

**MARYLAND OCCUPATIONAL SAFETY AND HEALTH
(MOSH) ADVISORY BOARD**

Thursday November 30, 2017 – 10:00 a.m.

**Maryland Department of Transportation, 7201 Corporate Center Drive, Harry Hughes
Conference Room, Hanover, MD 21076**

Board Members Present

Jack Duley, Chairman
Steve Connelly
Neil Christopher
Carol Dodson
Emory Knowles
Clifford Mitchell
Dave Myers
Ed Singer
Richard Ruehl

DLI Staff Present

Matt Helminiak, Commissioner
Steven Lakin, Deputy Commissioner
William Dallas, Assistant Commissioner,
MOSH
Kim Beard, Administrative Assistant
Stephen Bisson, Program Manager, MOSH
Research and Statistics
Sarah Harlan, Assistant Attorney General
William Johnson, Assistant Chief, MOSH
Keith Owens, Assistant Chief, MOSH
Michael Penn, Program Manager, MOSH
Allen Stump, VPP Manager, MOSH
Mischelle Vanreusel, Regulatory and Grants
Coordinator

Pursuant to a notice of public meeting given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland, Jack Duley, Chairman, called the meeting to order at 10:07 a.m.

After introductions, Chairman Duley welcomed those in attendance and gave the floor to Commissioner Helminiak for opening remarks.

Chairman Duley made a motion to approve the July 29, 2016 minutes. Maryland Occupational Safety and Health (MOSH) staff and board members recommended several clerical corrections. Edits to names and titles were made on pages one and five. On page seven, the suggestion was made to distinguish the Maryland regulation from the Federal. The following line

was added: Section 5(A)(1) of the federal OSH Act is the federal general duty clause; Maryland has its own general duty clause which can be found at Section 5-104 of the Labor and Employment Article of the Maryland Annotated Code. Richard Ruehl, Board Member so moved and Clifford Mitchell, Board Member seconded. All were in favor.

Chairman Duley asked Assistant Commissioner William Dallas to give a MOSH update. Mr. Dallas provided an updated staffing report including the hiring of seventeen new trainees, thirteen compliance safety officers and four compliance health officers with two additional interviews scheduled for the upcoming week. In addition, Mr. Dallas reported that four new regional supervisors have been hired or promoted and Mr. William Johnson was appointed as a new Assistant Chief. The Largo office is now fully staffed improving service to Southern Maryland and Prince George's Counties. MOSH Staff has two newly recognized certified safety professionals (CSP), one certified industrial hygienist (CIH), and three health safety technicians. Chairman Duley inquired into how many compliance officers there are at the Largo office and also what MOSH is doing to further the education of compliance officers. Mr. Dallas responded that there are five compliance officers working out of the Largo office. Training for these compliance officers includes field experience in addition to training at the Hunt Valley MOSH office, OSHA Technical Institute (OTI) in Chicago, IL and Chesapeake Safety Regional Council training opportunities. Chairman Duley expressed that compliance officers could benefit from training with industry partners.

Chairman Duley called on Mischelle Vanreusel to update the board on regulations and grants. Mrs. Vanreusel reports that the Federal OSHA approved regulations on Walking-Working Surfaces and Electrical Distribution and Transmission were published for proposal in

the Maryland Register on October 13, 2017. Having gone through a 30 day comment period they are now in process of going to final publication, likely before the end of the year pending approval. Once federal regulations are adopted, Maryland has six months from the time of enforcement to adopt its own standard. Mrs. Vanreusel reports Online Injury-Illness Reporting, Silica and Beryllium have not yet been adopted. Mrs. Vanreusel also stated grants are up and running and going well. Sarah Harlan, Assistant Attorney General, informed the board that Maryland has an OSHA approved State Plan state so it incorporates by reference Federal OSHA regulations and that they become Maryland's to enforce. In addition, Maryland does have some of its own regulations.

Chairman Duley asked Stephen Bisson to give the reporting update. Mr. Bisson updated the board of online reporting regulations from Federal OSHA which were proposed in 2013 by the previous OSHA administration to create better profiling in order to obtain establishment specific data. The Bureau of Labor and Statistics (BLS) data only provides industry data and does not offer specific company reports. Public comment for these regulations received much concern including "blame and shame" reporting of companies as well as maintaining the integrity of online reporting. The 2016 presidential election slowed down the regulatory process initially but now it has passed is now law in the federal OSHA jurisdiction states. These states will begin submitting Form 300A. Seven states including Maryland have not adopted the regulations. Chairman Duley requested Mr. Bisson update the board at the next meeting.

Chairman Duley called on Mr. Allen Stump to provide the Voluntary Protection Program (VPP) update. Mr. Stump defined the four safety and health partnership programs including VPP, Safety and Health Achievement Recognition Program (SHARP), Cooperative Compliance Program (CCP), and newly formed Strategic Partnership for Excellence in Construction Safety

(SPECS) program. Mr. Stump explained that there are benefits to employers, employees and to MOSH including safe work practices, cost savings and employee retention. There are currently nineteen VPP Star designated sites and MOSH has several more applications and interest in the program. Seven sites are up for re-approval beginning in April 2018. The VPP Program was codified in Maryland regulations in May 2017. There are currently five active CCP sites, and three SHARP sites. Mr. Stump reports that he is currently training two employees in the cooperative compliance programs, Ms. Susan Catts and Mr. Michael Boone-Felder. Chairman Duley inquired as to how many employers are inquiring into these programs. Mr. Stump reports that VPP has had many recent inquiries, CCP has a steady stream of interested employers, SHARP has been static with a few inquiries. SPECS was just implemented so there have been no inquiries yet. Ms. Harlan clarified that the SPECS program initial agreement is with Associated Builders and Contractors (ABC) but is open to any organization interested in partnering with MOSH in receiving the benefits of cooperative compliance and fills the void for access to cooperative programs for small construction companies and subcontractors. Board member Mr. Christopher reported the SHARP program has been successful with his company and stated that he feels manufacturing companies do not adequately share news about the benefits of this program with other companies. Chairman Duley asked how MOSH notifies employers of these programs. Commissioner Helminiak responded that through outreach activities, MOSH is informing the public that these programs are available. Mr. Christopher stated that MOSH recently presented at the Regional Manufacturing Institute which offered a program that 18 employers attended and received information on the cooperative programs. The information was well received and employers seemed very interested in participating. Mr. Christopher and Chairman Duley explained that employers are hesitant to allow MOSH to partner with them, but

they have seen firsthand how partnering can benefit companies. Chairman Duley introduced members of the public that were in attendance which included employees of Cintas, who participate in VPP. Ms. Carol Dodson, board member, inquired as to how long it takes to be certified in the VPP program for companies that already have an established safety program. Mr. Stump explains that the process of becoming a VPP star site can take years to accomplish but estimates that a company with all of the safety and health processes in place and that are below the national standards for injuries might take 1-2 years to establish as a VPP site.

Chairman Duley called on Commissioner Helminiak to discuss future board meeting dates. Commissioner Helminiak explained that historically meetings would be held quarterly and the board would chose a day of the month agreeable to most board members. The board recommended meeting quarterly and holding future meetings at The Maryland Department of Transportation 7201 Corporate Center Drive, Harry Hughes Conference Room, Hanover, MD 21076. Division of Labor and Industry staff agreed to poll the board members to decide on a meeting date.

Chairman Duley opened the floor to new business. Board member, Dr. Clifford Mitchell asked the board if it would be interested in taking on a role with opioids in the workplace. Dr. Mitchell explained there are many challenges and safety concerns. Mr. Bisson advised that statistics show that there are increased fatalities in the workplace related to opioid use. Board members acknowledge the problem and also the difficulty with implementing a plan in workplaces. Ms. Harlan reminded the board that MOSH can regulate employer activity but not employee activity. MOSH Assistant Chief Keith Owens informed the board that regulations have been put in place in the Crane Standard so employers can test employees at random or for cause. Dr. Mitchell indicated that he does not think MOSH needs to regulate this issue, but should be

part of the education of employers and to begin a conversation around this issue. Chairman Duley requests that Dr. Mitchell share information with himself and the Commissioner so they can meet and discuss the board's potential role.

Deputy Commissioner Lakin pointed out that each member has a copy of the upcoming MOSH educational workshops brochure. Mr. Lakin explains that the Division of Labor and Industry began regular outreach events in 2016 and they have been attended by more than 10,000 people. Mr. Lakin asks that board members share these events with their organizations and to inform him of anyone that may be interested in attending these events. Board member Ms. Dodson asked if there is a general overview seminar of MOSH operations. Deputy Commissioner Lakin responded that there is a seminar named "This is MOSH" which gives an overview. MOSH Assistant Chief, William Johnson, gave a brief overview of the program. Commissioner Helminiak explained the different MOSH locations, regions, and a breakdown of how many employees work in compliance and in consultation.

Chairman Duley asked for a motion to adjourn the meeting. Richard Ruehl, Board Member, so moved. Neil Christopher, Board Member, seconded. All were in favor.

The meeting of the MOSH Advisory Board adjourned at 11:10 a.m.