

Advisory Committee on Construction Safety and Health Meeting

Minutes for February 22, 2024

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, D.C. 20210

The Chair, Christina Trahan Cain, called the meeting of the Advisory Committee on Construction Safety and Health (ACCSH) to order at 9:05 a.m., on Thursday, February 22, 2024. This was a WebEx and in-person meeting. The following Committee members, OSHA staff, and other attendees were present:

NAME	SECTOR REPRESENTED	TITLE & ORGANIZATION
Christina Trahan Cain - Chair	Employee Representative	Safety and Health Director, North America's Building Trades Unions
Timothy Irving	Alternate Designated Federal Official (DFO)	Deputy Director, Directorate of Construction, U.S. Department of Labor
Ashley Briefel	ACCSH Counsel	Office of the Solicitor, OSH Division, U.S. Department of Labor
Dr. Marissa G. Baker	Public Representative	Assistant Professor, Department of Environmental & Occupational Health Sciences, University of Washington
Liliana A. Calderon	Employee Representative	Director of Health and Safety Programs, International Union of Bricklayers and Allied
Kevin R. Cannon	Employer Representative	Senior Director, Safety and Health Services, Associated General Contractors of America (AGC)
Matthew Compher	Employer Representative	VP Safety, Health, Environmental & Training, Quanta Services, Inc.
Dr. G. Scott Earnest	Federal Representative	Associate Director for Construction, Office of Construction Safety & Health, National Institute for Occupational Safety & Health (NIOSH)
Eric D. Fidler	Public Representative	Director, Product Safety, The Manitowoc Company, Inc.
Michael P. Lawler	Employer Representative	Division Safety Manager, Walsh Construction Company
Christopher (Scott) Mabry	State Representative	Chief of Staff, North Carolina Department of Labor
Ryan Papariello	Employee Representative	Health and Safety Specialist, Laborers Health and Safety Fund of North America
Kenneth G. Seal	Employee Representative	Industrial Specialist / Safety and Health Representative, International Union of Painters and Allied Trades
Robert Seman	Employee Representative	Master Trainer, International Union of Operating Engineers
Greg Sizemore	Employer Representative	Vice President of Health, Safety, Environment and Workforce Development, Associated Builders and Contractors
Charles N. Stribling	State Representative	Deputy Commissioner, Kentucky Education and Labor Cabinet, Department of Workplace Standards
Mindy Uber	Employer Representative	Senior Environmental, Health, and Safety Director, Skanska USA Building, Inc.

Other Attendees:

Douglas Parker	Assistant Secretary of Labor for Occupational Safety and Health, OSHA
Amanda Edens	Deputy Assistant Secretary of Labor for Occupational Safety and Health, OSHA

Alex Kopp	The Association of Union Constructors (TAUC)
Andrew Merkley	Council for Accreditation and Occupational Hearing Conservation (CAOHC)
Bill Vanni	Structural Design Corporation
Brad Mannion	National Association of Home Builders (NAHB)
Bradley Stallard	Directorate of Construction - OSHA
Bryan Ewing	Directorate of Construction - OSHA
Bryant Seymour	Directorate of Construction - OSHA
Christine Schott	Wage & Hour Division - OSHA
Chuck Harvey	Directorate of Construction - OSHA
Cory Sherman	Safety Systems Management (SSM)
Damon Bonneau	ACCSH Coordinator, Directorate of Construction - OSHA
Daniel Glucksman	International Safety Equipment Association (ISEA)
Diana Jones	International Safety Equipment Association (ISEA)
Douglas Trout	Office of Construction Safety and & Health, NIOSH
Ed Lopez	Association of Equipment Manufacturers (AEM)
Erich Smith	U.S. Army Corps of Engineers - USACE
Erin Elliott	Dollywood
Erin Ellis	Town of Barnstable, MA
Erin P. Gilmore	Alternate Designated Federal Official (DFO), Directorate of Construction - OSHA
Garvin Branch	Directorate of Construction - OSHA
Gavin West	CPWR- The Center for Construction Research and Training
Gayle Goldin	Women's Bureau - DOL
Gopal Menon	Directorate of Construction - OSHA
Gretta Jameson	ACCSH Coordinator, Directorate of Construction - OSHA
Jens Svenson	Directorate of Construction - OSHA
Jeremy Bethancourt	Arizona Construction Training Alliance (ACTA)
Jessica Bunting	CPWR- The Center for Construction Research and Training
Jose Herrera	Directorate of Construction - OSHA, ACCSH Coordinator
Julie Carter	Roy Anderson Corporation
Justin Crandol	Sheet Metal and Air Conditioning Contractors' National Association (SMACNA)
Kelly Knighton	Directorate of Construction - OSHA
Kenny Koroll	Directorate of Construction - OSHA
Kerry Schimelfenig	Protective Industrial Products.
Lauren Torres	National Safety Council (NSC)
Laverne Ogieste	Directorate of Construction - OSHA
Lily Ramirez	Trades Limited
Luz Dela Cruz	Directorate of Construction - OSHA
Nate Schreiber	Laborers' Health and Safety Fund of North America
Nicole Randall	International Safety Equipment Association (ISEA)
Regina Price	Department of Energy
Rob Matuga	Job-Site Safety Institute
Robin Runge	Women's Bureau - DOL
Samantha DellaPella	Mechanical Contractors Association of Detroit
Sangini Patel	Directorate of Construction - OSHA

Shari Smith	3M
Sri Krishnamurti	Auburn University
Terra Gaines	ACCSH Coordinator, Directorate of Construction - OSHA
Terry Goodwin	Directorate of Construction
Tom Marrero	Equinix
Tom Trauger	Nationwide
Travis Parsons	Laborers' Health and Safety Fund of North America
Tricia Hodkiewicz	J.J. Keller
Wesley Wheeler	National Electrical Contractors Association (NECA)

Opening Remarks:

Speaker: Chair, Christina Trahan Cain

Chair Cain called the meeting to order and welcomed the ACCSH members and public participants. After providing brief opening remarks, Ms. Cain conducted a roll call of the membership to ensure there was a quorum present. Each member was called upon and asked to share which stakeholder group they represented (Employee, Employer, Public, State, or Federal). After the roll call and validating for the record that a quorum was established to hold the meeting, Ms. Cain turned the meeting over to Mr. Timothy Irving, Committee Alternate DFO and Deputy Director, Directorate of Construction, for housekeeping items. He introduced Ms. Ashley Briefel, ACCSH Counsel. Ms. Briefel reminded members of her role as a resource on applicable Federal Advisory Committee Act (FACA) requirements and other legal matters, and reminded members that OSHA encourages the Committee to provide a recommendation that reflects a majority of the membership. After Ms. Briefel's comments, the Chair turned to Mr. Irving to provide the Directorate of Construction update.

Directorate of Construction Update:

Speaker: Mr. Timothy Irving, Deputy Director, Directorate of Construction

Mr. Irving indicated that his presentation connects to the Assistant Secretary's priorities -- increasing outreach and engagement of the general public and making worker safety and health a core value. Mr. Irving shared social media examples to illustrate OSHA's emphasis on communication and reaching new audience and discussed developments in OSHA outreach efforts. Mr. Irving then gave some examples of recent news releases illustrating OSHA using all the tools in the toolbox to address recalcitrant employers. Mr. Irving presented data regarding workplace fatalities, construction hazards, and OSHA inspections. Mr. Irving then provided overviews of ongoing projects, construction outreach events and campaigns, and new publications regarding workplace mental health and suicide prevention.

Mr. Irving then responded to Committee member comments and questions.

For a copy of Mr. Irving's PowerPoint presentation to ACCSH, refer to Exhibit 1, ACCSH DOC Update Presentation from Tim Irving, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>

For a full account of Mr. Irving's presentation and Committee's discussion, refer to page 8 (Line 25) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

Office of the Assistant Secretary's Remarks:

Speaker: Mr. Douglas Parker, Assistant Secretary

Mr. Parker thanked everyone for serving on the Committee. He emphasized the importance of worker safety and health and the Agency's focus on making worker safety and health a core value.

Mr. Parker noted some of the regulatory actions that are part of OSHA's current focus, including rulemaking to address heat illnesses, the Worker Walkaround Rule, the Injury and Illness Reporting Rule, and the proposed Emergency Response Rule. Mr. Parker also noted that last year OSHA issued a record number of willful violations, cases with citations and initial penalties exceeding \$100,000, and that a record number of companies entered the severe violator program. OSHA also had a relatively high number of in-compliance inspections. Mr. Parker commended the Committee for taking on the topic of women in construction.

Mr. Parker then responded to Committee member comments and questions.

For a full account of Mr. Parker's comments and Committee's discussion, refer to page 39 (Line 5) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

Women in Construction Discussion:

Speakers: Ms. Christina Trahan Cain, Chair

Ms. Gayle Goldin, Deputy Director, Women's Bureau

Ms. Robin Runge, Senior Technical Advisor, Gender-Based Violence and Harassment, Women's Bureau

Ms. Christine Schott, Wage & Hour Division

Ms. Cain initiated the presentation by identifying four key health and safety issues faced by women in construction trades jobs, including sanitation, bullying and harassment/psychological violence, maternal issues, and PPE fit. Ms. Goldin explained the Women's Bureau's mission, background, and priorities. She presented on actions the Women's Bureau is taking to address gender-based violence and harassment, including its grant programs that are focused on these issues. Ms. Runge described work that the Department of Labor is doing on these issues with the International Labor Organization. Ms. Schott then described the Fair Labor Standards Act (FLSA) protections for nursing employees to pump breast milk at work, and resources available for more information.

The speakers then responded to Committee member comments and questions.

For a copy of Ms. Goldin and Ms. Runge's PowerPoint presentation to ACCSH, refer to Exhibit 2, Women's Bureau Presentation in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>

For a full account of the presentations and Committee's discussion, refer to page 53 (Line 4) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

ACCSH Emerging Technology Workgroup Report:

The Workgroup updated the Committee on their work focused on technologies that have or will change the construction industry that are not covered by current OSHA policies. The Workgroup has focused on autonomous vehicles, geofencing, smart cameras to monitor fatigue and distractions, and machine learning. The Workgroup stated that artificial intelligence (AI) deserves more conversation, and also wanted to explore the value of working with OSHA's alliance partners, the Association of Equipment Manufacturers (AEM), on these issues as well as obtaining more information about things that MSHA is doing.

The Workgroup then took questions from other Committee members.

For a full account of the Emerging Technology Workgroup Report and Committee's discussion, refer to page 92 (Line 10) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

ACCSH Work Zone Workgroup Report:

The Workgroup updated the Committee on their work identifying hazards and most significant concerns in work zones, using industry best practices to prevent work zone fatalities, and developing products and materials OSHA can share. They informed the Committee of a study done with Hallen Construction from New York regarding the use of measures such as rumble strips and speed bumps to slow down traffic in urban construction zones. They mentioned that Caterpillar gave a presentation to the Workgroup on emerging technologies in protecting people and equipment.

The workgroup also indicated a need for more data. They also told the Committee that Workgroup members thought OSHA might consider adding more Internal Traffic Control Plan (ITCP) instructional materials to its infrastructure website.

During the Workgroup presentation, ACCSH considered and made two recommendations to OSHA, which are included below.

The Workgroup then took questions from other Committee members.

Motion: Ryan Papariello moved that ACCSH recommend to OSHA to consider developing a national emphasis program on work zone safety and report back to the ACCSH on the status.

Second: Robert Seman. The motion passed with 13 in favor, 1 opposed, and 1 abstention.

Motion: Ryan Papariello moved that ACCSH recommend to OSHA to provide an update on interagency collaborations between OSHA, FHWA, and DOT on improving highway work zone/worker safety at the next ACCSH meeting.

Second: Matthew Compher. The motion passed unanimously.

For a copy of Caterpillar's PowerPoint presentation to the Workgroup, refer to Exhibit 4, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>

For a full account of the Work Zone Workgroup Report and Committee's discussion, refer to page 107 (Line 2) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

ACCSH Health in Construction Workgroup Report:

The Workgroup informed the Committee of its progress identifying the top three to five health hazards in construction from an industry perspective and developing products that OSHA can consider for publication for employers and employees. The Workgroup told the Committee that it had not yet identified the top three hazards but listed many hazards in consideration and described ongoing efforts to reach this determination.

The Workgroup then took questions from other Committee members.

For a full account of the Health in Construction Workgroup Report and Committee's discussion, refer to page 167 (Line 12) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

Public Comments:

There were four public comments presented during the ACCSH meeting. The first public comment was presented by Diana Jones and Dan Glucksman from the International Safety Equipment Association (ISEA). Ms. Jones and Mr. Glucksman gave a presentation on updates regarding relevant ISEA standards. The commenters stated that recent ISEA developments include revising the industrial head protection standard (ANSI/ISEA Z89.1), completing the dropped object prevention solution standard (ANSI/ISEA 121), and updating the minimum requirements for workplace first aid kits and supplies (ANSI/ISEA Z308.1) to include FDA-cleared overdose reversal medication. The commenters said the organization is also initiating a series of webinars focusing on safety at heights in the workplace and asking for participation from industry members in a consensus group to work on the standards.

An opportunity was then provided for Committee questions and comments.

For a copy of the ISEA PowerPoint, refer to Exhibit 5, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>

For a full account of Ms. Jones and Mr. Glucksman's comments, refer to page 171 (Line 21) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

The second public commenter was Cory Sherman from Safety Systems Management (SSM). Mr. Sherman gave a presentation on improving the construction industry's means of emergency notification and communication, specifically a new SSM mobile communication tower.

An opportunity was then provided for Committee questions and comments.

For a full account of Mr. Sherman's comments, refer to page 187 (Line 10) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

The third public commenter was Andrew Merkley from the Council for Accreditation and Occupational Hearing Conservation (CAOHC). Mr. Merkley spoke about the conservation of hearing, specifically with occupational, noise-inducing hearing loss. Mr. Merkley urged OSHA to publish a formal reminder to construction employers to provide workers with appropriate hearing protection and information about the hazard.

An opportunity was then provided for Committee questions and comments.

For a full account of Mr. Merkley's comments, refer to page 196 (Line 16) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

The fourth public commenter was Bill Vanni with the Structural Design Corporation. He spoke about catastrophic failure related to cranes and a need for fatigue analysis, as well as a program he developed to help address these hazards.

An opportunity was then provided for Committee questions and comments.

For a full account of Mr. Vanni's comments, refer to page 202 (Line 25) of the February 22, 2024, meeting transcript, in Docket No. OSHA-2024-0002 at <https://www.regulations.gov>.

Speaker: Ashley Briefel, ACCSH Counsel (EXHIBIT LIST)

Ms. Briefel designated the following as exhibits:

- Exhibit 1, the ACCSH DOC Update presentation from Tim Irving.
- Exhibit 2, the Women's Bureau presentation from Gayle Goldin and Robin Runge from the Women's Bureau.
- Exhibit 3, the Industry Presentation to OSHA Advisory Committee on Construction Safety and Health Working Group from Eric Moughler.
- Exhibit 4, the Innovations and Work Zone Safety presentation from Mitch Cowart and Justin Ganschow from Caterpillar.
- Exhibit 5, the International Safety Equipment Association presentation.

The exhibits were then entered into the record.

Meeting Wrap-up and Adjournment

**Speakers: Tim Irving, Deputy Director, Directorate of Construction
Chair, Christina Trahan Cain**

Mr. Irving thanked everyone for their time. Ms. Cain adjourned the meeting.

Meeting adjourned.