

Health Hazards SEP Team Meeting

July 16, 2020

Attendance:

Compliance West: Grant Quiller (Chair); Matthew Gruber; Kevin McGuire; Jill Warren; Paul Sullivan (Bureau Chief)

Compliance East: Kevin Higham; Melissa Scally; Greg Williams; Nicole Brown (Bureau Chief)

Consultative Services: Blair Byrd; Kevin Obarr (Bureau Chief)

ETTA: Cory Dunphy; Ed Geddie

OSH Admin: Leaton Jones; Scott Mabry; Kevin Beauregard

PSIM: Chanel Brown; Anne Weaver (Bureau Chief)

I. Bureau Statistics

A. Compliance (Grant Quiller)

		Yearly	Monthly	YTD Total
		Goal	Goal	2020
Health hazards emphasis inspections - East	Comp. East	50	4	11
Health hazards emphasis inspections - West	Comp. West	50	4	54
Health hazards emphasis inspections - Total		100	8	65
Number of health hazards-related program improvements	Comp.	20	2	13

Health hazard inspections: $65/67.5=96.2\%$ where we should be (goal of 90)

Program improvements: $13/15=87\%$ where we should be (goal of 20)

46% silica inspections, total of 30

Goal for FFY 2021: 90

B. Consultative services (Blair Byrd)

1. Update bureau activity numbers for June:
 - a. 1 hex chrome in June
 - b. 135 goal for consultative
 - c. A little down on numbers for June just like everyone else

C. Sampling

1. Ric Schumann did not attend

D. ETTA (Cory Dunphy)

1. 22 training events
 - a. 16 in-person
 - b. 6 webinars – silica and/or asbestos

II. 2020 fiscal year goals

- A. 90 compliance
- B. 135 Consultative

III. 2021 fiscal year goals

- A. 125 Consultative
- B. 75 Compliance

IV. New Federal NEP (CPL 03-00-023)

- A. Comments/thoughts
 - 1. We should be building a case for serious citations, even when you cannot sample for the silica.
 - 2. If you have pictures, videos (of a dust cloud), and other documentation showing they were lacking controls (no respirators) in place then it was discussed the citations should be **serious**.
 - 3. Utilize historical data to show that these tasks would pose a serious hazards.
 - 4. Need to focus interviews around questions of Table 1.
 - a. Are the employers/ employees familiar with Table 1.
 - b. **NOTE:** The appropriations act does not apply to health. So we can send HCOs to the site where an employer may fall under the appropriations act.
 - 5. It was suggested when HCOs know they are going to a construction site they should have a calibrated pump with them just in case they encounter operations involving silica exposure. The goal is to try and get sampling data, but if we cannot we need to fully detail/describe the conditions that were onsite and how employees were working.
- B. Do we adopt?
- C. Coding for the future
 - 1. Need to add under national emphasis description
 - 2. Optional "N" codes are much easier to overlook
 - 3. Feds want at least 2% of inspections coded for Silica
 - a. Years past we've been around 4 or so
- D. New respirable crystalline silica directive CPL 02-02-080
 - 1. Potentially adopting September 2018
 - 2. Need to be citing **serious**, using historical data
 - 3. Should not be citing non-serious
 - a. Can/should we get Safety Compliance citing silica??
- E. Potential increase in outreach
 - 1. Spoke with Marcy – could potentially focus on silica with Carolina Association GC
 - 2. ETTA
 - 3. Consultative – per strategic plan, decreased # expectations, but still silica is the driving force of their sampling numbers

- 4. Joint webinar with C AGC with – Paul when the silica standard became effective
- 5. Outreach at conferences (ASSP, AIHA) always addressed silica
- F. Tracking of facilities needing silica inspections (foundries)
 - 1. Amputations has a list within NAICS
 - a. May need to consider further

V. Updated OPN

- A. Updated language for Silica
- B. Changes thanks to Cory Dunphy
 - 1. Even caught a miscoded CPL, and CPLs we have not officially adopted
- C. Added NAICS codes from NEP Silica
 - 1. Did not add from Appendix B
 - 2. Need to verify our targeting system has the correct NAICS codes
 - a. PSIM help??? – action item
 - b. Email Karen – about NAICS codes to verify**
- D. Still have action item for lead – let's get this ratified and it will be taken care of
- E. Track changes – should be added
 - 1. Documents should be highlighted

VI. New co-chair

- A. Any objections
- B. Congratulations Kevin!

VII. Open discussion

- A. Appendices B
 - 1. Table the discussion
 - 2. Siding and logging change every year
- B. Explore adding table developed by Ed Geddie that cross-references HH and NAICS codes

VIII. Next meeting

- A. October 15, 2020

IX. After hours discussion with Jill

- A. Are there NAICS codes in our appendices, that we will never get into because we only draw from the GS lists
 - 1. Could there be a cross-reference?
 - 2.

Health Hazards meeting agenda

April 16, 2020

Welcome

Working from home – trying Microsoft Teams

Attendance

Committee Chair: Grant Quiller (Compliance West); **Committee Alternate Chair:** Leaton Jones (OSH Administration);

Compliance Bureau Chief Representative: Paul Sullivan (Compliance West);

Committee Members: Chanel Brown (PSIM); ~~Jesika Freeman* (PSIM); Ric Schumann (Compliance East);~~ Doreen Makaya (Compliance East); Greg Williams* (Compliance East); Kevin McGuire* (Compliance West); Blair Byrd (Consultative Services); ~~Stephanie White* (Consultative Services);~~ Cory Dunphy (ETTA); Ed Geddie* (ETTA)

Plus: Melissa Scally; Courtney Phillips; Scott Mabry, OSH Asst. Director; Kevin Beauregard, OSH Director; Rob Maedje

OSH Numbers and Activities

Compliance – Grant

	Yearly	Monthly	Jan	Feb	March	YTD Total
	Goal	Goal	2020	2020	2020	2020
HH SEP East inspections	50	4	3	3	1	9
HH SEP West inspections	50	4	5	8	9	39
Total	100	8	8	11	10	48
HH-related program improvements	20	2	1	2	2	8

Consultative – Blair

- 20 visits
- 6 sampling
- 100 surveys for the year, with >50% silica sampling >50% silica
- on-track

ETTA – Cory

- RP 1
 - Easing guidance on annual fit testing
 - Still initial required for filtering facepieces
 - Easing requirements
 - All employers
- RP2 –March 13
 - Expired filtering facepieces
 - Proper, good condition, pre-use inspection

- RP 3
 - Employer's doing everything in good faith efforts
- RP 4
 - Use non-NIOSH certified respirators
 - Provides guidelines
 - Preferred to surgical masks and homemade masks
- Labor.nc.gov – keeping up to date for federal guidelines
- One Stop Shop
 - NC OSH resource page
 - COVID-19 tools
- Across ALL industries

Sampling – Ric (unfortunately swamped with complaints right now...)

Ratifying OPN 135

- Updating NAICS codes – Kevin
 - Numbers from 2017 – 2019
 - Not enough sampling to base
 - 1200 samples
 - 400 inspections
 - need to properly code inspection – especially construction
 - 8500 inspections
 - 1300 were included in our NAICS codes
 - hasn't had time to break it down
 - 73 lead
 - 32 were not under our OPN
 - General contractors for lead/silica
 - 9 inspections NAICS 236220 (commercial industrial)
 - 106 inspections NAICS 237110 (water and sewage construction)
 - silica is majority unprogrammed
 - lead and asbestos mostly unprogrammed
 - isocyanates and chrome (VI) almost all programmed
 - Paul
 - Are there any NAICS codes that we are missing?
 - NAICS 333120
 - lead recycling missing
 - would need to have multiple exposure over the PEL to be able to include
 - **CODING, focus all CSHOs and super**
- Updated slightly for information about general schedule lists
- Lead section updated
 - Does this fulfill your action request item? Ric

- Got recent results – no referrals put in
- Questions about federal employees – some > our threshold (Nicole)
 - Following up with Kim Morton of NC OSHA Area
 - Shared the list with them to hopefully take action
- DEQ and water storage tanks
 - Leave as is
 - In summary
 - Conversations with DEQ Jay Frick –very positive, willing to share
 - Would like to avoid MOU if possible, then need to get higher ups involved
 - Have a public permit tracking system
<https://pws.ncwater.org/PRISM/pages/plandata.aspx>
 - Look at attachment
 - Some limitations
 - Only get project proposal and final approval
 - Once final approval
 - Can further filter by using elevated
 - Often times larger municipalities, regional systems with these size tanks, unsure who is doing the work
 - Similar to asbestos
 - If we call, say water district, could potentially be providing warning of an OSHA inspection- which we cannot do
 - Karen gets a list of referral of state contract jobs
 - Heads up of construction activity
 - Potentially build a list for a water tanks
 - Quarterly report of updated
 - Paul will follow-up with an example of an fyi
 - Update how the referral section works, is the DEQ actually a referral
 - Compared to communication towers construction
 - Potentially moving it from referrals to ‘notification’ or some sort
 - Notification of activity
 - Water towers notification
- Updated inspection process
 - C. proper PPE, hazard specific training, and up to date respirator fit test
 - D. added section for personal air monitoring to be entered into personnel file
 - Look under safety committee
 - General procedures – intranet
 - Compliance on the onestop – committee
 - NC OSH resources employee

Open discussion

- Kevin - NAICS
 - 313, 3133
 - a lot of construction is getting captured
- How did Microsoft Teams work?
- Hopefully we can return to some normalcy
- Thanks!

1. The group agreed that we should pursue a MOA with DEQ for above ground water tanks based on the potential for silica and lead exposure. However, the group worried about the timeliness that DEQ would be able to provide us with referrals.
2. The group agreed that we should only initiate a lead inspection if DHHS reports a BLL ≥ 25 unless there is a special circumstance such as known pregnancies in the facility or poisoning of family member. These inspections will be authorized by the BCs.
3. The group agreed with some additional language to be added to the OPN regarding CSHO entering regulated areas. The consensus was that we should not be entering these areas unless absolutely necessary. Proposed language;
 - a. If a CSHO determines that entering a regulated area such as ..., is necessary for successful completion of an inspection, they will confer with their supervisor and bureau chief for authorization to enter the restricted area. Only CSHOs who have an up to date respirator fit test (if applicable), proper PPE, and hazard specific training will be allowed to enter a restricted area.
4. The group would like you to send them the most current SEP document so they can review it before the next meeting so it can be ratified.
5. Kevin McGuire volunteered to review NAICS codes and sampling results to better target facilities with ILASH.

Attendees:

Cory Dunphy

Ed Geddie

Judyth Niconienko

Jessika Freeman

Chanel Brown

Chris Moore

John Jaskolka

Sandy Scott

Latrina Briggs

Ric Schumann

Blair Byrd

Veatasha Dorsey

Horace Dozier Jr.

Doreen Makaya

Lafayette Atkinson

Donald Payne

Howard Laurie

Kevin McGuire

1. Welcome

a. Attendance:

Committee Chair: Grant Quiller (Compliance West) ~~Committee Alternate Chair: Leaton Jones (OSH Administration)~~ Compliance Bureau Chief Representative: Paul Sullivan (Compliance West) Committee Members: Chanel Brown (PSIM) Jesika Freeman* (PSIM) Ric Schumann (Compliance East) ~~Doreen Makaya (Compliance East)~~ Greg Williams* (Compliance East) Kevin McGuire* (Compliance West) Blair Byrd (Consultative Services) ~~Stephanie White* (Consultative Services)~~ Cory Dunphy (ETTA) Ed Geddie* (ETTA)

b. Plus: Scott Mabry, Kevin Beaugard, Kevin O'Barr, Kristi Bryson, Matt Gruber, Kevin Kearney, Bob Tipton, Curt Hobson, Griselle Negron, Beverly Stone, Rob Maedje, Rob Jacobson, Eric Travland, Judyth Niconienko

2. MOA w/ DHHS

a. Final version

i. Has been sent to DHHS for comment/revisions

ii. This is why Commissioner has not signed it yet

b. Currently the MOA cites the definition in NCAC (>40ug/dl)

i. Title 10A NC Administrative Code 41C .0701

ii. Rulemaking with proposed new language (anything >1ug/dL)

iii. Period for public comment ended November 4, 2019

iv. Not aware of any legal action at this point

3. Inspection numbers (Grant)

a. FY 2019

b. 32-east

c. 111west

d. 143-total (100)

e. 48-Program improvements (20)

f. October 2020

			Yearly	Monthly	Oct
			Goal	Goal	2019
Health hazards emphasis inspections East	Comp. East		50	4	0
Health hazards emphasis inspections West	Comp. West		50	4	7
Health hazards emphasis inspections- Total			100	8	7
Number of health hazards-related program improvements	Comp.		20	2	2

4. Consultative/ETTA numbers

- a. 245 Health Hazard visits last year – 159 were Silica
 - b. 45 samples/surveys – 25 Silica and 10 Isocyanate/HexChrome
- 5. Sampling report (Ric)
 - a. Most we have had in the past 5 years
 - i. Silica is where we are getting the most samples
 - b. Is there any way to compare old standard vs. new standard sampling?
 - i. Ric would be able to present that information – next meeting
- 6. New OPN draft discussion
 - a. Updating NAICS codes? Updating appendix A? – a lot has changed since 2013
 - i. So when we pull from class I general schedule, likely going to find compound
 - ii. Matt had some ideas – meet with PSIM
 - iii. Potentially add section about General Schedule and how we get that list
 - 1. Expunged how we select from the list the HH
 - 2. Can definitely add to Appendix A if we feel we are missing a NAICS code
 - 3. Should review regularly – empower Supervisors and CSHOs in determining whether to initiate inspection based on GS Targeting system
 - iv. KB and PS discussed what it takes to get added to the Health GS list
 - 1. Examples of Funeral homes – formaldehyde
 - 2. Examples of car washes and California
 - b. Crystalline Silica
 - i. Added a portion on countertop manufacturing
 - ii. Should we add more (CDC report)
 - c. Programmed planned
 - i. Previous OPN 135h (E.2.a) – unprogrammed, partial-scope (re-worded)
 - d. Unprogrammed
 - i. Partial scope
 - 1. Lead
 - a. NEP feds state >25
 - b. BCs, Chair, co-chair will meet quarterly to discuss Lead referral list
 - c. Ultimately empower supervisors how to handle referral
 - d. CSHOs enter their own referral with DHHS information
 - 2. Asbestos

- a. Continue doing the same
 - b. Emphasize how these are often the 'good' players
 - 3. Referrals from DOT for bridge work (page 6)
 - a. Was from an old settlement agreement
 - b. Expired a long time ago early 00's
 - c. Removed from OPN
 - 4. Referrals from DEQ
 - a. Ed Geddie wonder if relevant
 - b. KB – if not being done, taken out
 - c. Ric – not sure this has ever happened
 - d. GQ – will follow up with DEQ and have response by next meeting
 - e. Inspection procedures
 - i. CSHOs must use appropriate PPE for potential hazard exposures. They must not enter a regulated area, or other area where exposures are likely to exceed the PEL, unless it is absolutely necessary and then only if using appropriate PPE. CSHO must obtain Supervisor and Bureau Chief approval prior to entering any containment.
 - ii. For inspection and air sampling activities, CSHOs should use remote operations when practical. CSHOs should be conservative about time spent in areas where high concentrations may exist or are suspected.
 - iii. PS – would like to add section where CSHO can do self monitoring
 - 1. Reference H&S manual where CSHOs can report exposures during annual physicals (silica and lead)
 - iv. How specific can we get regarding the contaminant? Ultimately the CPL and Technical manual will dictate sampling and other strategies.
 - f. Recording and tracking
 - i. Updating to meet what is in OE
 - ii. Feds removed N 02 Silica
 - 1. New emphasis program mandated by feds, but we will see how this may impact our SEP – we already have one
 - iii. S 12
 - 1. We can keep for now, explore removing in future
 - 2. Or setting better guidelines
 - a. Haz comm, programs, training, hierarchy of controls
7. Open discussion