

**WISHA ADVISORY COMMITTEE (WAC)  
MEETING MINUTES  
November 14, 2007  
L&I Headquarters, Room S126**

**Members Present:** Tom Egan, Board of Industrial Insurance Appeals; Ed Wood, Jr., Communication Workers of America Local 7818; Vaughn Mowery, Safeway, Inc.; Tim Gottberg, GLY Construction and Anne Soiza (for Steve Cant), Department of Labor & Industries.

**Members Not Present:** Claude Golden, Boeing Company; Bob Abbott, WA and Northern Idaho District Council of Laborers; Randy Loomans, International Union of Operating Engineers Local 302; Sharon Ness, United Staff Nurses Local 141 and Michael Roozen, Washington Bulb Company.

**Guests:** Gregory Chryst, OSHA Region X; Donovan Quebedeaux, Building Industry Association of Washington; Mark Gruger, MCA of Western Washington; Grant Nelson, Association of Washington Business; Steven Hecker, University of Washington.

**Staff Present:** Judy Schurke, Bob Malooly, Beth Hoffman, Ken Mettler, Barbara Silverstein, Dan McMurdie, Bruce Zeller and Jenifer Jellison.

**Recorder:** Gerald Franks

**Opening Remarks – Anne Soiza**

Steve Cant is attending the Hammer Steering Committee Meeting in Hanford. Judy Schurke, L&I director was in attendance and thanked the committee for their continued guidance with department policy.

**SHARP Update – Barbara Silverstein**

Fatality Rate

*Material distributed: Five-year Washington FACE fatality data by industry sector.*

Barbara cautioned that the numbers shown are extremely small and volatile compared to claim rates since fatalities are rare events (compared to overall injuries). The majority of fatalities occur in the construction and transportation industries and there is usually a surge of fatalities during the summer months. *Barbara will provide the WAC, per their request, a more detailed breakdown of fatalities within each industry by fatality cause and compensable claims data.* Judy Schurke mentioned that she will be compiling a list of the top 200 employers. *The WAC will be provided a copy of “Judy’s top 200 list” when completed.*

Anne talked about DOSH’s current effort to publish fatality bulletins within eight weeks of the incident to start the conversation on how to prevent workplace fatalities. We have three bulletins in development which will be targeted at the industry involved and will be distributed to employers and industry groups and posted on the web. Anne also summarized a DOSH Hazard Notice about a food-processing equipment amputation that is currently being distributed. The notice explains how the accident happened, how employers can prevent hazards, where to get more information and includes the employer’s personal account of what happened. The fatality bulletins will follow the same format.

### Contingent Workforce

*Material distributed: Temporary workers focus group summary; Temporary workers job type definitions.*

We are only able to identify temp help agency workers in L&I administrative databases. Based on a survey DOSH consultation and enforcement staffs are distributing at worksites, the majority of employers that use temp employees are most likely in the construction and agriculture industries. SHARP has found that temp workers have a higher claim rates than non-temp workers in the same sector. The focus group summary found that temp workers are not receiving adequate training from the employer or temp agency. The number of temp workers is increasing and the challenge for the agency will be to find these workers and at a minimum develop educational material, etc. to decrease injuries in this group.

### Other Activities

Trucking Initiative – SHARP is distributing various safety posters to every weigh station in the state and the various statewide truck stops (Barbara passed examples around the room). Site visits have been ongoing at various companies to come up with engineering solutions to reduce trip, slips and falls in the industry.

Safe Patient Handling – the law that was recently passed is being implemented in all state acute care hospitals. SHARP has been involved with an active steering committee made up of various hospital associations, unions and state agencies. The steering committee and the UW are putting on a patient handling course in the spring to assist state hospital in implementing the new law. SHARP staff has been doing focus groups and surveys of workers and management at Idaho hospitals and comparing the results to hospitals of comparable size in Washington to see if having this legislation makes a difference over time.

### **DOSH Rule Activities – Beth Hoffman**

#### Outdoor HRI Rulemaking

*Material distributed: Updated Outdoor Heat-related Illness draft*

The rule proposal filing, scheduled for December 4th, will be delayed until early January because of a need to do a draft cost-benefit analysis survey and small business economic impact statement. Stakeholder meetings have been completed and comments and input were incorporated in the draft. Business and labor wanted a “trigger” inserted into the rule and based on discussions we selected a trigger from the key index of 80 or above (the number will change depending on worker PPE). We also updated the definition for incidental exposure. A follow-up stakeholder update meeting was held November 14 to share the new draft with stakeholders.

#### Safety & Health Investment Projects (SHIP)

*Material distributed: SHIP draft*

The rule was filed October 23 and public hearings are scheduled for November 28 with the comment period ending December 5, 2007. The rule will be finalized and adopted on January 8 and effective on February 8, 2008. Ken Mettler said the goal is to have the application packet published on the web by December 1 (update: a subsequent decision was made to publish the application packet in mid-December); however, no action will be taken on proposals until the rule becomes effective. There will be two funding cycles: January to June and July to December. DOSH project monitoring procedures will be published in early 2008. SHIP Advisory Committee members will be selected in early 2008. We are developing an evaluation tool to monitor agency performance and will be sharing this with the WAC in the future.

### Construction Crane Rulemaking

*Material distributed: Construction Crane Certification draft; Operator Qualifications & Certification draft*

DOSH received very constructive feedback from recent public hearings which will be incorporated in the draft. Our small stakeholder group will meet December 11-12 to review the drafts, make changes, etc. and decide whether to schedule any additional stakeholder meetings. A draft cost-benefit analysis survey and small business economic impact statement will need to be completed. We are planning to file the proposals in April or May of 2008 and adopted by end of 2008 in the first phase with the general requirements in place by early 2009 in the second phase. This will give employers time to comply with the rules. The most contentious issue discussed during stakeholder meetings has been certification of operator hours. Dan McMurdie said there are 15 applicants for the crane manager position which will be pared down to five to seven interviewees.

### Fall Protection

*Material distributed: Fall Restraint and Fall Arrest draft*

The draft reflects the work of an ad hoc committee made up of business and labor representatives created that has been meeting since last spring to help DOSH work through some of the issues we were facing with our fall protection requirements. We believe the revised rule will be easier to understand and provide more guidance to employers. Stakeholder meetings were held last October and comments are still being compiled. A draft cost-benefit analysis survey and small business economic impact statement will need to be completed so we are looking at filing the rule proposal in April 2008.

### **2008 DOSH Safety & Health Calendar – Ken Mettler**

The calendar (examples passed around the room) was created with the assistance of an internal task force. It will be a tradition type of calendar featuring twelve hazard themes common in the construction and agriculture industries. The calendar features a weekly “safety tip,” an inset in the picture that provides some data pertinent to the theme for that month. The centerfold describes the various workplace safety and health resources available from DOSH. More calendars are being printed this year (15,000) and an electronic version will be available for downloading from the web. We are able to do this with the same resources as last year because of the new size format. The calendar will be available through the DOSH Video Library and the Department of Printing fulfillment center in early December. *The calendar will be sent to each committee member when available.*

### **Open Discussion – All**

- The WAC would like to continue receiving early notification on DOSH activities, in addition to regular program updates, so they can continue to provide timely comments and oversight in addition to the quarterly meetings. The WAC commended Steve Cant for his efforts in this regard. There was a suggestion to have a “mission statement” read at the beginning of meetings (or printed on the agenda) that states the WAC is the true oversight group for DOSH.
- The WAC would like to continue discussing ways of increasing safety and health awareness of contingent employees. Per Beth’s suggestion, *Carl Hammersburg will be invited to the February meeting to give a presentation to the committee on temporary workers as it relates to the underground economy and the underreporting of hours.* DOSH will forward to the WAC updated information on the contingent workforce before the next meeting.

- The WAC would like to discuss at future meetings ways they can assist DOSH in funding more qualified enforcement staff. Anne said when filling vacant positions, DOSH recruits experienced enforcement staff or those just out of school with specific knowledge of specific industries and with a high potential to learn. She also mentioned that the agency hasn't done an employer/inspector count ratio comparison in at least 15 years.
- The WAC recognized that because fatalities are rare events, they would like to focus on either compensable claims or those requiring hospitalizations and drill down as much as possible to the "cause" or "source" for different types of claims. This will help them in providing guidance to DOSH on priorities. *SHARP will prepare some initial tables with some narratives for discussion at the next meeting.*

**Next Meeting - All**

The next regular meeting of the WAC will be on February 13, 2008 from 9:00 a.m. to noon at L&I Headquarters, Room S117.

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

- SHARP Update
- Contingent Workforce Discussion (Carl Hammersburg)
- DOSH Rulemaking Status

**Action Items -**

Barbara Silverstein	Provide a detailed breakdown of fatalities within each industry by fatality cause and a breakdown of compensable claims data by cause, source, etc. before the February meeting (if possible)
Judy Schurke/Steve Cant	Provide Judy's "top 200 list" of employers when completed.
Ken Mettler	Send 2008 S&H Calendars to each committee member. (COMPLETED)

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.**