



Transcript of **Maritime Advisory Committee**

Tuesday, June 4, 2024

OSHA Hearings

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1 U.S. DEPARTMENT OF LABOR - OCCUPATIONAL SAFETY AND
2 HEALTH ADMINISTRATION

3
4 MARITIME ADVISORY COMMITTEE FOR OCCUPATIONAL SAFETY
5 AND HEALTH (MACOSH)

6
7 FULL MACOSH MEETING

8 Virtual Via Webex
9

10
11 10:00 a.m.

12 Tuesday, June 4, 2024
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17
18 U.S. Department of Labor, Francis Perkins Building
19 200 Constitution Avenue, N.W.
20 Washington, D.C. 20210
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ATTENDEES

MACOSH Members

DONALD V. RAFFO, Marine Chemist Association,
Chairman

AARON ARABSKI, Noble Drilling

SOLOMON EGBE, National Safety Council

ROBERT FIORE, International Longshoremen's
Association

JOHN GOERING, U.S. Department of Transportation,
Maritime Administration

DAVID HARDT, National Institute for Occupational
Safety and Health

AMY SLY LIU, Sound Testing, Inc.

THRESA NELSON, American Industrial Hygiene
Association

MICHAEL OATHOUT, International Association of
Machinists and Aerospace Workers

JOHN RATCLIFFE, Virginia International Terminals,
Port of Virginia

JAMES RONE, Washington Department of Labor and
Industries, Division of Occupational Safety
and Health

1 ATTENDEES (continued)

2 DAVID TURNER, Yusen Terminals, LLC

3 DAVID WARD, U.S. Coast Guard Office of

4 Environmental Standards

5 ADAM WETZELL, ILWU, Coast Longshore Division

6

7 OSHA Staff

8 AMY WANGDAHL, Director, Office of Maritime and

9 Agriculture

10 CHRISTIE GARNER, Office of Maritime and

11 Agriculture

12 CARLA MARCELLUS, Office of Maritime and

13 Agriculture

14 DANIEL WATSON, Office of Maritime and

15 Agriculture

16 TONYA FORD, National Family Liaison

17 JENNIFER LEVIN, Committee Counsel, Office of the

18 Solicitor

19 MIRIAM CARLON

20 MEGHAN SMITH

21 MELISSA SPIVEY

22

1 P R O C E E D I N G S

2 Opening Remarks, Roll Call, Introductions

3 Mr. Raffo: Welcome, everyone. I am the
4 Chairman, Don Raffo. I would like to thank
5 everyone for their participation today. This is,
6 as we all know, a Webex or Zoom-type call, which
7 has plusses and minuses to it. Plusses, we save
8 money, we don't have to travel. The minus is I
9 miss seeing everyone in person, at least for me
10 that is it.

11 Today we have an agenda which we will
12 follow. I will start in a couple of minutes with a
13 roll call. Just a quick overview is this morning
14 we will have several presentations which will be
15 followed by both the Shipyard and the Longshore
16 Group report-outs. We will conclude with an open
17 discussion by Committee members, and if anyone has
18 any closing remarks will adjourn, I am going to say
19 somewhere around noon. We will have a one-hour
20 break, and we will resume our workgroup meetings.

21 Now everyone should have gotten separate
22 links, because this link will no longer work for

1 this afternoon. You will have to log back in about
2 1:00, or hopefully a little bit before, and whether
3 you are on the Longshore Group or the Shipyard
4 Group you will log in as appropriate. If you don't
5 have that link -- it was sent a few days ago -- I
6 am not sure what is going to happen then. But
7 hopefully you do, and you can log in and join the
8 meeting this afternoon.

9 Any questions so far?

10 [No response.]

11 Mr. Raffo: I am going to start off with
12 a roll call of the MACOSH Committee members. I am
13 going to go off of our prior list from the last
14 meeting, and I am just going to have you say
15 "Present" if you are here."

16 I am going to start off. Don Raffo.
17 Present.

18 Solomon Egbe?

19 Mr. Egbe: Present.

20 Mr. Raffo: John Goering?

21 Mr. Goering: Present.

22 Mr. Raffo: Amy Liu?

1 Ms. Liu: Present.

2 Mr. Raffo: Thresa Nelson?

3 Ms. Nelson: Present.

4 Mr. Raffo: Michael Oathout?

5 Mr. Oathout: Present.

6 Mr. Raffo: John Ratcliffe?

7 Mr. Ratcliffe: Present.

8 Mr. Raffo: And is Jim Rone still absent?

9 Larry Russell is absent.

10 David Turner?

11 Mr. Turner: Present.

12 Mr. Raffo: David Ward:

13 Mr. Ward: Present.

14 Mr. Raffo: Aaron Arabski?

15 Mr. Arabski: Present. I'm here.

16 Mr. Raffo: Okay. Robert Fiore?

17 Mr. Fiore: Present.

18 Mr. Raffo: Adam Wetzell?

19 Mr. Wetzell: Present.

20 Mr. Raffo: And Daniel Hardt, our newest
21 member, replacing Alice.

22 Mr. Hardt: Present.

1 Mr. Raffo: Just for a couple of, or
2 maybe one housekeeping issue, the next step is we
3 are going to do introductions, run over the agenda,
4 and then we are going to have a discussion of the
5 minutes of the prior meeting and vote on them. If
6 you are not present at the prior meeting, which I
7 have Adam, Robert, Adam, and Daniel Hardt, you can
8 either not vote or you can abstain. But I have
9 talked to the Agency's attorney, and if you were
10 not present you cannot vote on it. Any questions
11 on that?

12 [No response.]

13 Mr. Raffo: Okay. I am going to ask now
14 for introductions. I am going to go down the list
15 again and just say, for the members of the public,
16 who are representing, and then followed by that I
17 will ask any public participants to just state
18 their names and affiliations also.

19 So I will start off. I am Donald Raffo.
20 I am representing the marine Chemists Association.

21 Next is Solomon.

22 Mr. Egbe: Solomon Egbe, representing the

1 National Safety Council.

2 Mr. Raffo: Thank you. John Goering?

3 Mr. Goering: John Goering, representing
4 the Maritime Administration.

5 Mr. Raffo: Thank you. Amy Liu?

6 Ms. Liu: Amy Liu, representing Sound
7 Testing out of Seattle, Washington.

8 Mr. Raffo: Okay. Thresa?

9 Ms. Nelson: Thresa Nelson, representing
10 the American Industrial Hygiene Association.

11 Mr. Raffo: Thank you. Michael?

12 Mr. Oathout: Michael Oathout,
13 representing the International Association of
14 Machinists and Aerospace Workers.

15 Mr. Raffo: John? John Ratcliffe?

16 Mr. Ratcliffe: John Ratcliffe,
17 representing Virginia International Terminals, the
18 Port of Virginia.

19 Mr. Raffo: Thank you. Jim Rone is still
20 not here. Is that correct?

21 Ms. Wangdahl: He is trying to get in, so
22 he is coming.

1 Mr. Raffo: Okay. Jim is representing
2 the International Longshoremen's Association.

3 Larry Russell, who will not be here
4 today, is representing National Fire Protection
5 Association.

6 David?

7 Mr. Turner: Good morning. I am
8 representing NMSA, the National Maritime Safety
9 Association, as well as PMA.

10 Mr. Raffo: Okay. And that is David
11 Turner.

12 Mr. Turner: Correct.

13 Mr. Raffo: David Ward?

14 Mr. Ward: Good morning. I am
15 representing the Coast Guard's Office of Operating
16 and Environmental Standards here out of Washington,
17 D.C.

18 Mr. Raffo: Thank you. Aaron Arabski?

19 Mr. Arabski: Yeah. Aaron Arabski, a
20 professional mariner. I work on ships. I am a
21 licensed captain.

22 Mr. Raffo: And you are representing

1 Noble Drilling?

2 Mr. Arabski: Yes.

3 Mr. Raffo: Okay. Thank you. Robert
4 Fiore?

5 Mr. Fiore: Robert Fiore, representing
6 the International Longshoremen's Association, not
7 Jim Rone.

8 Mr. Raffo: That's what they have in the
9 minutes, so maybe that's an error. Okay. Thank
10 you for that, Robert.

11 Mr. Fiore: Okay.

12 Mr. Raffo: We will have to change that,
13 because also I have Amy Liu in the minutes with the
14 wrong affiliation also.

15 Adam Wetzell?

16 Mr. Wetzell: Adam Wetzell, representing
17 the International Longshore Warehouse Union.

18 Mr. Raffo: Perfect. Thank you. And
19 last but not least, Daniel Hardt.

20 Mr. Hardt: Daniel Hardt, representing
21 Health and human Services, specifically the
22 National Institute for Occupational Safety and

1 Health.

2 Mr. Raffo: Okay. Thank you. And I
3 don't believe I missed anyone.

4 I am going to run down the OSHA staff
5 just real quick. Amy Wangdahl?

6 Ms. Wangdahl: Good morning. I'm
7 Director of the Office of Maritime and Agriculture
8 in Washington, D.C.

9 Mr. Raffo: Okay. I'm not sure who is on
10 but I know Danielle Watson is on.

11 Ms. Watson: Yes. Danielle Watson, DSG,
12 Office of Maritime and Agriculture.

13 Mr. Raffo: Okay. How about, Nick, are
14 you on? I didn't see that. So Nick is absent.

15 How about -- who else do I have here? --
16 Andrew Levinson? I'm just going from last time.
17 He is not here, right? Frank Meilinger? Not here.
18 Christie Garner, is she here? No. Carla? She is
19 here, right?

20 Ms. Marcellus: Yes, good morning. This
21 is Carla Marcellus, Office of Maritime and
22 Agriculture.

1 Mr. Raffo: And Jennifer, you're here?

2 Ms. Levin: Yes. Jennifer Levin, Office
3 of the Solicitor, Occupational Safety and Health
4 Division.

5 Mr. Raffo: Okay. And I have a few
6 others. I don't think they're here. Steve
7 Schayer, Zoe Petropoulos, Eric Kampert, and John
8 Voss. I am assuming they are not here. Okay.

9 Did I miss anyone here? I probably did.
10 I have a list here. We have Mariam Carlon Is that
11 correct?

12 Ms. Carlon: Yes.

13 Mr. Raffo: Okay. And we talked to
14 Carla. Christine Allen also on. Is that correct?

15 Meghan Smith?

16 Ms. Smith: Hi. Here, with OSHA's
17 Directorate of Whistleblower Protection Programs.

18 Mr. Raffo: Okay. Melissa Spivey?

19 Ms. Spivey: I'm here.

20 Mr. Raffo: Okay. And Tonya Ford is the
21 last one I see.

22 Ms. Ford: I am here. Thank you. I am

1 with the Office of Communications, National Family
2 Liaison.

3 Mr. Raffo: Okay. Thank you. And I see
4 we, if I read this correctly, we have 12 public
5 participants. Is that correct? I wonder if you
6 could -- let me see if I can see them here.

7 Ms. Carlon: Don, to give you an update,
8 Jim Rone was able to join, if you wanted to.

9 Mr. Raffo: Okay. Hello, Jim. How are
10 you?

11 Mr. Rone: I'm good. How are you?

12 Mr. Raffo: Good. We were panicking.
13 Glad to see you. And during the roll call -- I'll
14 just go backwards a little bit -- we did the roll
15 call. You are obviously present now. And who do
16 you represent?

17 Mr. Rone: Organization of State Plan
18 Agencies.

19 Mr. Raffo: Okay. Thank you.

20 And for the public participants,
21 Jennifer, do we want to have them all introduce
22 themselves?

1 Ms. Levin: No, it's not necessary.

2 Mr. Raffo: Okay. So we have their names
3 here and I think we're good. So it's not
4 necessary.

5 Agenda

6 Mr. Raffo: So we will just move right on
7 now into the agenda. Has everyone got the agenda
8 and understands what we are doing? I went through
9 it briefly before about how it's split up into two
10 parts.

11 Mr. Egbe: Yes.

12 Mr. Raffo: Okay.

13 Discussion of November 14, 2023, Meeting Minutes

14 Mr. Raffo: Next is we are on to the
15 minutes. Hopefully everyone has gotten a copy of
16 the last meeting's, November 14, 2023, minutes. I
17 think it is up on the screen, at least the first
18 page.

19 From what I can tell, for corrections, I
20 have Amy Sly Liu, it says Marine Chemists
21 Association, but she is representing Sound Testing.
22 Is that correct?

1 Ms. Liu: That is correct.

2 Mr. Raffo: Okay. So could we make that
3 change to the minutes, please?

4 We also, on the minutes, have James Rone.
5 It states he's representing the International
6 Longshoremen's Association. But that does not
7 appear to be correct either. It's also -- Jim,
8 before I butcher it, what are you representing?
9 The State Plan --

10 Mr. Rone: All 29 states with state
11 governments with their own state plan.

12 Ms. Wangdahl: It's OSHSPA. We'll make
13 the changes for Amy and Jim, and any other changes
14 that you have just make a motion and we will
15 correct them, and upload them into the docket
16 correctly.

17 Mr. Raffo: Does anyone else have
18 changes?

19 [No response.]

20 Mr. Raffo: So at this point could we
21 have a motion to accept the November 14, 2023,
22 minutes of the MACOSH meeting, as amended?

1 Mr. Turner: I will make that motion.

2 This is Dave Turner.

3 Mr. Raffo: Okay.

4 Mr. Rone: Second.

5 Mr. Raffo: Who seconded it?

6 Mr. Rone: That would be me, Jim.

7 Mr. Raffo: Jim Rone, okay, seconded it.

8 I don't know with these Zoom meetings if you need
9 to state your name or not, so they know who it is..

10 Mr. Rone: No worries.

11 Mr. Raffo: We have a motion and we have
12 a second. Is there any discussion on the motion?

13 [No response.]

14 Mr. Raffo: Everybody is clear on what
15 the motion is? We have made some small changes.

16 [No response.]

17 Mr. Raffo: Okay. I'm going to call the
18 vote. As I said before, Mr. Hardt, Wetzell, Fiore,
19 Arabski will have to either not vote or abstain,
20 and everyone else can vote.

21 So I'm going to start going a little
22 backwards because usually we have a unanimous vote.

1 But is anyone opposed to accepting the minutes?

2 [No response.]

3 Mr. Raffo: So hearing none, there is no
4 opposition. I am going to make an assumption that
5 everyone else, minus Mr. [inaudible] are in favor
6 of it. Is that correct?

7 Male Voice: Aye.

8 Mr. Raffo: If anyone disagrees, let me
9 know.

10 Male Voice: Aye.

11 Mr. Raffo: Okay. I am going to take
12 that as a motion passed, and I'm going to ask,
13 Aaron Arabski, did you want to abstain or not vote?
14 It's sort of the same thing.

15 Mr. Arabski: I will not vote.

16 Mr. Raffo: Okay. How about Robert
17 Fiore? Abstain or no vote. Is he on mute?
18 Robert? We are not hearing you.

19 Mr. Fiore: I don't know if anybody can
20 hear me, but I can't hear a word.

21 Mr. Raffo: Okay. I'm not sure why. Can
22 everyone else hear?

1 [Chorus of yeses.]

2 Mr. Raffo: Except for Robert. All
3 right. I guess I will let the technical people
4 deal with that. I will move on to Adam Wetzell.

5 Mr. Wetzell: No vote.

6 Mr. Raffo: No vote. And Daniel Hardt?

7 Mr. Hardt: No vote.

8 Mr. Raffo: Okay. Thank you. Robert,
9 you still can't hear us. Is that correct?

10 Mr. Fiore: No, I can't.

11 Mr. Raffo: Okay. All right. I'm the
12 only one talking, so can you hear me? I'm going to
13 take that as a no.

14 Mr. Fiore: No, I can't hear anything.

15 Mr. Raffo: Okay. I guess we'll have to
16 get back to Robert later on when we figure out why
17 he can't hear anything. I am of no help on that,
18 other than I see he's on a mobile device. Maybe
19 that's why. I don't know.

20 Any suggestions from the staff on the
21 office, the attorney, on what to do with Robert?

22 Ms. Levin: I cannot help on the

1 technical side, but with regard to this vote he was
2 absent last time. Correct? So he can't vote on
3 it. So we can go ahead and complete the voting on
4 this, and you can report that it has passed.

5 Mr. Raffo: Robert has a no vote, so that
6 concludes the voting. The motion passes
7 unanimously. And Jennifer, do you need to accept
8 this into the record?

9 Ms. Levin: Yes. I move the minutes from
10 the November 2023 meeting of the MACOSH Committee
11 into the record, as amended, as corrected.

12 Mr. Raffo: Okay. Thank you. So we have
13 introduced those into the record so I think we are
14 done with the initial part of it. And we can now
15 move on.

16 Wind Turbine Safety Presentation

17 Mr. Raffo: The next item on the agenda
18 is the Wind Turbine Safety Presentation by Adam
19 Wetzell, representing ILWU, Coast Longshore
20 Division. Adam, are you ready?

21 Mr. Wetzell: I am ready.

22 Mr. Raffo: Okay. Are we ready with the

1 presentation? You can take over at any time.

2 Ms. Carlon: All right, Adam. I am
3 getting it loaded for you now.

4 Mr. Wetzell: All right. Thank you.
5 Good morning, everybody. I am Adam Wetzell from
6 the ILWU, Coast Longshore Division. And I put
7 together a windmill presentation for everybody so
8 they can kind of get a backdrop of why we are
9 seeing so many windmills in the ports now. And you
10 will get to see some safety, some videos. It is
11 about 40-some slides. We'll try to get through
12 them as quick as we can, so everybody can kind of
13 get a better understanding as to how we do these
14 jobs. It is roughly 46 slides, and most of them
15 are just pictures.

16 All right. I am ready when you are
17 ready.

18 Ms. Carlon: It is loading. I'm sorry
19 it's taking so long.

20 Mr. Wetzell: All right. First slide.

21 Windmills, the quest for renewable
22 energy. Next slide, please.

1 Okay. So a windmill and a wind turbine
2 are different in structure and purpose. And people
3 use the terms interchangeably. A lot of people
4 don't understand this. We have been saying
5 "windmills" almost our whole lives, but in reality
6 they are two different things.

7 A windmill is old technology that uses
8 wind to mill grains, drive machines, or move water.
9 A wind turbine converts wind energy into
10 electricity by turning a turbine.

11 Next slide.

12 The first wind turbine was built in 1887,
13 by Charles Brush in Cleveland, Ohio. This is a 60-
14 foot monster with 144 blades and a comet-like tail
15 that generated 12 kilowatts of electricity. One
16 kilowatt is equal to 1,000 watts. Your home
17 microwave uses roughly 1,000 watts of electricity.

18 Next slide.

19 What does the future hold for wind power?
20 The quest for renewable energy is not a fad, and
21 wind generators are part of the solution to ending
22 our energy dependence from fossil fuels.

1 Next slide, please.

2 Wind turbine advancement. Wind turbines
3 have come a long way since their inception in the
4 1880s. Today they are a common sight in many parts
5 of the world, providing clean energy to power homes
6 and businesses. In the last five years, wind
7 turbine technology has undergone some significant
8 changes, updates, and improvements. These
9 advancements have resulted in increased efficiency,
10 improved reliability, and reduced costs.

11 Next slide, please.

12 One of the most significant changes in
13 wind technology is blade design. Researchers have
14 been working to develop blades that are longer,
15 lighter, and more efficient. Long blades mean more
16 turbines can capture more energy from the wind,
17 while lighter blades reduce the load on the
18 turbine's gear box. By making the blades more
19 efficient, we can get more power out of each
20 revolution of the turbine.

21 And I just kind of want to stop here. So
22 these blades are getting longer and longer. They

1 started out not real tall. Now they are taller
2 than the Statue of Liberty at this point. And they
3 are actually trying to make blades now that
4 retract, so they would fold in half to offload.
5 You will see that in some pictures here coming up
6 of offloading.

7 So this is past and present wind turbine
8 sizes. As you can see, from 1980 to 1990, they
9 were only 17 meters, and then you go all the way to
10 today, 2023 and 2024, we are looking at they can
11 produce 10 megawatts of electricity, or 174 meters.
12 It is just a chart of how big these things have
13 gotten in the last 20, 30 years.

14 Now does an offshore wind farm work?
15 Next slide.

16 So this kind of gives you an idea of how
17 an offshore wind farm works. They've got a
18 floating, you can have a jacket, a monopile, and
19 then you have a substation which brings power to
20 the grid. So we are seeing a lot of this on the
21 East Coast and the West Coast.

22 Offshore wind in the United States. Next

1 slide.

2 Offshore wind is becoming a powerful
3 player in the renewable energy space. Wind
4 turbines fixed on platforms in large bodies of
5 water can generate strong, steady power even
6 through the night, giving them an edge over onshore
7 wind power.

8 Coastal locations ideal for offshore wind
9 are closer to population centers, making
10 connections to transmission lines easier and less
11 costly.

12 The United States could build enough
13 offshore wind turbines to nearly triple our annual
14 electricity generation.

15 While the U.S. offshore wind industry is
16 newer than in Europe, several factors limit its
17 growth. These factors include siting challenges
18 such as water depth, competing coastline use, and
19 the need for community support.

20 Next slide.

21 Offshore wind water depth. Did you know
22 there are far more leases for offshore wind farms

1 on the East Coast than the West Coast? One reason
2 is water depth.

3 Next slide.

4 Fixed wind turbines are built in the
5 seabed and it is difficult to install in waters
6 deeper than 200 feet. East Coast water depth
7 descends more gradually, while the West Coast
8 Continental Shelf drops off steeply to depths of
9 13,000 feet.

10 Next slide, please.

11 So you can see this is a chart of the
12 leased, proposed, and operational wind farms on the
13 West Coast and the East Coast, and obviously the
14 East Coast has a lot more leased areas. You can
15 see that there in this chart. And it kind of gives
16 you the floating turbine limits, so how far out
17 they can actually go. And then on the West Coast
18 you can see there are only proposed right now in
19 California and Oregon.

20 Next slide, please.

21 Offshore wind energy to double. The
22 total estimated electrical capacity of offshore

1 wind from 2020 to 2025 is 61 gigawatts. How much
2 energy does 1 gigawatt produce? Enough to power
3 300,000 homes. By 2025, 61 gigawatts of offshore
4 wind will Be produced, enough electrical capacity
5 to power 18,300,000 homes by the end of 2025.

6 This is the tallest wind turbine. This
7 is in Fujian Province in China. It generates
8 enough power -- next slide, please, sorry --
9 170,000 homes a day. The full project cost \$880
10 million, and it has got adjustable blades in real
11 time. So if there is a typhoon coming, they can
12 actually adjust the blades on this to a different
13 rotation, which will keep it from being destroyed
14 during a typhoon.

15 Next slide, please.

16 Why does all this matter? More wind
17 farms equals more cargo coming to our ports.

18 Next slide, please.

19 Challenges. Wind turbines transportation
20 challenges. Although all wind turbine components
21 require transportation, the blades provide the most
22 formidable challenges because of their ever-

1 increasing lengths.

2 Next slide, please.

3 So what are the components of a wind
4 turbine? You've got your tower, your nacelles, and
5 your rotor blades.

6 Next slide, please.

7 The is the tower. This section rests on
8 a foundation above the ground or the water.

9 Next slide, please.

10 The nacelle contains a set of gears and a
11 generator, converting rotational energy into
12 electrical energy. This just kind of gives you an
13 overview of how that actually works right there on
14 the slide.

15 Next slide, please.

16 Rotor blades. The wind turbine blades
17 operate under the same principle as aircraft wings,
18 with one curved and one flat side. Since wind
19 flows more rapidly along the curved edge, it
20 creates a pressure difference, causing the blades
21 to rotate.

22 How are the rotor blades made? So this

1 is just a chart of how they are actually made, and
2 they are manufactured -- it's really small; I'm
3 sorry -- this is the inner part. So I'm just going
4 to show you the inner part, and most of it is
5 carbon fiber or Fiberglas, and they make these very
6 lightweight, so they can be transported.

7 Next slide, please.

8 Now we'll get into the nuts and bolts.
9 De-lashing on the nacelle. Power de-lashing is
10 usually below deck. Most components are set on the
11 stickers or blocks of wood. So you can see here
12 there are chains, binders, and they are all at
13 height.

14 Next slide, please.

15 Lashing, hook chains, and bindings. So
16 this is just more of the same. You see how they
17 chain it to the floor of the ship here. It's got
18 crisscrossed on there, and then it's up tall.

19 Next slide, please.

20 Tower lashings secured to the deck of the
21 vessel using D-rings. So you can see those D-rings
22 are welded to the bottom of the ship, using welders

1 and cutters, and then they use bindings to tighten
2 it up.

3 Next slide, please.

4 On-deck de-lashing. Hook chain lashings
5 and bindings or come-along puller is used to reduce
6 the pressure to break the bindings. So basically,
7 to break these down you use a come-along. You hook
8 it up to the upper part, below the turn buckle, and
9 that loosens it up.

10 Next slide, please.

11 So this is a video. If you could play
12 the video I would appreciate it, if it went
13 through.

14 Ms. Carlon: Give me one second.

15 Mr. Wetzell: Thank you.

16 [Video plays.]

17 Mr. Wetzell: So what you are seeing
18 there is this guy is actually up on a high reach,
19 and he's de-lashing the towers. So he's up there
20 in a high reach, in a man basket, or boom, whatever
21 everybody calls it. Everybody has a different name
22 or term for it. But he's up there de-lashing.

1 You can go to the next slide.

2 The next one is the edge of the MacGregor
3 lid. Modified vessel lids welded to D-rings (they
4 are orange and blue). So if you in the above
5 picture there, the orange and blue D-rings have
6 been welded to the lid. This is basically the lid
7 of a break-bulk vessel. And they are welded
8 through the entire vessel for lashing points.
9 Cutters and welders are employed to do this work.

10 So you'll the bottom is kind of down
11 below. This is below the ship, and this is up
12 above, where the lid would be, where the lid would
13 open. So those are welded there for a point to
14 lash down the windmill parts.

15 Next slide, please.

16 The nacelle of the wind turbine is
17 positioned below deck. So you can see they are
18 lifting one right now out of the below deck of this
19 ship. The lid is open.

20 Next slide, please.

21 And then you can see the nacelle is being
22 loaded onto a MAFI trailer using a mobile harbor

1 crane. These parts are huge. I mean, they are not
2 tiny. That's a mobile harbor crane right there.
3 We are putting it onto a MAFI trailer.

4 Next slide, please.

5 The don'ts of fall protection. So you
6 can see climbing up, beams to unleash. The tower is
7 there.

8 Next slide, please.

9 This is towers and blades. Towers and
10 blades are positioned on the deck of the vessel.
11 So you are actually seeing a blade -- that picture
12 right there is a blade, all the way down. So it is
13 the length of almost three hatches. And then your
14 towers are right there in the center of the hatch.

15 Next slide, please.

16 So this is a video, hoisting towers. So
17 this guy is hooking up the slings using a boom
18 lift, tandem pick, using the gear. So it is the
19 same video as before. You don't have to play this
20 video. It's just the same. The guy is just
21 hooking up the sling in the video.

22 You can go to the next slide.

1 Okay. So this is hoisting towers with
2 the ship's gear. So they are going to land these
3 on a MAFI flatbed trailer. And this vessel, you
4 can see it has fixed stanchions. You can play this
5 video.

6 [Video plays.]

7 Mr. Wetzell: You can see this is a twin
8 pick, so they are picking it at the same time.
9 It's sped up, obviously. It can give you an idea
10 of how they pick these parts.

11 All right. Next slide, please.

12 So this is the Liebherr mobile harbor
13 crane. These are out in Vancouver, Washington.
14 They have twin mobile harbor cranes. They can pick
15 up to 140 metric tons lifting capacity, so they
16 have two of these that they use here in Vancouver.
17 And in Longview, Washington, they have two, as
18 well.

19 Next slide, please.

20 This is offloading the blades from the
21 vessel. So you can see they are using the mobile
22 harbor crane to lift the blades off the vessel.

1 Next slide, please.

2 This is joisting the blades. This is
3 done as tandem pick, using ship's gear or mobile
4 harbor crane. So you can kind of see the guys up
5 there. There is a guy up there actually hooking up
6 He's tied off and he's hooking up the 50-pound hook
7 to that blade there, so they can lift that off.
8 And then the crane on the other side is hooked up
9 too.

10 Next slide, please.

11 Slinging. Slinging components can create
12 hazards. So you can kind of see there are people
13 everywhere, all the time, when you're slinging
14 these. So they're coming down to the dock, putting
15 them on trailers, chassis, whatever they do. Every
16 dock is different that handles these. But in
17 Vancouver they put them usually on MAFI trailers.

18 Next slide, please.

19 Blades are landed on a MAFI trailer and
20 stored until they are ready for transport. So you
21 can see they put it on the truck, and they are just
22 driving it through the yard.

1 Next slide, please.

2 So this is a ship-to-barge transfer.

3 This is a video, if you can play the video. They
4 are hoisting using a mobile harbor crane that's on
5 the dock, to a barge. So they loaded these from
6 the ship to a barge. They actually went up the
7 Columbia River to a wind farm up the Columbia
8 River. They're just taking the towers and hoisting
9 them from the ship, and those cranes are on the
10 dock, to a barge.

11 Next slide, please.

12 And this is blades to barge transfer. So
13 they're taking the blades off the ship and they are
14 putting them onto a barge.

15 Next slide, please.

16 And this is the bigger view. This is
17 [inaudible.]

18 All right. Next slide. So the longest
19 blades ever offloaded in North America were just
20 recently offloaded. They are 250 feet in length
21 and they are nearly as tall as the Statue of
22 Liberty. So it gives you an idea of how big these

1 are. They are huge.

2 Next slide, please.

3 Moving components in the storage area.

4 You see they are using a reachstacker there with a
5 beam attached to it to move. These are smaller
6 blades, but that is how they move them around the
7 yard.

8 Next slide, please.

9 And this is a video, as well. This is
10 moving towers in the yard using two reachstackers.
11 Same reachstacker used to move containers.

12 All right. You can go to the next slide.

13 And then once they are transported, they
14 are eventually transported via truck -- you can see
15 the truck -- to a wind farm. They are loaded onto
16 trucks using two reachstackers or the mobile
17 cranes. And I'm sure some people have seen these
18 on the highways, these blades being transported.

19 And then the last one is recent accident
20 that happened in Vancouver. And this is a 260-foot
21 blade, and when he went to turn the truck rolled
22 over on its side. So you can see how long these

1 are. I mean, you're looking at two reachstackers
2 and a truck with a trailer in the back. This is
3 just a recent accident.

4 That's the presentation. Does anybody
5 have any questions? Thank you for doing those
6 slides.

7 Mr. Turner: I do, Adam.

8 Mr. Wetzell: Yeah. Go ahead.

9 Mr. Turner: You know, first of all,
10 great job, in my opinion. That was educational, so
11 thank you.

12 So we've got lots of different hazards
13 here. What would say would be the focus, the
14 number one focus hazard. Would it be fall risks?
15 Would it be the pick itself? I mean, what are your
16 thoughts there as far as highest risk?

17 Mr. Wetzell: I think fall risks is the
18 number one, in my opinion. You're climbing all
19 over this equipment to de-lash it. If you could go
20 back to Slide 24 real quick. That right there. So
21 those are towers, and they have ladders. So it's
22 like a fixed ladder on these that's built into

1 them. So you can limb these, and they're climbing
2 to de-lash this. That's probably one of the
3 biggest hazards that I see is a fall hazard or
4 wearing a harness, making sure you're tied off. I
5 think that's the number one thing, in my opinion.

6 Mr. Turner: I guess we'll discuss this
7 in the Committee, but there's lots of different
8 risk on this, right?

9 Mr. Wetzell: Yeah. I mean, you can look
10 at Picture 31. Can you go to Slide 31 real quick?
11 So you can see, that picture was taken from a
12 blade, on the edge of the blade where they are de-
13 lashing. And that's on the water side. So you can
14 see, in that picture, that person is up there on
15 the edge of that blade, trying to de-lash that.

16 And you can see better in that picture,
17 too, where the towers are lashed. You can see the
18 lashings are all the way up to the top of the tower
19 there, in the round part. And there are a lot of
20 hazards on these jobs. I mean, the de-lashing
21 alone is a hazard.

22 I mean, when we talk about lashing on

1 container ships, this is far more extensive than a
2 container ship lasher, in my opinion, too. We
3 could focus on lashing, as well.

4 Mr. Raffo: Anyone else have questions
5 for Adam?

6 Ms. Liu: This is Amy Liu. Sorry, I do
7 have one other question, and it's related to Dave
8 Turner's, which is, what are the top injuries? Is
9 it falls or is musculoskeletal from the awkward
10 positions? I'm just curious.

11 Mr. Wetzell: It would be lashing. It
12 would probably be slips, trips, and falls lashing
13 injuries. Just kind of like a container ship
14 lashing injury, more than anything. I don't think
15 we have any fall injuries that I'm aware of, but I
16 do believe there are a lot of slips, trips, and
17 falls, back injuries, stuff like that.

18 Ms. Liu: Thank you.

19 Mr. Wetzell: You're welcome.

20 Mr. Raffo: Any other questions? If not,
21 I have a couple for you, Adam. Anyone else?

22 [No response.]

1 Mr. Raffo: I have some more technical
2 ones. You started off by talking about the
3 different types of anchoring to the sea floor --
4 monopoles to supporting. And I'm assuming that's
5 all based on depth. That's sort of what I think
6 you said.

7 Mr. Wetzell: Yep. Yep. Correct.

8 Mr. Raffo: Now is the support function
9 greater for the deeper ones, or is it about the
10 same? You know, because I'm assuming there is a
11 significant amount of shore-based support needed
12 for these.

13 Mr. Wetzell: Yeah. Just in my research,
14 they do make floating turbines, but they can't be
15 as big as the ones that they are building now.
16 They'll still have to be anchored somehow to the
17 seabed floor. That's why you're seeing more wind
18 farms on the East Coast than the West Coast,
19 because it's so much deeper.

20 I know that there are some challenges in
21 Northern California, where they have a wind farm
22 that they are trying to put in, but the water depth

1 is just ridiculous. So they're trying to figure
2 out how they are going to anchor these to the
3 seabed without them falling over, obviously.

4 There are some challenges with this. I
5 mean, I think in the next 10 years we're going to
6 be seeing more and more wind farms on the East and
7 West Coasts, because they will generate free power
8 -- nonpolluting power, is what I should say, not
9 free power. Nothing is free

10 But I see, in the future, we'll probably
11 see floating windmills. They have them in Europe.
12 It's very common, very standard over there. We
13 just haven't caught up with that technology yet
14 here in the States.

15 Mr. Raffo: Okay. You spent a lot of
16 time talking about blades, you know. From a
17 technical point, are they all adjustable pitch, or
18 just some of them? Are some of them fixed pitch?
19 And a follow-up on that, sometimes you see two,
20 I'll call it wind turbines next to each other. One
21 is turning and one is not. I just wonder if you
22 could comment on that.

1 Mr. Wetzell: I don't know necessarily
2 with the blades why one isn't turning or not, but I
3 know that fixed pitch, like everything that's
4 coming is fixed. It's already got a pitch, just
5 like a propeller on an airplane. Very similar to
6 that. They're all coming that way now, and the
7 pitch is changing so much that that's why, in that
8 last picture you see there, if you go to the last
9 slide that I had on there, 46, where the truck is
10 turned over.

11 If you look at that blade you can see the
12 pitch in it, like how much it turns and it rolls.
13 So that's creating longer blades, more pitch, it's
14 creating more electricity. The more revolutions
15 this makes every day, the more electricity it
16 produces.

17 Mr. Raffo: Okay. Thanks. More quick
18 questions. I think we all know about the
19 positives, the generation of power. I'm on the
20 East Coast, in Connecticut, and I have a lot of
21 wind farms near me. I've done some work on wind
22 farm vessels. People are wound up about the birds

1 potentially crashing into them. They talk about
2 fish, which I think it enhances the fish habitat.
3 And then there's a visual component to it. Any
4 thoughts on those?

5 Mr. Wetzell: I mean, coming from a
6 standpoint of being a longshoreman, putting wind
7 farms in obviously can detour shipping, right. The
8 more wind farms you have, they have got to move
9 those ships around that.

10 Another negative I think I just read last
11 week was the vibration these windmills are creating
12 is throwing off dolphin and whale sonars, the ones
13 that are anchored to the seabeds. And I know that
14 is a challenge, as well. That is a definite
15 negative.

16 I mean, I think Robert would agree with
17 me. The wind farms deter shipping lines from
18 coming to certain places because they have to
19 actually route around them. That's something that
20 is a challenge down the road. There's a lot of
21 negative stuff going on in Oregon about that. The
22 fishermen don't want the wind farm off Newport,

1 Oregon, because their boats are going to have to go
2 around it.

3 So there are challenges with it. I
4 totally agree with what you are asking, yeah.

5 Mr. Raffo: Okay, thanks. And bringing
6 it sort of full circle to why we are here, you sort
7 of talked about two different components, the
8 longshoring component of loading the, we will call
9 it part, onto a vessel, which I would assume falls
10 under the longshoring standards.

11 Mr. Wetzell: Yep.

12 Mr. Raffo: Once they are loaded and the
13 vessel, whether it's a barge or a ship, leaves the
14 port, do they fall under a different set of
15 standards? And do they fall under a different set
16 of standards when they're out working on the
17 vessel?

18 Mr. Wetzell: You know, I don't know the
19 answer to that question, honestly. I know a lot of
20 these ships, when we offload the windmill parts,
21 they turn around and go to the grain elevator and
22 we fill them up with grain the next day, or soda

1 ash or potash or whatever is in the rivers.

2 So usually these ships come here, we
3 offload them, and then we run them with another
4 commodity, and they go back. I'm not really sure
5 how to answer that question because I don't really
6 have the answer to it, Don.

7 Mr. Raffo: Okay. That's not a problem.
8 I'm just kind of curious. Because I think in ports
9 and at longshoring facilities, you know, you're
10 fairly clear designation on who is in charge. But
11 once you go out to sea -- and I know there is a
12 fair amount of maintenance done on these wind farms
13 -- how it's covered. That's fine.

14 Thank you. It was a great presentation
15 and I'll give everyone else, any other comments,
16 questions for Adam?

17 [No response.]

18 Mr. Raffo: Okay. Hearing none, I'm
19 going to ask that Adam's presentation -- I'll turn
20 it over to Jennifer -- be placed into the docket.

21 Ms. Levin: As Don just said, I hereby
22 move that the presentation on wind turbines by Adam

1 Wetzell be included in the record.

2 Mr. Raffo: Okay. Thank you. And this
3 PowerPoint will be available to us at some future
4 date. Is that correct?

5 Ms. Wangdahl: Yes. We'll get everything
6 into the docket. It usually just takes a few days,
7 but we'll send an email when it's all uploaded.

8 Mr. Raffo: Perfect. Thank you, Amy. I
9 appreciate it. Thank you.

10 Okay, thanks to you again, Adam, for a
11 good presentation. It was interesting, and as we
12 all know, wind farms, wind generators, wind
13 turbines are up and coming, so it's a timely topic.
14 So thanks again for that.

15 Directorate of Whistleblower Protection Programs

16 Mr. Raffo: We are slightly behind
17 schedule but not that much. We will move right on
18 now into Meghan Smith, who is a program analyst at
19 Division of Policy, Planning, and Program
20 Development. She will be speaking on the
21 Whistleblower Protection Program. Did I say that
22 correctly?

1 Ms. Smith: You did. You got it all
2 right. Thanks so much. And thanks for allowing my
3 office to come and talk to you guys a little bit
4 today about OSHA's Whistleblower Protection Program
5 and what we do. I'm sure you're all familiar with
6 OSHA's safety side, you know, inspections and
7 regulations and all that. And we are completely
8 different. It is a very different side of OSHA.
9 So I am here today to give you a high-level
10 overview of what we do, how we protect mariners and
11 dockworkers. I'm going to give you some surprising
12 information, I think, because some of it is not
13 necessarily intuitive. And let's just get started.

14 Next slide, please.

15 So what we're going to talk about today,
16 I'm going to give you some information on the
17 program itself. I'm going to talk about what we
18 call coverage, identifying pertinent revisions
19 under the Occupational Safety and Health Act, the
20 Seaman's Protection Act, the International Safe
21 Container Act, and I promise I will explain how
22 this relates later, the Taxpayer First Act. And

1 then finally I'm going to talk about a merit case,
2 sort of what it looks like when you have a case
3 where we find that somebody has been retaliated
4 against.

5 Next slide, please.

6 I'm going to give you an overview of the
7 program. In 1970, we got the OSH Act. So that
8 started the first Whistleblower Protection Act that
9 we had. It's Section 11(c) of the Occupational
10 Safety and Health Act and it protects workers under
11 worker safety. So right now, as of -- I realize I
12 should have updated this; it says 2022 -- as of
13 2022, we have had 25 different statutes. So we
14 cover worker safety and health under Section 11(c)
15 of the OSH Act.

16 Under transportation services we have
17 seven statutes that cover airlines, trucking
18 industry, pipelines, intermodal cargo containers,
19 public transit systems, and shipping. Under fraud
20 and financial services we have five statutes that
21 are aimed at protecting workers who raise concerns
22 about fraud in banking and financial services

1 industries, tax fraud and other violations of IRS
2 laws, criminal antitrust violations, and money
3 laundering-related violations.

4 Under environmental and nuclear safety we
5 have include eight distinct statutes covering
6 things such as clean air, clean water, asbestos in
7 schools, and nuclear safety. Consumer safety
8 includes things like food safety, consumer product
9 safety, and defects in parts or construction of
10 motor vehicles. And we even have a statute to
11 protect workers who report violations of Title I of
12 the Affordable Care Act. So we cover a whole wide
13 range of stuff, more than just the safety side of
14 OSHA, which only has to deal with Safety.

15 Next slide, please.

16 So who do we cover? Generally, Federal
17 whistleblower statutes protect private sector
18 workers. USPS is a little bit of a carveout. They
19 are protected under some statutes. And we will
20 discuss the specifics of who is covered under the
21 statutes that affect mariners and dockworkers later
22 in the presentation.

1 Next slide, please.

2 So how do we protect whistleblowers? We
3 investigate complaints, we conduct outreach for
4 employers and employees, and we work with what we
5 call our partner agencies, such as the Coast Guard.
6 So the partner agencies investigate the actual
7 violations that our whistleblowers are reporting,
8 and then we investigate any retaliation that
9 happens because somebody reported those issues.

10 Next slide, please.

11 So how do employees file complaints with
12 us? Employees or their representatives, including
13 family members, union reps, et cetera, can file
14 online. They can call area regional offices. They
15 can write letters. In some cases they can file in
16 person. And we don't have any particular format
17 that the complaints need to be in.

18 We always recommend that people file
19 online because complaints filed online will
20 automatically get sent to the right place, and if
21 somebody is filing who happens to be in a state-
22 plan state, we will share those with the

1 appropriate state plan. And on our website we have
2 a section that explains helpful information to have
3 when people file a complaint, and these include
4 things like copies of hiring or termination
5 letters, copies of an employee handbook or
6 collective bargaining agreement, copies of any
7 disciplinary actions, and current job descriptions.

8 And we always like to reiterate with
9 people, time frames for filing complaints can be as
10 short as 30 days, so workers filing complaints are
11 encouraged to file as quickly as possible that they
12 know that something has happened to them.

13 Next slide, please.

14 All of our investigations are conducted
15 by OSHA's 10 regions. The state-plan states
16 conduct their own investigations for retaliation
17 relating to safety issues under their own
18 equivalent of Section 11(c) of the Occupational
19 Safety and Health Act. But complaints filed under
20 Federal statutes other than Section 11(c) in those
21 states will still be investigated by Federal OSHA.
22 So for example, if somebody files a complaint under

1 the International Safe Container Act, ISCA, in
2 California, for example, California is a state-plan
3 state, but because ISCA is a statute that only
4 Federal OSHA investigates, we would investigate
5 that.

6 Next slide, please.

7 So what are the elements of a
8 whistleblower claim? What do you need to allege to
9 have a whistleblower complaint?

10 We accept claims when they meet certain
11 criteria. The first criteria is did the employee
12 in protected activity. What this means is that the
13 employee exercised their rights under one of the
14 statutes that we enforce. Currently, as I said, we
15 enforce 25 different statutes that cover a whole
16 wide range of things. So the kinds of protected
17 activity that people can engage in is pretty broad.
18 Some examples are reporting to your employer that a
19 cargo container does not meet the required
20 specifications; reporting a violation of maritime
21 safety regulations to the U.S. Coast Guard;
22 reporting to your manager that you should be

1 classified as an employee, not an independent
2 contractor; and reporting an on-the-job injury to
3 your employer.

4 The next criteria is that the employer
5 must take what we call an adverse action against
6 the employee for engaging in the protected
7 activity. An adverse action is one that would
8 dissuade a reasonable employee from raising a
9 concern about a possible violation or engaging in
10 other related protected activity. Retaliation
11 harms individual employees and can have a negative
12 impact on overall employee morale. Because adverse
13 actions can be subtle, like excluding employees
14 from important meetings, it may not always be easy
15 to recognize.

16 Adverse actions can include actions such
17 as firing or laying off, demoting, denying overtime
18 or promotion, disciplining, denying benefits,
19 failing to hire or rehire, intimidation or
20 harassment, making threats, reassignment to a less
21 desirable position, reducing or changing pay or
22 hours, subtle actions like isolating, ostracizing,

1 mocking, or falsely accusing the employee of poor
2 performance, blacklisting, constructive discharge,
3 which is quitting when an employer makes working
4 conditions intolerable due to the employee's
5 protected activity, and reporting or threatening to
6 report an employee to the police or to immigration
7 authorities.

8 The third criteria is that the employer,
9 actually management, must have knowledge of the
10 protected activity. For example, if you complain
11 to a co-worker that all of the emergency exits are
12 blocked in violation of an OSHA standard, the
13 employer has no actual knowledge that the employee
14 made any kind of safety complaint. But if the same
15 employee said the same thing to their supervisor or
16 their manager, that would show employer knowledge.

17 It is also possible to show employer
18 knowledge when it's not direct. Let's say that an
19 employee is the only employee in a plant who works
20 on a particular machine. Let's say there are only
21 10 employees in the plant, and the machine is not
22 properly guarded. If the employee makes a safety

1 complaint to OSHA about the unguarded machine, the
2 employer is likely to infer who made the complaint
3 because it is a small workforce and only one person
4 uses the machine complained about, and we call that
5 the small shop doctrine.

6 The final criteria is nexus. It's a
7 fancy word, but all it means is there has to be a
8 connection between the protected activity and the
9 adverse action. For example, if an employee
10 complained about really high temperatures in a
11 warehouse and was fired the next day, it may be
12 likely that the termination was the result of the
13 employee engaging in protected activity, because
14 the timing is so close. But imagine the same
15 scenario but that the employee was laid off the
16 next day with 200 other employees as part of a
17 long-planned reduction in force. In that case,
18 it's just bad timing for complainant, the employee,
19 because the decision to lay him off would have been
20 made before his complaint about the heat.

21 Next slide, please.

22 So what are the statutes that we cover

1 that might protect maritime and dockworkers? We
2 are talking about Section 11(c) of the Occupational
3 Safety and Health Act, the OSH Act, the Seaman's
4 Protection Act, which we call SPA, the
5 International Safe Container Act, ISCA, and the
6 Taxpayer First Act.

7 Next slide, please.

8 Starting with Section 11(c), it prohibits
9 a person from retaliating against any employee for
10 having engaged in a protected activity, and the
11 regulations define a person as one or more
12 individuals, partnerships, associations,
13 corporations, business trusts, et cetera. So it is
14 not limited to actions taken by employers against
15 their own employees. It can include unions,
16 employment agencies, or any other person who is in
17 a position to discriminate.

18 Also importantly, it includes applicants
19 and employees whose employment has been terminated.

20 Next slide, please.

21 So who is covered under 11(c)? Employees
22 of private sector employers engaged in business

1 affecting commerce. It excludes public sector
2 employees except for U.S. Postal Service employees.
3 But state and local government and private sector
4 employees are covered under state plans' Section
5 11(c) equivalent statute. And you should probably
6 know, about half the states run their own safety
7 and health programs.

8 Next slide, please.

9 I've talked about protected activities,
10 so what are we really talking about here? Things
11 like filing occupational safety and health
12 complaints with OSHA or other agencies. Complaints
13 can be made orally or in writing. They can be made
14 to OSHA. They can be made to a state plan program,
15 to a fire department, to a health department,
16 police department, and so on.

17 Filing occupational safety or health
18 complaints with management. These complaints can
19 be made orally or in writing.

20 Instituting or causing to be instituted
21 any proceeding related under the OSH Act. So we
22 are looking at things like workplace inspections,

1 reviewing of an OSHA inspection when a citation
2 isn't issued, filing a safety and health grievance
3 under a collective bargaining agreement.

4 And finally, providing testimony relating
5 to occupational safety and health, and these can
6 include statements or a deposition during
7 inspections or investigations.

8 Next slide, please.

9 And even more protected activities. So
10 we do have the right to refuse dangerous work.
11 Under 11(c), an employee has the right to refuse to
12 perform an assigned task if there is a reasonable
13 apprehension of death or serious injury; the
14 refusal is in good faith; there is no reasonable
15 alternative; there is insufficient time to
16 eliminate the condition through regular statutory
17 enforcement channels; and where possible, the
18 employee sought from the employer and was unable to
19 obtain a correction to the dangerous condition.

20 Additionally, complying with and
21 obtaining benefits of OSHA standards and
22 regulations such as the right to wear personal

1 protective equipment required by an OSHA standard,
2 the right to refuse to purchase PPE to engage in a
3 work practice required by the standard.

4 And finally, participating in an OSHA
5 inspection is a protected activity, and
6 communicating with a compliance safety and health
7 officer orally or in writing, or just generally
8 participating in the inspection.

9 Next slide, please.

10 So the Seaman's Protection Act. It
11 prohibits persons from retaliating against seamen
12 for engaging in certain protected activities
13 pertaining to compliance with maritime safety laws
14 and regulations. And under SPA, a seaman is
15 defined as any individual engaged or employed in
16 any capacity on board a U.S.-flagged vessel or any
17 other vessel owned by a citizen of the United
18 States, and the individual is not a member of the
19 Armed Forces.

20 Next slide, please.

21 So what activities are protected under
22 SPA? They are protected if they report, or are

1 about to report, information relating to a
2 violation of maritime safety laws or regulations to
3 the Coast Guard or other appropriate Federal agency
4 or department. This one is relatively new. They
5 recently changed this from reported, or about to
6 report, sexual harassment or sexual assault against
7 the seaman or knowledge of sexual harassment or
8 sexual assault against another seaman to the vessel
9 owner, Coast Guard, or other appropriate Federal
10 agency or department; refused to perform duties
11 because of a reasonable apprehension of serious
12 injury to the seaman, other seamen, or the public,
13 if the seaman has first requested that the employer
14 correct the dangerous condition; if they testified
15 in a proceeding brought to enforce a maritime
16 safety law or regulation -- this includes internal
17 complaints; notified or attempted to notify the
18 vessel owner or the U.S. Coast Guard of a work-
19 related injury or illness of a seaman; cooperated
20 with a safety investigation by the Coast Guard or
21 the National Transportation Safety Board; furnished
22 information to any public official relating to any

1 marine casualty where there is death, injury, or
2 damage to property occurring in connection with
3 vessel transportation; or accurately reported hours
4 of duty under Part A of Subtitle II of Title 46 of
5 the United States Code.

6 Next slide, please.

7 The next statute is the International
8 Safe Container Act, and under this act employees of
9 companies, individuals, local governments, and
10 certain interstate compact agencies are protected
11 from retaliation for engaging in protected activity
12 regarding an unsafe intermodal cargo container.

13 Next slide, please.

14 And so the activities protected is an
15 employee cannot be retaliated in any way for
16 reporting the existence of an unsafe intermodal
17 cargo container or reporting a violation of ISCA or
18 its regulations, including procedures for the
19 testing, inspecting, and initial approval of
20 containers.

21 Next slide, please.

22 And so probably the one that everybody is

1 saying, "Why are we talking about taxes," the
2 Taxpayer First Act. Under TFA, employees are
3 protected from retaliation for reporting Federal
4 tax law violations.

5 Next slide, please.

6 And TFA is really broad. It applies to
7 all private sector businesses. And the thing that
8 we want to make sure that people know is that you
9 cannot be retaliated against for reporting that an
10 employee is misclassified as an independent
11 contractor for tax purposes. And so we know that
12 there are a lot of employers who classify their
13 employees as a 1099 independent contractor to avoid
14 paying certain taxes on it, and if an employee goes
15 to their employer and says, "Hey, you know, I think
16 I should be an employee and not an independent
17 contractor," and their employer retaliates against
18 them for it, that is protected. So we just wanted
19 to make sure people were aware of the rights under
20 that statute, because that is not always something
21 intuitive that OSHA handles because it is not
22 safety related.

1 Next slide, please.

2 One important thing to note is all of our
3 statutes have different time frames that they must
4 be filed in. The amount of time on this slide is
5 from the time that you knew or should have known
6 about any adverse action taken against you. So
7 Section 11(c), it is 30 days, which is the shortest
8 time frame that we have; ISCA, 60; SPA and TFA are
9 180 days.

10 Next slide, please.

11 So if we find that an employer has
12 violated one of these acts, different statutes have
13 different remedies that are available. Under
14 11(c), SPA, and ISCA you get backpay, and TFA is
15 special because it allows for 200 percent of
16 backpay plus 100 percent of lost benefits within
17 the statute. All of them allow for compensatory
18 damages, and they all allow for punitive damages,
19 although SPA caps that at \$250,000.

20 Next slide, please.

21 There are a lot of ways that a
22 whistleblower case that is filed with OSHA may end.

1 The parties may settle the retaliation complaint at
2 any point in the investigation, either through the
3 assistance of the assigned investigator or through
4 their own negotiated settlement that OSHA
5 approves.

6 And most of our regions have ADR. ADR is
7 a form of mediation. Formal mediation is through a
8 trained and certified mediator. There is full
9 confidentiality during the formal mediation
10 process, and the assigned investigator will not
11 learn of what is discussed in the ADR process, in
12 case it falls through.

13 There is also informal ADR, where the
14 assigned investigator works as a go-between between
15 the parties until there is an agreement.

16 And one thing to note is this is not
17 arbitration. It is very different. This is all
18 voluntary, and nobody can be forced into a
19 settlement discussion.

20 So expedited case processing, what we
21 call ECP, what a party can do is request that a
22 case be terminated early so that they can take

1 advantage of a judicial process instead of going
2 through the full investigation of OSHA, because the
3 investigations sometimes can take quite a while.
4 So sometimes to allow for an earlier resolution,
5 parties can decide to do expedited case processing
6 instead.

7 However, only certain cases can take
8 advantage of this process. It is allowable for SPA
9 and TFA cases, but it is not allowed under Section
10 11(c). A complainant, if they had a case filed
11 under 11(c) in another statute, would need to
12 withdraw the Section 11(c) portion if they wanted
13 to take advantage of the expedited case processing.

14 Complainants can also withdraw their
15 complaint at any time, with OSHA's approval.

16 In rare circumstances, OSHA may defer to
17 another proceeding, such as a proceeding under a
18 collective bargaining agreement. And more
19 information can be found about all of these
20 possible case depositions in the Whistleblower
21 Investigations Manual, which can be found on our
22 website, which I will talk about a little bit

1 later.

2 At the conclusion of the investigation,
3 if it goes the full length, the investigator will
4 make a recommendation to his or her supervisor
5 regarding whether the evidence provides reasonable
6 cause to believe that the employer violated the
7 specific statute in question. If the supervisor
8 and management concur with the merit or dismissal
9 recommendation, OSHA will issue a findings letter
10 at that point to both parties.

11 Next slide, please.

12 So the appeal process, or a decision,
13 looks different depending on the statute that we
14 are looking at. Under 11(c) and ISCA, complainants
15 may request review of an unfavorable finding to my
16 office, the Director of Whistleblower Protection
17 Programs. If OSHA finds merit in one of those
18 cases, however, Department of Labor solicitors will
19 try the case in U.S. District Court. Under SPA and
20 TFA, complainants or respondents may file an appeal
21 with the Office of Administrative Law Judges.

22 Next slide, please.

1 And so the last big thing I wanted to
2 talk about today was to give you an example of a
3 merit case. I've talked sort of a lot about how
4 all this works, but I want to give you one concrete
5 example.

6 In this case, a seaman reported a variety
7 of safety concerns about a container ship,
8 including rusted, corroded,, and broken deck
9 sockets that needed repair and replacement, leaks
10 in the starboard tunnel, and gear used to release
11 lifeboats did not work properly. He raised these
12 concerns to the Coast Guard. The company
13 terminated the seaman for making the complaint to
14 the Coast Guard without notifying the company
15 first. And that was illegal.

16 OSHA ordered the company to pay back
17 wages with interest, compensatory damages, and
18 punitive damages. The company was also ordered to
19 revise its policy prohibiting seamen from
20 contacting any government entity prior to notifying
21 the company.

22 Next slide, please.

1 Finally, we wanted to point out that
2 OSHA's Whistleblower Program has its own website,
3 separate and distinct from OSHA.gov. It is
4 whistleblowers.gov, with an S. Another Federal
5 agency got to whistleblower.gov first. So if you
6 want to look at what my office does, make sure you
7 have the S.

8 If you have additional questions please
9 take a look at our website. We have information on
10 all of the 25 statutes that we enforce, information
11 for employers on how to create an effective anti-
12 retaliation program, examples of outreach
13 documents, and other useful information.

14 And that is the end of my presentation.
15 So if anybody has any questions I am happy to take
16 them at this time.

17 Mr. Raffo: Thank you very much. Are
18 there any questions from anyone, for Meghan, out
19 there?

20 Mr. Ward: This is David Ward. I work
21 with the Coast Guard. First of all, I want to
22 thank you for your excellent presentation. It was

1 very informative. But the one thing I found
2 interesting is that you mentioned Coast Guard three
3 times during your presentation. And I am not in a
4 particularly advantageous position to know when
5 these complaints occur, but I haven't heard the
6 Coast Guard working with the whistleblower program.
7 I am just wondering, is there a centralized office
8 that you kind of coordinate with, say in the
9 headquarters, or do you work with the local
10 activities when these types of complaints occur?
11 And can you also give me an idea of sort of the
12 frequency, that you are aware of, that maybe like
13 in a one-year time frame, how often the Coast Guard
14 is involved in something like this?

15 Ms. Smith: Sure. So generally the
16 process is that we have a -- so I will say that I
17 am the general outreach person. I don't have SPA
18 or ISCA on my personal plate. But we have what we
19 call Federal statute coordinators, and the person
20 who has SPA and ISCA in her portfolio interfaces
21 with one of the national offices at the Coast
22 Guard.

1 So the way our process works is when we
2 docket a case under ISCA -- to be perfectly honest,
3 we almost never get ISCA cases. We have had like
4 11 in the entire time we have had ISCA, so it is
5 not a case we get very often. We do get SPA
6 complaints far more often. So when we docket one
7 of those complaints, the investigator will send a
8 copy of the complaint to the Coast Guard. When we
9 have reached a conclusion we send a copy of the
10 findings, as well. So we do have a contact over at
11 the Coast Guard that we send those to.

12 And I am going to briefly look up our
13 data, because we do have data on our website, if my
14 computer is working. My internet has been very
15 slow the past couple of days. We do have data on
16 our website so you can get a sense of how many
17 cases under file are filed under each statute, each
18 year. And if it would come up I could give you a
19 sense of how many SPA cases we have had in the past
20 year, but it is taking its own sweet time. So when
21 it does I can get you that information.

22 But that is generally sort of how the

1 process works. And then once a year our offices
2 meet with our partner agencies and go over trends,
3 and making sure that they are getting all of the
4 copies of the complaints and findings.

5 The data has finally come up. So yes, we
6 have had zero ISCA complaints from fiscal year 2018
7 to 2023, but SPA, it hovers around about 10 a year.

8 Mr. Ward: Thank you very much.

9 Ms. Smith: Sure.

10 Mr. Turner: I have a quick question.
11 This is Dave Turner.

12 Ms. Smith: Sure.

13 Mr. Turner: Does the whistleblower law
14 cover only U.S. crews, or does it cover foreign
15 crews in U.S. ports?

16 Ms. Smith: I think probably the safest
17 answer to that question is going to be very
18 unsatisfying, which is it depends. So
19 whistleblower investigations are very fact
20 dependent, but generally -- I mean, we have
21 certainly taken cases, for example, under Section
22 11(c) where people are working in the U.S. without

1 papers, for example. So the answer is it may, but
2 the other part of the answer is it is always worth,
3 if you think that retaliation has occurred, it is
4 always worth reporting it to OSHA, because the
5 investigators can take a look at the specific
6 circumstances involved, bring in the solicitors,
7 the regional solicitors, as necessary, to figure
8 out is this a case that we actually cover.

9 So we always recommend, if there is any
10 possibility of retaliation, have somebody file, and
11 our very capable investigators and solicitors will
12 take a look at the facts to determine whether it
13 falls under our criteria.

14 Mr. Turner: And a quick follow-up
15 question. Does a complaint by a U.S. crew have to
16 occur in U.S. waters?

17 Ms. Smith: There are a lot of sticky
18 issues surrounding extraterritoriality, so I am
19 going to give you the same answer, which is file
20 and we will look at the specific circumstances and
21 sort it out at the end.

22 Mr. Turner: Thank you.

1 Mr. Raffo: Thank you. Any other
2 questions from the Committee?

3 [No response.]

4 Mr. Raffo: Any other questions from
5 anyone?

6 [No response.]

7 Mr. Raffo: Okay. One quick question I
8 had was it sounds like a lot of this depends on
9 retaliation. Could a person complain and not be
10 retaliated and it's just a dispute between the
11 company and the person?

12 Ms. Smith: Right. So to file a
13 complaint with us there needs to be some form of
14 actual retaliation, because our job, if retaliation
15 does occur, then what we do is we help make it
16 right, essentially. But if you report something
17 and then you're just having sort of a back-and-
18 forth with your manager, or it's just some sort of
19 a dispute, that is not going to be something that
20 rises to the level of what we take care of. For us
21 to docket something there needs to be a retaliation
22 component.

1 Mr. Raffo: Okay. Thank you. That
2 clears it up.

3 Last chance. Any other questions?

4 [No response.]

5 Mr. Raffo: Okay. Hearing none,
6 Jennifer, again, I'm going to ask you to enter this
7 into the docket, please.

8 Ms. Levin: Yes. At this time I move the
9 presentation by Meghan Smith of OSHA's Directorate
10 of Whistleblower Protection Programs into the
11 record.

12 Mr. Raffo: Okay. Thank you. Thank you
13 very much. It was a great presentation, Meghan.
14 Appreciate it.

15 Ms. Smith: Thanks for having me.

16 Mr. Raffo: Okay. If we were in person
17 we might take a break, but since we are not, we are
18 not going to. I would like to remind everyone that
19 if you are not speaking or listening to a
20 presentation to mute your microphone, because the
21 Webex can hear just about everything. So once
22 again, if you are not speaking, there is a mute

1 button. Just hit it. And if you want to talk just
2 hit it again and it unmutes you.

3 OSHA Office of Communications

4 Mr. Raffo: So we are going to go right
5 now with Tonya Ford, who is the National Family
6 Liaison from the OSHA Office of Communications.
7 Tonya, I will turn it over to you at this point.
8 Thank you.

9 Ms. Ford: Great. Thank you very much
10 for having me. Let me see if I can remember how to
11 do this. I will share my presentation really
12 quick.

13 Thank you again for inviting me to speak
14 today. My name is Tonya Ford, and I am OSHA's
15 National Family Liaison. So just a little bit
16 about myself. I was born and raised in the
17 wonderful state of Nebraska, where I am located
18 today. I am the proud mother of two children, one
19 of which will be getting married in October, and
20 one is about ready to graduate college and become a
21 teacher. They grow up fast, so that just surprises
22 me.

1 I am an honored wife of a veteran who
2 served in the United States Marine Corps. And you
3 may have heard my name previously if you have heard
4 of the organization United Support and Memorial for
5 Workplace Fatalities. It is a national nonprofit
6 organization that offers support, guidance, and
7 resources to families. I was the President and
8 Executive Director of the organization before
9 coming to OSHA.

10 The reason I am here and have the
11 knowledge and information that I possess in helping
12 families is I too was directly affected by a
13 workplace incident when I lost my dear Uncle Bobby,
14 when he was 51 years old, here in Lincoln,
15 Nebraska. He fell approximately 80 feet off a
16 belt-operated man-lift device in a grain elevator.
17 A very large company here in Nebraska. That day my
18 father, who worked beside him for over 30 years,
19 sadly found him and tried everything he could to
20 help my uncle that day. Unfortunately, obviously
21 he was unable to.

22 My uncle left behind a daughter, who was

1 22, a son who was 18 and just entering college, and
2 his daughter just graduated from college. So he
3 left behind so much. He left behind 25 nieces and
4 nephews, a brother, 3 sisters, and a mother, who
5 unfortunately was fighting dementia at the time,
6 where she relives, over and over again, where her
7 is and what happened to him.

8 Oftentimes we sit here and we think, as
9 families, what our loved ones left behind, the
10 moments that they missed. And that was something,
11 over the last couple months, families had joined
12 and created a campaign that was "If You Were Here
13 Today." I will share these presentations. My
14 cousin, Jessica, was so kind to share photographs
15 of moments that my Uncle Bobby missed out,
16 including her wedding and walking her down the
17 aisle only a few years after his passing. And also
18 the birth of her three boys, that are amazing. So
19 there are moments, not just the holidays, but
20 everything that has been missed.

21 But I started with Uncle Bobby, but I do
22 it for so many more. If you haven't had the

1 chance, I invite you to go to our website. Under
2 Workers' Memorial you will see a virtual tribute
3 wall, where we have nearly 300 photographs of
4 fallen workers that were shared to us or with us
5 from family members that lost their loved ones, to
6 recognize and for us to remember them. It is them
7 why I continue what I do. It is those that they
8 left behind.

9 I could sit here and say statistics, and
10 I'll be the first to admit that statistics are not
11 something I like to put out there. Because behind
12 every statistic is so much more. It's the family.
13 It's the fallen worker. But in 2022, there were
14 approximately 5,486 fallen workers. And I sit here
15 and say, one loss is one too many. And every
16 fallen worker is so much more than that number.

17 On the impact it has on those that are
18 left behind, it has the mental, the physical, and
19 it also has the financial oftentimes. Many people
20 don't think of all the impact it has on those. It
21 goes from everything from, sometimes it makes a
22 family stronger. Sometimes it breaks a family

1 apart. Sometimes family members have post-
2 traumatic stress disorder. Oftentimes I've spoken
3 to those that have lost their loved ones, and I'm
4 thinking of a couple right off where they found out
5 that their loved one, their husband, was fatally
6 injured while they were at work, and they couldn't
7 go back. That was something they couldn't do.
8 They were nurses and they were teachers. And I can
9 remember them saying it was like, "Every time I
10 walked in it was just a reminder of that moment.
11 It's that moment in time." So they took a new
12 direction and had to go other places for
13 employment, so they weren't in that same area.

14 Oftentimes people are thrown into
15 research. I was that person. I wanted to know the
16 who, the what, then when, the why. They want to
17 know how to make changes, how to be that voice.

18 Oftentimes families get up and move. They need to
19 move away and go to a different town, a different
20 city, a different state. And oftentimes it makes a
21 family distant.

22 Grief is so powerful, so powerful. It is

1 a roller coaster of emotions, and the truth of it
2 is, every family member grieves differently, even
3 those that may be mourning the same family member.
4 And that's okay. I hear from mothers and spouses
5 that are like, "Hey, you know, Tonya. I understand
6 why my daughter is not grieving the same way for
7 her dad as I am grieving for my husband." And all
8 I can say is that's okay. It's their way, and it's
9 the right way for them.

10 Oftentimes when a fatality occurs it's
11 hard to remember that that fallen worker is so much
12 more to the family. It is their provider. It is
13 their cheerleader. I mean, there is the parents
14 that are sitting on the side of the soccer field or
15 the football field or the choir, listening to their
16 children, that's no longer there. It's their
17 protectors, the one that they reach out to, the one
18 that they ask for help and guidance and for
19 protection.

20 They are oftentimes their best friend,
21 and a lot of times they may have been someone they
22 counted on, they needed. I mean, I'll be honest.

1 My uncle was somebody I was very close to, and he
2 was somebody that I could always expect to call
3 when he knew I needed to talk to somebody.

4 So these are people that are being lost,
5 and there's so much more than that number.

6 Imagine knowing or seeing -- and I have
7 to admit, this is one of my biggest pet peeves
8 about social media. It will hit the social media
9 before it hits the family sometimes, of a loss.
10 But imagine when or if there was an auto accident.
11 You know, you still have the who, the what, the
12 when, the why questions. What happened that day?
13 Who is at fault? Who saw it? Things like that.
14 And oftentimes those questions, after an auto
15 accident, are so easy to find out. It's so easy to
16 get that police report. It's so easy to ask those
17 questions and find out.

18 And these are some questions that
19 families have after a work incident. They want to
20 know what happened. They want to know who saw it?
21 These are similar questions that they deserve to
22 know the answers to. But oftentimes they don't

1 know where to go to.

2 So again, some of the questions that
3 people have are what happened? Did anybody witness
4 it? Who is OSHA? Oftentimes we don't know who
5 OSHA is. They know that somebody is coming to
6 investigate it, and every state is different.
7 Sometimes they have just OSHA. Sometimes they have
8 the Department of Labor. So they don't know who is
9 completing the investigation and what role
10 everybody plays.

11 How long does the investigation take is
12 often a question. Will I be able to talk to
13 somebody about what maybe my loved one said when
14 they came home, weeks before? Will I be able to
15 know what's going on in the investigation?

16 And sometimes, very rarely but sometimes,
17 the question I hear is why does OSHA have to
18 investigate it? Why is anybody going in there and
19 investigating it? It was a complete accident. It
20 wasn't meant to happen. So what role do you guys
21 play?

22 One thing is always important to remember

1 is the OSHA Investigation Section is just one
2 puzzle piece to the entire puzzle. And I help the
3 families in guiding them to find out where all of
4 these puzzle pieces may be at, who they need to go
5 to. And sadly, sometimes even when they are
6 waiting for that last puzzle, it may not be exactly
7 what they are looking for. So it's guiding them to
8 find that.

9 How do I do this? I offer support,
10 guidance, and resources to the family members that
11 are left behind. Here are the facts. I know and
12 understand, having been affected by an occupational
13 incident, but also the line of work that I've done
14 for nearly 16 years now in helping families has
15 allowed me to connect with families across the
16 United States that have lost either their child or
17 their spouse or their parents or siblings, and
18 guiding them to find the answers that they are
19 looking for. I assist the regional and area
20 offices in communicating with the families. Again,
21 it comes back to grief is so different. And
22 oftentimes I can bring a little bit more to the

1 conversation that may guide and help families after
2 their loss.

3 And again, assist those that are left
4 behind. Oftentimes their question may not be
5 directed to OSHA. It may be a worker's comp. It
6 may be other entities that they need to, even their
7 local law enforcement may be someone that they need
8 to be connected with and find out how to reach out.
9 And I give them the platform to share their
10 stories. Oftentimes it's being the voice and
11 sharing their loved one's stories, to be that next
12 conversation at the dinner table, to prevent other
13 families from enduring such a loss.

14 As the National Family Liaison, I send
15 out the national condolence letters to families.
16 So I receive notice from the area office and I will
17 then send a condolence letter to them, introducing
18 myself, and offering my assistance to them, but
19 also connecting them with the area office again.
20 Something my boss is very good at doing, and I
21 always look at him like, you don't need to word it
22 that way, but I am available 24/7. Grief, again,

1 is very powerful, and it can be something that you
2 are up in the middle of the night, can't sleep, you
3 have questions, you just don't know where to go to.
4 I'm there for the listening ear, so I always have
5 my phone next to me.

6 We now have quarterly family meetings.
7 They are virtual meetings where they discuss topics
8 that I've heard from family members over the years.
9 We're having one in July for families, and we're
10 discussing FOIA, what to expect when you receive a
11 request of FOIA. How long does it take, don't be
12 surprised if there are items redacted, stuff like
13 that to help families understand the FOIA process.

14 Again, I guide families to additional
15 resources and assist families in helping them find
16 the closure that they so deserve.

17 Also, again, it is one of those things to
18 have awareness, to make awareness, to be the next
19 conversation at the dinner table, or even on social
20 media. So it's gaining awareness to ultimately
21 prevent occupational incidents, illnesses, and
22 diseases.

1 Something in regard to outreach that I
2 help the families, this past Workers Memorial Day
3 you may have seen billboards across the United
4 States in your local city. But thanks to our
5 alliance with Lamar, Lamar helped us put digital
6 billboards across the United States, and families
7 shared their photographs with us. I put the ask
8 out there, and we had so many families say, "Yes, I
9 want to do it. I want to take a photo holding my
10 loved one's picture so that you can share this
11 story." So we were able to do this in regard to
12 outreach, and it meant so much to the families.

13 We also created, based off the same
14 pictures, our posters that we had on our website,
15 but we also had them around our Department of Labor
16 building, in our elevators, as our elevator
17 posters, leading up to Workers Memorial Day.

18 We have created our Condolence Page, and
19 this Condolence Page is kind of a place where
20 families can go to in the middle of the night when
21 they have questions and are searching for answers,
22 to understand OSHA better, to find additional

1 resources. How do they search establishments and
2 other support groups that may be out there to offer
3 support for them and help them through their tragic
4 loss?

5 Again, we have the quarterly meetings
6 that we are hosting. The next one is Monday, July
7 8th. We have had many families already register
8 for that event.

9 But we also hosted our Workers Memorial
10 Day ceremony, and this has been something that I
11 overheard today somebody say two years ago it was
12 something that we all joined together with a wreath
13 ceremony. And it was very short but honorable.
14 And now, over the last two years, we have grown
15 from last year, in 2023, we had our Workers
16 Memorial Day ceremony where we had 15 family
17 members join us in person in Washington, D.C., grow
18 to be over 70 family members flew in this past
19 April to be a part of our ceremony.

20 But we didn't stop there. We actually
21 had the ceremony that was livestreamed across our
22 platforms, and it was also the wreath laying

1 ceremony that was recorded and played on Workers
2 Memorial Day. But I strived to put the educational
3 part to it. Yes, it's great to honor and recognize
4 our loved ones, but how can we prevent similar
5 incidences from occurring? How can we prevent
6 other families from enduring such a loss?

7 So this year we included the educational
8 part, where we had an expo, and we also had two
9 virtual days that were open to the public, to allow
10 the target audience to hear families and their loss
11 and the impact it has had on them. We have like a
12 parents' panel discussion, children's panel
13 discussion, spouses' panel discussions. But we
14 also, on the day before that, we had a virtual
15 discussion that answered many questions I have
16 heard over the years, about OSHA and MSHA, to give
17 others a better understanding of OSHA and the role
18 we have, and how you can do searches and so forth.
19 So it was a very productive day.

20 But again, we help the families become
21 that voice, to be that next conversation at the
22 dinner table. And I am striving to do that in

1 connecting with families across the U.S., because
2 their stories are important. Their loved ones,
3 something I heard throughout Workers Memorial Day,
4 "Tonya, don't forget my loved one." And that's
5 very important to them. And I want them to know
6 that, you know, we're not. We want their voice.
7 We want to hear their story.

8 So I invite you to review this
9 presentation when you get the chance, and hear the
10 story of Brooke's mother, who shared her loss of
11 her young, 21-year-old daughter, and how it impacts
12 her today.

13 Also the story of Kevin Anderson. His
14 wife shared her loss and how she found out the day
15 before, Fourth of July, in 2019, and the impact she
16 saw on his coworkers. Oftentimes we need to
17 remember that there's the family you live with but
18 there's the family you work with, as well, and how
19 it impacts them.

20 Also Travis. His mother has joined me in
21 many locations to speak of her loss and the impact
22 it has had on her family, and how her son was

1 honored after his tragic incident.

2 Ray Gonzalez, who was fatally injured in
3 Texas, and what he has missed and left behind, and
4 how it affected his family.

5 Those are just a few of the stories. And
6 this is a picture of just some of the families that
7 came to D.C. this past April to join and share
8 their stories. We had a moment where they were
9 able to meet with leadership and share their loss
10 and the impact it's had on their family, and the
11 difference that they want to make. They want to
12 know that you hear their stories. So their voice
13 is being heard. Their loved one is not forgotten.
14 They are not alone.

15 I don't know how many people came up to
16 me, and one specifically that I'm thinking of. She
17 grabbed me, and she hugged me, and she goes,
18 "Tonya, I'm not losing my mind. I have been so
19 swallowed in grief and loss that I thought I was
20 losing it." And she goes, "And because I'm here
21 and connecting with others, I'm not alone. I'm not
22 the only one that feels this way or grieves this

1 way." So it was very important to the families to
2 know that they are not alone. There are other
3 families out there to connect with.

4 And again, their grief is their grief.
5 So it's okay to grieve the way they grieve. And
6 their children or their other loved ones may not
7 grieve that way.

8 But also they received closure. I heard
9 from many families that this is what they need.
10 This is what they needed to move on. They needed
11 to know that their loved ones were recognized and
12 remember and that they didn't go to work and die in
13 vain, and it's meaningful to them.

14 Again, something a lot of people ask is
15 what is closure. I can't define closure, but what
16 I have heard is finding the answers to the
17 questions. Governmental change is being that voice
18 to changing. Very, very rarely have I ever heard
19 legal action was the closure they deserved. So
20 often have I heard the opposite.

21 And as you can see, this is a passion of
22 mine. It is an honor to be here to represent the

1 families, but also help the families.

2 I am happy to answer any questions. I
3 have my contact information on the screen. And
4 please do not ever hesitate to reach out to me, as
5 I'm happy to help.

6 Mr. Raffo: Thank you, Tonya. I'm going
7 to ask for any questions in a second, but first I'd
8 like to say one of the reasons that MACOSH is here
9 is to protect injuries, fatalities to maritime
10 workers. And that's why we are all here. That's
11 what our passion is. We are all professionals
12 about it. And I think we're trying to work to do
13 that. It doesn't mean we can't be better, do
14 things differently, but that's our goal. And
15 hopefully our goal is to not involve Tonya in any
16 of our maritime work fatalities.

17 So thank you, everyone, for what you do
18 and all the hard work you put into this. I
19 appreciate it.

20 So I'll open it up. Does anyone have a
21 question for Tonya?

22 [No response.]

1 Mr. Raffo: Okay. Hearing none, thank
2 you very much, Tonya.

3 Mr. Egbe: I have a question.

4 Mr. Raffo: Sorry, Solomon.

5 Mr. Egbe: So Tonya, I actually have two
6 questions. Number one, how often do you see
7 colleagues of some of these deceased workers
8 participate in these discussions? And then number
9 two, during the discussions with the family, with
10 the various families, how often do you come across
11 situations where you find out that the deceased
12 worker had some mental or emotional issues going on
13 during that period? I just think some of this
14 information may be useful for us, as employers, to
15 better manage some of these risks, because in my
16 experience, people who are emotionally distracted
17 are more exposed to risks in the work environment
18 than people who are more focused.

19 So it may help if the family members, the
20 colleagues, and the employers are better trained on
21 how to identify some of those signs going forward.

22 Ms. Ford: No, I agree, and those are

1 great questions. In regard to have I come across
2 or spoke to families that have relayed that, I have
3 been here a little over a year and four months, and
4 so with my role here I have not come across that
5 yet. It does not mean it's not happening. I think
6 the area office would be directed in regard to that
7 before I received knowledge of that information.
8 But I have, in my past work, I have come across the
9 mental health aspect of it, unfortunately, and the
10 impact it had on the workers. I mean, I've heard
11 everything from depression to also the extensive
12 amount of work just wore the individual out. So
13 that's been brought to my attention, as well, on
14 multiple occasions, to be honest with you.

15 So I think it's of great importance. I
16 think everybody should be aware of it. I think
17 everybody should have knowledge. I know that
18 there's a lot of training out there, like mental
19 health first aid training that I have even
20 personally looked into, and think it's of great
21 importance to being knowledgeable and aware of your
22 coworkers.

1 And that's one thing, too. It's very
2 important that, you know, we have our family at
3 home, and again we have our family at work. And
4 oftentimes your coworker, you're going to know more
5 about when they're off or something is not right or
6 something's bugging them, or they're having a
7 really good day kind of thing. So those are some
8 things to be aware of, and it's okay to ask. You
9 know, it's okay to ask somebody for help.

10 And I apologize. Your first question
11 was, again, if you could repeat that one.

12 Mr. Raffo: You're on mute, Solomon.

13 Ms. Ford: You're on mute. I'm sorry.

14 Mr. Egbe: Both questions were tied
15 together. My first question was whether the
16 colleagues and coworkers were involved in this
17 process. Because sometimes a worker dies and they
18 have coworkers who are actually closer to them than
19 family members.

20 Ms. Ford: Right.

21 Mr. Egbe: So we have all these processes
22 going through with family members, and those

1 coworkers are excluded. And they may have better
2 insight on what really happened.

3 Ms. Ford: I 100 percent agree with you
4 on that. And I often say define a family, you
5 know, and that can be your coworkers, and that can
6 be somebody you connected with. I know firsthand
7 that it does affect colleagues. So it's important
8 that they know that, you know what, I'm here, as
9 well, for them too, to talk to them and help them
10 and guide them, as well, because it goes beyond
11 family that's at your home sometimes.

12 So yeah, I agree with you 100 percent.

13 Mr. Raffo: Thank you, Solomon. Any
14 other questions?

15 Ms. Watson: Don, this is Danielle. I
16 don't have any questions. I just wanted -- and we
17 can share the link later -- but OSHA does have a
18 mental health webpage that does have some resources
19 and some tools that employers and employees can
20 use. So we'll make sure to share that so everyone
21 knows where it is.

22 Mr. Raffo: All right. Perfect. Great.

1 Thank you.

2 Ms. Ford: Thank you.

3 Mr. Raffo: All right. Thank you.

4 Jennifer, can we enter this into the record,
5 please?

6 Ms. Levin: Yes. I move that the
7 presentation by Tonya Ford, OSHA's National Family
8 Liaison, be entered into the record.

9 Mr. Raffo: And thank you, Tonya. That
10 was a very powerful presentation. We appreciate
11 it.

12 Ms. Ford: Thank you very much for having
13 me.

14 Mr. Raffo: -- of our mission. Thank
15 you.

16 Longshore Workgroup Report and Discussion

17 Mr. Raffo: Okay, everyone. We have two
18 more fairly short presentations before we break.
19 The first one will be by Mr. David Turner from the
20 Longshore Group, as the Chairman. And he has a
21 short PowerPoint we will go through. So I will
22 turn it over to you, David.

1 Mr. Turner: You said "short" twice
2 there, Don, but thank you. Can you go to the next
3 slide, please?

4 Activities as of the last meeting, we
5 have had six conference calls. We keep those going
6 on a regular basis, which is great, as we continue
7 to work on multiple projects, and I will be able to
8 share some of that with you in a second.

9 The Tool Shed Directive was one of the
10 areas that we were going to work on, edit it to
11 update it. And we have reached out to National
12 Maritime Safety Association, we have reached out to
13 Signal Insurance Safety Committee, PMA, we have
14 reached out to all the West Coast employers, and we
15 received some feedback, and all that has been
16 provided to OSHA for their review. I have not
17 received anything lately, so that may be the end of
18 it for now, but we can make another run at it here
19 after this meeting.

20 We also provided comment back to the OOC
21 based on the November MACOSH presentation, which
22 was a great presentation. We asked for ten

1 products. I don't remember seeing that response
2 back, whether we got that or not, and my bad if we
3 didn't, but we did ask for that.

4 We also asked, we'd like to see some QR
5 codes be used that would help with a list of
6 documents, so you could kind of go to the QR code
7 which would give you all the OSHA documents, and a
8 separate QR code to bring those up. I'm not sure
9 where we are at with that, but I would appreciate
10 some follow-up on that, and get that followed up.

11 Thank you to David Ward, who created the
12 five Did-You-Knows for the Longshore and Marine
13 Terminals. We continue that as time goes on.

14 And also kind of a legacy item that was
15 left over from Bobby and the old guys on the call,
16 and that was the Lashing-Trifold Document, which is
17 a very powerful document. I am very happy to see
18 that, and I am sure Bobby is, as well as Adam.
19 What this is, is for the employees, which is great.
20 You know, we have developed quite an extensive
21 document for the employers, and it's nice to have
22 something for the employees, that they can carry

1 with them as we move into the actual workers there
2 and trying to prevent them from getting hurt, as
3 lashing is still one of the most dangerous physical
4 jobs that a longshoreman does, pretty much
5 anywhere.

6 And then we did review the Shipyard
7 Workgroup items, the Confined Space, Falls from
8 Unprotected Edges, and Falls from Ladders. Great
9 document there. I look forward to seeing how those
10 progress through the process.

11 Next slide, please.

12 As I talked about a second ago, the
13 hazards involved in container lashing. Originally
14 this tackled all lashings -- break-bulk, as Adam
15 went through his presentation. We decided to
16 consolidate that into container lashings, since
17 that's the majority of lashing that is done, either
18 on the West Coast and the East Coast. And it is
19 one of the highest injury categories, so we did
20 what we could to reduce that. And I'm really
21 looking forward to this getting out so that we can
22 give it to our workforce there and help reduce the

1 risk and raise awareness to the injuries that can
2 happen with lashing. And thank you to the Shipyard
3 Group for your comments on this as we pursue the
4 process.

5 Next slide, please.

6 What's next? You know, after what Adam
7 did on the windmill guidance I think we have some
8 good steam ahead, to continue working on the
9 windmills. We are going to talk about that in our
10 group later on, after the break. And then we have
11 to decide what we are going to do with the tires
12 posters. There have been comments both ways on
13 that, with no clearcut guidance on that. We will
14 continue to look at that and decide whether or not
15 that is something we want to move forward with or
16 something we want to shuffle a little bit.

17 But then we also have to talk about what
18 else is next, and these are the different
19 categories that we should work on and get a list
20 together for the remaining charter as well as
21 future charters, as well.

22 Next slide, please.

1 So I would make a motion to accept the
2 Longshore Workgroup report, and that is the Hazards
3 Involved in Container Lashing Document.

4 Mr. Chairman, I make that motion to you.

5 Mr. Raffo: Okay. So just to be clear, I
6 don't believe we need a motion to accept a
7 longshoring report. We do need a motion, which I
8 think you said, to recommend publication by OSHA
9 the Hazards Involved in Container Lashing Document,
10 which has come from MACOSH.

11 Mr. Turner: Correct.

12 Mr. Raffo: And does everybody understand
13 we've had a motion to accept this document for
14 publication by the Agency. Since it has come from
15 Committee we do not need a second, so we will go
16 into, is there any discussion on this document?

17 [No response.]

18 Mr. Raffo: Okay. So hearing none, I am
19 going to do my usual and go backwards. Is there
20 anyone opposed to this motion?

21 [No response.]

22 Mr. Raffo: Okay. Hearing none, I'm just

1 going to make an assumption that everyone, every
2 Committee member present, is in favor of this
3 document. Is there anyone that wishes to abstain?

4 [No response.]

5 Mr. Raffo: So we have no abstains, no
6 negatives, and it appears that it has been
7 unanimously accepted by the full MACOSH Committee.
8 So Jennifer, we want to enter this into the docket,
9 please?

10 Ms. Levin: Yeah. I move into the record
11 the Longshore Workgroup report.

12 Mr. Raffo: Okay. So the report is moved
13 into the record. The motion has passed and it's
14 accepted, and will be sent to the Agency for
15 publication in the future. So thank you, Dave, for
16 that short presentation. I appreciate it. Thank
17 you. So you are all set, right?

18 Mr. Turner: Yes.

19 Shipyard Workgroup Report and Discussion

20 Mr. Raffo: We will move now to Mr. Jim
21 Rone, Shipyard Workgroup Chair, who will give us
22 the Shipyard Workgroup report out. Jim, you can

1 take it from here.

2 Mr. Rone: Good afternoon, as the case
3 may be, depending on where you are at. We've got
4 the MACOSH Shipyard Group report. Thank you to
5 Daniel for putting this together for me. I
6 appreciate it.

7 Next slide, please.

8 We had monthly calls after our last full
9 committee meeting in November. We completed the
10 work on guidance, confined space. And I'm not
11 going to talk about all of this. I'm not going to
12 spend a whole lot of time on any of these items.

13 Our emphasis of late has been on Tool-Box
14 Talks, and I think we are turning out some pretty
15 good products here.

16 And at the request of the Agency -- I
17 think it was at the request of you guys, right,
18 Amy? -- we took a look at the shipbreaking guidance
19 document and gave some feedback on that, and looked
20 at Longshore trifold for the Longshore Workgroup.

21 Next slide.

22 This is the overview of OSHA Maritime

1 Confined Space Standards. As everybody knows,
2 confined spaces are just everywhere on the
3 waterfront, and we just wanted to come up with a
4 document that gives a pretty high-level overview of
5 the issue. And we have got separate industry
6 standards that address confined space in shipyard
7 as well as longshore. As I said, we've got
8 confined spaces on ships. We've got confined
9 spaces in crane legs. We've got confined spaces in
10 marine terminals. They are just everywhere. And
11 as you all know, they provide for a pretty
12 significant hazard to workers.

13 This guidance will help workers and
14 employers understand which standard applies in
15 which location. And the Longshore Workgroup
16 reviewed the document, and their edits have been
17 incorporated.

18 Next slide.

19 So that document is ready to move
20 forward. So I would like to put forth a motion to
21 accept the fact sheet entitled "Overview of OSHA
22 Maritime Confined Space Standards" into the docket.

1 Mr. Raffo: Thank you, Jim. So we have
2 had a motion, and once again to repeat myself, it
3 comes out of Committee. We do not need a second.
4 The motion is to accept the fact sheet entitled
5 "Overview of OSHA Maritime Confined Space
6 Standards" and send it to the Agency for
7 publication.

8 Are there any questions or discussions on
9 this document?

10 [No response.]

11 Mr. Raffo: Okay. Hearing none, and to
12 be a little more efficient and move this along, I'm
13 going to say, the backwards way, does anyone wish
14 to either vote negative or to abstain on voting of
15 this document?

16 [No response.]

17 Mr. Raffo: Okay. Hearing none, I'm
18 going to make the assumption, since there were no
19 negative votes, no abstentions, that the document
20 will again unanimously pass by the Committee. If
21 anyone disagrees, now is the time to tell me.

22 [No response.]

1 Mr. Raffo: So based on no response, the
2 motion has unanimously passed. The document
3 "Overview of OSHA Maritime Confined Space
4 Standards" will be sent to the Agency, as written.
5 So thank you.

6 Mr. Rone: Thank you, Don.

7 Next slide.

8 This is a couple of Tool-Box Talks that
9 we got finished and are ready for the next step,
10 Falls from Ladders and Falls from Unguarded Edges.
11 I don't recall who the authors were. Anyway, they
12 are ready to go.

13 As everybody knows, falls are the leading
14 cause of death and injury, 7 percent from ladders,
15 34 percent from unguarded edges. So this is one of
16 several Tool-Box Talks that are either finished and
17 ready to go or are still in play.

18 We stole some graphics from, I think
19 these are from previously published OSHA documents,
20 still relevant. And yeah, ran these past the
21 Longshore Group, and they liked them, as well. So
22 I think they are ready to go.

1 Next slide, please.

2 Motion to accept both of these Tool-Box
3 Talks, Falls from Ladders, and Falls from Unguarded
4 Edges into the docket.

5 Mr. Raffo: Okay. Thank you. We've had
6 a motion to accept two documents, both Tool-Box
7 Talks, one Falls from Ladders, and another Falls
8 from Unguarded Edges, and recommend that they be
9 submitted to the Agency for publication. Again,
10 since it came from Committee we do not need a
11 second.

12 We will enter into the discussion phase.
13 Does anyone have any comments on these two
14 documents?

15 [No response.]

16 Mr. Raffo: Okay. Hearing none, and to
17 maintain our efficiency, I will ask again does
18 anyone wish to vote negative or does anyone wish to
19 abstain from voting on these two documents?

20 [No response.]

21 Mr. Raffo: So hearing none, I am going
22 to again make the assumption that everyone is for

1 this, and we unanimously approve these two
2 documents for submission to the Agency for
3 publication. If anyone disagrees with me, please
4 say it right now.

5 [No response.]

6 Mr. Raffo: So the motion has unanimously
7 passed. Thank you for that, Jim.

8 Mr. Rone: Thank you. Next slide.

9 And I mentioned earlier Review of
10 Existing Shipbreaking Guidance. We worked with
11 American Equity Underwriters, AEU, on the review of
12 the existing OSHS guidance on shipbreaking. And we
13 still want to keep it. It is still relevant. It
14 still provides good guidance.

15 And just kind of an overview of the
16 suggested revisions include updating references,
17 consensus standard references, update and remove
18 incident statistics, and provide more detailed
19 language in some areas. This was a good idea,
20 whoever came up with it.

21 Next slide.

22 Motion to accept suggested edits to the

1 Safe Work Practices for Shipbreaking guidance
2 Document into the docket.

3 Mr. Raffo: So again we've had a motion
4 to republish this document with the suggested edits
5 that can be valuable for both longshoring and
6 shipyard groups. And again, the motion comes from
7 Committee. We do not need a second.

8 Is there any discussion or comments on
9 this?

10 [No response.]

11 Mr. Raffo: Okay. Hearing none, I am
12 assuming that everyone knows what they are voting
13 on again. And as in the past, does anyone wish a
14 negative vote or wish to abstain from voting on
15 this document, or this motion, actually?

16 [No response.]

17 Mr. Raffo: Again, hearing none, I'm
18 going to make the assumption that the document is
19 unanimously approved. If there is anyone that
20 disagrees with that statement, please make the
21 comment now.

22 [No response.]

1 Mr. Raffo: So Jim, it appears that the
2 motion and document have been unanimously accepted
3 and will be sent on to the Agency. Thank you.

4 Mr. Rone: All right. Thank you, Don.

5 Next slide. I keep reaching for the
6 space bar and it's just not working at my end. I
7 don't know why.

8 Our next steps, continue work on
9 finalizing some Tool-Box Talks that we have in
10 play: hazardous energy, inerting, struck-by
11 incidents, and crushing incidents. And I think
12 we're going to work on that this afternoon, at
13 least a little bit. And we will continue with our
14 monthly conference calls, which have been very
15 productive.

16 And yeah, next slide. I think that's the
17 questions slide. Yes. Does anybody have any
18 questions for the Shipyard Workgroup?

19 Mr. Raffo: Jim, I do. There was a
20 guidance document that both workgroups participated
21 in on hand injuries, and I'll say this to Dave,
22 too. Hand injuries aren't just limited to

1 longshoring or shipyards. Members from both
2 workgroups met several times and developed this
3 document, and it is useful to all injuries. They
4 pulled from their data sources, looked at OSHA 300
5 logs, and discussed recent hand injuries from the
6 workplace. John Ratcliffe took the lead in
7 developing a document. OSHA formatted it and sent
8 it out to both workgroups for review. Comments
9 were incorporated.

10 Is that something either workgroup wishes
11 to make a motion on?

12 Mr. Rone: I would. I don't know if
13 we've finalized that yet or not. Dave, can you
14 comment on that?

15 Mr. Turner: Yeah, I believe it has been
16 finalized. It went out for comment a couple of
17 different times, and we appreciate John's work on
18 it. There weren't a whole lot of comments on it.
19 One of the best first documents that I've seen in
20 my time here.

21 Ms. Wangdahl: Can we go off the record
22 for just a minute, please?

1 [Recess]

2 Mr. Raffo: Back on the record.

3 Jennifer, I'm going to ask you to accept the
4 Shipyard Workgroup's presentation into the docket,
5 please.

6 Ms. Levin: Yes. Mr. Rone has a comment.

7 Mr. Rone: I just wanted to recognize
8 Alice Shumate for her work as the previous
9 workgroup chair. She departed the workgroup for
10 greener pastures, and she did a great job, I
11 thought. And before I give up the mic I want to,
12 as always, recognize the outstanding work of the
13 OSHA staff in organizing these little soirees and
14 on keeping us on the straight and narrow. Thank
15 you, specifically Danielle and Amy. Thank you.
16 Thank you. That's all I have. Thank you. Sorry
17 to bother you.

18 Mr. Raffo: Okay. Thank you. Now you're
19 going to have to think of something else to say
20 when I go around the table, but that's all good.

21 So any questions on the Shipyard
22 Workgroup's presentation? Otherwise, we will

1 conclude it and go into the next section.

2 [No response.]

3 Mr. Raffo: Okay. Thank you. We will
4 move forward.

5 Ms. Levin: Don, should I now --

6 Mr. Raffo: Yes, if it's possible.

7 Ms. Levin: Yes, it's possible. So at
8 this time moving the Shipyard Workgroup report into
9 the record. Thanks.

10 Mr. Raffo: Thank you. And I'm going to
11 go back to where I started from on the hand injury
12 document. It's been reviewed by both workgroups.
13 And the injuries are not just limited to one group
14 or the other, but it was a joint effort.

15 And I would like to make a motion that
16 the Hand Injury Document be sent to the Agency for
17 publication. So basically I have made a motion.
18 Is there any discussion on it?

19 [No response.]

20 Mr. Raffo: You should have all seen it,
21 looked at it, commented on it.

22 [No response.]

1 Mr. Raffo: No discussion? So I'm going
2 to call a vote. Does anyone not know what they are
3 going to be voting on?

4 [No response.]

5 Mr. Raffo: Okay. With that I'm going to
6 call for the negative and abstain members. Anyone
7 wish to vote negative or abstain on this motion?

8 [No response.]

9 Mr. Raffo: So again, hearing none, I'm
10 going to make the assumption that the motion has
11 unanimously passed the document will be sent to the
12 Agency for publication.

13 Does anyone have any comments on that?
14 This is your last chance.

15 [No response.]

16 Mr. Raffo: Okay. Thank you. So that
17 motion also passes.

18 Open Discussion

19 Mr. Raffo: So now we are into the final
20 stages of our morning meeting before we go to lunch
21 break. And we will have an open discussion, and
22 typically what I do is go around and ask anyone --

1 I actually don't even ask. I single out people,
2 and ask them if they have any comments on the
3 process, on the meetings, on anything else.

4 So as is our tradition, I am going to
5 continue on, and I'm going to start with the same
6 list that we did this morning. And Solomon, as we
7 said before, you are going to start, and the bar is
8 high, so I am going to turn it over to you for a
9 second.

10 Mr. Egbe: Well, I think the meeting was
11 well planned. It's going very well so far. I
12 don't really have anything to add.

13 Mr. Raffo: Okay. Thank you very much.
14 John Goering, next.

15 Mr. Goering: Yeah. I appreciate the
16 opportunity to be here and to be part of MACOSH and
17 work with the great team here of professionals. I
18 have nothing else to say. Thank you.

19 Mr. Raffo: Thank you. Amy Liu?

20 Ms. Liu: Thank you, Don. Thank you to
21 the chairs and to everybody at OSHA for all the
22 work. It's a real honor to be part of this

1 Committee and really it's an amazing opportunity to
2 be able to take information back to local industry
3 here in the Pacific Northwest. So I just am so
4 happy to be able to be a part of this group and to
5 be able to share information with industry. So
6 thank you very much.

7 Mr. Raffo: Thank you, Amy. Thresa?

8 Ms. Nelson: Yeah. I just want to thank
9 you, the Committee chairs, and of course the OSHA
10 staff for corralling us. I know an in-person
11 meeting is not easy, but a remote meeting might be
12 even harder in some respects when you consider all
13 of the electronic things and what could go wrong.
14 So really appreciate all of the work that everyone
15 does to get us together, and I'm hopeful that we
16 can have a future in-person meeting, as I do think
17 that the face-to-face ability to work with the rest
18 of the Committee is important. So thank you very
19 much.

20 Mr. Raffo: Thank you, Thresa. Michael,
21 next please.

22 Mr. Oathout: I just want to thank

1 everybody. Everybody that's been in the room has
2 done a great job. It was a great meeting here
3 today, great presentations. Like I said, sorry
4 I've been kind of out of the loop here. I've been
5 dealing with some health issues, and just trying to
6 get back to normal here after kidney surgery.

7 Mr. Raffo: Okay. Well, we all hope
8 you're feeling better, so thank you.

9 Mr. Oathout: Thank you.

10 Mr. Raffo: John Ratcliffe.

11 Mr. Ratcliffe: Thank you, Don. I just
12 want to say I'm humbled to be a part of this
13 Committee. It's just a tremendous amount of
14 knowledge and expertise, and I'm just very glad
15 that we can positively impact improvements in all
16 these industries. So thank you for that.

17 I think the virtual meeting went with
18 very minimal hiccups and problems. It went very
19 well. I do miss the face-to-face meetings. It's
20 just a pleasure to be able to sit across the table
21 from each and every one of you and learn from each
22 and every one of you. So thank you. I really

1 enjoyed my time.

2 Mr. Raffo: Thank you. Let's see who's
3 next. Jim Rone. You're going to have to think of
4 something new.

5 Mr. Rone: No worries. Happy to be here.
6 Proud to serve. I'm continually astonished and
7 counted worthy to be among this group. Thank you.

8 Mr. Raffo: Thank you. David Turner.

9 Mr. Turner: So first of all I just to go
10 on the record if I could, the importance of face-
11 to-face meetings. I understand in some cases
12 budgetary concerns, but I find face-to-face
13 meetings much more productive, especially in the
14 second half. So I do challenge OSHA to do what
15 they can to make sure that we do have face-to-face
16 meetings in the future.

17 Next is I also want to kind of get an
18 update on some of the products that we've
19 developed, and maybe they could provide an update
20 on where we're at with like the On-Dock Rail Safety
21 Guide document. It's a great document. I know
22 that they're in the queue there. So at some point

1 if they could provide an update on that, that would
2 be great.

3 And also thank you to the Committee for
4 working hard all these years I've been on it.
5 We've done a lot of great things, and it's good to
6 see that the products are still coming out, still
7 developing. I like the fact that OSHA cleaned out
8 their warehouse there on some of the quick cards,
9 and we took advantage of it and got those out to
10 the groups. I think the PMA itself probably
11 ordered a ton of them, so it was good to see that.

12 And I look forward to the next meetings
13 and continue progress as we develop products to
14 help the maritime industry.

15 Mr. Raffo: Thank you, David. David
16 Ward.

17 Mr. Ward: Yes. Thank you. First I want
18 to say it was a really productive and very good
19 meeting today. The presentations I think were top
20 notch, and I really appreciate them.

21 I also want to mention that I think we've
22 been very productive in the time since the last

1 meeting. The working groups were very
2 professional, and I really enjoyed putting together
3 and contributing in the role that I had into the
4 products that were produced.

5 And then finally I want to say that what
6 we do is important, and sometimes we don't always
7 stop to think about our impact and how we
8 contribute to the worker and try and make a safer
9 workplace. I just want to reiterate how important
10 we are and the role that we serve in this
11 Committee, and I'm really proud to be part of it.
12 Thank you.

13 Mr. Raffo: Thank you. Aaron Arabski.

14 Mr. Arabski: Yeah. I want to thank
15 everyone for their teamwork. Everyone has put a
16 lot of effort into this, and we work together
17 great. So the teamwork has been great. Thanks for
18 having me here on this. And also I just wanted to
19 remind everyone that I work with ships, and if
20 anyone has any questions about that just feel free
21 to contact me any time. I'm available to try to
22 spread any sort of knowledge or anything about

1 ships. Anything with that, just feel free to
2 contact me, whether it's OSHA has a question about
3 that or anyone on the committees or anything.

4 Mr. Raffo: Thank you, Aaron. Robert
5 Fiore.

6 Mr. Fiore: Yeah. How you doing? I just
7 want to say it's been an honor working with
8 everyone on these committees. We do put out some
9 good products, and I hope we continue to do more.
10 And thank you, Don, for your leadership, and Amy
11 and Danielle and Nick, wherever Nick is. And I
12 can't wait to do more.

13 Mr. Raffo: Thank you. Adam Wetzell.

14 Mr. Wetzell: I just want to say thank
15 you to everybody that's putting in their energy,
16 their time, their effort. We're producing some
17 amazing products here. And I also want to thank
18 the OSHA staff and the chairs, because they are
19 investing a lot of time in this, and I understand
20 investing time takes time out of your own life to
21 do this. But I just want to say thank you, guys,
22 to all of you chairmen and OSHA staff. I

1 appreciate it.

2 Mr. Raffo: Thank you, Adam. Daniel
3 Hardt.

4 Mr. Hardt: As the newest member of
5 MACOSH, I believe, I appreciate the logical and
6 organized manner that we conducted business today,
7 and the review process proceeded today. I hope to
8 fill Alice's shoes. I know that she is a very
9 capable person for the MACOSH, and I hope to be
10 able to contribute likewise.

11 I do have one question about how far in
12 advance we get the date and details for the next
13 MACOSH meeting.

14 Mr. Raffo: I'm assuming you're talking
15 about not the monthly calls.

16 Mr. Hardt: That's correct. I believe
17 they're semi-annual meeting, like today.

18 Mr. Raffo: I will ask the OSHA staff to
19 respond to that, please.

20 Ms. Wangdahl: Yeah. So our charter
21 allows for up to two meetings per fiscal year. So
22 they are space out about every six months. Part of

1 the issue is that with the timing now we're coming
2 up around the holidays, so we try to go early
3 November or early December. And again, it's always
4 contingent on the budget. But lately, the past few
5 years, we've been every November and then around
6 May and June. We try to get the dates out three to
7 four months in advance. Carla Marcellus, she works
8 with MACOSH, she normally will send a poll out to
9 everybody, give a few options for dates, and then
10 based on the responses is when we schedule
11 meetings.

12 Mr. Hardt: Makes sense. Thank you very
13 much.

14 Mr. Raffo: Thank you, Daniel. I'm going
15 to hop over to a couple of our OSHA staff, which
16 are key. Nick is not here, so I will go with Amy,
17 or we'll go with -- I guess we can go with you,
18 Amy. Go ahead.

19 Ms. Wangdahl: So I did have an OSHA
20 update. It was left off of the agenda. We are
21 already running late. Are you okay taking another
22 five minutes, and I can throw up my four slides?

1 Mr. Raffo: Yes, but I'm going to move
2 Danielle ahead of you. Then I'll let her say two
3 sentences, and then I'll come back, and then
4 Jennifer, and then I'll go back to you, and I'll
5 conclude.

6 Ms. Watson: I'll just say that I've
7 really enjoyed working with everybody, and I
8 appreciate the effort. I know everyone is busy
9 with their work and daily lives, and thank you..

10 Mr. Raffo: Thank you, Danielle, for all
11 your help. You've been great. Jennifer?

12 Ms. Levin: It's an honor to serve as the
13 Committee counsel, and I learn so much from all of
14 you. Thank you so much for everything that you
15 contribute to worker safety and health.

16 Mr. Raffo: Okay. Thank you, Jennifer.

17 OSHA Update

18 Mr. Raffo: All right, Amy. Now I'll let
19 you go. You've got slides to show us?

20 Ms. Wangdahl: Yeah. I've been doing the
21 OSHA Update every meeting. Like Dave was just
22 asking if we could just run through the documents

1 that you all have submitted as recommendations. I
2 think, Mariam, are you able to pull up my slides
3 real quick?

4 Ms. Carlon: Yeah. I'm pulling these up.
5 You should see them.

6 Ms. Wangdahl: I did want to mention,
7 Dave, you asked the question about the QR code, and
8 we did work with our Office of Communications. A
9 specific QR code on every document was going to be
10 very overwhelming, so what we've been starting to
11 do is for all the new documents that are coming in
12 we have a QR code that's going to go to our
13 Maritime Resources page, and then there you can see
14 every single document that OSHA has for the
15 maritime industries. So starting with the newer
16 documents you should be seeing that QR code.

17 Okay. You can go to the next slide.

18 Since the last meeting, I just need to
19 remind everybody my maritime office consists of
20 Danielle. She is the one that is doing all the
21 maritime activities from my office. So when I say
22 the office did X, Y, and Z, it's really Danielle

1 that is taking the recommendations once they come
2 in from the Committee. She gets them ready for my
3 review, gets them out to Clearance, which goes to
4 all the national office directorates, and then the
5 regions, compiles those comments, gets it back in
6 for final formatting and publication. So she
7 really works very hard on all these documents, and
8 I don't want to take credit for the work that she's
9 doing.

10 Since the November 2023 meeting, which
11 was just six months ago, we have published five
12 documents, and that's an extraordinary amount of
13 documents for one office, really coming out from
14 one person. Four of those were from MACOSH. The
15 middle one, the Fall Protection in Shipyard
16 Employment, that came out of an alliance from the
17 San Diego office. That alliance was working on
18 something. They found one of our older
19 recommendations, and they wanted to tailor it from
20 a commercial fishing document into more shipyard
21 related. So we took that. So that's why we're
22 showing five different documents this time.

1 Also, once a document is published I have
2 really been trying to send you a link immediately,
3 so that we get that information back out to you,
4 once one of your recommended items has published.

5 Next slide, please.

6 So this is a list of all the Shipyard
7 Workgroup recommendations that have come in that
8 haven't been published. We've been working very
9 hard to get this list down. If you remember, a few
10 years ago we probably had 20 documents between the
11 two committees that were still trying to make their
12 way through clearance. So we're working hard to
13 get that down.

14 This is just showing the documents that
15 we still have in our queue. The last one -- oh,
16 that was on the Short-Term Employee -- the Agency
17 felt that was too similar to a current document, so
18 while that was a MACOSH recommendation we're
19 actually not going to take action on that at this
20 time. So that's why it's showing up in red.

21 So we will add the new recommendations
22 that the Shipyard Workgroup gave us today to this

1 list. They'll kind of go to the bottom of the
2 queue. We're trying to work oldest to newest, but
3 it doesn't always work that way.

4 And then the next slide, this has the
5 Longshoring Workgroup recommendations. I see we
6 have fewer of those. So we just have the On-Dock
7 Rail, the Safe Recovery of Persons in the Water,
8 and the Break Bulk Safety. Again, we'll add the
9 new recommendation from the Longshore Workgroup
10 today to the list.

11 So we've been trying to go Shipyard
12 Workgroup, Longshore Workgroup, and kind of go back
13 and forth. We've been getting a little tricky or
14 sneaky, whatever you want to say, and we've been
15 doing two similar documents at the same time,
16 trying to get some of our documents through
17 Clearance quicker. So we're really doing our best
18 to get through all of the recommendations that
19 you've been sending us.

20 And I think that's the last slide.

21 Mr. Raffo: Okay, Jennifer. Do we need
22 to accept that into the record, please?

1 Ms. Levin: Yes, we do. Moving into the
2 record the OSHA Update by Amy Wangdahl.

3 Mr. Raffo: Okay. Thank you. And again,
4 Amy, all of these will be available to the group at
5 the end of the week or week or so, something like
6 that?

7 Ms. Wangdahl: Yes. We just have to
8 submit them all to the docket, and then they do
9 their magic and get them uploaded.

10 And then I just had a few other things
11 that I wanted to mention, if you don't mind.

12 Mr. Raffo: Go for it.

13 Ms. Wangdahl: We do have rechartering
14 coming up, which really doesn't mean much to you
15 all except that you'll probably see that's on our
16 Register notice coming out. So your charter
17 currently ends December 9th. This is one of
18 Carla's big projects that she starts working on,
19 the rechartering package. It's really just an
20 internal document to the Department. It's a lot of
21 paperwork. She has to show how active you've been,
22 how productive are we under our budgets. So it's a

1 lot of documentation that has to get put together.

2 So we start that process normally around
3 September. We don't anticipate any issues with the
4 rechartering, but I'll keep you posted on that.

5 And then while it may seem like it's
6 pretty far away, all membership terms will expire
7 in April, and we'll actually start that process in
8 August or September. So the reason I bring this up
9 is this will be prior to our next full Committee
10 meeting, and all members -- current, past, people
11 that want to join MACOSH -- you all have to submit
12 a new nominations package. So nobody is excluded.
13 So please don't think that your term will just
14 automatically roll over if you don't submit that
15 nominations package.

16 As soon as we get dates we'll certainly
17 send plenty of emails to remind you. We're
18 planning on a 60-day comment period, so that's
19 plenty of time. Even though it's over the
20 holidays, that should be plenty of time for
21 everybody to get their packages in. And again,
22 we'll remind you of that.

1 And then over the break, as soon as we
2 get off for lunch, I'm going to send everybody our
3 current membership chart. I noticed there are some
4 out-of-date phone numbers. I don't think we have
5 Daniel on there. So if you could just take a
6 minute, look at your personal information, and send
7 any changes back to us I would really appreciate
8 it.

9 And then, again, I want to thank Danielle
10 and Nick for running the workgroups. Carla does an
11 extraordinary amount of work behind the scenes.
12 You don't always see her, but she is doing a lot of
13 the work behind the scenes, a lot of packages that
14 had to get pushed through in a timely manner. And
15 Jenny reviewing those packages so that we meet the
16 deadlines that we have to meet, and Mariam for all
17 of her work today.

18 And thank you all for participating. We
19 really appreciate it. MACOSH is one of four
20 advisory committees at OSHA. We are certainly the
21 most productive. The others typically don't have a
22 lot of recommendations that come in. You all --

1 "depressed" isn't quite the right word -- but you
2 all set a lofty goal at least having one
3 recommendation per workgroup, and we really
4 appreciate that continuing effort to help your
5 industry.

6 And that's all I have, Don.

7 Closing Remarks, Adjourn

8 Mr. Raffo: Thank you, Amy, and I'll be
9 the last one. First of all, I want to start out by
10 thanking the OSHA staff for everything you do. It
11 makes the work easier on all of us. We know you do
12 a lot of work, and we do appreciate it.

13 Second of all, I'm sort of an old-school
14 guy. I appreciate everyone's professionalism on
15 this, as I try to learn how to guide us through all
16 of these Zoom meetings. I, like Dave, sort of like
17 the in-person meetings, and I'm used to that, but
18 we get a lot done during our monthly calls, which
19 participation goes up and down because, as with
20 Zoom, it's sort of a new frontier, at least to me.
21 So once again I thank everybody for sticking in
22 there, doing their work, and moving through this.

1 I appreciate it.

2 Again, as a presentation that we heard
3 today, you are all busy. You are all the
4 professionals in the maritime community. Any and
5 all work that we do can affect the workers on the
6 deckplate, and our charter is to keep them safe,
7 keep them alive, have them leave the same way they
8 come to work in the morning. And that's not always
9 an easy thing, and today we heard some of the
10 consequences of fatalities and how it can affect
11 family members, coworkers, and things like that,
12 which certainly our goal is to try to avoid. So
13 again I want to thank everyone else for their
14 participation and their work on this.

15 As we move forward it's now about 12:30.
16 We went about a half our over. We're scheduled for
17 a one-hour lunch break, which would put us back
18 here at about 1:30, and we'd go to 3:00. Does that
19 sound okay, Amy Wangdahl? Yes, I see her shaking
20 her head.

21 Ms. Wangdahl: Yes.

22 Mr. Raffo: And everyone knows we have a

1 different Webex meeting logon at 1:30. So if you
2 don't, I can't help you. I don't know the link,
3 but I know everyone got it in the past. I don't
4 recall the date when we got it, but everyone got
5 it, and you should join it. And I haven't heard
6 anyone complaining, so I'm assuming we'll all know
7 how to do it.

8 Again, thank you for everyone's
9 participation. We appreciate it. We'll go to
10 break now for one hour. And at this point,
11 Jennifer, do we need a motion to adjourn?

12 Ms. Levin: Yes, we did.

13 Mr. Raffo: Okay.

14 Mr. Oathout: Motion.

15 Mr. Raffo: Who made that?

16 Mr. Oathout: It was Michael.

17 Mr. Raffo: Michael made the motion to
18 adjourn. Do we have a second?

19 Mr. Ratcliffe: Second.

20 Mr. Raffo: Who was that again?

21 Mr. Ratcliffe: John Ratcliffe.

22 Mr. Raffo: Okay. So we have a motion

1 and a second to adjourn. Any discussion?

2 [No response.]

3 Mr. Raffo: Any negatives or abstains?

4 [No response.]

5 Mr. Raffo: So based on that I'm going to
6 say the motion has unanimously passed. Thanks for
7 everyone's participation. And we will recommence
8 in about an hour. See everyone then. Bye.

9 [Whereupon, at 12:31 p.m., the meeting
10 recessed until 1:30 p.m.]

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