

Washington State CONSTRUCTION ADVISORY COMMITTEE (CAC)

Meeting Report

January 6, 2011

AGC, Seattle

The mission of the Washington State Construction Advisory Committee is to provide a forum where business, labor, and government identify challenges and develop solutions to Washington's construction workplace health and safety challenges.

Committee Leadership Present:

Anne Soiza, Deputy Assistant Director, DOSH;

Herb Heinold, Construction Safety Consultant;

Terry Tilton, Assistant Executive Secretary, Washington State Building and Construction Trades Council

This was the first full meeting of the reconstituted gathering known as the Washington State Construction Advisory Committee in about two years. There were more than the normal amount of updates required due to the time lapse.

SHARP Update: *Barbara Silverstein*

- SHARP has received a 5 year grant from NIOSH to sustain our work in surveillance. The grant was awarded to continue work in WMSD, TIRES, Temporary Workers, FACE Project, and Pesticides will begin in September 2011.
- Youth in Construction: 18-21 years-old are having higher injury rates than older construction workers. SHARP would like you input on what might be causing the increased injury rates. The injury claims from 2005-2007 were 31 that included injuries in construction to 15-17 year-olds and then analyzed the claim to see if there was potential for work restriction violations.
 - Possible older workers are passing on "bad habits" to younger workers.
 - With a large amount of retirees in the construction industry. Youths may be getting thrown in to new jobs without proper training.
 - The percentage of supervisors to workers is down and younger workers may be afraid to ask questions in order not to lose jobs to more experienced workers.
 - Apprenticeships that are sent to jobsites seem to have a lack of training by the union and expect us to train them on the job.
 - Possibly create a Youth in Construction task force to address issues on this topic.

- SHARP will be visiting worksites in every industry sector. We will be looking at size and geography of companies that high injury rates for backs, shoulders, and knees. SHARP will be comparing with other like companies that have lower rates on the same injury. Industries in construction that SHARP will be reviewing are Foundation, Structure and Building exterior Contractors (2381), Building Finishing Contractors (2383), and Building and Equipment Contractors (2382).
 - When General Administration or Department of Transportation request a bid on state funded project all workers are required to attend OSHA 10 training. A study shows that workers are 12% less likely to file a worker's compensation claim when they have attended an OSHA 10 training course and workers that are 16-21 year olds are 42% less likely to file a claim.

DOSH Update: *Anne Soiza and Maggie Leland*

- Washington State Construction Industry Injury and Illness data: Construction industry groups comprise 4 out of the top 10 most hazardous industry groups according to the injury and illness prevention index. The Prevention Index is a tool used to rank the number of injury and illness claims (number of claims/10,000 full time equivalent employees). Based on State Fund compensable claims. Framing contractors and roofing contractors are ranked #1 and #2 most hazardous industries within the construction industry sector and within all industry sectors for overall injury and illness rate and severity. In 2008 and 2009 DOSH performed the most inspections on framing contractors, new single -family housing construction, and roofing contractors. The report indicates what industries DOSH has sent compliance resources to, but are still experiencing high injury rates. Top ten violations cited is NAICS code 2381, mostly dealing with fall protection.
- Rules Update: The Governor has placed a moratorium on rule making for the next year with very few exceptions
 - Phase 2 of the Construction Cranes rules, will consider OSHA's adopted new rules and the general construction code rules for crane safety and personnel lifting, including rigging, are being reviewed for update and clear writing as discussed below;
 - The Department is updating its Means of Egress rule language to make it clear that the minimum ceiling height is 7 feet 6 inches for an exit route to be as effective as OSHA;
 - The department is adding language to require those who store explosives to notify their local fire safety authority every year. Currently, notification is required on the first day that the explosive materials are stored. This rule making would make notification an annual event.
 - Penalties will move forward in rule making if OSHA issues the change to the policy.

- Rules that are on hold: Fall Protection rule will move forward when the moratorium is lifted, sometime in early 2012. The APP and Plain Language rewrite will also be suspended, but as directed by the Governor we can continue to work on rules in an informal setting.
- Legislative Update: DOSH has one legislative bill that will be introduced on abatement of hazards that have been identified during inspections. In the past corrections of hazards were put on hold if the employer appealed until the appeal process has been completed. The new requirement would be that the employer fix the hazard even during an appeal, but to ensure due process the employer could file a motion to ask the Board of Industrial Insurance Appeals for an expedited review and receive a stay of the abatement if there is due cause.
- Call Before You Dig Law: DOSH is aware of the bill and it might be sponsored by the state. The law is worker and public safety related, but is not DOSH related. If you have questions contact the Washington Utilities and Transportation Commission.

Rules Update: *Chuck Lemon*

Major Differences between OSHA’s Crane Rule and WA’s Proposal

Current Rule:

- Operators can only be certified by using a crane testing organization that is accredited by a nationally recognized accrediting agency – OSHA list three other methods; OSHA has a four year phase in for operator certification, ours is already required.
- All constructions cranes must be inspected and proof load tested by an accredited crane certifier and certified by the state. (OSHA does not require this)
- OSHA exempts Articulating Cranes while delivering construction materials; we are proposing not to include that exemption.

Proposed addition to Crane Rule:

- Qualification requirements for Riggers (OSHA requires a “Qualified Person Perform rigging duties”)
 - WA is proposing to require written and practical exams for riggers
 - Re-qualify every five years
- Qualifications for Signal Persons (OSHA & DOSH are identical, except DOSH is requiring requalification)
 - Re-qualify every five years
- Require employers to have a preventative maintenance program for their cranes (OSHA does not require this)

- Define & require Crane Operator, Crane Owner, Crane User, Lift Director, Site Supervisor and list out responsibilities of each. (as listed in ASME B30.5 - 2007) (OSHA does not mention this)
- We will have a whole section devoted to Self-Erecting Tower Cranes (no OSHA requirements or national consensus for this type of crane).
- We completely rewritten our rigging requirements to come in line with current industry practices. We incorporated several requirements from the latest ASMEs that address Slings, Rigging Hardware, and Below the Hook Lifting Devices. (OSHA did not address these requirements.)

Group Discussion:

The group discussed the need to put the committee working items first on agenda and have reports out at end if there is time. Committee really wants to get to deciding priorities and setting up subcommittees or workgroups.

There was some discussion on the proposed mission statement.

Other Items:

Construction Advisory Committee listserv: Reminder to sign up on our Website to receive updates and information for the Construction Advisory Committee meetings.

Margie Weinberg reported that SMART received a Safety and Health Ship grant and created a Booklet called “We Speak Safety” in Spanish. Books are free to anyone who needs them and will be available at the Safety Summit.

FACE Report: 2010 Construction industry there were seven fatalities. This data is preliminary and subject to change. There were 86 fatalities in Washington State in 2010. Please Visit the SHARP website for more information.

Adjourn

Action Items –

Herb Heinold & Terry Tilton	Draft a letter to the Governor on lifting the moratorium for the Fall Protection Rule.
All	Small group discussion results from 9-28-10 CAC meeting

Next CAC Meeting:

Date: April 21, 2011
Location: AGC, Fife
Time: 10:00AM to Noon