



Reply to the attention of:

MEMORANDUM FOR: DAVID MICHAELS, PhD, MPH
Assistant Secretary

FROM: *Thomas Galassi*
THOMAS GALASSI, Director
Directorate of Enforcement Programs

SUBJECT: Federal Advisory Council on Occupational Safety and Health
June 6, 2013 Meeting Minutes

Attached, for your certification, are the draft minutes of the June 6, 2013 Federal Advisory Council on Occupational Safety and Health (FACOSH) meeting, held in the U.S. Department of Labor - Frances Perkins Building, in Washington, DC. FACOSH is governed by the Federal Advisory Committee Act, which requires the advisory committee minutes be certified by the committee chair within 90 calendar days of the meeting [§ 41 CFR 102-3.165(c)].

If you have any questions or need additional information, please contact Mr. Francis Yebesi, the FACOSH Designated Federal Official, at (202) 693-2233.

Approved: *[Signature]*
Date: OCT - 1 2013

Disapproved: _____
Date: _____

**MEETING MINUTES OF THE
FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY &
HEALTH**

June 6, 2013

Dr. David Michaels, PhD, MPH, the Assistant Secretary of Labor for Occupational Safety & Health (OSHA), as the Federal Advisory Council on Occupational Safety & Health (FACOSH) Chair, called the FACOSH meeting to order on June 6, 2013, at the U.S. Department of Labor (DOL), Frances Perkins Building (FPB), 200 Constitution Avenue, NW, Washington, DC.

FACOSH MEMBERS

Mr. William Dougan, Labor Member
National President, *National Federation of Federal Employees* (NFFE)

Dr. Joe Hoagland*, Management Member
Senior Vice President, Policy & Oversight, Designated Agency Safety & Health Official (DASHO), *Tennessee Valley Authority*

Mr. Gregory Junemann, Labor Member
International President, *International Federation of Professional & Technical Engineers* (IFPTE)

Ms. Deborah Kleinberg, Labor Member
Counsel, *Seafarers International Union*, AGLIWD

Mr. William Kojola, Labor Member
Industrial Hygienist, *AFL-CIO*

Mr. William "Chico" McGill, Labor Member
Director, Government Employees Department, *International Brotherhood of Electrical Workers*

Dr. Gregory Parham, DVM, Management Member
Assistant Secretary for Administration, *U.S. Department of Agriculture*

Ms. Milagro Rodríguez, Labor Member
Occupational Health & Safety Specialist, *American Federation of Government Employees* (AFGE)

Ms. Lola Ward, Management Member
Director, Office of Administration, DASHO, *National Transportation Safety Board*

Dr. Richard S. Williams*, MD, Management Member
Chief Health & Safety Officer, DASHO, *National Aeronautics & Space Administration* (NASA)

* Member attended telephonically.

Ms. Irma Westmoreland, RN, Labor Member
National Vice President, *National Nurses United*

SPECIAL AGENCY LIAISONS (SALs)

Mr. Frank Hearl
Chief-of-Staff, *National Institute for Occupational Safety & Health (NIOSH)*, U.S. Department of Health & Human Services

Mr. Gary Steinberg
Acting Director, *Office of Workers' Compensation Programs (OWCP)*, DOL

OTHER PARTICIPANTS

Mr. Francis Yebesi
Designated Federal Official, Office of Federal Agency Programs (OFAP), *OSHA*, DOL

Ms. Sarah Shortall
FACOSH Counsel, *Office of the Solicitor of Labor*, DOL

Ms. April Davis
Manager, Classification & Assessment Policy Office, *Office of Personnel Management*

Mr. John Seibert
Assistant for Safety, Health & Fire, Occupational Safety, *U.S. Department of Defense (DoD)*; and Training Subcommittee Member

ADMINISTRATIVE ISSUES

Announcements. Dr. Michaels introduced four new members to the Council; Drs. Joe Hoagland, and Gregory Parham from the *Tennessee Valley Authority*, and the *U.S. Department of Agriculture*, respectively; Ms. Lola Ward, from the *National Transportation Safety Board*; and Ms. Irma Westmoreland, from the *National Nurses United*. The Chair announced that Mr. Curtis Bowling, *DoD*, and Mr. Dennis Bushta, *Environmental Protection Agency*, both management members, had tendered their resignations from the Council due to their recent retirements from Government service, and thanked them for their significant contributions to worker safety and to the Council. He also stated that this meeting was Mr. Kojola's last meeting, indicating that he would be retiring October 2013.

Informational Items. Dr. Michaels provided information regarding four items. He informed the Council of and invited federal agencies to participate in OSHA's *2013 Water, Rest, Shade – Preventing Heat Illness in Outdoor Workers* campaign, designed to educate, and provide resources to prevent illness and death due to working outdoors in hot and humid weather. He announced that OSHA was processing two nominations to fill the vacancies created by the recent retirement of FACOSH members as permitted by FACOSH's governing documents; and was preparing a Federal Register notice to solicit nominations to fill other vacancies. He announced that FEDWEEK, the annual federal agency training week, would be held at the OSHA Training Institute (OTI) in Arlington Heights, Illinois; and that further information was available on the

OSHA website. He added that other course offerings, including the OSHA 6010 course were being offered by the OTI.

Emergency Preparedness. Mr. Yebesi provided a safety/emergency evacuation briefing to the Council.

Proxies. Pursuant to 29 CFR 1912.29, which permits management and labor members who cannot attend the FACOSH meeting to request that another member to vote in their place, Ms. Colleen Kelley (labor member) designated Mr. Dougan (labor member), and Ms. Catherine Emerson (management member) designated Dr. Williams (management member) as their representatives, respectively.

Meeting Minutes. Dr. Michaels announced that the certified minutes for the October 18, 2012 FACOSH meeting were available for public viewing in the OSHA Docket at <http://www.regulations.gov>, the federal eRulemaking portal (Docket No. OSHA-2013-0013).

OLD BUSINESS

FACOSH SUBCOMMITTEE REPORTS

Training Subcommittee

Dr. Michaels indicated that since December 2011, the FACOSH Training Subcommittee and its three workgroups had been working on various training issues.

Report: Federal Buildings Personnel Training Act (FBPTA) Workgroup – GSA's Action Plan. Mr. Kojola, Training subcommittee co-chair, reported that the General Services Administration (GSA) had incorporated a wide range of the recommendations on safety and health training, and competencies into their draft competency model and curriculum; further indicating that Mr. Brian Gilligan succeeded Mr. John Simpson as FBPTA program manager, and that GSA had asked each federal agency for a specific point(s) of contact.

Report: Model Career Management Plan. Dr. Michaels stated that the workgroup had developed a tri-fold document intended to provide career advancement guidance to assist incumbent GS-018s currently practicing in the federal agencies. Mr. Seibert, from the DoD, a subcommittee and workgroup member, further described the draft risk communication tool as a career planning guide, and that its future development was pending the Office of Personnel Management's (OPM's) review and potential updates to the GS-0018 standards.

Report: OPM Regarding GS-0018 Job Series. Ms. April Davis, from the OPM, explained that the agency received a request from FACOSH regarding the GS-0018 job entry qualification requirements, education versus experience, and "professional" status. She explained that the agency conducted focus groups to explore FACOSH's recommendations, that her office was currently analyzing the groups' responses, and that OPM would develop a technical report based on the gathered data. Once the analysis had been completed, she said she would be available to explain the results.

Report: Uniform Safety & Health Training Guidelines for Federal Employees Workgroup

Mr. Yebesi, responding to Mr. Kojola's inquiry regarding the status of the workgroup's recommendations that were forwarded to the Secretary of Labor for consideration, stated that OFAP had been working with OTI to develop a training guidelines, and that the draft document was currently in agency review.

Emerging Issues Subcommittee

Dr. Michaels stated that the Field Federal Safety & Health Council (FFSHC) Subcommittee, formed at the last FACOSH meeting, had been researching strategies to revitalize the FFSHCs.

Report: Revitalizing Field Federal Safety & Health Councils. Mr. McGill and Dr. Williams, subcommittee co-chairs, stated the task of the subcommittee was to consider: whether the FFSHCs were still relevant; if the FFSHCs should be replaced, what was an alternative venue; and if FFSHCs continue, how could they be strengthened. They also identified action items for the subcommittee, including: identifying a suitable FFSHC meeting for subcommittee members to attend; requesting that local FFSHC representatives attend workgroup meetings; and surveying councils for their ideas on opportunities for improvement and benchmarking best practices. The subcommittee planned to explore OSHA safety labor liaisons' involvement in local FFSHCs. The co-chairs indicated that a summary report would be generated through OSHA.

Motions Regarding the FACOSH Subcommittee Reports.

There were no motions, regarding either of the subcommittee reports, considered by FACOSH at the time.

PROTECTING OUR WORKERS, ENSURING REEMPLOYMENT

Report: Current Status & Moving Forward

Mr. Steinberg updated the Council on POWER and guided the discussion on the initiative moving forward with respect to performance measures, assessing its progress and results relative to safety promotion, injury prevention, and return-to-work (RTW). He stated that the Government's performance (84.94 percent) for the timely filing of workers' compensation notice of injury or illness forms (POWER Goal 4) fell short of the FY 2013 target (87.75 percent). He stated that some of the shortfall could have been attributable to technical problems with the DoD's recent move to an information system, which delayed forms filing. He stated that regarding POWER Goal 5 – the timely filing of wage loss claims – the Government's performance (78 percent) exceeded the target (75.68 percent). For Goal 6 (to reduce lost production day rate), the Government's performance (32.8 incidents per 100 employees) exceeded the target (34.7 incidents per 100 employees). For Goal 7 (to increase employees' RTW outcomes), the Government's performance (91.33 percent) lagged behind the target (93.38 percent). Mr. Steinberg indicated that the Government's inability to meet the RTW goal could be attributable, in some part, to the current fiscal situations, vis-à-vis, the sequestration, federal employee furloughs and hiring freezes. He discussed the success of the Department's *ECOMP* system in increasing the electronic filing of claims, and the Return-to-work POWER Council in sharing "best practices."

NEW BUSINESS

POWER METRICS

Dr. Michaels stated that the current POWER initiative, which would come to a close in fiscal year 2014, used lagging indicators as a measure of occupational safety and health (OSH) in the public sector, not leading indicators, as was becoming vogue in the private sector, to predict injuries that identify hazards. He asked the Council to consider what leading indicators, beyond the current eight goals, that might be included in the next reiteration of POWER, and what metrics might be used to measure the indicator(s). Ms. Kleinberg and Mr. Kojola agreed that this was an appropriate approach for the Government to consider for a future initiative, and that such inclusions would contribute to overall worker safety and health. Mr. Seibert cited the DoD's caution when using both types of indicators as a measure of program success, stating that there were always a cost incurred with asking these questions. He suggested that the topic may be a valuable discussion topic at the next meeting of the newly formed OSH managers' roundtable hosted by OFAP. Ms. Rodríguez queried about the proposed recordkeeping rule change, noting she thought this data would provide a better picture of the injury and illness rates at federal agencies. Dr. Michaels stated that that OSHA had received comments from OPM on the regulatory change and the rule was under final analysis.

WHISTLEBLOWER PROTECTION PROGRAMS

Dr. Michaels stated that 29 CFR 1960 required that agencies not retaliate against employees for raising OSH concerns, and that agencies self-monitor and report on incidents of retaliation. He further indicated that §1960 did not give OSHA a formal role in investigating allegations of reprisal, but that the regulation required that each agency have a process to investigate. Mr. Dougan highlighted his former experiences as an employee with the USDA Forest Service, stating that agency self-policing placed the employee and the agency at odds with each other. He suggested that third part investigations, perhaps by OSHA, would be a better approach in such situations. Dr. Michaels invited the members to consider how their respective organizations handled allegations of reprisal, and the process involved, with the intention of having a discussion at a future FACOSH meeting. Members agreed that this was an important issue to investigate to ensure that federal employees felt free to report unsafe and unhealthy working conditions without fear of adverse consequences.

Motions Regarding New Business.

There were no motions, regarding either new business items, considered by FACOSH at the time.

PUBLIC COMMENT

Mr. Seibert provided comments on the current DoD review of chemical safety and health standards. He stated that through this process, the Department determined that blood lead levels below the OSHA criteria would result in significant health effects at, and that this effect was confirmed by collaborative research conducted in cooperation with the National Academy of Sciences. Mr. Seibert requested assistance from OSHA and NIOSH, as the agency pursues a more protective level for blood lead for its employees. Dr. Michaels and Mr. Hearl stated that their respective agency would be willing to assist in these efforts.

NEXT MEETING and ADJOURNMENT

Dr. Michaels suggested that FACOSH meet in the November-December 2013 timeframe, at the FPB, stating that OFAP would survey the membership for their availability. Mr. McGill moved to adjourn the meeting. The motion was seconded and passed unanimously. Dr. Michaels adjourned the meeting.

MEETING EXHIBITS

The exhibits listed below from this meeting can be read and downloaded at <http://www.regulations.gov>, the federal eRulemaking portal. In addition, the exhibits are available for copying and inspection at the OSHA Docket Office (Docket No. OSHA-2013-0013), Room N-3437, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC, 20210; telephone (202) 693-2350.

Exhibits

Exhibits entered into the public record of the June 6, 2013, FACOSH meeting:

- Exhibit 1 Agenda for the June 6, 2013 FACOSH meeting.
- Exhibit 2 Proxy for Ms. Catherine Emerson, *U.S. Department of Homeland Security*, designating Dr. Williams, *NASA*, for the June 6, 2013 FACOSH meeting.
- Exhibit 3 Proxy for Ms. Colleen Kelley, *National Treasury Employees Union*, designating Mr. Dougan, *NFFE*, for the June 6, 2013 FACOSH meeting.
- Exhibit 4 Federal Agency Guide for GS-0018, Safety & Occupational Health Managers Seeking to Meet Proposed Qualification.