

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Washington, D.C. 20210



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  
November 6, 2014, Meeting Minutes

Attached, for your certification, are the proposed minutes of the November 6, 2014 *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, in this case by February 4, 2015, 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: 12/19/2014

Disapproved: \_\_\_\_\_

Date: \_\_\_\_\_

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

November 6, 2014

Dr. David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety & Health (OSHA), and chair of the Federal Advisory Council on Occupational Safety & Health (FACOSH), called the meeting to order on November 6, 2014, at the U.S. Department of Labor (DOL), Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, DC. Due to Dr. Michaels' required attendance at an agreement signing ceremony with various embassies, Ms. Renee Carter, Alternate Designated Federal Official to FACOSH, chaired the latter part of the meeting.

**FACOSH MEMBERS**

LABOR MEMBERS:

Ms. Carolyn D. Bland-Bowles  
Industrial Hygienist/Health & Safety Specialist  
*American Federation of State, County & Municipal Employees, International*

Mr. William Dougan<sup>1</sup>  
National President  
*National Federation of Federal Employees*

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

Mr. Dennis Phelps  
Director – Government Employees Department  
*International Brotherhood of Electrical Workers*

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

Mr. Mark Segall  
National Vice President  
*National Association of Agriculture Employees*

Ms. Irma Westmoreland, RN  
National Vice President  
*National Nurses United – Veterans Administration*

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<sup>1</sup> Held proxy for Ms. Deborah Kleinberg (*Seafarers International Union, AGLIWD*), Labor Member.

MANAGEMENT MEMBERS:

Mr. Wesley Carpenter  
Director – Safety, Health & Environmental Management Division  
*U.S. Environmental Protection Agency*

Ms. Catherine Emerson  
Chief Human Capital Officer, Designated Agency Safety & Health Official (DASHO)  
*U.S. Department of Homeland Security*

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

Dr. Wayne Quillin  
Chief, Safety and Health; and Director – Office of the Designated Safety & Health Officer  
*U.S. Department of State*

Ms. Maureen Sullivan  
Director – Environment, Safety & Occupational Health  
*U.S. Department of Defense*

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

Dr. Richard S. Williams, MD  
Chief Health and Safety Officer, DASHO  
*National Aeronautics & Space Administration*

**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. David Marciniak  
Safety and Health Manager  
*U.S. General Services Administration*

Mr. Thomas Powell  
SAL Alternate for Mr. Mariano S. Aquino  
*U.S. Office of Personnel Management (OPM)*

Mr. Hilery Simpson, Assistant Commissioner  
Bureau of Labor Statistics (BLS) for Safety & Health Statistics  
*BLS, U.S. Department of Labor*

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\* Member attended telephonically.

Mr. Sam Shellenberger  
SAL Alternate for Mr. Gary Steinberg  
Comptroller  
*Office of Workers' Compensation Programs (OWCP), U.S. Department of Labor*

## **OTHER PARTICIPANTS**

Ms. Renee Carter  
Alternate FACOSH Designated Federal Official  
Acting Director - Office of Federal Agency Programs (OFAP)  
*OSHA, U.S. Department of Labor*

Ms. Amanda Edens (Presenter – “Ebola”)  
Director, Directorate of Technical Support & Emergency Management (DTSEM)  
*OSHA, U.S. Department of Labor*

Ms. Sarah Shortall  
Counsel to FACOSH  
*Office of the Solicitor of Labor, U.S. Department of Labor*

Mr. Robert Swick (Presenter – “Whistleblower Protection Programs”)  
Directorate of Whistleblower Protection Programs (DWPP)  
*OSHA, U.S. Department of Labor*

## **ADMINISTRATIVE ISSUES**

*Emergency Preparedness.* Ms. Carter provided a safety/emergency evacuation briefing to the Council.

*Announcements.* Dr. Michaels announced that Ms. Rhea Suh, *U.S. Department of the Interior*, had submitted her resignation to FACOSH as a management member.

*Informational Items.* The Council was provided updates on several items, including: - that OSHA will continue to accept nominations for FACOSH membership, and, - the status of the August 2013 changes to the recordkeeping rule, specifically emphasizing that: - BLS will commence collecting agencies' 2014 injury and illness data in 2015, and - OSHA recently submitted a comprehensive agency establishment list to BLS.

*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, labor member Ms. Kleinberg designated labor member Mr. Dougan to vote in her place at the November 6, 2014, FACOSH meeting.

*Meeting Minutes.* Dr. Michaels announced that the certified minutes for the December 5, 2013 meeting were available for public viewing in the OSHA Docket at <http://www.regulations.gov>, the federal e-Rulemaking portal (Docket No. OSHA-2014-0005).

## **OLD BUSINESS**

### **FACOSH SUBCOMMITTEE REPORTS**

#### ***Emerging Issues Subcommittee***

Dr. Michaels reported that, currently, the Emerging Issues Subcommittee has one workgroup, the *Field Federal Safety and Health Councils Workgroup*, and that it is continuing its work on developing strategies to revitalize the councils.

#### ***Report: Field Federal Safety and Health Councils (FFSHC) Workgroup.***

Ms. Rodríguez, and Dr. Williams, workgroup co-chairs, provided the Council with a status report on the workgroup's progress in attaining its goals. They reviewed the charge given to the workgroup, the documents it has reviewed, and summarized the results of a FFSHC survey of council chairpersons. They indicated that the workgroup is working on its draft report to FACOSH.

### **PROTECTING OUR WORKERS, ENSURING REEMPLOYMENT**

#### ***Report: Current Status***

Mr. Shellenberger updated the Council on the Presidential Initiative – Protecting Our Workers, Ensuring Reemployment (POWER). He first provided a brief history of the Initiative from 2009 to the present, and the goals that the OWCP tracks. He stated that the OWCP goals were “re-baselined” in 2011, and then stated that for: - POWER Goal 4, the Government's performance for the timely filing of workers' compensation notice of injury or illness forms fell short of the FY 2014 target; POWER Goal 5, the Government's performance for the timely filing of wage loss claims showed a 25 percent increase over its 2009 performance; POWER Goal 6, the Government's performance to reduce its lost production day rate has gone down; and, POWER Goal 7, the Government's performance to increase employees' return-to-work outcomes remains at 92 percent. Although not a POWER measure, Mr. Shellenberger mentioned Goal 8 successes, specifically that 98 percent of federal agencies have the ability to file injury and illness claims electronically; and that 78-80 percent of federal agencies had the ability to file wage loss claims electronically. He further stated that of the 14 main POWER agencies, the Department of Transportation is the only agency not in full compliance. He explained that sequestration necessitated federal agencies to “re-prioritize” their spending to cover core mission activities, and discussed how this affected their POWER reporting. He mentioned that the Administration is considering extending POWER beyond 2014. Ms. Rodríguez inquired how the recent changes to recordkeeping would affect POWER, to which Dr. Michaels responded that the POWER goal targets will continue to be tightened to further reduce injuries. Other members inquired about POWER Goal 7, specifically asking Mr. Shellenberger to research problems that law enforcement officers may have returning to work in limited capacity after an injury, with possible ill-effect on their retirement.

### **WHISTLEBLOWER PROTECTION PROGRAMS**

Dr. Michaels stated that 29 CFR 1960 provides whistleblower protections for federal employees' participation in agency safety and health activities without fear of reprisals. As previously requested, he stated that OSHA has received little information from agencies on best practices in this area. He introduced Mr Swick, who would address the Council's request for more information on such anti-retaliation programs. Mr. Swick provided the Council with information on: - DWPP's mission to enforce 22 statutes, including provisions of 29 CFR 1960, protecting

employees who report violations; and the retaliation claims process. He explained that not all these statutes cover federal employees and the steps that OSHA goes through when investigating whistleblower cases.

### **Motions Regarding FACOSH OLD BUSINESS Items.**

There were no motions, regarding the FFSHC Workgroup report; and the POWER Initiative, and Whistleblower Protection Programs presentations, considered by FACOSH at the time.

## **NEW BUSINESS**

### **EBOLA AND FEDERAL AGENCIES**

Dr. Michaels briefly provided background information on the domestic cases of Ebola, and the international Ebola outbreak. He identified several of the key government players involved in public outreach activities, including: the Department of Health & Human Services' Centers for Disease Control & Prevention, the departments of Defense, Homeland Security, Labor's OSHA, and State; and the Environmental Protection Agency. He introduced Ms. Edens, and Ms. Westmoreland, the principle speakers to FACOSH on the issue.

Ms. Edens began the discussion by highlighting current OSHA Ebola outreach activities. She described the disease's signs and symptoms, routes of transmission, and supportive/palliative care of its victims. She also presented: worker risk of exposure; and applicable standards and authorities, including: the Occupational Safety and Health Act; and the bloodborne pathogens, personal protective equipment (PPE), respiratory protection, and HAZCOM standards. Ms. Edens emphasized that OSHA outreach activities involve working with the various federal agencies to integrated worker safety and health in their response activities, and meeting with public and private stakeholder groups, alike, for information gathering and sharing. She further stated that DTSEM is developing employer technical support and other resources, highlighting the plethora of information that is available on the OSHA Ebola webpage.

Ms. Westmoreland added to the presentation by highlighting the nurses' need for optimal PPE – single-use, disposable full-body HAZMAT protective wear, including powered air purifying respirators (PAPRs); and interactive, hands-on-training with such PPE. In addition, she extolled the need for domestic hospital preparedness for an Ebola outbreak, citing a recent National survey regarding Ebola preparedness. She explained some of the preparedness activities that the Veterans Health Administration has conducted to meet the Ebola challenge head-on, including: tabletop exercises, healthcare worker interactive training with PPE, and close collaboration with union representatives. She compared the use of the PAPR with the N-95 respirator and concluded that in addition to being provided the right PPE, nurses needed practice in properly using it.

Members continued to discuss the issues of a single standard for PPE; the need for PPE use when providing other-than direct patient care; how to deal with returning deployed workers, including quarantine; and guidance for emergency service workers. Members concluded by discussing the benefits and limitations of the various types of PPE; and identifying the numerous resources that are available to federal agencies and other members of the regulated community through various government and non-government entities, including those mentioned above, and the national Academy of Sciences, and Institutes of Health, and NIOSH; and the Global Nurses United, and

the National Nurses United. Dr. Michaels concluded the Council's discussion by offering OSHA's and NIOSH's assistance to the private and public sectors as they respond to the shifting demands of Ebola.

#### **Motions Regarding New Business.**

There were no motions considered by FACOSH at the time.

#### **PUBLIC COMMENT**

There were no public comments addressed to the FACOSH at the November 6, 2014 meeting.

#### **NEXT MEETING and ADJOURNMENT**

Ms. Carter suggested that FACOSH meet in the March 2015 timeframe, at the FPB, stating that OFAP would survey the membership for their availability. She adjourned the meeting without objections from the Council.

#### **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-2014-0005), Room N-3437, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC, 20210; telephone (202) 693-2350.

Exhibit	Exhibit Description
1	Agenda for the November 6, 2014, FACOSH meeting
2	Proxy for Ms. Deborah Kleinberg
3	OSHA Fact Sheet on Updates to OSHA's Reporting and Recordkeeping Rule
4	Hardcopy of "Ebola Outbreak Preparedness and Response" PowerPoint presentation by Ms. Amanda Edens, OSHA
5	Hardcopy of "Ebola 2014: What Nurses Need and Why" PowerPoint presentation by Ms. Irma Westmoreland, NNU
6	Hardcopy of PowerPoint presentation on the fiscal year 2014 POWER results
7	Whistleblower Statutes Desk Aid prepared by OSHA DWPP
8	Sample whistleblower witness statement – number 1
9	Sample whistleblower witness statement – number 2
10	Sample whistleblower investigation report