

## Advisory Committee on Construction Safety and Health (ACCSH)

### Minutes for July 1, 2020

U.S. Department of Labor  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, D.C. 2021000000

The meeting of the Advisory Committee on Construction Safety and Health (ACCSH) was called to order by Chairman Kevin R. Cannon at 12:08 p.m., on Wednesday, July 1, 2020. This meeting was held via WebEx and teleconference. The following committee members, OSHA staff, and other attendees were present:

NAME	SECTOR REPRESENTED	TITLE & ORGANIZATION
Kevin R. Cannon	Employer Representative	Director, Safety and Health Services, Associated General Contractors of America (AGC)
Fravel E. Combs	Employer Representative	Corporate Manager EH&S, M.A. Mortenson Company
Cindy DePrater	Employer Representative	Senior Vice President, Chief Environmental, Health & Safety Officer, Turner Construction Company
Greg Sizemore	Employer Representative	Vice President of Health, Safety, Environment and Workforce Development, Associated Builders and Contractors (ABC)
Wesley L. Wheeler	Employer Representative	National Director of Safety, National Electrical Contractors Association
Palmer L. Hickman	Employee Representative	Director of Safety and Code Training and Curriculum Development, International Brotherhood of Electrical Workers, Electrical Training Alliance
Randall A. Krocka	Employee Representative	Administrator and Project Director, Sheet Metal Occupational Health Institute Trust, International Association of Sheet Metal, Air, Rail and Transportation Workers
Mark S. Mullins	Employee Representative	National Coordinator, Elevator Industry Work Preservation Fund
Richard Tessier	Employee Representative	Director of Safety, United Union of Roofers, Waterproofers, & Allied Workers Representative Research & Education Joint Trust
Christina Trahan Cain	Employee Representative	Safety and Health Director, North America's Building Trades Unions
Christopher A. Fought	Public Representative	Merck, North American Construction Safety Director
R. Ronald Sokol	Public Representative	President & CEO, Safety Council of Texas City
Christopher (Scott) Mabry	State Representative	Assistant Deputy Commissioner, North Carolina Department of Labor
Charles N. Stribling	State Representative	Kentucky Labor Cabinet, Department of Workplace Standards
G. Scott Earnest	Federal Representative	Deputy Director, Office of Construction Safety & Health, National Institute for Occupational Safety & Health (NIOSH)

Scott Ketcham	Designated Federal Official (DFO)	Director, Directorate of Construction, U.S. Department of Labor – OSHA
Joseph (Joey) Gilliland	ACCSH Council	Office of the Solicitor, U.S. Department of Labor

### Other Attendees \*:

Loren Sweatt	Principal Deputy Assistant Secretary, U.S. Department of Labor – OSHA
Tim Irving	Deputy Director, Directorate of Construction, U.S. Department of Labor – OSHA
Sven Rundman	Directorate of Enforcement Program, U.S. Department of Labor – OSHA
Ken Stevanus	Directorate of Standards and Guidance, U.S. Department of Labor – OSHA
Juan Lopez	Office of the Solicitor, U.S. Department of Labor
Janet Carter	Directorate of Standards and Guidance, U.S. Department of Labor – OSHA
Deana Holmes	Directorate of Standards and Guidance, U.S. Department of Labor – OSHA
Jennifer Lawless	Directorate of Standards and Guidance, U.S. Department of Labor – OSHA
Fred Coddling	Executive Vice President of the National Association of Reinforcing Steel Contractors
Steve Rank	Iron Workers International
Tom Shanahan	National Roofing Contractors Association
Michelle Walker	Construction Industry Association
Chris Rodman	CPWR
Jens Svenson	OSHA / DOC
Garvin Branch	OSHA / DOC
Hossmann Carvajalino	OSHA / DOC
Bryant Seymour	OSHA / DOC
Michael Payne	OSHA / DOC
Veneta Chatmon	OSHA / DOC
Damon Bonneau	OSHA / DOC
Robert Foster	OSHA / DOC
Amy Tryon	Department of Labor
Andrew Young	SDFU
Brad Mannion	Associated Builders and Contractors
Brian Lombard	OSHA
Bruce Lippy	CPWR
Bruce Rolfsen	BNA
Christine Collington	National Association of
Craig Schuman	Department of Energy
Dalton Moore	OSHA
Davie Magno	Miosha
Denisha Braxton	OPA
Elizabeth Garza	CDC NIOSH
Felicia Watson	National Association of Homebuilders
Fred Coddling	NARSC

Garvin Branch	OSHA
Gary Cross	Industrial Truck Association
Gavin West	CPWR
Gretta Jameson	OSHA
Jamie Baker	
JD Calbert	Manhattan Construction
Jeffrey Lambert	National Demolition Association
Jeremiah Sullivan	IUBAC
Jerry Sands	Linder
Jimmy Walker	Pepsi CO
Joaquin Diaz	SKNSKA
John Northrut	AJT Safety Solutions
Justin Thayer	
Karen Livingston	Associated Builders and Contractors
Karen Mitchell	NAWC
Karl Kumn	Jackson Kelly PLLK
Kathleen Dobson	Alberici
Kevin Goddard	CALTRANS
Kimberly Gamet	Associated Builders and Contractors SE Michigan Chapter
Kimberly Banks-Cragwell	OSHA
Linda Goldenhart	EPWR
Lolita Oliver	OSHA
Marcia Rivera	CAMS
Marisa Fortin	Fundt Construction
Matthew Meehan	
Michael Peelish	Law of the Adele Abrams
Mike Mccullion	SMADNA
Nick Donofrio	USDOL OSHA
Nick Tindall	AEM
Obo Rhodes	
Patrick Vallejos	Mission Support Alliance
Preston Quick	Affiliated Engineering Laboratories
Rob Matuga	National Association of Home Builders
Scott Crabtree	Erlen Group
Shawn Reardon	Riverhead Building Supply
Travis Parsons	Labor South and Safety Fund
Vernon Preston	OSHA
Walter Jones	Labor
Wayne Creasap	Ironworkers International Union
Will Spearman	Alliant Corporation

### **Opening Remarks:**

#### **Speaker: Chairman, Kevin R. Cannon**

Chairman Cannon called the meeting to order and welcomed the ACCSH members and public participants. After providing a brief overview of the meeting agenda, Mr. Cannon turned the meeting over to Mr. Scott

Ketcham, Director, Directorate of Construction, and committee DFO, for welcoming remarks. Mr. Ketcham reminded everyone that the meeting was being recorded, then asked Mr. Cannon to ensure there was a quorum present for the meeting. Mr. Cannon had all of the committee members to introduce themselves and started with himself. Once a quorum was confirmed, Mr. Cannon turned the meeting over to Ms. Sweatt for her comments.

*For a full account of Chairman Cannon's opening remarks, refer to page 7 (Line 2) of the July 1, 2020, meeting transcript, in Docket No. OSHA-2020- 0003 at <https://www.regulations.gov>.*

#### **Principal Deputy Assistant Secretary's Agency Update and Remarks:**

##### **Speaker: Ms. Loren Sweatt, Principal Deputy Assistant Secretary of Labor, OSHA**

Ms. Sweatt began her presentation by thanking everyone on the ACCSH committee for their service and expressed her appreciation for the work that they do to support the agency. Ms. Sweatt went on to thank them for their commitment to the safety and health of the nation's construction workforce during the challenges presented by COVID-19. OSHA has worked hard to provide guidance, information, enforcement and response to complaints to ensure worker protection during the challenges presented by COVID-19. Ms. Sweatt highlighted OSHA's 50th Anniversary and reminded the committee of two upcoming events, "Safe + Sound Week 2020" scheduled to run August 10-16, 2020 and the Fall Stand-Down scheduled for September 14-18, 2020. Ms. Sweatt ended her presentation by asking everyone to visit OSHA.gov, sign up for the QuickTakes newsletter, and follow OSHA on Twitter for the latest news and information.

*For a full account of Ms. Sweatt's presentation, refer to page 12 (Line 6) of the July 1, 2020, meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

#### **Directorate of Construction Update:**

##### **Speaker: Mr. Scott Ketcham, Director, Directorate of Construction, OSHA**

Mr. Ketcham welcomed everyone in attendance to the meeting and noted that it had been a year since the last full ACCSH meeting. Mr. Ketcham presented a detailed update on issues pertinent to the directorate's current focus and provided an overview of completed and ongoing projects & activities. It included an overview of OSHA's work with the CDC, NIOSH, other federal agencies, and stakeholder groups, to share the latest information on COVID-19; a breakdown of how the Directorate of Construction (DOC) is organized with a quick description of each offices responsibilities; the top 10 violations in construction and the Focus Four Hazards where falls are still the leading injury producer; a regulatory update which include technical corrections to OSHA standards, rail road cranes, communication towers, welding in confined spaces, crane operator certification, and PPE fit in construction. OSHA has three directives nearing completion of the clearance process: Crane Operator Certification, Excavation, and the Drone directives. Mr. Ketcham highlighted the upcoming safety awareness campaigns: Safe + Sound Week, the Fall Stand-Down and the Trench Safety Stand-Down and reminded everyone of the dates. He took questions from the committee and provided additional insight regarding items discussed in his presentation.

*For a full account of Mr. Ketcham's presentation, refer to page 25 (Line 5) of the July 1, 2020, meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

#### **Directorate of Enforcement Programs (DEP) Update:**

##### **Speaker: Mr. Sven Rundman, Directorate of Enforcement Programs, OSHA**

Mr. Rundman provided an update how OSHA is now using the Compliance Directive, CPL 02-02-080, *Inspection Procedures for the Respirable Crystalline Silica Standards*, published June 25, 2020 to enforce the *Respirable Crystalline Silica Standards*, 29 CFR 1910.1053 and 29 CFR 1926.1153. Mr. Rundman provided a

brief overview of sections of the directive, mentioned newly developed tools and FAQs to assist in compliance. He and then took questions from the committee and provided additional insight regarding items discussed in his presentation.

*For a full account of Mr. Rundman's presentation, refer to page 67 (Line 21) of the July 1, 2020, meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

#### **ACCSH Counsel Comment:**

**Speaker: Mr. Joseph Gilliland, ACCSH Counsel, Office of the Solicitor, U.S. Department of Labor**

Mr. Gilliland advised the committee members that follow-up questions to presentations not asked on the record should be presented to the Chair who will submit them to OSHA on behalf of the committee. Individual members should not submit follow-up questions directly to the agency.

*For a full account of Mr. Gilliland's remarks, refer to page 89 (Line 21) of the July 1, 2020, meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

#### **Proposed Rule to Update the Consensus Standards Incorporated by Reference for the Design and Construction Standards of Powered Industrial Trucks in Construction (29 CFR 1926.602):**

**Speakers: Mr. Ken Stevanus, Directorate of Standards and Guidance, Office of Engineering Safety, OSHA**

**Mr. Juan Lopez, Office of the Solicitor, U.S. Department of Labor**

Mr. Stevanus presented the proposal that would update the consensus standards incorporated by reference to the powered industrial truck standards for both construction and general industry. The new consensus standards would specifically address the design and construction provisions of powered industrial trucks.

Mr. Stevanus and Mr. Lopez took questions from the committee and provided additional insight regarding items discussed in their presentation. Following the committee's discussion, ACCSH made a recommendation:

*Motion: Chris Trahan Cain moved that ACCSH recommend that OSHA publishes the planned notice of proposed rulemaking, updating OSHA's construction standards for powered industrial trucks, 29 CFR 1926.602, related to the design and construction requirements of the standard.*

*Second: Ron Sokol. The motion passed unanimously.*

*For a full account of Mr. Stevanus's presentation and the ACCSH recommendation, refer to page 90 (Line 12) of the July 1, 2020 meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

#### **Proposed Rule to Update the Hazard Communication Standard to align with the 7th Revision of the Global Harmonized Standard (GHS) Presentation:**

**Speakers: Ms. Janet Carter, Directorate of Standards and Guidance, U.S. Department of Labor - OSHA  
Ms. Deana Holmes, Directorate of Standards and Guidance, U.S. Department of Labor - OSHA  
Ms. Jennifer Lawless, Directorate of Standards and Guidance, U.S. Department of Labor - OSHA**

Ms. Carter and her team presented a proposal to update the current Hazard Communication (HAZCOM) Standard to meet recent changes to the Global Harmonized Standard (GHS). She then provided some background on the previous efforts to align with the GHS and then discussed the proposed changes that would further align the HAZCOM Standard with the GHS. Ms. Holmes and Ms. Lawless then presented on the particular changes made to harmonize HAZCOM Standard with the GHS. Ms. Carter then provided closing comments and asked ACCSH for a recommendation to proceed with the Notice of Proposed Rulemaking to revise the Hazard Communication Standard and align with the established provision of the GHS.

Ms. Carter, Ms. Holmes and Ms. Lawless took questions from the committee and provided additional insight regarding items discussed in their presentation. Following the committee's discussion, ACCSH made a recommendation:

*Motion: Chris Fought moved that ACCSH recommend OSHA publish the planned Notice of Proposed Rulemaking to revise the hazard communication standard to align with the 7th Revision of the Global Harmonized System or GHS.*

*Second: Rich Tessier. The motion passed unanimously.*

*For a full account of Ms. Carter, Ms. Holmes and Ms. Lawless's presentation and the ACCSH recommendation, refer to page 120 (Line 10) of the July 1, 2020 meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

## **ACCSH Work Group Discussions**

### **Education, Training and Outreach Workgroup Report:**

**Speakers: Ms. Christina Trahan Cain, Safety and Health Director, North America's Building Trades Unions**

**Mr. Fravel Combs, Corporate Manager EH&S, M.A. Mortenson Company**

Ms. Cain opened and identified herself as co-chair with Mr. Combs. She then asked for several documents to be accepted into the record that include:

- Workgroup meeting notes from March 5, 2020
- Workgroup meeting notes from June 30, 2020
- Presentation from Mr. Rank from Ironworkers on Falls and Trip Hazards
- Presentation from Mr. Shanahan from National Roofing Contractors Association

Mr. Gilliland stated that the exhibits would be accepted into the record at the end of the meeting.

Ms. Cain explained that the workgroup was tasked to focus on three major issues: falls, trenching, and basic outreach activities for the construction industry. In the March meeting, OSHA's Directorate of Training and Education (DTE) provided the workgroup a presentation on the training they conduct falls and trenching safety. The workgroup also discussed the falls campaign and National Fall Stand-Down. Ms. Cain talked about the discussion concerning Appendix B of 29 CFR 1926, Sub-part L "*Scaffolds*." Ms. Cain mentioned that the work group had also received information from NUCA (National Utility Contractors Association) and NAXSA (North American Excavation Shoring Association) relating to trenching stand-downs and summits.

Ms. Cain gave a breakdown on the discussions conducted during the June 30, 2020 meeting that included: the impact of COVID-19 on the industry; two presentations on fall hazards; an update from the NORA (National Occupational Research Agenda) Construction Sector Council Falls Workgroup and this year's OSHA National Safety Stand-Down. DTE provided the workgroup an update on the effects of the pandemic on operations at DTE, and revisited topics from the March meeting. Ms. Cain asked that the workgroup be provided what the agency meant concerning adjustments that are being made to agency (OSHA) priority goals for trenching due to COVID-19 impacts.

Ms. Cain asked, due to a consensus of the workgroup, to discuss the topic of the impact of compliance directive CPL 02-01-048, *Clarification of OSHA's enforcement policies relating to floors/nets and shear connectors*; *Cancellation of CPL 02-01-046 (Sept. 30, 2009)* and May 21, 2012 Memo to Regional Administrators issued in

regards to 29 CFR 1926, Subpart R – Steel Erection. Ms. Cain asked for recommendations by the full ACCSH membership concerning the hazard concerns brought up by the workgroup.

Ms. Cain and Mr. Combs took questions from the committee and provided additional insight regarding items discussed in their presentation.

*Motion: Chris Trahan Cain moved that ACCSH recommend that OSHA review, reconsider, and update the committee on CPL 02-01-048, issued April 30th 2010, and the memo to the regional administrators issued on May 21st, 2012, on steel erection.*

*Second: Randy Krocka. The motion passed unanimously.*

*For a full account of the Education, Training, and Outreach Workgroup report and the ACCSH recommendation, refer to page 154 (Line 13) of the July 1, 2020 meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

### **Emerging and Current Issues Workgroup Report:**

**Speakers: Mr. Scott Earnest, Deputy Director, Office of Construction Safety & Health, National Institute for Occupational Safety & Health (NIOSH)**

**Mr. Greg Sizemore, Vice President of Health, Safety, Environment and Workforce Development, Associated Builders and Contractors (ABC)**

Mr. Earnest opened and asked for several documents to be accepted into the record that include:

- Workgroup meeting notes from March 5, 2020
- Workgroup meeting notes from June 30, 2020
- Presentation from Dr. Rick Rinehart, CPWR, about opioid resources they have developed
- Presentation from Ms. Michelle Walker, Construction Industry Association, on Suicide Prevention
- Talking points from Mr. Tim Irving
- Safety Moment from Greg Sizemore
- Presentation from Mr. Johnathan Oppenheimer, Willis Towers Watson and Dr. Dan Reidenberg, Willis Towers Watson, on Mental Health and Suicide in the Construction Industry
- Presentation from Mr. Chris Rodman, CPWR, on the work they have done in development of training on opioids

Mr. Earnest then recognized his co-chair and the workgroup members. He then began his presentation with background information concerning the data on drug overdoses and opioids and suicides in the construction industry. Mr. Earnest then recapped the presentations provided to the workgroup which included information to develop possible recommendations for OSHA on: the development of a special emphasis program; outreach training development; and development of leading indicators to track.

Mr. Earnest and Mr. Sizemore took questions and continued the discussion of points made in the presentation from the committee and provided additional insight regarding items discussed in their presentation. Mr. Earnest then asked for more time, from Mr. Cannon, to continue to develop ideas in the workgroup before making a recommendation to the full ACCSH.

*For a full account of the Emerging and Current Issues Workgroup report, refer to page 176 (Line 3) of the July 1, 2020 meeting transcript, in Docket No. OSHA-2020-0003 at <https://www.regulations.gov>.*

### **Public Comment:**



## **Steve Rank, Public Commenter #1**

Mr. Rank asked that ACCSH reaffirm their 2011 unanimous vote to have OSHA pursue and revise 29 CFR 1926, Subpart Q, *Concrete and Masonry Construction* standard due fatalities in the reinforcing steel and post-tensioning industries. Mr. Rank mentions that ANSI, in 2013, passed a consensus standard that addressed the concerns presented to the ACCSH in 2011 and was reaffirmed in 2018. These changes have been passed in state plans for California and Washington. He states that the current standard is out-of-date and does not adequately cover operations. He then thanked the group for allowing him to present.

*Motion: Chris Trahan Cain moved that ACCSH reaffirm the July 28, 2011 unanimous ACCSH vote recommending OSHA include in the fall regulatory 2020 agenda rulemaking for the revision of the existing 1926 Subpart Q Concrete Masonry Standard to incorporate reinforcing steel and post-tensioning standards contained in the 2018 ANSI A10.9 Concrete and Masonry Standard and subsequently adopted by California OSHA and Washington OSHA.*

*Second: Chris Fought*

*Chris Trahan Cain moved to amend her motion. She moved that ACCSH reaffirm the July 28, 2011 unanimous vote recommending OSHA conduct rulemaking and to include in the fall 2020 regulatory agenda rulemaking for the revision of the existing 1926 Subpart Q Concrete Masonry Standard and to incorporate reinforcing steel and post-tensioning standards contained in the 2018 ANSI A10.9 Concrete and Masonry Standard and subsequently adopted by California OSHA and Washington OSHA.*

*The motion to amend passed unanimously.*

*The vote on the main motion was 7 in favor, 5 oppose, and 3 abstentions. The motion failed.*

*Motion: Fravel Combs moved that OSHA provide an update on the Subpart Q progress since the 2011 committee and report out at our next full committee meeting.*

*Second: Chris Cain. The motion passed unanimously.*

Ms. Cain requested that the committee voting rules be provided to the committee, Mr. Gilliland said he would send them out to the committee members.

*For a full account of Mr. Rank's presentations and the ACCSH recommendation, refer to page 194 (Line 4) of the July 1, 2020, meeting transcripts in Docket No. OSHA-2020-0003, at <https://www.regulations.gov>.*

## **Joey Gilliland, ACCSH Counsel (EXHIBIT LIST)**

Mr. Gilliland designated the following as exhibits:

- Exhibit 1, Construction update presentation from Mr. Scott Ketcham
- Exhibit 2, PowerPoint presentation "It's Not Just Dust" from Mr. Sven Rundman
- Exhibit 3, PowerPoint presentation on updating OSHA's construction industry standard for powered industrial trucks from Mr. Kenneth Stevanus.
- Exhibit 4, PowerPoint presentation on Hazard Communication Standards update from Ms. Janet Carter, Ms. Deana Holmes, and Ms. Jennifer Lawless.
- Exhibit 5, Education and Training and Outreach Workgroup meeting minutes from June 30, 2020.
- Exhibit 6, PowerPoint presentation on falls and trip hazards from Mr. Rank, Ironworkers Ironworkers International Union.
- Exhibit 7, PowerPoint presentation from Mr. Shanahan, National Roofing Contractors Association.
- Exhibit 8, Emerging and Current Issues Workgroup meeting minutes from March 5, 2020.
- Exhibit 9, Emerging and Current Issues Workgroup meeting minutes from June 30, 2020.



- Exhibit 10, PowerPoint presentation on suicide in the construction industry from Michelle Walker.
- Exhibit 11, Talking points on suicide and opioids in construction from Mr. Timothy Irving.
- Exhibit 12, Opening safety moment from Emerging and Current Issues Workgroup co-chair, Mr. Greg Sizemore.
- Exhibit 13, PowerPoint presentation on mental health and suicide in construction by Willis Towers Watson.
- Exhibit 14, PowerPoint presentation on opioid awareness and training by Chris Rodman, CPWR.
- Exhibit 15, PowerPoint presentation to committee from the Emerging and Current Issues Workgroup on opioids and suicides to the full committee.

The exhibits were then entered into the record.

*For a full account of Mr. Gilliland's exhibit list, refer to page 221 (Line 16) of the July 1, 2020, meeting transcripts in Docket No. OSHA-2020-0003, at <https://www.regulations.gov>.*

**Mr. Fred Coddling, Executive Vice President of the National Association of Reinforcing Steel Contractors, Public Commenter #2**

Mr. Coddling was delayed by technical difficulties getting into the meeting. Mr. Coddling introduced himself and that his association worked with a coalition of interested parties in 2010 and 2011 to push for updating 29 CFR 1926, Subpart Q, specifically under the reinforcing steel and post-tensioning part of the standard. Stated he was astonished that OSHA did not follow through on adopting the updates due to the dangers workers are exposed to in the field. He had come to ask for support by the ACCSH members for this initiative and was happy to see that it was addressed today. Mr. Coddling then closed by thanking the ACCSH committee for their time.

*For a full account of Mr. Coddling's presentations, refer to page 223 (Line 22) of the July 1, 2020, meeting transcripts in Docket No. OSHA-2020-0003, at <https://www.regulations.gov>.*

**Speaker: Chairman Kevin R. Cannon**

Chairman Cannon accepted final comments from Mr. Fought concerning why the recommended changes to Subpart Q did not occur and with no further comments, he then adjourned the meeting.

**Meeting adjourned at 5:34 p.m.**