction: We will be updating our Construction Crane and Rigging Rules to meet the new requirement and will include crane inspection requirements. The rigging rule will be included in the second phase of the Crane Rule.
- Construction Fall Restraint and Fall Arrest: We will be updating the rules to meet the Clear Rule Writing requirements. The rules will be pulled from two different sections of the construction standard to consolidate it, clarify issues to make it easier for people to get to the information they need, and working with the business and stakeholder committee on issues of updates or not. We will be filing a proposal late summer or early fall. After the public hearing we will have rule promulgation in early 2009.

DOSH Update

- Mike Seale is acting as the Statewide Compliance Manager. Anne Soiza has taken a new position with Utilities and Transportation Commissions as the head of Pipeline Safety. If you have been working on projects or issues with Anne Soiza, please contact Mike Seale. Mike's contact number is (360)902-5507.
- Mel James will be retiring at the end of July.
- DOSH currently has three major positions that we are recruiting for: Statewide Compliance Manager, that we should have filled prior to our next WAC Meeting in September; the Statewide Consultation Education and Outreach Manager that should be filled by the end of June; and the Technical Services Manager. We currently have the names of the candidates and should have this position filled by the first part of July. We are open to any discussion on a way that we can improve what we are doing to hire the best qualified people that we can, because the better people we have the better job they will do for you in consultation and compliance.
- DOSH will have seven interns this summer. We are hoping to capitalize on them by hiring them back in jobs we have when they are ready to enter the job market. We have hired students at the under-graduate and graduate level from the University of Washington and Central Washington University

SHARP Update – Barbara Silverstein

The following SHARP reports and informational material were distributed and summarized (available at the SHARP website www.lni.wa.gov/safety/research):

Trucking Industries

Material distributed: Tire Spin, Posters, and Preventing Injuries in the Trucking Industry.

The Preventing Injuries in the Trucking Industry, Focus Report 1997-2005, provides detailed information on injuries in Washington State's trucking industry from the safety and health aspect. It is important to recognize in the trucking industry, with the fuel prices at the highest rates, that we may see an implosion of this industry. The report also provides information on each of the different sectors of the trucking industries: Waste Management, Courier Messengers, etc. (reports are available at the SHARP website).

Safe Patient Handling

The Safe Patient Handling Conference went great. The attendance was so great that they had to turn people away mainly because we wanted to provide workshops for the individuals and it became completely overwhelming. The format was great; we had four separate workshops dealing with different components of safe patient handling programs in nursing homes and hospitals. Madigan Hospital also attended and they are going to become a pilot for the United States Government/Military.

Fall Hazards in Residential Construction

SHARP has been working with Dan McMurdie and Consultation on developing a tool for recognizing fall hazards in residential construction. It has been test piloted in several industries and consultation in the regions. The employer and consultant have been given a tool to fill out, but we haven't received the same answers from the two groups. We still have pilot testing to complete and have received feedback that we need to get this tool completed.

Isocyanides in Collision Repair

We are on our second step for testing isocyanides in collision repair. University of Washington and SHARP is conducting lab tests on the gloves used in the industry and are still waiting for test results. Contamination still happens with the nitrile gloves, but it is less than with latex. A question was asked about making the gloves thicker, but the workers need to be able to feel details when painting. The collision repair industry has been very supportive of this research; they are a small employer industry, highly skilled, and family owned business' that recognizes the problems that they are having.

Claims Rates

We have completed our report on of the impact of consultation and enforcement on claim rates. Each year we add a new component to this study that we have been doing, but what shows consistently is that enforcement has a significant impact on claims rates in fixed work places (not construction). SHARP has started looking at different groups of employers by size. This is the first time we have looked at 20 to 25 groups of small employers. Consultation has shown for the first time to have a very significant effect with small employers.

Correction:

Violence in Washington Workplaces 2000-2005

Data that was provided at the last WISHA Advisory Committee Meeting was miscoded. SHARP had reported that incident rates for assault in state hospitals per 10,000 FTE were going down when after checking the coding they are going up.

Targeting Overview – Steve Cant

DOSH Targeting

Material distributed: DOSH Targeting Overview

The first types of inspections we have are programmed inspections, also known as targeted or scheduled inspections. These inspections are scheduled based on objective selection criteria, such as claims experience, WISHA history, or related hazardousness of industry. The second inspection is un-programmed, also called non-scheduled. This inspection includes inspections due to reports of imminent danger, fatalities, catastrophes, complaints, or referrals. For example, in our safety enforcement program, we use information from Workers Compensation Claims Data. The data is used for firms' experience factor and we will select safety data because the information is more current, better for targeting, and looks at that information over a long period of time for trends and indications of types of places associated with disease that we might target. Some of the things we have been able to increase with the claims data are: scheduling safety inspections, increase targeting on claim related amputations, and use the information for hospitalization. We are using information based on relation to hospitalization. We have changed our hospitalization reporting requirements in our WAC rules from two down to one or more, effective April 1, 2008. We have been putting messages on our citation and notices to help inform employers that we are making the adjustment and we have made adjustments with the wording on our WISHA posters. DOSH has inserted notices that will be mailed with the Insurance Services Quarterly Report, and Ron Langley has also provided information in the Small Business Newsletter.

DOSH Rule Activities – Steve Cant

Outdoor Heat Related Illness

Material distributed: News release on heat-related illness rule, WAC 296-62-095, and tri-fold laminated information safety tip card in English and Spanish. For information and background on the rule visit www.lni.wa.gov/safety.

We adopted on June 4, an outdoor heat exposure rule. This is a combination of a process that began in 2005, during which we had a hazard alert, a minor emergency rule, more substantial emergency rule, and then the permanent rule. We have been able to craft this rule carefully with great consideration for the comments and feedback we received from the public hearings comments. The rule becomes effective on July 5, 2008. We will be conducting train the trainer opportunities which is a series of classes that will train the trainer throughout the state. Internally we will conduct a review session with all of the field staff regarding the rule so everyone understands the content of the rule. We are in the process of preparing a WRD and enforcement guidelines on the rule for our staff, we will be taking a common sense approach to enforcing the rule. DOSH will consider an insufficient or lack of water to be a serious violation for which there will be penalties and we expect the employer to have the ability to respond to signs and symptoms of heat related illness in their workers. DOSH mailed information to 60,000 employers that were initially contacted with information about the proposal in the most affected areas of employment. We will send the same group another informational postcard announcing the standard. At the end of the summer season, we are planning to hold a stakeholder meeting with business and labor asking how the rule went, were there issues, and what were they.

Sun Crane Update

Sun Crane has been a high profile issue for DOSH and we have issued a news release on this case. DOSH encountered three locations in the Seattle, King County area where tower cranes from a Chinese manufacturer, Sun Cranes. The cranes are distributed by Lewis Equipment located in Texas, and is the national distributor of this crane. DOSH encountered Sun Cranes and found two deficiencies: substantial electrical deficiencies which resulted in one worker being hospitalized with electrical burns, and other electrical issues that were brought to our attention. DOSH determined these cranes did not carry the appropriate electrical certification for operation in this country; cranes need to be approved as UL or have a UL type of approval. Two cranes in the Seattle area had another issue with a piece of crane mass, which is the tower that had been manufactured by an Italian manufacturer, Comadil, and the upper segment by Sun Crane. With the combination of the two manufacturers; it is considered a modification of the crane. Under our rule a modification requires the approval of a licensed engineer and the manufacturer. We have been requested to look at an application for a variance whether or not it is adequate to use just an engineering report to get past the manufacturer issue; we have no report on the decision yet. We will be reviewing the application and engineer reports as quickly as possible so they can become operational again. The industry needs to be knowledgeable of what needs to be done and that it needs to be done prior to putting the cranes in place.

Safety and Health Investment Projects (SHIP) Update – Jennifer Jellison

<http://www.lni.wa.gov/Safety/Topis/AtoZ/Grants>.

The SHIP program receives phone calls daily asking about the grant and the application process. So far SHIP has received 17 applications; five were under review and from the five, two have been approved for funding. The first approved grant is for Labor Neighbor Radio. They will be producing radio spots for worker safety and health issues and would like input from the committee

on what topics would be appropriate to address. The second approved grant is with the University of Washington in conjunction with the Governor's Industrial Safety and Health Advisory Board will be working on teen worker safety and health curriculum. The University and Advisory Board would like to get the curriculum to the teens before they get too far into a career they will have a solid background in safety.

DOSH has met with Barbara Silverstein and her staff on developing a way to identifying subject specific grants where we would advertise and solicit grant proposals on topics that we identify. Some of these topics could be topics that this committee identifies and recommends as the grant project continues.

Miscellaneous

- Randy Loomans mentioned the 12 construction deaths in Las Vegas within 19 months. Further information is available at www.lasvegassun.com.
- We will be developing the recruitment for the seven crane inspectors
- Tim Gottberg received an award for serving on the committee from September 2002 to June of 2008.
- Bob Maus of Ferguson Construction was introduced as the new committee member. He will be replacing Tim Gottberg.
- DOSH will be providing information on salary comparison between Federal and State safety programs.
- Dan McMurdie will be out of the office for a month for surgery. John Geppert will be acting in his place.
- Construction Safety Day had a large turnout of about 400 people who attended. The construction industry stepped forward with gifts and prizes.

Next Meeting - All

The next regular meeting of the WAC will be on November 12, 2008 from 9:00 a.m. to noon at L&I Headquarters, Room S117.

Proposed Agenda items (so far) for June:

- SHARP Update and Workers' Compensation data discussion
- More information on targeting

Action Items -

Steve Cant	Discuss meeting with Bob Malooly and the WAC Committee
Bonnie Compton	
Committee	Review DOSH Targeting Overview and provide feedback at next WAC meeting.

With no other business to discuss, the meeting was adjourned.

Many individuals are sensitive to fragrances, colognes, scented lotions, etc. Please be courteous of respiratory sensitivities and do not wear fragrances to WISHA Advisory Committee meetings. Thank you.