

**WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
November 12, 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; Steve Cant, Department of Labor & Industries; Tim Gottberg, GLY Construction; Bob Maus, Ferguson Construction; and Claude Golden, Boeing Company; Rebecca Johnson, Washington State Labor Council; Corwyn Fischer, Washington Farm Bureau.

Members Not Present: Randy Loomans, International Union of Operating Engineers Local 302.

Guests: Christine Swanson, AGC; Patricia Vernie, Washington Retail Association; Gregory Chryst, OSHA Region X; 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, Lou Flores, Bruce Zeller, Lezlie Perrin, and Bonnie Simpson.

Recorder: Bonnie Simpson

Opening Remarks – Steve Cant

DOSH Update

Material distributed: 2009-2013 Strategic Plan, Division of Occupational Safety and Health FFY 2009 Performance Plan, SHIP Grants Update.

- We have handed out a summary sheet on SHIP grants that have been approved as of November 3, 2008 of 2.3 million dollars in grants that have been funded along with the grant sponsors and titles. We have a number of grants related to training, worker safety, ergonomics, and teen safety. There are three grants under review with the committee and we have a new application submitted, *Rock Hard Construction*. We have given a handout of a list of applications that have been denied, but with additional assistance we may have some applications that were denied resubmitted.

Rule Activity Update

Material distributed: DOSH Rules Projects, Chapter 296-155-529-Crane Certifier Accreditations and Crane Certification.

- Cranes and Rigging for Construction: The first phase of our crane safety rule is effective January 1, 2009 and has been adopted. The adoption will include WAC's 296-155-531 through 296-155-53112, all other WAC's will be effective on January 1, 2010. We want to make everyone aware that this rule is in effect and everyone who will be operating these cranes will need to attend the crane certification training. Second phase of the crane rule making is our general safety rules for crane operations and in addition to that is an update to our rigging rules.

- Fall protection: Our fall protection rules are under development with a proposal in February, hearings in March, adoption in June, and would become effective in August 2009. This addresses the fall protection portion of our construction standard where we are consolidating rules and addressing a couple of gaps in fall protection and working with the construction advisory committee.
- Fire Fighting: We are reviewing the fire fighting rules vertical codes WAC 296, working with an ad hoc committee and is going very well.

SHARP Update – Barbara Silverstein

The following SHARP reports and informational material were distributed and summarized Do DOSH visits make a difference in Compensable Claims Rates in Washington State? (Available at the SHARP website www.lni.wa.gov/safety/research):

Every year SHARP completes a study on the relationship between consultation and enforcement activities and workers' compensation forms. We are able to do the study because we are the only state that has workers compensation and an OSHA state plan in the same working association and also the only state that has a safety and health research program. Three of these reports showed that DOSH enforcement inspections at 'fixed-site' industry workplaces were associated with a decline in claims rates relative to those businesses receiving only consultation visits during the same time periods. DOSH has in place a strategic goal of reducing the State-Fund/Self Insured compensable claims incidence rate by 20% by 2010. This study compared if a similar decline happened with compensable claims among a set of businesses that had received DOSH visits in 2005. The impact of DOSH activities on claims rates during 2005-2006 was analyzed for the accounts and reported separately for fixed and non-fixed site industries, and by the size of the employer (smaller 5-24 FTEs, medium 25-49 FTEs, and larger more than 50 FTEs). Fixed site industries had a 17% decline in compensable claims rates from 2005 to 2006. Non-fixed site industries were associated with an 11% decline in compensable claims rate when associated with DOSH enforcement inspections.

OSHA/SHARP-like Program- Steve Cant

Material distributed: U.S. Department of Labor/SHARP information.

We have an opportunity to adopt this new program and in the past we have chosen not to adopt the OSHA/SHARP-like program because we have programs in this state that OSHA doesn't have; for example we have a required accident prevention program. The idea behind having the SHARP program is to promote safety programs and safety management programs in the workplace, we always felt that what we were doing in combination with our consultation was as effective as any SHARP program that OSHA had. On the other side OSHA felt it's been made part of their statutory mandate to promote this program and they have required it in their CFR's for their consultation programs. Although OSHA does not provide a consultation program directly they have contractors under a 21D program, so that in states like Idaho, Ohio, and other federal OSHA states have a form of a SHARP program that is conducted by a contractor.

With the new grant authorization from OSHA they are taking a harder line because we are the only state in the country without this program. It is considered to be criteria related to the grant and state plan operations. DOSH has agreed with OSHA to have a SHARP-like program that will not be intended to be identical to OSHA's, but will be intended to have a number of the aspects of it built in and we will offer and promote later in 2009. We are in the process of developing a draft to submit to OSHA by the end of December. We will be using a different name so as not to confuse it

with our current L&I SHARP program and have a program that is effective in this area and we will finalize the program and implementing it in the second federal fiscal year.

The OSHA/SHARP-like program will focus on safety and health management as a requirement that DOSH focus on small business. We are looking at a model of the program and looking at the injury and illness rates working and looking at the parameters of how you can participate in SHARP it talks about correction of hazards having a consultation we are going to be working with the employers to look at their injury and illness rates and will be required to be below the national average and total reportable case rates singular to VVP.

Hospitalization Reporting – Lezlie Perrin

Material distributed: Hospitalization Chart and Process for Evaluating Hospitalization Injuries.

Early in 2007 we had the opportunity to work with Industrial Insurance with Clams Initiation to pull data to quickly identify employer's place of business that had an injury of an employee that resulted in a hospitalization. The employers would call Claims Initiation to get approval for the claims to receive payment. We received basic information from claims: date of the injury, patients name, hospital, type of injury, diagnosis, and some employer information. After the information is gathered our compliance support staff would pull information from LINIS system on the employer site address and a compliance officer would make contact at the employer's site. These inspections are considered in priority just after fatalities, complaints, and referrals. April 1, 2008 we changed the reporting guidelines for reporting hospitalizations from two employees hospitalized to one employee hospitalized. The Department sent information about the new requirement in the *Employer's* quarterly news letter and the poster that is required to be posted is being updated and mailed to all employers by the end of the year (2008). DOSH has also added on every citation and notice that goes out including the no-violation notices, a message with the text that this requirement is in place and informing employers on what they need to do. DOSH will continue to do this until the posters are available to the employers.

DOSH's definition of a Hospitalization means an inpatient admission to the hospital, not including the emergency room visit and we receive the claims initiation information, and send the information to the regional compliance manager, who then assigns it for inspection. The following are the types of investigations DOSH will not investigate unless there are extenuating circumstances: Motor Vehicle Accidents investigated by WSP, County Sherriff; natural causes-heart attack or stroke with no direct tie to job duties; secondary infections resulting from minor injury; events that are unlikely to reoccur and are isolated events. We would consider the following types of inspections: if hazards still exist and would impact other workers; hazardous situation likely to reoccur; was the hospitalization the result of an injury that is covered by our statutes or rules; catastrophic type of event that resulted in a traumatic injury; was a constriction or logging related injury, site activities may be finished or a visit to a home office may need to occur. In general these investigations are accident investigations, but for our purpose a way of targeting our resources to improve safety and health for off-site and impacting the employers where the injuries are occurring.

Next Meeting - All

The next regular meeting of the WAC will be on June 3, 2009 from 9:00 a.m. to noon at L&I Headquarters, Room S117.

Proposed Agenda items (so far) for February:

- **MRSA- Rule and Reporting**

Action Items -

Steve Cant	<ul style="list-style-type: none">• Committee members attending WCAC- Steve will find dates of the WCAC meetings and will forward options on when to meet to the committee.• Send the committee the draft of the SHARP-like program.
Bonnie Simpson	
Committee	<ul style="list-style-type: none">• Review hand out of OSHA/SHARP-Like Program.

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.