

**WISHA ADVISORY COMMITTEE (WAC)  
MEETING MINUTES  
June 3, 2009  
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; Steve Cant, Department of Labor & Industries; Vaughn Mowery, Safeway Inc.; Bob Maus, Ferguson Construction; Rebecca Johnson, Washington State Labor Council; and Corwyn Fischer, Washington Farm Bureau.

**Members Not Present:** Claude Golden, Boeing Company.

**Guests:** Nikki Cross, Washington Self-Insured Association; Todd Schoonover, SHARP; Barbara Silverstein, SHARP; Donovan Quebedeaux, BIAW; Grant Nelson, AWB.

**Staff Present:** Janet Kenney, DOSH Operations; John Geppert, Consultation and Outreach; Mike Seale, Compliance; Bruce Zeller, Technical Services; Tracy Spencer, Standards; Dan McMurdie, Construction and Specialty Services; and Bonnie Simpson, DOSH Operations.

**Recorder:** Bonnie Simpson

**Opening Remarks** – Steve Cant

**DOSH Update**

*Material distributed: Updated DOSH Organizational Chart, DOSH Toll Free Line Update, SHIP Grant Update.*

- **Budget**

- Setting the budget for the next two years has been a difficult task for everyone. As an agency we have encountered budgetary issues, but not to the degree as some other agencies that are general fund. Labor and Industries does have general fund programs that have taken severe reductions. The Specialty Compliance Division, particularly the Electrical Program, have had a series of layoffs. DOSH has been able to accommodate two electrical inspectors and anticipate a third inspector to fill another of our vacant positions. DOSH has not had any layoffs.
- In the current budget, DOSH requested and received from the legislature, a bi-lingual safety position for the Puget Sound area. We are seeing an increase in the Spanish work force and we are enhancing our services for these vulnerable workers.
- Legislature included a proviso of ½ million dollars for an agriculture community safety grant which will be administered by the Department of Agriculture. We will be developing an interagency agreement and a transfer of DOSH funds.

## **Rule Activity Update**

*Material distributed: DOSH Rules Projects, WRD 8.60-Acceptable Methods of Compliance for crane Operator Qualifications and Certification under WAC 296-155-53300(1) (a), WRD10.15-Outdoor Heat exposure Enforcement Procedures. These Rules and Directives may be viewed on our website at <http://www.lni.wa.gov/Safety/default.asp>*

- **Compressed Air:** The requirements for working in compressed air atmospheres are out-of-date and need to be updated and re-formatted for ease of use and understanding. DOSH has been working with complex areas in Seattle, most specifically the Britewater project. In the middle section of this project, the air system will run solely on compressed air. This type of system is something that has not been used in Washington State; as a result, DOSH has had to use a patchwork of variances to keep the project running.
- **Construction Cranes (Phase 2):** Following the adoption of implementing rules for the state's crane safety law, the general construction code rules for crane safety and personnel lifting are being reviewed and updated for clear writing. There will be a stakeholder meeting on June 26, following which we expect to finalize and then publish a proposal. The rules will then be open to economic analysis and public hearings.
- **Fall protection:** DOSH is consolidating and addressing a couple of gaps in the Fall Protection rules. We are working with the Construction Advisory Committee. The effort is well underway, we are very close to finalizing a proposal, and will then schedule public hearings.
- **Telecommunications:** The vertical code for the telecommunications industry is out-of-date and is being updated and rewritten for clarity, ease of use, and understanding. A business and labor ad hoc advisory process is being used. Industry interest in updating this rule was brought to our attention when two fatalities occurred; one in Port Angeles and another in Ellensburg.

## **Directives**

- **WRD 10.15-Outdoor Heat Exposure Enforcement Procedures:** We have updated the directive and it can be viewed on our website. The rule has not changed from last year. We saw very good compliance last summer and expect very good compliance this summer.
- **WRD 8.60- Acceptable Methods of Compliance For Crane Operator Qualifications and Certifications Under WAC 296-155-53300 (1) (a):** We are discovering operator testing availability issues – the NCCCO does not provide tests on all types of equipment. The law requires a process to qualify as an operator by testing when one is available. Through this directive, we are trying to address areas where tests are not available. We are posing questions to the stakeholder group to receive their feedback and guidance.

## **OSHA**

- OSHA has an acting head, Jordan Barab. In about 1998 to about 2002 Jordan spent a period with OSHA so he is very familiar with the program. He has been with a number of different labor groups, and most recently been working with Congressman Miller as a policy advisor on the congressional representative's staff for a number of years. OSHA does not have a nominee yet for the head of OSHA.

## **SHARP Update** – Mike Foley

*The following SHARP reports and informational material were distributed: Tip Sheet- Be Seen Be Safe, True Stories, Tight Squeeze poster, and Tire Spin, Fatal Facts, Construction Machinery Fatalities. (Available at the SHARP website [www.lni.wa.gov/safety/research](http://www.lni.wa.gov/safety/research))*

- The FACE Program (Fatality Assessment Control Evaluation project) releases a publication of the Motor Vehicle Fatality Report. Consistently, work related motor vehicle accidents are the leading cause of occupational fatalities in Washington State and in the Nation. The report was placed on our website this past February and has been viewed or downloaded more than 3000 times.
- The FACE Program would like the WISHA Advisory Committee to give them a letter of support for the FACE Grant Program Application. The application needs to be submitted in August for federal funding. The Construction Machinery Fatalities report has also been published. This report focuses on specific hazards to operators and workers on foot. This was just published four days ago. Randy Loomans sent the report to the International Operators and they will be using this at their conference and at the next conference held here in Washington.
- Upcoming activities include a fatality report in the logging industry, a hazard to youth workers report and an Agriculture Fatality Report (we do not have a specific date when this report is to be released). The Agriculture and Youth Reports are scheduled to coincide with other Neighbor Labor Radio spots. FACE is also working with the Department of Labor & Industries', Small Business Program on Worker Memorial Day and other issues that face small businesses encounter.
- TIRES Project (Trucking Injury Reduction Emphasis Study) focuses with industry stakeholders to reduce injuries in the trucking industry. TIRES are wrapping up its campaign on "struck by or against an object" injuries with the last news letter going out in June. A spot on Labor Neighbor Radio, a few months ago, generated an influx of web traffic where viewing and downloading the information increased.
- On the evaluation study for Safe Patient Handling the project has begun their next round of site visits. They will be in Idaho for the evaluation study. By the end of June, four visits to Idaho hospitals will be completed. Visits for Washington hospitals will be scheduled for the fall. The project has completed its data collection for lateral patient transfer methods. Three methods of measurement were used for physical load for each kind of transfer: Back Muscle Lumbar, Motion Monitoring, and 3-D Bio-Mechanical Analyses.
- The SHARP program has conducted several studies of the association between compensable claims rates and the consultation and enforcement inspection activities of DOSH. Four of these reports showed that DOSH Enforcement inspections at a fix-site industry workplace were associated with a statistically significant decline in claims rates relative to those businesses that had no DOSH visits. SHARP's analysis in 2007 not only mirrored the results found in previous studies, but also revealed that DOSH's enforcement inspections amongst the larger employers and consultation visits among the smaller employers resulted in significant declines in compensable claims rates among fixed-site industries. None of the analyses has found statistically significant changes amongst non-fixed site industries receiving enforcement inspection or consultation visits during the evaluation periods. This is a continued effort supporting the DOSH strategic goal of reducing State-Fund/Self insured compensable claims incidence rate by 20% by 2010 from a base line of 23/10,000 FTEs. This report uses the NAICS for categorizing the fixed-Site and the non fixed-site industries.

## **WISHA START Program- John Geppert**

- Safety through Achievement and Recognition Together (START) Program is patterned after OSHA's SHARP Program. We are required to be at least as effective as OSHA SHARP program and are part of OSHA's consultation requirements. START is a recognition program for small businesses that have implemented exemplary safety and health management processes. When the business is accepted into the program, it is a way for Labor and Industries acknowledge they have a model safety and health program and show the core values in the company's commitment to safety. The SHARP program requires businesses to:
  - demonstrate a strong management commitment to safety;
  - demonstrate employee involvement in every aspect of safety and health management, very similar to VPP requirements;
  - receive a comprehensive consultation survey by DOSH, and correct all hazards found during the consultation survey;
  - Notify DOSH if they make any changes to their programs that effect their safety and health management.

For SHARP approval each candidate must be in business for one year, we prefer size of 50 employees or less, they have to have their days away restricted and transferred, the DART rate and their total case incident rates below the industries average. Our consultation program will verify during the survey all the START requirements of safety and health rules are met before recommending a site for approval. The approval is monitored on twelve-month increments and a five-year limitation of being in the program. After five years, there will be a graduation from the program, very similar to the Oregon SHARP Program. We are still in the draft phase of this program and have exchanged drafts with OSHA.

## **Targeting – Janet Kenney**

*Material distributed: DOSH Targeting Update.*

- DOSH is working on improving our methods for selecting employers for inspection, also known as “scheduled”, or “programmed” inspections. Data is pulled from the mainframe system LINIIS (Industrial Insurance database) and pairs it up with information from WISHA inspections and consultation records along with other types of employer history. The WISHA system then produces a report that contains information the supervisor can review and use to assign worksites for programmed inspections. DOSH has developed criteria for these types of inspections based on:
  - injury, i.e.: amputations and hospitalizations
  - industry type i.e.: electrical/utility, marine and dock, agriculture, and logging
  - hazard inspections, i.e.: combustible dust and pesticides

The targeting report allows DOSH to examine individual situations in detail before conducting an inspection. The report also breaks down information in the following “ranked” order.

- First is an injury such amputation. When the injury is reported, the system picks it up. From the Targeting Report the supervisor would look closer to assess what type of amputation it was such - as an arm, a finger tip - and then decide based on the severity of the injury if an inspection from is warranted.
- Next is the inclusion criteria that gets the employer placed on the list. The NAICS industrial classification code, along with how recently a DOSH inspection or consultation has been performed, and employer size.

- Lastly is the ranking factor that is based on time loss claims rate, experience factor, and average hourly premium rate. Other data such as experience factor, types of claims and employer history will be reviewed prior to determining what kind of DOSH approach is warranted.

**Next Meeting - All**

The next regular meeting of the WAC will be on September 9, 2009 from 9:00 a.m. to noon at L&I Headquarters, Room S118.

**Proposed Agenda items (so far) for September:**

- **Indoor Heat Exposure**

**Action Items -**

Steve Cant	
Bonnie Simpson	
Committee	Sign letter of Support for SHARP

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.**