

**WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
September 5, 2007
L&I Headquarters, Room S117**

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.

Members Present: Tom Egan, Board of Industrial Insurance Appeals; Ed Wood, Jr., Communication Workers of America Local 7818; Randy Loomans, International Union of Operating Engineers, Local 302; Vaughn Mowery, Safeway, Inc. and Steve Cant, Department of Labor & Industries

Members Not Present: Claude Golden, Boeing Company; Sharon Ness, United Staff Nurses Local 141; Tim Gottberg, GLY Construction; Bob Abbott, WA and Northern Idaho District Council of Laborers and Michael Roozen, Washington Bulb Company

Guests: Gregory Chryst, OSHA Region X; Donovan Quebedeaux, Building Industry Association of Washington; Nikki Cross, Washington Self-Insured Association; Pat Nielsen, Retail Association Services, Inc.; Janice Camp and Steven Hecker, University of Washington; Joan Elgee, House Commerce and Labor Committee; Jeff Johnson, Washington State Labor Council; Tammie Hetrick, Washington Retail Association

Staff Present: Jim Fernald, Beth Hoffman, Mel James, Janet Kenney, Dave Bonauto, Anne Soiza, Janet Kenney, Ron Langley, Bruce Zeller

Recorder: Gerald Franks

Opening Remarks - Steve Cant

Outdoor Heat Related Illness Emergency Rule

DOSH staff has been getting positive and constructive feedback during worksite visits. No serious violations of the rule have been found except for a small number of businesses that were cited for not having a HRI program in place. Cooler temperatures, especially on the west side of the state, have been helpful.

Outdoor Heat Related Illness Emergency Rule Update – Beth Hoffman

Material distributed: HRI Prevention Timeline; HRI stakeholder meeting schedule; draft HRI rule.

The emergency rule adopted on June 18th will be in effect through October 3rd. The emergency rule will be used as a basis for the permanent rule and modification will be made, if necessary, after next week's stakeholder meetings. The HRI rule proposal (CR-102) will be filed on October 9th.

Statewide public hearings on the permanent rule will be held in December with the public comment period ending on December 21st. A synopsis of stakeholder and public comments will be developed for committee review as a PDF document or posted to the website or both.

Construction Crane Program Rulemaking – Beth Hoffman

Material distributed: draft timeline for Crane rulemaking (certification of crane inspectors and construction cranes); stakeholder meeting schedule.

Statewide stakeholders' meetings were held in July on crane inspector, inspection, certificate and operator criteria. A comment synopsis is being finalized for distribution to stakeholders. As a result of the initial stakeholder meetings, the crane operator experience requirements will be dealt with in the first phase of rule making so that employers and employees will have more time to take care of the necessary training and documentation. The certification rule proposal (CR-102) will be filed in January 2008. General construction safety requirements will be dealt with in the second phase of crane rule making starting in January 2008.

Randy thanked department staff for their work on the crane legislation and on crane rule development.

Safety and Health Investment Projects (SHIP) – Beth Hoffman

Material distributed: SHIP draft rulemaking timeline; draft SHIP administrative rules.

We were able to shorten the rule drafting process and submit a draft rule to stakeholders in August. The draft SHIP rule has major six sections:

Eligibility: Only employers or employees covered by the medical aid fund will be eligible to submit projects per the 2007-09 budget proviso. Steve said that business organizations that have connections with both self-insured and state fund employers are also eligible.

Advisory Committee: The department will create an advisory committee consisting of two employee and two employer representatives and a non-voting member from DOSH. Members representing other stakeholders (such as the University of Washington or OSHA) will be invited to participate. Steve said he would be requesting nominations for SHIP committee members from the WAC.

Application Process: The application packet will be available from the SHIP web site. The submitting entity will need to include detailed information on what their project will entail, goals and how they will be accomplished. Funding limits/caps may be considered but will not be included in the rule. Products developed as the result of an approved SHIP project will be the property of the department and belong in the public domain.

Approval: The Assistant Director of DOSH has the final decision on project approval and funding.

Monitoring: The department will monitor projects for compliance with award terms and achievement of approved project milestones and/or outcomes. Because projects will vary, we determined that it wasn't feasible to include specific requirements in the rule

Suspension of Funding: The Assistant Director of DOSH may suspend or revoke funding if advised by the SHIP program or advisory committee that the recipient is not in compliance with award terms, or other compelling reasons.

Committee members and guests comments and suggestions on the SHIP draft followed. Steve said that funding for the program (\$8 million) was budgeted only for the 2007-2009 biennium. A small amount of the money will be used for DOSH administrative costs since no specific funding was provided for SHIP staff. Steve thinks the program will be very successful and hopes the program is permanently funded by the Legislature.

Small Business Recognition Program – Mel James

DOSH is still in the process of gathering stakeholder comments. The comment period will be extended a few more weeks per Jeff Johnson's request.

SHARP Update – Dave Bonauto

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

- A Fatality Assessment and Control Evaluation (FACE) of a temporary construction worker who died after falling from scaffold plank. The FACE report, among other things, recommends that temporary employment agencies work with secondary employers to ensure that specific job descriptions, training criteria and hazard analyses are completed for each job assignment.
- A Fatality Narrative of a laborer who attempted to stop a runaway work vehicle and recommendations to prevent this type of accident.
- The summer 2007 TIRESpin newsletter contains information on strains and sprains in the trucking industry and a tip sheet with information on preventing strain and sprain injuries. Housekeeping and “Save your back” posters were also included.
- State fund claims for inpatient hospitalization. There was interest expressed at the last meeting for more information on inpatient hospitalization data. The first page of the material showed the trend of hospitalizations within 24-hours of injury from 2000-2006: the trend rate was higher before 2000 but has been flat the last six year. The material also broke down injuries by type and industry classification.
- Prioritizing Industries for Occupational Injury and Illness Prevention 1998-2002. This is a report from 2005 that compares injury severity by injury group. The severity rate is computed from time loss days per 10,000 FTEs.

Dave mentioned that the SHARP program and staff have recently moved to the Town Center 3 building near the L&I headquarters. Ed Wood thanked Dave and SHARP for the injury/hospitalization data information they have provided to the WAC.

Open Discussion – All

- Anne Soiza gave an overview of the targeting program. In the safety area, we target the construction industry based on claims rates, performance in reducing injuries, etc. Grain elevators are routinely visited every few years. We have a general safety list that consists of a hazardous industry pool that is ranked by experience rate, claim rate, etc. In addition, any worksite where an amputation or electrocution has occurred shows up on the targeting list within 30 days. We’ve made arrangements with Industrial Insurance to get copies of hospital notification for admittances beyond the emergency room. This injury/incident information, which comes in within a week and a half of the admittance, is then submitted to the field. This has been a very good use of staff time for finding worksite safety issues that need immediate attention.

In the health area, there are fewer claims so it is approached differently. We use an OSHA list of industry codes of businesses they are targeting that creates a pool of employers from which we rank by number of claims. We have some smaller local emphasis programs dealing with exposure to formaldehyde in woodworking and funeral homes. The spray-on truck bedliner industry is another area where we are finding a lot of overexposure to chemicals.

- The issue of temporary workers and claims was brought up. Anne said the department has little information on temporary worker injuries because it has been difficult to gather reliable data on this group. DOSH usually only comes in contact with temporary workers through site incidents or hospitalizations, many speak little English and are distrustful of

government. Dave said there is currently a large national emphasis on gathering temporary worker injury data. Anne said that since this situation within the state was occurring more often, the department has developed a formal policy on how we treat temporary worker entities (WRD 2.05 – dual employers). The temporary agency pays the workers’ premiums and both the primary employer and temporary agency are obligated to properly train the worker or both could be liable for safety and health violations.

- Steve mentioned that DOSH will soon initiate rulemaking to modify the hospitalization reporting requirement rule from two down to one.
- There was discussion on increasing either enforcement or consultation field staff or both to reduce workplace injuries and deaths, possibly with an increase in state funds. Steve said his staff tries to balance out where they’re targeting for enforcement purposes and marketing for consultation and education purposes.
- Dave said he would try to identify where temporary worker services are being provided by tracking individual accounts and risk classifications and provide more data on temporary worker claims during the November SHARP update.

Miscellaneous

Mel James said the 56th Governor’s Safety and Health Conference will be held at the Tacoma Convention Center on September 26th and 27th. Blockbuster sessions being held this year include panels on the aging workforce, unsecured loads, SWERVE program, etc. Early and post conference events include the first annual trucker wellness seminar and Safety and Health Training on September 25th and Contractor Training on September 28th. Next year’s Agriculture Safety Day is scheduled for February 20, 2008.

Next Meeting - All

The next regular meeting of the WAC will be on November 14, 2007 from 9:00 a.m. to noon at L&I Headquarters, Room S126.

Proposed Agenda items (so far) for November:

- SHARP Update/Contingent Workforce Data Discussion
- Compliance Emphasis Discussion

Action Items -

Anne Soiza, Dave Bonauto	<p>Provide 2006 fatality rate information for WA if possible by November meeting.</p> <p>Provide information on enforcement staffing ratios vs. state employment to the committee before November meeting (Update: WA vs. Oregon staffing ratio information submitted).</p>
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With no other business to discuss, the meeting was adjourned.