

1 U.S. DEPARTMENT OF LABOR - OCCUPATIONAL SAFETY AND
2 HEALTH ADMINISTRATION
3
4 NATIONAL ADVISORY COMMITTEE FOR OCCUPATIONAL SAFETY
5 AND HEALTH (NACOSH)
6
7 FULL NACOSH MEETING

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10:00 a.m.

12

Monday, September 9, 2024

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Virtual via WebEx

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1 APPEARANCES

2

3 PUBLIC REPRESENTATIVES:

4 Nancy M. Daraiseh, Associate Research Professor,
5 Department of Pediatrics, Cincinnati Children's
6 Hospital Medical Center, University of Cincinnati

7 Jay W. Withrow, Esq., Director of the Division of
8 Legal Support, Virginia Department of Labor and
9 Industry

10 Cynthia Lewis (Chairperson), Director, Office of
11 Professional Development and Program Evaluation,
12 Fay W. Boozman College of Public Health,
13 University of Arkansas for Medical Sciences

14 Michael D. Larranaga, PhD, Managing Principal and
15 President, REM Risk Consultants

16

17 MANAGEMENT REPRESENTATIVES:

18 John A. Dony, Vice President, Workplace Strategy,
19 National Safety Council

20 Andrew D. Perkins, CIH, CSP, Senior Industrial
21 Hygienist, Alabama Power Company

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1 APPEARANCES (continued)

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3 HEALTH REPRESENTATIVES:

4 Bobbi Jo Hurst, Employee Health/Infection Control

5 RN, Orthopedic Associates of Lancaster

6 Suzanne Teran, MPH, Associate Director,

7 Labor Occupational Health Program, UC Berkeley

8

9 LABOR REPRESENTATIVES:

10 Jessica Garcia, Assistant to the President,

11 Retail, Wholesale, and Department Store Union

12 (RWDSU)

13 Rebecca Reindel, Director, Safety and Health

14 Director, AFL-CIO

15

16 DEPARTMENT OF LABOR REPRESENTATIVES:

17 Andrew Levinson, Designated Federal Official,

18 U.S. Department of Labor, Occupational Safety

19 and Health Administration

20 Jennifer Levin, Committee Counsel, U.S. Department

21 of Labor, Office of the Solicitor, Division of

22 Occupational Safety and Health

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APPEARANCES (continued)

DEPARTMENT OF LABOR REPRESENTATIVES (continued):

Lisa Long, Alternate Designated Federal Official,
Deputy Director, Directorate of Standards and
Guidance, OSHA

Janae Hughley, Administrative Assistant,
Directorate of Standards and Guidance, OSHA

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P R O C E E D I N G S

Opening Remarks, Roll Call, Introductions

Ms. Lewis: -- where we have open discussion if there are any members of the public who would like to comment. If we have time during the agenda we will go ahead and take those comments at that time.

So for the committee on the virtual meeting, just a brief reminder. If you would please make sure to mute your microphones when you're not speaking to prevent interference and assist the court reporter in keeping an accurate transcript of our meeting.

So at this time I will go ahead and do a roll call of our NACOSH members. Myself, I did not introduce myself. My name is Cindy Lewis. I am the Chair for the NACOSH for this period, and I am with the University of Arkansas for Medical Sciences in Little Rock, Arkansas. And I am one of the public representatives.

So we will get started here. I see Rebecca, and you are on. Could you introduce

1 yourself, please?

2 Ms. Reindel: Good morning, everyone.
3 I'm Rebecca Reindel. I'm the Safety and Health
4 Director at the AFL-CIO, and I hold a labor seat on
5 this committee. Thank you.

6 Ms. Lewis: Jessica Garcia?

7 Ms. Garcia: Good morning. Jessica
8 Garcia. I'm also a labor representative with the
9 Retail, Wholesale, and Department Store Union,
10 UFCW.

11 Ms. Lewis: Thank you. Suzanne Teran.

12 Ms. Teran: Good morning. I'm Suzanne
13 Teran. I work at the Labor Occupational Health
14 Program here at UC Berkeley, and I'm a health
15 representative.

16 Ms. Lewis: Thank you. Bobbi Jo Hurst.

17 Ms. Hurst: Hi. I'm Bobbie Jo Hearst. I
18 represent the Association of Occupational Health
19 Professionals in health care, and I'm also a health
20 care representative.

21 Ms. Lewis: Thank you. John Dony.

22 Mr. Dony: Hi, everyone. John Dony here.

1 NSC. Management representative for the committee,
2 formerly with National Safety Council. Currently
3 with the Fillmore Group, serving as a director
4 there. Thanks, everyone. Good morning.

5 Ms. Lewis: Andrew Perkins.

6 Mr. Perkins: Andrew Perkins. I'm an
7 industrial hygienist with Alabama Power, and I am a
8 management representative.

9 Ms. Lewis: Michael Larranaga.

10 Mr. Larranaga: Good morning, everybody.
11 I'm Michael Larranaga. I'm with REM Risk
12 Consultants, a [unclear] consulting firm, and I am
13 public representative.

14 Ms. Lewis: Jay Withrow?

15 Mr. Withrow: Good morning. My name is
16 Jay Withrow. I'm a Senior Fellow with the Virginia
17 Department of Labor and Industry and the Virginia
18 State Plan, and I'm a public representative.

19 Ms. Lewis: Thank you. Nancy Daraiseh.

20 Ms. Daraiseh: Good morning, everyone.
21 I'm Nancy Daraiseh. I am research faculty at
22 Cincinnati Children's Hospital and the University

1 of Cincinnati, and a public representative.

2 Ms. Lewis: And I didn't see Ray Ruiz
3 come on. No. All right. Thank you so much. So
4 thank you, everyone, for introducing yourselves. I
5 will turn the mic over to Andy Levinson and Lisa
6 Long to do the OSHA introductions and cover today's
7 agenda.

8 Mr. Levinson: Hi, folks. My name is
9 Andy Levinson. I am the Designated Federal
10 Official for this meeting. Lisa Long is the
11 Alternate DFO, and she can introduce herself in a
12 moment. We're here mostly to support the
13 committee. Fortunately, it's a remote meeting
14 today so I can tell you that you should already
15 know where the snacks and bathrooms are in your
16 current location, and if you have an emergency
17 wherever you are please leave our meeting and call
18 911 and do whatever is appropriate for the
19 emergency location, emergency in the location where
20 you are. Lisa?

21 Ms. Long: Thanks, Andy. I'm Lisa Long.
22 I am the Deputy Director of the Directorate of

1 Standards and Guidance and the Alternate Designated
2 Federal Official for NACOSH. And I will pass it on
3 to Janae Hughley who is our administrative
4 assistant for NACOSH.

5 Ms. Hughley: Good morning, everyone. I
6 am Janae Hughley. I [unclear] at OSHA, and I am
7 very new [unclear] so if you have any questions
8 about meeting minutes, any meeting-related
9 inquiries, feel free to reach out. Thank you.

10 Ms. Long: Thanks, Janae. I think also
11 we have Jennie Levinson [sic], who is our counsel
12 for NACOSH.

13 Ms. Levin: I'm Jennie Levin, and I'm
14 from the Solicitor's Office. I'm happy to serve as
15 counsel to NACOSH.

16 Mr. Levinson: And I think back to you,
17 Cindy.

18 Agenda

19 Ms. Lewis: Great. Thank you. So thank
20 you to our OSHA folks who helped schedule the
21 agenda today. Andy, did you want to say anything
22 about today's agenda?

1 Mr. Levinson: Sure. So the agenda today
2 is relative easy. You're going to hear from Jim
3 Frederick, who is our Deputy Assistant Secretary,
4 who will provide an update on what's going on at
5 OSHA. And then we will hear from NIOSH for an
6 update on some of their programs and activities.
7 And then I'm going to close out our session this
8 morning talking about some of our work on Safety as
9 a Core Value and our VPP modernization efforts.

10 Ms. Lewis: Thank you. So at this time
11 can we please move the agenda into the record.
12 Jennifer?

13 Ms. Levin: I'm here. Sorry. I move
14 that the agenda be entered into the record.

15 Ms. Lewis: Thank you. I appreciate
16 that.

17 Discussion of May 7, 2024, Meeting Minutes

18 Ms. Lewis: So we'll move on to a
19 discussion of our May 7th meeting minutes, and I do
20 know that Jay -- well, before I do that, do I have
21 a motion to accept the minutes?

22 Ms. Hurst: This is Bobbi. I motion to

1 accept the minutes.

2 Ms. Lewis: Do we have a second?

3 Mr. Withrow: Second. Jay Withrow.

4 Ms. Lewis: Thank you. All right. Now
5 we're open for discussion. Jay, I know that you
6 said that you had some comments on the minutes.

7 Mr. Withrow: Yeah, just a couple of
8 minor things. On page 9, if folks want to find
9 that, the third paragraph down there appears to be
10 a word missing. The sentence starts, "Mr. Withrow
11 also asked if [unclear] can only go after the
12 contractor who employs a child or if the division"
13 and the next word is "go." I think we need to
14 insert the word "can" before the word "go," so it
15 says, "or if the division can go after the larger
16 business." That's the first one.

17 And then --

18 Ms. Lewis: I'm sorry. Can you repeat
19 that? I finally pulled up the minutes. Sorry.

20 Mr. Withrow: Page 9.

21 Ms. Lewis: Got it.

22 Mr. Withrow: The third paragraph down.

1 Ms. Lewis: Got it.

2 Mr. Withrow: It's actually right at the
3 beginning of the second line that starts with the
4 word "go."

5 Ms. Lewis: Gotcha.

6 Mr. Withrow: The word "can" I think
7 should be inserted there.

8 Ms. Lewis: "Or if the division can go
9 after larger business."

10 Mr. Withrow: Right.

11 Ms. Lewis: Okay.

12 Mr. Withrow: Okay. And then on the same
13 page, fifth paragraph, first line, right at the end
14 where it says "to the committee about OSHA Young
15 Worker Group." I think it should be apostrophe-S,
16 as in "OSHA's Young Worker Group."

17 Ms. Lewis: Gotcha.

18 Mr. Withrow: Okay. Last one, page 10,
19 fourth paragraph down that starts with "John Dony."
20 Third line that reads, "Alliance Group. Mr. Flynn
21 noted that the program had prepared a paper that
22 revised climate change in occupational safety and

1 health." I think maybe the word should be
2 "reviewed" climate change. I don't know. I didn't
3 look at the actual transcript. It either would be
4 "reviewed" or "revised" climate change, you know,
5 somehow. I don't know. It doesn't read right.

6 Ms. Lewis: Okay.

7 Mr. Withrow: And that's it.

8 Ms. Lewis: Okay. I appreciate that. So
9 for the purposes of our approval on that last
10 comment, I would say can we have someone look at
11 the transcript to see if that should be "reviewed,"
12 that word should be "reviewed"?

13 Ms. Wangdahl: Hi. This is Amy Wangdahl.
14 We'll be sure to get -- we'll look at the
15 transcript and see what that word should be changed
16 to.

17 Ms. Lewis: Okay. So at this time we
18 could accept the other two changes if there is a
19 motion to do that.

20 Unidentified Voice: Moved.

21 Ms. Lewis: Second?

22 Mr. Larranaga: I'll second. Mike

1 Larranaga.

2 Ms. Lewis: Okay. So at this time we are
3 approving the revised minutes for just the first
4 two recommended changes by Jay, and then we will
5 have to look at -- I guess, Jennie, can we approve
6 the minutes without this other revision, or do we
7 need to wait to approve the minutes?

8 Ms. Levin: You can approve the minutes
9 with the proviso that the staff will insert the
10 proper word. Thank you.

11 Ms. Lewis: Okay. So with that being
12 said, anyone, or everyone who approves the changes
13 in the minutes, please say aye.

14 [Chorus of ayes.]

15 Ms. Lewis: Anyone apposed, nay?

16 [No response.]

17 Ms. Lewis: Great. So it passes. Thank
18 you so much for doing that and getting that on our
19 way. Ms. Levin, can we please move the accepted
20 meeting minutes then into the record?

21 Ms. Levin: At this time I move the
22 meeting minutes, as revised, into the record.

1 Ms. Lewis: Great. Thank you so much.

2 OSHA Update

3 Ms. Lewis: At this time we will hear
4 from James Frederick, who is our Principal Deputy
5 Assistant Secretary, to provide us with the OSHA
6 remarks. So I will turn this over to Jim.

7 Mr. Frederick: Thank you, Cindy. I
8 appreciate that. And thanks, as always, to the
9 committee for the work that everyone does on
10 NACOSH. We really appreciate the input from the
11 committee.

12 I have just some brief comments to make,
13 and then I believe we have some time, so certainly
14 if there are some questions from the committee,
15 items that you'd like to have a little bit further
16 dialogue on, I'm happy to do that, as time permits.

17 I am going to attempt to do the
18 multimedia presentation and share a couple of
19 slides. Miriam, it says that you need to stop
20 sharing content.

21 Unidentified Voice: One second, James.
22 Yeah, there we go. We should be all set now.

1 Mr. Frederick: Okay. Did it pop up?
2 All right. So again, thank you all for spending a
3 few minutes chatting with me this morning. I
4 really appreciate it, as always. And what we
5 wanted to do was just to provide a few high-level
6 overview items from the Agency, and then we'll move
7 into the Q&A portion.

8 [Technical difficulty with slides.]

9 Mr. Frederick: Just starting like we
10 often start in presentations with a little bit of
11 the reality check of what it is that we are doing
12 here at the Agency. And for me it starts every
13 morning with me thinking to the number 15. And the
14 number 15 is the number of fatalities that occur in
15 this country from acute traumatic injuries, not
16 accounting for occupational illnesses, by any
17 means. But for 15 people that go to work and
18 because of exposure to a hazard or unsafe
19 condition, an acute traumatic effect, don't go home
20 from work that day.

21 And I utilize this as a means to really
22 reflect on why I do this work, and I think many

1 across the Agency and across the health and safety
2 profession do the same. It's really a driver. It
3 keeps us focused on the things that we need to be
4 doing. And this, of course, just comes from the
5 BLS data from a couple of years ago of the 5,486
6 fatal work injuries that were recorded. We
7 certainly hope those numbers to go down over time,
8 and we'll talk about that in just a minute.

9 The other thing that I utilize this, when
10 I get up in the morning and think about the number
11 15, is to also help me think about the priorities
12 of the agencies and the work that is being done.
13 And at the end of the week the other thing that I
14 do is to always look back on the calendar and find
15 multiple things -- I try to always find three every
16 Friday before I turn off the computer -- that they
17 are happening somewhere across the agency of work
18 that folks within the agency are doing to better
19 address the unsafe conditions and hazards in
20 workplaces. And it's always an easy find, easy to
21 find things that are happening across OSHA that are
22 addressing those things that happen in workplaces.

1 And it's something we hope to utilize that as the
2 impetus to move into the next week, come back and
3 do this work again.

4 When we think about workplace fatalities
5 over time, of the time that OSHA has been in place,
6 since early 1970, we know that over time, as we
7 look decade by decade, that we've seen, generally
8 speaking, a reduction in fatalities. But know that
9 in recent years that line has leveled out and
10 tipped up a little bit at some points in time. And
11 so we know that there's much more to unpack in that
12 conversation and a lot to draw from that and
13 recognize and understand some of the items that are
14 causing those incidents and what we currently have
15 in place at the agency and how we're approaching
16 these things.

17 And one other foundational point that I
18 want to make sure that we're talking through is
19 just the resources that we have available to do
20 this. The amount of resources that we received
21 through our appropriations to address occupational
22 health and safety is a big number. And, of course,

1 sitting down at my kitchen table or your kitchen
2 table and talking about the OSHA budget of \$630
3 million a year, that's a lot of money. But when I
4 think of it, I like to think of it in terms of the
5 scope of our mission, and it's a big mission that
6 this agency has of protecting the health and safety
7 of more than 167 million workers. And what that
8 comes out to, in my mind, is that we've got under
9 \$4 per workers to do the tasks at our hand to
10 address workplace health and safety.

11 I'm not a coffee drinker but I know when
12 I got to the coffee place with my kids and I always
13 wind up paying, when I do that, that you can't buy
14 a cup of coffee for less than \$4. So I know that
15 what we're trying to do at the agency is to address
16 worker health and safety for less than a cup of
17 coffee per worker, and it's just important to frame
18 that and recognize and understand the scope of the
19 mission that we have in front of us, the resources
20 that we have, that are significant when you look at
21 them in total, but when we break it down we've got
22 a lot to do per worker with those resources

1 available. And I hope that you all help us to
2 continue to hone the focus of the agency and the
3 resources that we have to the right places so that
4 we can better address those things that are causing
5 workplace fatalities and serious injuries across
6 our workforce in this country.

7 Just a couple of other pieces around our
8 current reach of the agency, we know that right now
9 we've got on board about 1,866 inspectors, and
10 that's a combination of Federal OSHA and the state
11 plans. And with those 167 million workers that's
12 one compliance officer for every 89,000 workers.
13 So again, the scope of our work is big and
14 important, and our reach needs to have impact
15 beyond those workplaces that we're in when we're
16 doing enforcement and compliance.

17 We know that in fiscal year 2023, last
18 year, that Federal OSHA performed a little bit over
19 34,000 inspections in workplaces, and that this
20 year, through June 30th, we've done just a bit over
21 26,000, and on track to have a number here by the
22 end of the fiscal year, the end of this month, that

1 is on track to be a bit higher than last year, we
2 hope, when the numbers are all tallied here at the
3 end of the fiscal year.

4 And what we're running right now in this
5 fiscal year is an average of about just under 3,000
6 inspections per month across the Federal footprint
7 of OSHA.

8 And a visual representation of where
9 we've been and where we are currently on
10 inspections, from compliance officers in the field
11 at workplaces where health and safety hazards are
12 impacting workers, this is just a graphic
13 representation over the course of a decade of
14 what's been transpiring on numbers. And the
15 numbers really are very, very much tied -- and this
16 is Federal OSHA inspections -- but the numbers are
17 very, very much tied to the number of compliance
18 officers that we have on board. And as you see in
19 some years those numbers have been lower when we've
20 had lower number of inspectors, and we've, in the
21 last couple of years, brought those numbers back
22 up, and again, hoping this year to see a little bit

1 increase in that trend, as well.

2 But we also know and recognize that
3 enforcement isn't the only answer to this equation,
4 because with one inspector for 89,000 workers we
5 know that OSHA enforcement can't reach every
6 workplace and every employer. The numbers are out
7 there, and often talked about that it would take
8 OSHA about 200 years to get to every workplace. So
9 we know there are a lot of workplaces where we'll
10 never have the opportunity to see the hazards that
11 are in place today.

12 So we have been trying to talk in terms
13 of OSHA's vision through the course of these last 3
14 1/2 years, while Assistant Secretary Parker and I
15 have been at the agency, in terms of OSHA's vision
16 of all workers should have access to good jobs that
17 are safe and healthy. And we've tried to convey
18 this both internally to our staff as well as
19 externally to the public, as making certain that
20 health and safety is a core value in every
21 workplace.

22 And again, there's a lot to unpack in

1 that, a lot we could talk about, but the short
2 version of that, that I like to utilize, is that in
3 every conversation in a workplace, from the board
4 room to the break room and all the rooms in
5 between, if health and safety is part of the
6 decision-making process when the decisions are
7 being made, then we know that health and safety is
8 a core value in that workplace.

9 And that's what we want to continue to
10 instill into workplaces, is to make sure that
11 workers have the understanding about those health
12 and safety hazards that they work around and feel
13 confident and comfortable in speaking up about them
14 without fear of retaliation, and that employers
15 also recognize and understand those items, are
16 willing to hear from workers, and are also willing
17 to hear from each other and implement solutions to
18 those problems and challenges that are raised.

19 So the way we have really wanted to
20 continue to talk about going about this is that
21 OSHA needs a systemic approach to this. We know
22 that enforcement isn't enough. It's an important

1 part of the puzzle, but it's not enough. If we
2 doubled our resources and enforcement that we're
3 still only able to reach a workplace, on average,
4 every 100 years. So we know we need to do more,
5 and we see it as all of the different parts and
6 pieces of the agency as having an important part.
7 Just as a health and safety management system, with
8 all of these components, have to play in a
9 workplace, the OSHA system has an important and
10 vital role in this.

11 And all of the various parts of the
12 agency are listed here, and that we see that,
13 again, health and safety as a core value is
14 overarching and framing that. And we think that
15 the important think to talk about through that is
16 the implementation and the maturation of health and
17 safety management systems, but also with a
18 foundation of equity. Equity has to be a base in
19 this conversation because there are challenges in
20 this workplace that are facing workers that
21 currently are not equitable, and we'll get to that
22 in just one second.

1 Of course, we think the basis of all
2 health and safety management systems really comes
3 down to Health and Safety 101, that we need to
4 recognize and control hazards and unsafe conditions
5 using the hierarchy of controls. And as I said, we
6 currently have a situation in this country where
7 the effect of health and safety hazards in
8 workplaces is not equitable, that a worker of color
9 is more likely to be fatally injured at work than
10 other workers. So we know and recognize that we
11 have some work to be done in this space.

12 We, at the agency, have been trying to
13 address this in a number of ways to better reach
14 some of the populations of workers that we haven't
15 historically been as successful at reaching, and
16 making certain that they know and recognize their
17 rights under the OSHA Act and have the access to
18 the resources of the agency when and if it's
19 needed.

20 So we're doing a number of things on
21 that, and just to highlight one, we have really
22 increased our processing of requests or statements

1 of interest that we have utilized as a tool for
2 prosecutorial discretion for decades at the agency,
3 to try to make it more readily available to reduce
4 the barriers of workers who are, for example, at
5 risk, or a worker with an immigration status that
6 they are at risk. And we want to make certain that
7 they have the same health and safety rights in a
8 workplace that any other worker does. So we've
9 worked with many workplaces to issue a Statement of
10 Interest to the Department of Homeland Security so
11 that workers can request prosecutorial discretion
12 with the Department of Homeland Security so that
13 they feel more confident in participating with the
14 OSHA inspection process. That's just one example
15 of a number of things that we've been doing to try
16 to increase equity in occupational health and
17 safety from OSHA, the administration.

18 I also wanted to mention, just briefly,
19 the OSHA realignment, where we are adding a region
20 in the Gulf Coast area. We're adding the region
21 that's down in the Gulf Coast area, that we've
22 headquartered in Birmingham, Alabama, and have a

1 little bit of the Panhandle of Florida, Alabama,
2 Mississippi, Louisiana, Arkansas, Tennessee, and
3 Kentucky in the new region. This does a couple of
4 things. Our regions that are currently
5 headquartered in the old alignment in Atlanta,
6 Georgia, and in Texas are two of our largest
7 regions, and quite frankly, we just really thought
8 this was an effective means to have better coverage
9 of worker health and safety issues in the area of
10 the country where the vast majority of our work has
11 been taking place.

12 And so by adding this region in the Gulf
13 Coast what we're doing with that is we're not
14 adding another region to the total -- we'll still
15 have 10 -- but we're combining the regions on the
16 West Coast into one region, and making certain that
17 we're reallocating those resources from the
18 combination into the Gulf Coast to better meet the
19 needs of workers, employers, and the health and
20 safety community across the Gulf Coast region and
21 across the entire South part of the country through
22 that realignment.

1 That realignment is a bit of an evolution
2 of a work in progress. It has initiated but will
3 formally be up and running, in place, in the fiscal
4 year here in a little bit, under a month. And
5 hopefully you are able to all reach out and work
6 with the new regional office once it's up and
7 running in the new fiscal year. And if you have
8 questions or would like to contact, have individual
9 or the group contact with the new region, we could
10 certainly make that available to you all.

11 So again, in closing, it really comes
12 down to the fact that all workers have the right to
13 a safe and healthy work environment. And I think
14 we've got about 10 or so minutes for some
15 questions, if folks have some. What I will try to
16 do is stop sharing the screen, so it puts it back
17 to where we can see each other a little bit better,
18 and I'm happy to take a couple of questions from
19 the group.

20 Ms. Lewis: Great. Thank you, Jim. Is
21 there anyone from the NACOSH Committee that has a
22 question. If you do, please raise your hand. Jay

1 has his hand raised. Jay, would you like to
2 comment?

3 Mr. Withrow: Good morning. Jay Withrow
4 from Virginia. As I mentioned in introductions,
5 I'm with the Virginia State Plan. It's not really
6 a question for Jim but a comment, because I'm not
7 sure if committee members are aware. When Jim was
8 talking about the budget, obviously I was just
9 woefully underfunded. State plans are woefully
10 underfunded. In fact, state plans overmatch by
11 over \$100 million the money that OSHA puts up for
12 Federal grant matching funds.

13 And since our last meeting, I just wanted
14 to let the committee members know that state plans
15 have had their budgets for this year cut, to, my
16 understanding, cover some shortfalls in OSHA's
17 budget, to the tune of about \$4.3 million for
18 compliance, VPP, and public sector consultation,
19 which is about a 3.6 percent cut in this year's
20 grant, in Federal matching funds, and \$2.4 million
21 in the private sector consultation, which is about
22 a 3.8 percent cut.

1 Fortunately for a lot of states, because
2 a number of states overmatch with money, being able
3 to handle a cut like that, that far into the fiscal
4 year, poses some challenges, but they did not have
5 to either lay off people or stop hiring. But I can
6 say there were a few states that it did impact,
7 where either they were considering having to lay
8 off people or they had to have a hiring freeze in
9 place for the rest of the year.

10 So I just wanted committee members to be
11 aware that there has been a financial impact on
12 state plans this year.

13 Mr. Frederick: Thanks, Jay, and if I
14 could just add to it, as Jay indicated, but just to
15 make sure it's clear, it was two slightly different
16 amounts but both to the state plan programs plus
17 the consultative services at all 50 states, plus
18 some of the territories. So just to put a point on
19 it, Jay mentioned that because it happened so late
20 in the fiscal year it amplified the percentage to
21 be basically all into the fourth quarter, which is
22 a challenge, and just a challenging of the timing

1 of the Federal budget process and the amount of
2 time that took to transpire in this fiscal year,
3 given then our appropriations and the budget
4 constraints we had and where we are currently.

5 So thanks, Jay, for pointing it out. I
6 appreciate it.

7 Ms. Lewis: Suzanne, I see that your hand
8 is raised.

9 Ms. Teran: Yes, thank you. I had a
10 question just in terms of the ratio that was shared
11 of inspectors to workers at the Federal level. Is
12 that a driver based on the resources? I know in
13 California one issue we have is just vacancy rate
14 within Cal/OSHA and the number of unfilled
15 positions. And I don't know if that's also a trend
16 nationally. There's been discussions just about
17 like how do you improve the pipeline of who can
18 qualify to fill those jobs. That's an issue I'm
19 just curious if there is Federal leadership around
20 how to consider that, to fill vacancies both at
21 that level but also within state plans.

22 Mr. Frederick: Suzanne, thanks, and I

1 think there are kind of maybe more than two, but at
2 least two conversations in that one being different
3 for the state plan requirements from the Federal
4 requirements. I can put a bit of a primer on where
5 we are at on current staffing levels at the Federal
6 OSHA level.

7 We currently actually are in a hiring
8 freeze and needing to, through normal attrition,
9 have a bit of a reduction in our current staff
10 level in order to make some of the items, that as
11 Jay brought up, with the budget challenges, match
12 better to the current appropriations. And then,
13 you know, the new fiscal year starts in just 22
14 days or something like that. We will see if we
15 have a budget in place for the new fiscal year or
16 if we are on a continuing resolution or something
17 else. Until we know the appropriations amount we
18 don't quite know what our staffing level will look
19 like for the agency. If we're in a continuing
20 resolution we would still be in hiring freeze, as
21 we are today.

22 And so, again, we are in a situation

1 where we actually have fewer folks on board in
2 total, in our total personnel, not just in
3 compliance officers. But I think it's important to
4 note for the committee that the job category of
5 compliance officer is one that has a higher rate of
6 attrition than most of our other job categories, if
7 that's a fair explanation to it. So as we do lose
8 people we lose a higher number out of the CSHO
9 ranks and out of some of the others. You know,
10 through attrition you don't get to put the pointer
11 on the areas that you make the attrition happen in.
12 They just start happening through the natural
13 process.

14 Oh, the one other thing you mentioned,
15 that's vitally important, and is kind of the
16 pipeline for folks to come into the CSHO ranks --
17 and again, just to put a bit of frame around it
18 from the Federal perspective -- we have, in the
19 last 3 1/2 years, initiated some programs with what
20 we're referring to as the STEP program. I'm sorry,
21 I can't remember what our acronym is, the Safety
22 Technician -- apologies. I can't recall the right

1 words for the acronym. But this is a project that
2 we're utilizing to help folks gain the skill set
3 and experience to be qualified as a CSHO position.

4 So we've started that as a pilot in the
5 prior fiscal year, and it's still kind of in the
6 pilot phase because it's not an area that we have
7 had the resources to get it full up to speed. But
8 that is one means to help us make certain that
9 we're doing better both on reaching out to some
10 populations of potential applicants that haven't
11 been able to find the path into that role in the
12 past and trying to help us expand more of a career
13 path with folks that, for example, some folks that
14 come in as some kind of a supporting role and work
15 into a CSHO position.

16 So it's been a very exciting process and
17 one that we hope we can continue to do, expand to
18 the whistleblower part, expand to some of the other
19 parts of the agency, as well, when resources are
20 available.

21 Ms. Lewis: Great. Thank you. Jay, do
22 you still have your hand back up?

1 Mr. Withrow: I put it back up, just to
2 follow up on what Jim was saying. I can tell you,
3 in the states, Virginia and a couple of others have
4 registered apprenticeship programs for compliance
5 officers, which, I mean, you can get people who
6 traditionally either have education or experience
7 in various industries, who can come in at a higher
8 level in the program. But it's also a way to get
9 particularly younger people or ex-military, ex-
10 police officers, who may not have safety and health
11 experience but they have a lot of enforcement
12 experience. They know what it's like going into an
13 environment where people don't smile when they see
14 you coming usually, you know, a compliance officer.

15 But it is a way to bring somebody in at
16 kind of an entry level and then train them through
17 the apprenticeship program, and give them salary
18 increases as they complete certain requirements
19 within the apprenticeship program. We've found it
20 to be very helpful.

21 Ms. Lewis: Great. Thank you for the
22 comment.

1 Jim, I have one question and I'm not sure
2 if you have the information available. When you
3 showed your chart about the number of fatalities
4 and how it had gone down and then leveled off and
5 then slightly increased, not trying to discount
6 COVID, but have you looked at, if COVID wasn't part
7 of the equation in 2020 to 2022, how that would've
8 changed the numbers?

9 Mr. Frederick: Good question, Cindy, and
10 yes, but some complications to really trying to dig
11 through that a little bit, because there were a
12 number of factors going on at the same time. There
13 was both, in some regards, fewer people in some
14 work settings, and in other regards there were, of
15 course, the outcroppings from COVID health effects.

16 So "yes, but" is probably the best we
17 could do on that with a short response. And again,
18 I'd be happy to come back to the group at some
19 point down the road if there's some more detail you
20 all would like on that.

21 Ms. Lewis: I guess what I'm kind of
22 thinking is that those that were directly COVID-

1 related are one factor, but then also the change
2 in the dynamics of who was working at the time, you
3 know, in their traditional jobs, I guess, and just
4 trying to see if there's a way to look at that data
5 differently.

6 Mr. Frederick: Yeah, and you know, just
7 for example, in the most recent year, a couple of
8 the areas that were of importance for consideration
9 and conversation around looking at is increases in
10 some of the workplace violence incidents. Another
11 is increase in transportation-related fatalities,
12 which are a big chunk of the data in and of itself,
13 and again, a whole other conversation.

14 With that understanding of items, the one
15 anecdotal thing that we'll probably see for the
16 next few years is also an impact of an increased
17 attrition that happened over the course of the
18 pandemic of folks who either left their job and
19 went somewhere else or left the workforce and
20 decided it was time for retirement, retiring a
21 little bit earlier, or whatever. That created some
22 new-to-job, new-to-organization of workers coming

1 in to workplaces as things have gotten to where
2 they are today. So I think we'll see some impact
3 of that, as well, for a bit of time, as well.

4 Ms. Lewis: The other question I have is
5 with the realignment of the regions, do you hope or
6 do you see or have expectations of how that might
7 impact the VPP backlog of the initial inspections?

8 Mr. Frederick: Yeah. And I don't want
9 to steal any of Andy's thunder on his agenda here
10 in a few minutes, but a couple of things. You
11 know, without context for everybody that's
12 listening in today, the Voluntary Protection
13 Program does have a backlog, and the backlog
14 significantly grew over the course of the pandemic
15 because of the requirement of OSHA coming to a site
16 to perform an on-site review of the program, the
17 health and safety management system, and the
18 impacts of that program being way above and beyond
19 the minimum requirements, that we weren't able to
20 get to very many of those during the pandemic. So
21 that backlog grew significantly.

22 And within the VPP resources that we have

1 available, this is, again, a little bit different
2 conversation for the state plans, and it varies
3 around different state plans, that it is for the
4 Federal OSHA footprint. But in the Federal OSHA
5 footprint we have, again, kind of a finite amount
6 of resources available for the Voluntary Protection
7 Program, and to increase the capacity that Federal
8 OSHA has in that space means reducing the capacity
9 in another part of the agency. And that has not
10 been an area where we've had the ability to find
11 resources elsewhere.

12 So we have that finite capacity and are
13 doing the best we can to get to both the
14 reinspections that are required as part of the
15 program, so that we maintain the site setter in
16 VPP, to ensure that they're still doing the right
17 things within their workplace, and keeping them
18 current, coupled with the influx of new applicants.

19 So it's a real challenge and one that
20 we're trying to get our arms around a bit. Again,
21 I think Andy will hit on this in a few minutes, of
22 if and how we might think about some things, down

1 the road a bit, to better address our capacity
2 issues and try to help take care of some of that,
3 alleviate that backlog a bit, on both the
4 reapplications and new applications.

5 Ms. Lewis: One last question, if anyone
6 has anything else. I'm going through here to see
7 if anybody has their hand raised. It doesn't look
8 like anybody else has any questions, so we thank
9 you very much today, Jim, for coming in and giving
10 us your update.

11 Mr. Frederick: Thanks much, Cindy. Take
12 care.

13 Ms. Lewis: Thank you. At this time can
14 we please move Mr. Frederick's presentation into
15 the record.

16 Ms. Levin: Yes. I move the OSHA Update
17 presentation by Jim Frederick into the record.

18 Ms. Lewis: Great. Thank you. And we
19 are right on time to take our 15-minute break. So
20 we will see everyone back at the top of the hour.

21 [Recess.]

22 Ms. Lewis: Welcome. We are here at the

1 top of the hour, so we will go ahead and get
2 started again with our agenda.

3 Next on the agenda we have Dr. John
4 Piacentino, who is with NIOSH, to give us our NIOSH
5 Update. John, I'll turn it over to you.

6 NIOSH Update

7 Dr. Piacentino: Great, and thank you.
8 Just a quick sound check to make sure you can hear
9 me okay. You guys can hear me, right?

10 Ms. Lewis: Yes. Thank you.

11 Dr. Piacentino: Okay. Perfect. Well,
12 good morning, committee members, and thank you for
13 the opportunity to give an update from NIOSH. I'm
14 not sure exactly how long it's been, so I went back
15 in time to give you what I would say is a proper
16 update, if you will, from NIOSH, and I'll start
17 with personnel.

18 Over the past year or so we've had a
19 couple of retirements. Significantly, we've had
20 Dr. Sarah Felknor, who you may remember was the
21 former Director of our Office of Research
22 Integration, she retired at the end of 2023. And

1 also the Director of our Health Effects Laboratory
2 Division, that's Dr. Don Beezhold, he also retired
3 in 2023.

4 And we've had a couple of new
5 recruitments. Dr. Ray Wells was appointed as the
6 Director for the Health Effects Laboratory Division
7 in 2024. I think committee members may remember
8 Captain Lisa Delaney, who was former Associate
9 Director for our NIOSH Emergency Preparedness and
10 Response Office. She has recently been appointed
11 as the Director of our Division of the World Trade
12 Center Health Program. And Captain Chad Dowell was
13 appointed as the Associate Director for the NIOSH
14 Emergency Preparedness and Response Office.

15 I'm not sure if folks remember Dawn
16 Castillo from our Division of Safety Research. She
17 was recently appointed as our Associate Director of
18 the Office of Extramural Programs. And Maria
19 Strickland was appointed as the NIOSH Chief of
20 Staff, and that was effective in May of 2023. And
21 lastly, Captain Marie de Perio was appointed as
22 NIOSH Associate Director for Science. That was in

1 2023, and she recently brought on a functional
2 deputy, Brianna Eiter.

3 And I would like to say a specific thank
4 you to Marie de Perio for her coordination of NIOSH
5 participation in this committee, and a special
6 thank you to Roger Rosa, who is the NIOSH liaison
7 to this committee.

8 So maybe I'll focus now on some program
9 updates, trying to create some continuity, at least
10 in terms of what I remember as being of interest
11 from this committee. So I'll start out with
12 personal protective technology. Folks may remember
13 during the last meeting Dr. Maryann D'Alessandro
14 provided an update from the National Personal
15 Protective Technology Laboratory.

16 In her presentation she really focused on
17 the importance of fit, and cited several
18 initiatives that her group was engaged in. Two of
19 those initiatives I'll just provide minor updates.
20 Recall that she discussed the mobile facial
21 scanning app. This was something that I had
22 included previously in my remarks to the committee,

1 and then of course she gave a better update to the
2 committee. She and her team continue to work with
3 our information technology folks to really figure
4 out how to get information to be shared back from
5 users. And this is very important because when you
6 think about the importance of fit and you think
7 through the different classic facial shapes or
8 sizes that we have in our workers, having a
9 shareback in terms of workers that don't seem to
10 fit, if you will, or aren't properly fit in the app
11 would be important for the purposes of really
12 understanding what our national needs are with
13 regard to fit.

14 Another, folks may remember that NIOSH,
15 in conjunction or partnership with NASA, is
16 sponsoring a Respiratory Fit Challenge. So where
17 we are with that particular challenge is we have
18 received applications, and we're presently
19 evaluating those applications. We are very excited
20 to find winners, if you will, for our final
21 announcement. I think that's expected later on
22 this year.

1 We had previously discussed the National
2 Firefighter Registry for Cancer, and this is going
3 to be, or already is, the largest registry of
4 firefighters in the nation. We have surpassed
5 15,000 enrollees in the National Firefighter
6 Registry for Cancer, and congratulations to the
7 NIOSH team for developing the registry, and of
8 course, now doing a full court press for getting
9 folks registered into the registry.

10 The committee has previously asked me,
11 "Hey, are there going to be opportunities for
12 evaluating information or analyzing information
13 that shows up in the registry?" So I just wanted
14 to report out that we are developing a Research
15 Data Center, and a Research Data Center is very
16 important because maintaining privacy and
17 information security, of course, are chief concerns
18 for NIOSH. So we think a Research Data Center
19 might be a way to accommodate research interests
20 with this data.

21 It's hard to believe that NIOSH is
22 actually celebrating 20 years of nanotechnology

1 research, and it's been going on for some time. I
2 don't know if folks go to the NIOSH blog, but if
3 you do, we have several blog entries that really
4 chronicle our research and accomplishments over the
5 last 20 years. It's an impressive body of work
6 that the Institute has sponsored, so I encourage
7 you to go to the blog to review that.

8 I wanted to acknowledge our Impact
9 Wellbeing campaign. Health care workers are facing
10 a mental health crisis. They have reported
11 increases in, say, harassment and burnout and poor
12 mental health. And so NIOSH partnered with the Dr.
13 Lorna Breen Heroes Foundation to develop an Impact
14 Wellbeing Guide. And this guide is really designed
15 to help hospital leaders and executives accelerate
16 or supplement professional wellbeing work in their
17 hospitals at the operational level. In March of
18 2024, we actually published the guide. NIOSH
19 maintains a list of all of its publications on the
20 website. So the guide is really targeting, say,
21 hospital leaders and looking at the organization in
22 terms of how meaningful changes can be made to

1 really improve professional wellbeing.

2 Maybe a quick update from surveillance.

3 NIOSH has long had a strategic target of increasing
4 industry and occupation in collections of
5 information related to workers. We've had a small
6 but mighty team working on the electronic health
7 records. We think that's a great area to really
8 include industry and occupation, particularly
9 because it can affect the health care of workers.
10 So starting January 1, 2026, there will be a new
11 regulation to include patients in industry and
12 occupational health records. This is going to
13 really standardize terminologies and make uniform
14 collection and use of data by multiple users and
15 exchange of data between health care and, say,
16 health care information management.

17 To do this, NIOSH, of course, worked very
18 hard to develop something called NIOCCS, which is
19 really an automatic free text industry and
20 occupation coding. It's really been several years
21 in the making.

22 In addition to that, we've been working

1 hard to ensure that industry and occupation is
2 accurately included on death certificates. So if
3 you go to our publication aspect of our website, in
4 July you'll see several videos, really targeting
5 how to appropriately, funeral directors and others
6 to accurate record industry and occupational on
7 death certificates.

8 I wanted to pick up on a prior
9 presentation that Mike Flynn gave to the committee.
10 Mike's presentation addressed health equity
11 research at NIOSH. And part of his presentation
12 was citing work as the social determinants of
13 health, and in his presentation Mike mentioned work
14 arrangements.

15 So a brief update related to that.
16 NIOSH, and our team of economists, are sponsoring
17 questions in a 2021 National Health Interview
18 Survey and the 2024 Rapid Survey System Round 3, to
19 really help clarify the prevalence of work
20 arrangements. And I'll just say a brief word about
21 that.

22 When I'm talking about work arrangements

1 I'm really discussing the arrangement between those
2 who offer work and those who accept work. In
3 particular, if you take a legal view, you could
4 think about whether or not there's an employer
5 involved, so there are those that are employed, but
6 there are also those that perform work that are not
7 employed. And so previously the committee has
8 talked about co-employment, where you have a host
9 employer and contract employees, or employees that
10 show up on-site as a result of an agency, and how
11 that can affect health and safety of workers.

12 So it's really difficult to know whether,
13 because there's no standard terminology related to
14 work arrangements, so it's hard to know what the
15 prevalence of those work arrangements are. So that
16 really is the basis of us sponsoring questions in
17 the National Health Interview Survey and the Rapid
18 Survey System, to really get a better handle in
19 terms of different types of work arrangements and
20 the prevalence thereof.

21 We've had a couple of other documents.
22 I've mentioned some documents throughout today's

1 update, but I'll just point out a couple that I
2 haven't mentioned. In January of 2024, we
3 published a document entitled "Preventing Law
4 Enforcement Officer Motor Vehicle Crashes." This
5 document is great because it really puts out some
6 strategies for considerations to really help reduce
7 motor vehicle crashes experienced by law
8 enforcement.

9 I noted, I think in previous remarks,
10 we've talked a little bit about young workers, and
11 this committee has talked about young workers.
12 NIOSH recently published "Safety and Health
13 Considerations for Junior Firefighters." This
14 document outlines what fire departments can do to
15 support junior firefighters, and it was published
16 in collaboration with some really great partners,
17 including the National Volunteer Fire Council,
18 FEMA, and the U.S. Fire Administration.

19 I know that previously we've talked a
20 little bit about heat stress and increasing hot
21 work environment. This publication was from our
22 mining program. I know that mining is not the

1 purview of this particular committee, but it really
2 is a nice demonstration of looking at an industry-
3 specific approach for a series of fact sheets
4 promoting the safe work in hot mining settings.

5 I think I will end the document update
6 with a point towards our NIOSH Hazard Review on
7 Wildland Fire Smoke Exposure Among Farm Workers and
8 Other Outdoor Workers. This document is really in
9 response to the HHS Secretary's initiative to
10 protect farm workers from extreme heat and wildfire
11 smoke. And some folks may or may not be familiar
12 with wildfire smoke, but it's best maybe to think
13 about it as being a mixture of compounds, with real
14 implications in terms of its effect on human
15 health. So this document really will be the first
16 Federal document that addresses these exposures in
17 workers.

18 Our project started in February of 2024.
19 Folks may remember that we published a Request for
20 Information, I think it was in the March/April time
21 frame. We're hoping to have a draft document
22 available in short order, and of course, we'll make

1 that draft document available for public comment.

2 And so I'll end on a couple of events.

3 I'm going to pick out one past and one future. So

4 past event, Prevention Through Design Workshops.

5 NIOSH collaborated with the Arizona State

6 University to focus on prevention through design,

7 and it was a series of workshops. It was a total

8 of five workshops. Our last workshop was actually

9 held this August of 2024.

10 I just wanted to give a shout-out and

11 thank you to Jim Frederick for his opening remarks

12 and delivering the keynote presentation at our

13 final workshop. If folks have an interest in

14 reviewing the content of the workshops they are

15 certainly available on YouTube, and I'm happy to

16 provide a hyperlink to anybody on the committee if

17 you have difficulty finding that.

18 And then lastly I promised you one future

19 event, so we'll dial out forward to October of

20 2025, just announcing the 4th International

21 Symposium to Advance Total Worker Health. And

22 again, that's going to be hosted in Bethesda,

1 Maryland.

2 We've had other programmatic work. I'm
3 happy to answer any questions. But these are just
4 a couple of picks for the committee, hopefully in
5 relation to prior committee interests, and we're
6 happy to give, again, any future presentations to
7 the committee that they desire.

8 So I'll stop there. Thank you.

9 Ms. Lewis: Thank you, John. A lot of
10 great information. Does anyone from the NACOSH
11 committee have a question? John Dony, did you have
12 your hand up?

13 Mr. Dony: Thanks, John, and great
14 presentation and really good roundup of everything
15 going on at NIOSH. I thought of just a quick
16 question for you. I'm not sure if you have details
17 on this at all, so no worries if not. But I saw
18 the press release, I think it was by last week or
19 late last week, about the HERO database release
20 partnership for WellBQ survey results. I'm just
21 wondering if there's anything you wanted to say on
22 that front or anything that you wanted to encourage

1 the committee or other folks out there to do or
2 look at with that data.

3 Dr. Piacentino: Yeah, that's great.

4 Thanks for the question. You know, I think WellBQ
5 is in or out of my remarks at one point, so now
6 it's back in.

7 You know, WellBQ is great. It's a survey
8 that NIOSH developed, really helping to get a sense
9 of, well, could you administer -- I think the
10 thought around this is could you administer a
11 survey that touches on a variety of domains or
12 topics related to well-being. Well-being is a
13 tricky outcome, right, because it's a composite.
14 It's a composite of other senses of well-being. It
15 could be health concerns, safety concerns,
16 organizational concerns, et cetera. So we
17 developed this WellBQ survey.

18 And then, of course, once we developed a
19 survey it's not enough to do that. You actually
20 have to put it into use. And John, I think, of
21 course, thanks for highlighting. We are trying to
22 establish a database of folks who are maybe using

1 this survey to get a sense of what they're
2 detecting. And I think that was the press release
3 that you noted last week. I would just encourage
4 folks, if you're interested in using the WellBQ
5 questionnaire, to please go ahead.

6 I don't know, John, if you have any picks
7 or favorites from WellBQ. I'm happy to hear
8 anything that you might have.

9 Mr. Dony: Thanks. No, I mean, I love
10 the survey instrument as a whole, and what really
11 excites me is getting folks to aggregate that data
12 and obviously what kind of insight we can draw from
13 that from a research perspective or a practice
14 perspective. So I just would likewise encourage
15 folks to use that, or at least take a look at it
16 and take inspiration for it, for your own internal
17 surveys and purposes.

18 Dr. Piacentino: Great. Thank you.

19 Ms. Lewis: Thank you. Michael
20 Larranaga?

21 Mr. Larranaga: Yeah, thank you, Cindy.
22 Hi, John. I would just again like to commend NIOSH

1 for their great work, and I think what you're doing
2 is great. I really love the Firefighter Registry,
3 and hope that you can increase the number of
4 firefighters involved in that. But anyway, I would
5 like to congratulate you on the great work.

6 Dr. Piacentino: Yeah, great, thanks.
7 And if you have any suggestions on how to increase
8 enrollment, we are definitely all ears. I mean,
9 we're the largest registry, yes, but boy, do we
10 need to get bigger. You know, increasing
11 enrollment is really one of our priorities in 2024
12 and 2025. So any suggestions the committee has
13 would be welcome.

14 Mr. Larranaga: Okay. Do you include
15 volunteers?

16 Dr. Piacentino: Yes.

17 Mr. Larranaga: Okay.

18 Dr. Piacentino: Yes, we do.

19 Mr. Larranaga: Most of the firefighters
20 in the U.S., something like 70 percent are
21 volunteers. Anyway, I can email you some potential
22 collaborators to help you include more people.

1 Dr. Piacentino: That would be fantastic.

2 Thank you.

3 Mr. Larranaga: Thank you.

4 Ms. Lewis: Great. Nancy, I see your
5 hand up.

6 Ms. Daraiseh: Thanks, Cindy, and thank
7 you so much. I'm always fascinated by the updates
8 coming from NIOSH. Really impressive and exciting
9 work.

10 You mentioned earlier about PPE, and I
11 know that we typically think of PPE as respiratory
12 fit and respirators. I'm wondering if there's any
13 appetite at NIOSH to examine PPE for preventing
14 workplace violence, particularly within the health
15 care environment. I know that there is a huge need
16 within health care for preventing violence from
17 patients because they're constantly exposed to the
18 patients. You can't really avoid working with
19 these patients or providing treatment. So I'm
20 wondering if there's any activity on that front.

21 Dr. Piacentino: Okay. So I'm not sure
22 about activity on personal protective equipment or

1 technology related to prevention of violence,
2 although maybe there's something and it's not
3 coming to me off the top of my head.

4 I would say, though, that NIOSH maintains
5 a committee with the National Academies of Science,
6 Engineering, and Medicine related to personal
7 protective equipment, and we often go to that
8 committee to help us understand, like hey, what's
9 new, or where do you think NIOSH needs to create
10 investments, et cetera.

11 So maybe what I could do is carry the
12 question back to our colleagues at MPPTL and return
13 with an answer to the committee.

14 Ms. Daraiseh: Thank you.

15 Dr. Piacentino: Great suggestion,
16 though. Thank you.

17 Ms. Lewis: We have time for one more
18 question. Jay?

19 Mr. Withrow: Hi, Jay Withrow. When you
20 were talking about the work arrangements issue I
21 was just wondering whether you had reached out to
22 the Solicitor's Office. You know, OSHA has some

1 pretty well-defined work arrangements. You're
2 either an employee, you're an independent
3 contractor, and there's a legal issue called
4 misclassification, where employers try to classify
5 somebody who is really an employee as an
6 independent contractor so they don't have to pay
7 worker's compensation and lots of other things.
8 And then there's joint employment, as you
9 mentioned, or co-employment. I think OSHA uses the
10 term joint employment.

11 And then there's the issue with temporary
12 agencies. Temporary agencies are another kind of
13 version of joint or co-employment. And a lot of
14 temp workers get injured and killed in the country,
15 particularly because of lack of training that
16 either doesn't occur with the temp agency or
17 doesn't occur with the host employer. And there's
18 a national organization -- I can't remember the
19 name of it -- that has released reports on
20 temporary employee deaths.

21 Dr. Piacentino: Yeah, thanks for
22 bringing all of that up. I agree with you 100

1 percent in terms of there are lots of different
2 definitions and terminology in this space. To
3 answer your question, yes, we work with legal
4 folks. We actually have, if you peruse our blog,
5 we have writeups related to this, I think we've
6 published on this particular issue.

7 One of the issues that we're really
8 trying to attack, though, is -- well, one of the
9 issues. I mean, I think you're right. Like the
10 taxonomy or terminology around work arrangements,
11 you can draw from whichever domain you want. So
12 there are real legal terms around that, and thanks
13 for overviewing the three different
14 classifications.

15 And then beyond those legal terms then
16 there are different ways you can talk about it,
17 whether or not, from a time perspective, or the
18 length of your attachment, or your temporary
19 contractor, or some other.

20 I'll tell you something that I didn't
21 tell you in the remarks, and that is to try and
22 measure or probe at this issue of whether or not an

1 employer is involved, NIOSH has positioned a
2 question that looks at whether or not taxes are
3 withheld. Remember I said, oh, we would put a
4 question into these two different surveys. The
5 question that we put in there was really about
6 whether or not taxes are withheld, and withholding
7 taxes turns out to be a good way to understand
8 whether or not an employer seems to be involved in
9 whatever this work arrangement is. And that sort
10 of helps us get a fix in terms of the prevalence of
11 different types of work arrangements.

12 Mr. Withrow: And one other legal
13 concept. We do, it seems like every year, have one
14 or two fatal accidents involving what are called
15 sole proprietors. It's somebody who owns their own
16 business, they're not incorporated so there is no
17 legal entity. They are the legal entity. But OSHA
18 does not have jurisdiction over sole proprietors if
19 they don't have a second person who is functioning
20 as an employee.

21 So it's a fatality, and we go investigate
22 it. We look for causation. But we can't issue any

1 violations or penalties over it. The person is
2 dead, and they were the legal entity.

3 Dr. Piacentino: Thanks for highlighting
4 the idea of how the jurisdictions create
5 differences in terms of maybe measurement or even
6 protections, which, of course, sponsors are
7 interested in this area. I would say if folks are
8 interested in having a presentation around work
9 arrangements in terms of where we are from a
10 research perspective, we'd be happy to provide that
11 to the committee.

12 Ms. Lewis: Great. Thank you so much,
13 John. I appreciate your time today and giving us
14 the update, and we'll go forward in our agenda.
15 Thank you so much.

16 Dr. Piacentino: Great. Thank you.

17 Ms. Lewis: At this time I will turn it
18 over to Andy Levinson to give us our OSHA
19 Recognition Programs Update, and then obviously to
20 just go into the Safety as a Core Value too, if you
21 want to take questions in between.

22 Mr. Levinson: Sure. Thanks very much,

1 Cindy. First, before I get into that, I want to
2 point out some earlier work that NACOSH did, and we
3 had a work group on temp workers, and NACOSH made a
4 bunch of recommendations. There's a whole series
5 of guidance documents on the OSHA website. So this
6 has certainly been an important topic, and it's one
7 that NACOSH provided very helpful information on.
8 And if the committee is interested in this whole
9 issue of the gig economy and/or updating that
10 guidance, that's certainly something that could
11 potentially be very helpful.

12 Also, before I go into my presentation, I
13 don't remember if I mentioned earlier my day job is
14 that I am the Director of the Directorate of
15 Standards and Guidance, which is both the
16 regulatory division in OSHA as well as an awful lot
17 of guidance work. And so there were two things I
18 wanted to update folks on that NACOSH has been
19 involved in.

20 The first one is unless you have been
21 living under a rock in the workplace safety and
22 health world, OSHA has released its Notice of

1 Proposed Rulemaking on heat. We did a pre-release,
2 unofficial version on July 2nd, and it was actually
3 pretty exciting. President Biden did the release
4 of the document. It's the first time we've ever
5 had a President involved in the release of a
6 proposed rule. And due to some complexities of the
7 office of the Government Printing Office and the
8 Office of the Federal Register, it did not formally
9 publish until just a week or so ago, on August
10 30th. So we've started that comment period. And
11 again, there was a NACOSH working group that helped
12 make recommendations on the rulemaking.

13 And NACOSH also made recommendations on
14 how to improve our communication efforts around our
15 heat illness prevention campaign, our educational
16 outreach effort, and those recommendations have
17 been rolling their way through the guidance. So we
18 developed a number of new documents and we've
19 revised other documents and done more translations
20 into additional languages. So that was very
21 helpful.

22 Another thing that the committee was

1 involved in was we had a NACOSH working group on
2 our emergency response standard. That rulemaking,
3 the public comment period closed relatively
4 recently, and we have announced that there will be
5 a public stakeholder meeting starting November
6 15th.

7 So I just wanted to thank the committee
8 again for the work that you all have done on all of
9 those projects, and just remind everybody that the
10 work that you all do does make a difference, and
11 while the time scale is a little bit longer than we
12 would like, this committee has been very impactful
13 in terms of some of the work that's gone on.

14 Now let me try sharing my screen, and let
15 me figure out the right document. There we go.

16 So I'm going to start actually with
17 Safety as a Core Value and then roll into the VPP
18 modernization, the Recognition Program piece. I'm
19 going to flip-flop what's on the agenda, but
20 they're all related.

21 Safety as a Core Value Update

22 Mr. Levinson: When we talk about this

1 issue of safety as a core value, that's really a
2 shorthand or an alternate way of talking about the
3 concept of safety culture, which is also a really
4 big, complicated, and controversial subject. Some
5 people prefer the term "safety culture." Some
6 people prefer the term "safety climate." Other
7 people prefer to say "a culture of safety," and
8 this whole notion of whether or not safety culture
9 is its own thing or its just one element of the
10 larger organizational culture.

11 And so there's a piece about how you talk
12 about this with people in the real world, compared
13 to academic, and the way that the academic
14 literature deals with it, and there's a piece about
15 the way that you deal with large corporations or
16 large organizations and then a way that you talk
17 about these things with smaller organizations or
18 smaller entities that are perhaps not as
19 sophisticated, from a technical perspective, but
20 nonetheless are vital in terms of communicating
21 this issue of safety culture or safety as a core
22 value in how and what they do.

1 The other thing that's important in all
2 of this is to understand the way that we're
3 thinking about this, which is that safety culture
4 or safety as a core value is inexorably linked with
5 safety and health programs or management systems.
6 And that really one way to think about it is that
7 the safety culture or safety climate is the
8 software that helps run the hardware of your safety
9 and health program.

10 So what we've been trying to do, as we're
11 embarking on this process, which is a relatively
12 new and a relatively uncomfortable thing for OSHA,
13 is figure out how do we, as an agency, talk about
14 all of these topics that I've just mentioned -- how
15 do they relate, what's the language that we want to
16 use, the way that we want to describe things, and
17 describe how they interrelate -- and then do it in
18 a way that is genuine across the entire agency,
19 both national office and field.

20 There's a piece of this that's embedded
21 in kind of the literature around two-minute
22 organizational performance. And so this is not

1 even remotely close to some of the behavioral-based
2 safety stuff that the agency and the profession
3 dealt with in the past, but that human and
4 organizational piece where there are human factors
5 involved in this, but it's people acting within a
6 larger system as part of the organizational
7 culture, as part of their safety and health
8 program, and how all of that interrelates, and how
9 you need to align all of those things in order to
10 get the sort of outcomes that we want, where
11 everybody is getting higher levels of safety
12 performance.

13 One of the things that I mentioned is
14 that we're trying to figure out how to talk about
15 all of this as an entire agency. And one of the
16 challenges that we've had is it's easy to push
17 things out as communications efforts from the
18 national office, but that doesn't really result in
19 the sort of robust effort when we get everybody
20 talking about it in the same way and aligned around
21 the same interests. And integrated into the work
22 where we have compliance officers out in the field,

1 visiting companies, and talking about these issues,
2 where we have compliance assistance specialists in
3 the field, the larger OSHA ecosystem around state
4 plans and consultation projects and ed centers.

5 And so what we've done is we've created a
6 steering committee, with representatives from every
7 region and national office directorate, that meets
8 monthly. This group is talking about both our
9 safety and health program efforts, including the
10 Safe and Sound campaign, as well as our new Safety
11 as a Core Value effort. So what we're trying to do
12 is get feedback from a wide variety of different
13 participants within OSHA, all across the country,
14 to make sure that we're doing something that is
15 going to be durable and really robust across the
16 entire agency and is not just a national office
17 kind of communication effort.

18 The first real test of this steering
19 committee's work was in Safe and Sound. We can all
20 talk about that a little bit later.

21 In terms of a culture of safety, or
22 safety culture. I talked about it as kind of the

1 software versus hardware component. A lot of
2 people, when they talk about a culture of safety or
3 a safety culture will say that it could be summed
4 up as this is how we do it here, or this is what
5 people would do if nobody was looking in our
6 workplace.

7 But if you dig into the technical
8 literature on this there's actually a lot of
9 different dimensions that go into the building
10 blocks of what actually is safety culture or safety
11 climate or a culture of safety. So we're starting
12 to dig into all of that technical literature and
13 figure out how do we talk about all of these
14 different elements. And again, many of these
15 things, what you'll see is there are pieces within
16 the organizational culture, but they also have to
17 be tied in directly to the safety and health
18 program or management system, where there is that
19 continuous learning, that continuous improvement
20 process, that it's tied into the decision-making
21 and feedback, that there are communication efforts
22 that are about safety culture, but also as part of

1 the what's important in your safety and health
2 program, and making sure that people do that, that
3 there's a willingness to accept questions and
4 concerns from people, and that you're not going to
5 shoot the messenger, so that people can talk
6 genuinely about how and why the organization
7 performs the way it does, what the organization
8 values, and that there's an effort to change that
9 organizational culture.

10 Now we've got a number of things around
11 safety culture or safety climate under development.
12 A lot of these things come out of our Safety as a
13 Core Value listening sessions. We did those about
14 a year ago. There were 33 of them across the
15 entire agency. Every region had to have at least
16 one, and most of them had multiple. We wound up
17 speaking to about 450 or so stakeholders in the
18 course of those conversations. And some things
19 that came up in those conversations were the
20 importance of leadership from the top folks in the
21 organization. The culture was something that was
22 co-created between the leaders and the managers and

1 the workers, but that leadership sets the tone.
2 That storytelling was a very important way of
3 communicating within an organization about what was
4 important and why it was important, and that
5 repetition was vital to really bringing this
6 message of safety as a core value as opposed to
7 safety as a priority, in the organization. So
8 we've done a number of things.

9 We have the Come Home Safe video series,
10 which are a number of conversations with loved ones
11 who have lost family members in the course of
12 workplace fatalities. And these reach about 3, 3
13 1/2 minutes. They're very, very short on the
14 details of what happened, and really they focus on
15 the importance of that worker, as an individual, as
16 a family member, as a loved one, and the impact on
17 the family. So humanizing the statistics that
18 people will often talk about.

19 Jim talked about 15 people a day, each
20 and every day, dying. We're trying to tell some of
21 those stories so that it's not the cold, hard
22 statistics but it is the human element that will

1 hopefully inspire and motivate people to do
2 something to make safety a core value in their
3 workplace and understand the importance of this.

4 We also have the first commercial, I
5 guess what I'll say, that we've been working on, I
6 think in my time here. I want to thank Cindy
7 Lewis, who called attention to a really powerful
8 commercial that Australia OSHA developed, and we're
9 developing a U.S. version of that commercial, as
10 well, again kind of emphasizing the importance of
11 the most important reason to be safe at work is
12 often at home, your loved ones waiting for you.

13 In terms of that repetition and the
14 setting the tone, we're developing this thing that
15 we're calling the Safety in 5 Conversation Guides.
16 These are basically toolbox talks. They are a
17 page-ish. Each of them is designed to have five
18 different elements that you're going to cover in
19 about five minutes.

20 The first one is just a statement that in
21 our workplace safety is a core value. The second
22 one is what the hazard is that you're going to talk

1 about for that day or that moment and why it's
2 important. Number three is tell people what they
3 need to do. And these are micro learnings. This
4 is five minutes. But it's a micro learning of
5 here's something that you need to do on fall
6 protection or HazCom or respirators or trenching or
7 slips, trips, and falls. But what do you want
8 people to do.

9 Element number four is cementing the
10 learning through some very quick Q&A to make sure
11 that everybody is on the same page and understands
12 what was said and what's expected. And then number
13 five is a reminder of if somebody has a problem who
14 they should raise the issue to on-site. So there
15 are these five very quick things, but each one of
16 them is a quick five-minute toolbox talk. We don't
17 use the term "toolbox talk" because we cover a lot
18 of different industries, and while construction
19 uses that terminology, a safety huddle might be a
20 term used in a factory, or a shift change
21 conversation might be something that's used in a
22 hospital setting.

1 But this Safety in 5, the goal is that
2 we're going to have ideally hundreds of these.
3 There might be 5 or 10 of them on respirators.
4 There might be 5 or 10 of them on slips, trips, and
5 falls. There might be 4 or 5 or 6 of them on
6 different aspects of hazard communication. So that
7 each day you could find something that's relevant
8 in your workplace and a different aspect for a
9 micro learning. Again, that repetition of this is
10 important, here's what you do, here's who's
11 responsible, and that we care about this in our
12 workplace.

13 We're also working on a leadership
14 toolkit around safety culture. This is kind of
15 that operational guide for the leaders of an
16 organization about the importance of their voice
17 and their role in setting the tone in the workplace
18 and what they can do to support the development of
19 a culture where safety is a core value.

20 We're producing some videos on the core
21 elements of safety culture and safety and health
22 programs. We've got this video on shifting the

1 safety curve, and concept behind shifting the
2 safety curve -- and I've talked about this with the
3 committee, but we've got some new folks -- is that
4 you can have a commitment to safety that ranges
5 from very poor on one side of the curve to great on
6 the other side of the curve. OSHA has a variety of
7 tools and programs. We offer both the carrot and
8 the stick. Some folks need enforcement. They need
9 to be in the Severe Violator Enforcement Program.
10 And some folks need and deserve to be in our
11 Recognition Programs, like the Voluntary Protection
12 Program, with an awful lot of folks in between.
13 And it's the employer and their commitment to
14 safety that very often determines how they're going
15 to interact with OSHA. So it's reminding people
16 that you have a choice, as an employer, as a
17 workplace, about how you want to interact with
18 OSHA, what your commitment to safety is, and to
19 kind of hopefully inspire them to begin to take
20 some steps to improve the safety culture in their
21 workplace.

22 And then this last bullet point we have

1 some training material for the Ed Centers, our
2 Education Centers. We are developing a half-day
3 training class on safety culture that could stand
4 alongside the 7500 class, which is the Introduction
5 to Safety Management. And so it's a way to begin
6 getting some of this content out there. And what
7 we've seen among the Education Centers is many of
8 them are offering certificate programs in safety
9 management, so this now becomes something that can
10 augment those existing certificate programs and
11 really begin to tease out the difference between
12 safety culture and safety and health programs or
13 management systems and the interplay.

14 One of the other things that we're
15 developing is two case studies. These case studies
16 are in the format of business school case studies,
17 so each of them is somewhere in the neighborhood of
18 15 to 20 pages, complex stories about real
19 businesses and their safety journey and the
20 challenges that they face. And these are the sorts
21 of things that you might discuss in a business
22 school class on operations and management or on

1 business ethics. So we're trying to bring this
2 issue of safety culture and safety management and
3 workplace safety into the B-school curriculum so
4 that it could be something where people who are not
5 from the safety realm, when you're trying to access
6 that C-suite, corporate leadership, corporate
7 boards, that these folks will perhaps have heard
8 about this at some point in their business school
9 education, and we can show that it's something that
10 is part of the responsibility for what responsible
11 corporate board and what responsible corporate
12 managers do for their workers.

13 The safety and health program work that
14 we're talking about, and the safety culture, is
15 diffused through the entire range of OSHA programs
16 and activities. So you'll see it in Safe and Sound
17 campaign. We are developing a step-by-step guide,
18 that I'll talk about in a little bit, the
19 recognition programs that I will also talk about a
20 little bit. And you will see, again, Ed Centers
21 and on-site consultation very heavily supportive of
22 all of the programmatic work for safety and health

1 programs.

2 So my main point in the Safe and Sound
3 campaign -- and I know many of you are familiar
4 with it and have heard about it -- this is kind of
5 that gateway drug to safety and health programs,
6 the come in at any level, whether you're just
7 getting started, whether you're building your
8 program. It's the sort of thing that can provide a
9 spark. It's also the sort of thing where one of
10 the problems with continuous improvement is that
11 it's continuous, and you always need to look for
12 that next opportunity to keep people engaged, to
13 motivate and inspire, to stay committed. So the
14 Safe and Sound campaign offers, through quarterly
15 challenges, the annual Safe and Sound Week, a
16 monthly newsletter, a variety of things to keep
17 safety fresh, changing topics, different things to
18 focus on. So it's a really helpful part of keeping
19 people engaged in that continuous improvement
20 approach.

21 One of the other core things -- and this
22 feeds and builds into where I'm going with the VPP

1 modernization and the recognition program -- we
2 have approximately 235 organizations -- trade
3 associations, professional societies, labor unions,
4 ed centers, et cetera -- that have endorsed the
5 Safe and Sound campaign and this notion that every
6 workplace needs to have a safety and health
7 program.

8 We've seen tremendous support for this.
9 Even organizations that generally oppose just about
10 everything that OSHA does in a regulatory and
11 enforcement realm will say that Safe and Sound is
12 something that they can support, and safety and
13 health programs are something for every workplace.

14 We saw that also in the Safety as a Core
15 Value meetings, where again, 33 meetings, about 450
16 people. It's not a representative sample, but it
17 certainly is a broad cross-section of the
18 stakeholders that OSHA deals with. And about 75
19 percent of them said that they believed that their
20 organization had safety as a core value or that
21 safety was very important in the workplace.

22 So we're seeing a lot of people rally

1 around this notion, and our challenge is to break
2 down those barriers to help people implement and
3 live out the values that are important to them.

4 I mentioned earlier we had our advisory
5 committee this year for the first time help with
6 Safe and Sound Week. We have just about doubled
7 participation from last year. So for a relatively
8 mature campaign, this is not the total number.
9 This is a snapshot from a day in time, and we're
10 still getting certificates in from people. We have
11 some people that signed up in advance and don't
12 come back for certificates. We have some people
13 that don't sign up in advance that come back for
14 certificates. But we try and capture all of those
15 folks. We're still capturing people, but we're
16 right now about double where we were.

17 If you are listening to me talk right now
18 and you have not done Safe and Sound Week, it's not
19 too late. We will take anybody who does stuff up
20 through the end of September. So you can always do
21 something, and it's the sort of thing that is
22 customizable to workplaces all across the country.

1 We had every state, every territory, and many
2 foreign countries participate. Many of the foreign
3 countries, it's a mix of both companies that are
4 U.S. companies that have global presence and they
5 do it across the entire corporate enterprise, as
6 well as a number of folks that are just only
7 overseas and found us either through OSHA or
8 National Safety Council or ASSP or AIHA or NIOSH.

9 This year's theme was "The Hunt for
10 Hazards," which was really a fun way of trying to
11 tackle the notion of job hazard analysis. So we
12 try and take these concepts of safety and health
13 and do them in a fun way.

14 One of the other things that we try and
15 do through Safe and Sound Week, that gets back to
16 this concept of safety culture, is showing real
17 people, not statistics but real people, doing
18 things in a real world, and this human element. So
19 even looking in the center bottom of this, there's
20 that little comment bubble about what's most
21 important for you and why are you safe at work.
22 This woman is holding her baby and talking about

1 her family, and we've seen for so many people that
2 it's the loved ones waiting at home for them that
3 are the most important reason for them to be safe.
4 But showing real people and this notion of safety
5 culture and safety as a core value, we've got to
6 take OSHA out of the technical piece and really
7 find ways to inspire and motivate. And these
8 stories of other companies showing that they're
9 actually doing these things, with smiling faces,
10 with reports of success and impact on their
11 organizations, is the sort of thing that inspires
12 and motivates the next round of people.

13 Our step-by-step guide also plays into
14 the work that we're doing on recognition programs.
15 One of the things that we discovered -- and all of
16 this is building in that direction -- one of the
17 things that we've discovered is that organizations
18 don't wake up one day with a safety and health
19 program. It's the sort of thing that takes time.
20 When we talk to companies that are in VPP, most of
21 them spent, on average, three years building to the
22 point that they were ready to apply for the

1 Voluntary Protection Program.

2 What we've also discovered is that many
3 people look at OSHA's recommended practices for
4 safety and health programs, or ANSI, Z10, or ISO
5 45001, and they say, "That's a bridge too far. I
6 can't see our organization getting from where we
7 are now to that sort of safety and health program."

8 So the goal in the step-by-step guides is
9 to break down that journey into 100, 150 small
10 steps. And each of these things, what we've done
11 is we took the end result of what's in a good
12 safety and health program or management system and
13 then worked backwards from it and built them in
14 discrete chunks where management, leadership,
15 worker participation, systematic approaches to find
16 and fix, break down into something like 20
17 different discrete activities. Each of those
18 activities has three or four levels of growth and
19 development to get to a fully mature level, and we
20 break each of those things down.

21 Every one of these things has an
22 individual fact sheet that's two to four pages

1 long. That's it. There is a very clear and
2 concrete description of what the task is and how
3 you do it and why it's important. And then there's
4 kind of a worksheet approach that helps you
5 actually do those things. If it's not concrete and
6 actionable it's not in the step-by-step guides.
7 And if you follow the step-by-step guides you will
8 eventually get to the point that you could have a
9 fully mature safety and health program that could
10 meet ANSI or ISO or VPP or SHARP or some sort of
11 certification piece.

12 OSHA Recognition Programs Update

13 Mr. Levinson: Now, where are we going
14 and how does all of this safety as a core value and
15 safety and health programs lead to recognition
16 programs?

17 One of the things, when you talk about
18 safety and health programs versus individual OSHA
19 standards and enforcement activity, the individual
20 standards and enforcement activity is vitally
21 important. It lays that expectation, that
22 requirement that all employers have to follow, and

1 provides some minimum level of protection. These
2 are civil rights that workers are getting to say
3 this is the minimum of what your employer has to do
4 in your workplace.

5 But OSHA does not have the resources to
6 write a regulation on every hazard that exists, and
7 as you heard from Jim Frederick earlier, we do not
8 have the resources to inspect every workplace.
9 We're on track for once every 200 years.

10 So the concept of doing an inspection or
11 writing a regulation is kind of like giving a
12 person a fish. You feed them for a day. You solve
13 one problem on one day. You provide protections,
14 and it's important if you're starving to get that
15 fish that day. But safety and health programs and
16 safety as a core value is really teaching a person
17 to fish. Teaching a company to have safety as a
18 core value, and have a safety and health program
19 will solve lots of different hazards, each and
20 every day, in the workplace, and teach them to be
21 self-sufficient so that OSHA have to go to that
22 workplace, and we can focus our enforcement

1 activity and our standards work in the places where
2 they're needed most, because people are going to
3 get what they need because they're going to solve
4 it through this robust system of management,
5 leadership, and worker participation, and
6 systematic approach to find and fix hazards.

7 The work that we've been doing on
8 recognition programs builds on the success of VPP.
9 The people that are in Voluntary Protection Program
10 are very proud of the work that they've done. They
11 have worked very hard, and it is something that is
12 often part of the core identity of those
13 organizations and the people that are involved in
14 that program.

15 Having said that, VPP reaches about 2,000
16 corporations, out of somewhere in the neighborhood
17 of 10 to 12 million employers. And so while it is
18 a very successful program, it's also not the sort
19 of level of activity that's going to drive the
20 national statistics to get to that number, that Jim
21 was talking about, of 15 fatalities a day, and I
22 think it was 4,500 fatalities a year. So we've got

1 to look at how do we take what's best out of the
2 VPP program, out of the safety and health programs,
3 that they require, and figure out how we can expand
4 and grow that.

5 We heard from the Safety as a Core Value
6 meetings that there is an awful lot of support for
7 both safety as a core value and safety and health
8 programs or management systems, and that people
9 want to do more, and that there are untapped
10 resources far in excess of the 2,000 companies that
11 we're reaching through VPP.

12 We also have learned some lessons from
13 OSHA Challenge and from the safety and health
14 program step-by-step guide that I talked about.
15 The OSHA Challenge program is also built around
16 this notion of people take time to grow, to reach
17 the level of VPP programs, mature safety and health
18 management systems or programs, and that they need
19 support. Unfortunately, while OSHA challenge is a
20 tremendous program from a conceptual perspective,
21 it never really got the sort of support and
22 attention that it deserved because there weren't

1 kind of the incentives around who was going to be
2 running OSHA Challenge, how that was going to be
3 funded, and the work that they've done.
4 Unfortunately, we are fortunate to have with us
5 Cindy Lewis, who unfortunately is one of the few
6 OSHA Challenge program administrators in the entire
7 country, but she has a lot of experience helping
8 folks begin that journey and grow those
9 organizations. It's an excellent program from
10 concept and we need to figure out how do we build
11 it into the system in a better way for the OSHA
12 ecosystem to help provide that step-by-step path.

13 One of the things, as we've been
14 rethinking the concept of recognition programs, is
15 that there's kind of three different levels if we
16 want to get to the sort of scalability, to get
17 beyond 2,000 companies to a number that I often
18 throw out -- and this is kind of my number -- could
19 we get to 100,000 employers? That's about 1
20 percent of all the employers that are out there.
21 Could we get a program that could reach that level?
22 And in order to do that, that really means we've

1 got to do something different. So part of it is
2 getting to the individual companies, those 100,000
3 companies that would sign up.

4 But another part of it is talking to the
5 OSH profession and figuring out a way so that this
6 is not just an OSHA program but the entire
7 profession says it's not just fixing individual
8 hazards but it's the overall system or program, and
9 that this is what responsible companies do, is that
10 they have a comprehensive management system or
11 program.

12 And then if you look at the work that the
13 enviro community has done, they have had tremendous
14 success driving the demand for better environmental
15 performance, whether it's reduced energy usage or
16 reduced water usage or reduced solid waste or
17 substitution for chemicals, through social change,
18 through socially responsible investing, through a
19 whole other ecosystem of programs and activities
20 that are not necessarily connected to EPA. EPA
21 certainly has the Energy Star program and the Safer
22 Choice and the Water Wise program, but there's a

1 lot of work that's done outside of that ecosystem.

2 So there's a lot of work, and I can only
3 share a little bit of what's been going on behind
4 the scenes. But as we're developing a new approach
5 to recognition programs, at the core of it is this
6 commitment to the main safety and health program
7 elements of management, leadership, worker
8 participation, systematic approaches to find and
9 fix.

10 If you look across all of the different
11 programs and activities, whether it's OSHA's
12 recommended practices, ANSI, ISO, work that
13 National Safety Council has done, work that a lot
14 of individual organizations have done, these core
15 elements are common and shared across all of these
16 different approaches. So we don't necessarily need
17 one version of this, there are different ways to
18 achieve this, but this is the core of what we're
19 talking about.

20 Because we're talking about doing
21 something that is scalable, we need an approach
22 that relies upon public health models of behavioral

1 science and health education. There is a notion of
2 behavior change in an organization where we want to
3 support and promote people that change, along their
4 entire safety journey. And we talked about, for
5 example, people taking three years, on average,
6 from the time they decide to go for VPP until
7 they're ready to go for VPP.

8 If somebody is sitting on the couch, they
9 don't just get up and run a marathon. They get up
10 and they start going for walks, and then maybe they
11 start going for jobs, and then maybe they run a 5K
12 or a 10K, and then maybe they train for a marathon.
13 You need to support people with change that is
14 achievable from wherever they are to that step in
15 the right direction.

16 There's also this recognition that not
17 everybody wants to or needs to run a marathon, and
18 that if you were sitting on the couch that just
19 going out for a walk is better than sitting the
20 couch, or going out for a job is better than
21 sitting on the couch. So this concept of multiple
22 levels of achievement is saying, number one, we

1 want to kind of gamify and incentivize your
2 behavior so that you can keep focusing on leveling
3 up in your safety journey, that each incremental
4 level of achievement is easier to achieve for you
5 and does not seem like a barrier that's beyond what
6 you can do, but also the recognition that even if
7 you never get to that current VPP level, and you
8 just get from a company that's kind of the
9 equivalent of on the couch to a company that's
10 going for a walk or going for a job, that that is
11 much better for workplace safety and health, in
12 general, for those workers than doing nothing and
13 ignoring safety in your workplace, or maybe even
14 actively suppressing efforts for safety. So that's
15 kind of where these levels of achievement are built
16 in.

17 And then lastly, these innovative
18 approaches to be scalable. There are a lot of
19 things that are on the table here. One of the
20 things that we're talking about is revising and
21 updating VPP to recognize -- VPP is still tied to
22 the OSHA 1989 guidelines for safety and health

1 programs, so we're talking about updating it to the
2 current recommended practices. But here are some
3 other opportunities, either at the VPP level or in
4 these multiple levels of achievements. So could
5 certification to ANSI and ISO play a role? Maybe
6 that gets you one level of achievement. And for
7 the top levels of achievement it's a hybrid where
8 it's a joint OSHA inspection for some things like
9 management, leadership, and worker participation,
10 but you're relying upon ANSI and ISO for the
11 systematic approaches to find and fix.

12 Maybe there are multiple pathways into
13 the program. OSHA currently has SGEs, specialized
14 government employees, that are involved in VPP.
15 Could they play a role in some of these other lower
16 levels of achievement as they're bringing people
17 along? There's already this concept of mentoring
18 people. Is there a way that you could have SGEs?
19 Or maybe within the safety profession CIHs and CSPs
20 could certify people at some of these lower levels
21 of achievement.

22 So this concept of something that's

1 scalable is we have to do it within our existing
2 budget constraints. We're not diverting resources
3 from the enforcement activity that we're doing.
4 We're not diverting it from the standards activity.
5 We've got a certain amount of money that's
6 dedicated to recognition programs. Can we use that
7 in a more efficient and effective way, and can some
8 of these ways decrease the backlog of activity
9 that's out there, that's needed to certify people.

10 Another thing that we've been talking
11 about is there are a number of organizations, trade
12 associations and professional societies, that have
13 their own certifications for safety and health
14 programs or management systems. And again, I
15 mentioned earlier, all of these things tend to have
16 the same core elements. Can we offer recognition
17 and/or reciprocity for some of these folks, for
18 some of the levels. Maybe not all of the levels of
19 achievement in our program, but maybe some of the
20 levels allow for recognition of other
21 organizations' certifications, because then it
22 helps create an incentive for those organizations

1 to bring people into the conversation.

2 We're talking also about some incentives.

3 You know, why would people want to get in on this?

4 OSHA currently has some penalty reductions allowed

5 under what are called good faith penalty

6 reductions. Those are up to 25 percent. Are there

7 ways that we could apply some of those penalty

8 reductions at different levels of the achievement

9 so that you can incentivize people? There's

10 something that they're getting out of this besides

11 just recognition.

12 Now I will say it's important to note on

13 the good faith penalty reductions that are

14 currently in OSHA's Field Operations Manual, those

15 do not apply to fatalities or willful violations or

16 failure to abate, or other sorts of, you know,

17 child labor situations, things that are high

18 gravity penalties, and would be inconsistent with a

19 recognition program for safety as a core value in a

20 company committed to that. So there are some

21 protections to make sure that penalty reductions

22 would only go to companies that really deserve it,

1 and only for the sorts of things where they're not
2 the real big ticket items, the high gravity and
3 most serious things.

4 All of these things are on the table and
5 in conversations within OSHA. What I will tell you
6 is it's probably not going to be surprising to
7 folks. There are lots of lawyers involved too,
8 because the moment you start talking about big
9 sorts of programs and activities and recognition
10 and reciprocity and other sorts of things,
11 everything that we do has to meet all of the legal
12 requirements in the OSH Act and various government
13 requirements. So we're not yet ready to share all
14 of this stuff, but I think we're building in this
15 direction of figuring out how to engage more places
16 with safety and health programs, with safety as a
17 core value, and using recognition programs as that
18 incentive, as that lever, to help shift the safety
19 curve.

20 Ms. Lewis: Andy, we're five minutes
21 over. I don't know how much more you've got.

22 Mr. Levinson: I am done. My next slide

1 was questions, so I'm going to stop sharing, and I
2 will take any questions.

3 Ms. Lewis: I was going to say, we've
4 gotten pressing questions for Andy here. Bobbi Jo,
5 I see you.

6 Ms. Hurst: This was a very good talk,
7 and I really like the thought of the VPP having
8 different layers. I had started VPP where I'd
9 worked in 2007, but I do know it came with a lot of
10 stress, on myself and on other people, feeling that
11 where I worked we had to be the top and we had to
12 make it. So I really do like that you could make
13 different levels, where people could come into it
14 and feel more comfortable to move up and to
15 improve. So I think that would be advantageous.

16 And I was an SGE at the time when I
17 worked there, and I think there are many SGEs or
18 organizations that would be willing to help others
19 in trying to make this improve. So I think that
20 would be great.

21 Mr. Levinson: Wonderful. Thank you.

22 Ms. Lewis: Nancy?

1 Ms. Daraiseh: Thanks. I agree with
2 Bobbi Jo. This is a great presentation and really
3 exciting activities going on.

4 I wanted to touch on the things that were
5 under development. I'm really glad that you
6 emphasize, in various aspects of your talk, about
7 continuous improvement, because workplaces are
8 dynamic. Once you establish a great safety
9 culture, you have new people coming in and folks
10 leaving. And I'm wondering if it could be taken
11 under consideration with these training materials
12 or guidance that are under development is how you
13 can screen or identify folks when you're hiring,
14 that they would be a good fit with the safety
15 culture, specifically within management or
16 leadership roles. If they come in and safety isn't
17 a priority or they have other goals in mind, it
18 could disrupt what you've already established.

19 And maybe also some learnings or guidance
20 upon termination. If there are exit interviews, if
21 there are certain aspects of that interview or any
22 other activities that could gain insight as to what

1 went wrong, was it related to the safety culture,
2 and how organizations can learn from that
3 information, biases that may be as they're leaving.

4 Just some suggestions in that regard.

5 Mr. Levinson: Yeah, thank you, Nancy. I
6 don't think we have anything quite at the point of
7 the specifics around hiring, but we do talk about
8 how your safety culture and your organization's
9 commitment is a bonus when you are hiring and
10 selecting people. These people are going to want
11 to go to workplaces where they know that they're
12 going to be protected, and they're going to be
13 leaving places where their employer is not
14 respecting them and not taking care of safety, and
15 they see people getting hurt.

16 So we do talk about the interplay there,
17 but let me talk with my folks and see if we can
18 maybe build something out more specific on that.

19 Ms. Daraiseh: Thank you.

20 Ms. Lewis: Jay.

21 Mr. Withrow: Yeah, great presentation,
22 Andy. Two things. One is when you're talking

1 about the reach of VPP programs, I've always
2 thought it was a lost opportunity that OSHA does
3 not track injury and illness rates for embedded
4 subcontractors at VPP sites, because VPP sites
5 require embedded subcontractors to have the same
6 level of achievement with their safety and health
7 programs.

8 So it's just not 2,000. It is 2,000 plus
9 all of the subcontractors, whether they're embedded
10 or even construction contractors that come in and
11 do work and build VPP sites.

12 The second thing is, I'm very glad to
13 hear you mention Challenge. In Virginia, since
14 about 2018, we actually did our own version of
15 Challenge, and we serve as the administrators. And
16 we hook up SGEs in Virginia with applicants to our
17 Challenge program, and it's three levels of
18 participation. And the SGEs act as mentors to the
19 individual sites. I mean, I think that's a great
20 way to go.

21 We actually have a Challenge for all
22 employers. We have a couple of partnership with

1 construction associations where we do the same
2 thing in construction, with three levels of
3 participation. And we have a partnership with our
4 Department of Corrections, where we have eight
5 medium-severity correctional institutions in our
6 Challenge process, trying to get to VPP Star
7 status. We actually had two correctional
8 facilities that achieved Star status in Virginia
9 and maintained it for, one over 10 years and the
10 other over 20 years.

11 So I always tell people, when I'm talking
12 about VPP, if a correctional facility can achieve
13 Star, anybody can do it. I love the way you're
14 going.

15 Mr. Levinson: Yeah. Thanks, Jay. You
16 know, one of the other things that we've been
17 talking about is the role of the state consultation
18 projects and SHARP, and that's another lost
19 opportunity right now where you have a lot of
20 people with great expertise in safety and health
21 programs. We've got the safety and health
22 recognition program. Maybe a Form 33 score --

1 which for those of you not in the know, that's the
2 form that they fill out as they're doing an
3 evaluation for a workplace -- maybe a Form 33 score
4 of X gets you into SHARP, but maybe if we're doing
5 like gold, silver, bronze, or bronze, silver, gold,
6 platinum, that there are different levels, and you
7 could have different SHARP scores, and that it
8 provides that step-by-step, level-by-level of
9 challenge within the SHARP and consultation
10 projects. So it gives an incentive to come back
11 and keep leveling up in some additional ways to
12 get recognition for the work that you're doing. So
13 there's a lot of good stuff going on in the states,
14 Jay.

15 Ms. Lewis: We appreciate those
16 questions. In the interest of time I'm going to
17 move forward and ask that the Safety as a Core
18 Value presentation be moved into the record.

19 Ms. Levin: I move that the presentation
20 on Safety as a Core Value and Related Programs into
21 the record.

22

1 Open Discussion, Closing Remarks, Adjourn

2 Ms. Lewis: Thank you. Andy, any last-
3 minute comments from OSHA?

4 Mr. Levinson: No. You know, there's a
5 lot of activity going on, as I mentioned. Key
6 rulemaking is open, so anybody that's listening we
7 are very interested in that. The emergency
8 response rulemaking, the public comment period. We
9 are working diligently on our infectious disease
10 rulemaking, as well. And you've seen lots of kind
11 of the other activity here that I just talked
12 about.

13 Anything that the committee is interested
14 in getting involved in, in any of the Safety as a
15 Core Value work, if there is interest in re-
16 exploring and updating work on multi-employer, temp
17 worker, gig economy, safety and health management,
18 that's certainly another topic. It's been a while
19 since that's been revised and updated. We're very
20 happy to work with the committee on any of the
21 projects and activities and area interests that you
22 all have.

1 Ms. Lewis: Great. Thank you. Do we
2 want to mention anything about a next meeting? Do
3 we have any idea what the plans might be for a next
4 meeting?

5 Mr. Levinson: We may try and sneak in
6 something in early December. I think look for a
7 survey from Jenae to see what people's availability
8 is. I know December is a challenging time. The
9 good news, I guess, in part, is we're going to keep
10 doing these as virtual meetings. You heard from
11 Jim some of our budget constraints. So at least
12 the virtual meetings make it easier because people
13 don't need that extra travel time. And honestly,
14 December is not one of the times that most people
15 want to come to D.C. anyway.

16 Ms. Lewis: Oh, come on, it's so pretty,
17 with all the lights.

18 Mr. Levinson: You can come see the
19 National Christmas Tree lighting, but yes.

20 Ms. Lewis: Perfect. Great. For the
21 committee, I know since we're running short on time
22 if there's any topics that you'd like to see on the

1 next agenda if you could send those to myself and
2 Andy and Lisa. Then we can take a look at those,
3 about putting that on the agenda for the next time.

4 But otherwise, unless there's any
5 pressing comments from anyone -- I'll give a pause
6 there for a second -- I'm not seeing any, I will
7 say thank you to everyone for your attendance and
8 participation today. And we will take a motion to
9 adjourn the meeting.

10 Mr. Withrow: So moved.

11 Ms. Lewis: Second?

12 Unidentified Voice: I'll second.

13 Ms. Lewis: Thank you. Any opposed?

14 [No response.]

15 Ms. Lewis: No. If not then we will
16 adjourn the meeting at 12:15 p.m. Eastern time, and
17 thank you, everyone, for your participation, and
18 have a great day.

19 (Whereupon, at 12:15 pm., the meeting was
20 adjourned.)

21

22