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National Steel and Shipbuilding Council of America

SHIPBUILDERS COUNCIL OF AMERICA

Minutes

Industrial Health and Safety Committee

A meeting of the Industrial Health and Safety Committee of the Shipbuilders Council of America was held at the office of the Council, Watergate 600, Washington, DC, June 12, 1973, at 9:30 A.M.

Present were:

John A. Chantry, Chairman	Avondale Shipyards
George L. Bowen	Bethlehem Steel
F. R. Darling	National Steel & Shipbldg
T. G. Daughdrill	Ingalls Shipbuilding
Vernon E. Duke	Alabama Drydock & Shipbldg
A. L. Harrell	Newport News Shipbuilding
T. E. Savage	Norfolk Shipbuilding & DD
Gary M. Slep	Gen. Dyn. - Electric Boat
J. Madison Smith	Jacksonville Shipyards
Paul J. Sousa	Gen. Dyn. - Quincy Shipbldg.
E. Ken Townsend	Jacksonville Shipyards
Scarle T. Walton	Sum Shipbuilding & DD Co.
E. P. Ruddy	Shipbuilders Council

QUESTIONS:

Frank R. Bernako, Chairman-designate of the Occupational Safety and Health Review Commission, Department of Labor; L. L. Sline, President, Sline Industrial Painters, Inc., and of the Silica Safety Association, Inc., Houston, Texas.

Council President Edwin M. Hood welcomed the members of the Industrial Health and Safety Committee and reviewed briefly the present status of the shipbuilding and ship repair industry. He responded to a number of questions on items of general industry significance.

MINUTES

Without objection, the minutes of the regular meeting held March 19 and the special meeting held April 30, 1973, were approved as submitted.

PRODUCED
JUN - 83

800408

NATIONAL ADVISORY COMMITTEE ON SAFETY AND HEALTH

The Secretary reported that Robert J. Wayne of Oakland, California, formerly affiliated with Kaiser Industries, was being considered for appointment as management representative on the National Advisory Committee on Safety and Health and that his appointment had been endorsed by the Shipbuilders Council of America.

OCCUPATIONAL NOISE STANDARD

The Committee had before it a copy of a letter, dated March 21, 1975, directed by the Council to the OSHA Docket Officer assigned to the handling of proposed revised regulations on occupational noise exposure, and a subsequent letter, dated May 12, 1975, requesting opportunity to appear at the informal public hearing on the proposed noise exposure standard scheduled to commence June 23. The Committee reviewed the correspondence in detail and agreed that the positions stated should be covered by representatives of the Council at the public hearing. Representatives of the Council at the public hearing were to include:

Chairman Chantry	- Avondale Shipyards, Inc.
C. W. Stallard, M.D.	- Newport News Shipbuilding
Edwin H. Toothman	- Bethlehem Steel Corp.
E. P. Ruddy	- Shipbuilders Council of America

Mr. Chantry indicated an appropriate statement would be developed to support the Council's various positions and that all necessary preparations would be made to assure adequate representation at the Council public hearing. The Council is scheduled to appear as Number 54 on a list of 81 potential witnesses and probably would not be reached until late July, thus leaving adequate time for preparation of the Council's statement.

The Committee also had before it a copy of OSHA's draft - Environmental Impact Statement on the proposed noise regulations.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Committee discussed the following items pertinent to the Longshoremen's and Harbor Workers' Compensation Act:

Federal Workmen's Compensation Standards Legislation

A draft Bill which reportedly is to be introduced shortly by

PRODUCED
JUL - 83

808408

Senator Williams as a follow-on to legislation on which hearings were held in 1974 by the Senate Committee on Labor and Public Welfare but which was not acted upon by the Committee. The Secretary stated he would reproduce and make available to each member of the Committee a copy of the bill when formally introduced by Senator Williams.

Status of Jurisdictional Guidelines

The Committee reviewed pending cases which would, when decided, clarify and provide jurisdictional guidelines for the determination of coverage of shipyard employees under the Longshoremen's and Harbor Workers' Compensation Act, as amended. Specific attention was brought to a letter, dated May 2, 1975, from the Associate Solicitor for Employee Benefits, Department of Labor, directed to a small boat yard responding to a general inquiry as to whether employers engaged in the recreational boating industry are included within the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended in 1972. The letter holds that small boat yards and their employees are covered by the Act, as amended.

The Committee agreed the letter is not encouraging to efforts under way to circumscribe the jurisdictional coverage of the 1972 amendments.

Federal Involvement in Workmen's Compensation Claims

The Committee reviewed recent developments concerning problems of the employer which arise because the regional representative of the Employment Standards Administration engage in excessive involvement in efforts to assure the awareness of shipyard employees of their rights under the compensation statute. Based on the discussion, the Committee agreed this problem was getting beyond the point where it could be handled on a regional basis.

During this discussion, it was suggested there is a definite need for guidelines for the Deputy Commissioners and there was some doubt whether the existing administrative manual adequately covers the situation.

The discussion also indicated the case load has doubled and costs are going up. One member reported a belief that the shipyard reserves for claims are becoming known to claimants.

The Chairman announced he would undertake preparation of a set of draft guidelines which, when completed and reviewed by

PRODUCED
JN - 83

ENCLOSURE

the Committee might possibly be made available to the Employment Standards Administration as a recommendation from the industry for consideration and adoption. The Committee felt this matter should be on the Agenda for the next meeting.

Wear Charges for Payment of Administrative Cost of
Longshoremen's and Harbor Workers' Compensation Act

The Committee was furnished a copy of a statement made to the Senate Committee on Appropriations in connection with appropriations for the Department of Labor in which the Council opposes an administration budget proposal to assess the shipbuilding industry and its insurance carriers with wear charges to finance certain administrative costs of the Longshoremen's and Harbor Workers' Compensation Act.

The Secretary noted there was little likelihood the Administration's proposal for wear charges would be enacted by the Congress.

NIOSH DRAFT CRITERIA ON SILICA

At 11:30 A.M., Mr. L. L. Silve, President of the Silica Safety Association, Inc., Houston, Texas, entered the meeting to discuss that Association's efforts to prepare a draft of reply to a NIOSH criteria document making recommendation for crystalline silica standard.

Mr. Silve reviewed activities of his Association to date. He reported that a committee of Silica Safety Association members had been established some time ago which would meet with representatives of the Organization Resources Counselors, Inc. (ORCI) that had been retained by the Silica Safety Association to prepare comments on the NIOSH criteria document. He indicated it was his understanding that ORCI is preparing to develop a draft standard for Silica in the fall of 1975, and that a proposal is targeted for publication by ORCI in the FEDERAL REGISTER around January, 1976. Mr. Silve indicated that financial assistance will continue to be needed to defray the cost of his campaign.

Following Mr. Silve's presentation, the Committee adjourned for lunch to the Terrace Room with Mr. Silve as its guest. The announcement was made to Mr. Silve because the Committee felt the Council is already too involved. The Committee suggested that Mr. Silve merely be thanked on behalf of the Committee for his presentation and that the matter be scheduled for further consideration at the October meeting.

PRODUCED
IN - 23

808408

SURVEY ON CONTROLLING AND REPORTING LEAD

The Secretary reported that responses to a survey which had been undertaken by the Council on shipyard programs for the control of lead and on shipyard policies relative to reporting as covered in a letter dated April 18, 1975 to the Committee had been reproduced without company identification and copy of the collated responses was in the Agenda jackets. It was agreed the Secretary would enclose a copy of the results of the survey with the Minutes of the meeting. (See attachment)

SIX KETONES STANDARDS

The Committee had before it proposed OSHA mini-standards on six ketones that had been printed in the FEDERAL REGISTER May 8, 1975, with a request that comments be submitted to OSHA by June 20, 1975. The notice also set August 5 as the date for beginning of public hearings on the proposed standard.

Following brief discussion, it was the consensus the Council should submit views and arguments on behalf of the industry. Mr. Ruddy noted that in all likelihood an extension of time would be granted which would make the submission of such a document feasible.

BRIDGE CRANE ELECTRICAL CONDUCTORS

The Secretary reported the Council had been contacted by William B. Marx, Executive Director, American Boiler Manufacturers Association, as to a possible problem arising from provisions in the 1975 edition of the NATIONAL ELECTRICAL CODE (NFPA 70-75) adopted by the National Fire Protection Association at its Annual Meeting May 20-24, 1974. Section 610-13 of the Code pertaining to wiring for cranes and hoists provides that "contact conductors along runways, crane bridges, and monorails shall be permitted to be bare but shall be guarded in an approved manner where accidental contact can occur...." The Committee felt the language could cause a problem as in many installations it is impossible to provide isolation guards and agreed it would be advisable to bring this problem to the attention of the National Fire Protection Association to determine what, if anything, could be done prior to the next revision of the Electrical Code. The Secretary indicated he would take steps to further develop the situation with Mr. Marx and NFPA.

OCCUPATIONAL BURN INJURIES

In early May, the Council received an inquiry from Health Launch Support Division asking whether the Council might provide

PRODUCED
BY - 51

BOARD

some industry input in developing "Guidelines for the Protection and Control of Occupational Burns from Portable Tools and Foundries." Bendin is under contract with NIOSH to make such a study and asked assistance in obtaining a professional in the shipbuilding and ship repair industry who would represent the industry on a consultative committee to be formed to guide the contractor in fulfilling the objectives of the study. The Secretary indicated he would be in touch with members of the Committee at a later date.

NIOSH CRITERIA DOCUMENT - ACETYLENE AND CARBON DIOXIDE

The Committee's attention was drawn to notices published in the FEDERAL REGISTER February 24, 1975 and March 25, 1975, in which NIOSH asked for submission of information concerning establishing of safe occupational and environmental levels, biologic standards, engineering controls, use of protective devices, monitoring methodology, medical examination requirements, work practices and procedures, types of records and warning devices and labels relative to acetylene and carbon dioxide. It appears that NIOSH had contacted at least one shipyard directly asking for this data to help Stanford Research Institute, contractor with NIOSH, develop criteria documents. The Secretary indicated that he would keep an eye out for these criteria documents when developed.

In the context of this discussion, the Secretary reported that he had received a preliminary list soon to be published in the FEDERAL REGISTER by NIOSH covering a long list of chemical substances on which NIOSH would request information for the purpose of developing "criteria" documents. This list subsequently was published in the June 23, 1975 FEDERAL REGISTER (40 FR 26390 - 26496).

The Secretary felt that because of the large number of prospective subjects of this nature related to health standards which would be published by NIOSH and OSHA and because of the expertise required to evaluate these requests from a technical standpoint to determine if the shipyards would be affected, some kind of small preliminary review subcommittee should be formed to which the documents could be referred by the Secretary for advice.

Following brief discussion, the Committee agreed there was a need for the establishment of such a subcommittee and the following five companies were selected by the Chairman for representation on the subcommittee:

PRODUCED
JUN - 83

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Arcadia Shipyards
Newport News Shipbuilding
General Dynamics
Bethlehem Steel
Ingalls Shipbuilding

ON-SITE CONSULTATION

On March 5, 1975, a bill (HR 4271) was introduced into the Congress which would provide for on-site consultation for the Maritime industry at employers' request without citations or penalties and the question was posed as to whether the Council should support the bill. It was recalled that the Fiscal '75 Labor Department Appropriations Bill included grants of \$5 million to the States to provide for on-site consultation and at the time this provision was being considered in the Congress, the concept was strongly supported by industry.

On January 15, 1975, OSHA issued proposed rules and regulations to put the on-site consultation into effect and requested comments. Subsequently, on May 20, 1975, final implementing rules were published in the FEDERAL REGISTER and forwarded to the Committee for consideration. Having reviewed the final regulations, the consensus of the Industrial Health and Safety Committee was that Council's support for the on-site consultation program should be withdrawn. Under the final regulations, it appeared "consultants" could, at their discretion, involve enforcement personnel any time something less than an alleged serious violation is discovered. Because of this and other objectionable provisions, the Committee felt the on-site consultation program would become nothing more than a masquerade for enforcement and should not be supported.

OSHA SELF-INSPECTION SHEET

Mr. Ruddy reported that a member of the Committee had clarified him to efforts underway within OSHA to develop a form of "self-inspection" sheet. It was the consensus of the Committee that the Council should be alert to this OSHA effort and inform the Committee of progress.

ADOPTION OF POLICY TO SUPPORT EXCLUSIVE FEDERAL JURISDICTION IN EMPLOYERS IN MATTERS OF HEALTH AND SAFETY STANDARDS

The Secretary directed attention of the Committee to a copy of a letter, in the Agenda Jacket, dated June 6, 1973, addressed to the Assistant Secretary of Labor for Occupational Safety and Health John H. Stander advancing the position that the Federal

PRODUCED
- 23

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standards for Occupational Safety and Health should prevent the unlicensed shipyard facilities in the emulsion of State regulations. The latter also urged that the Department of Labor take no further steps to code jurisdiction in matters of safety and health over shipyards in the United States to the several States and asking that appropriate steps be taken to revoke any such delegation made heretofore.

Mr. Ruddy read the following excerpts from minutes of a meeting of the Board of Directors of the Council held June 4, 1975:

"The Secretary reported that a letter had been received from Newport News Shipbuilding stating that that company was not faced with the problem existing in California where more stringent State regulations are being enforced than in the case under Federal administration. Also, that the admiralty would expect the State officials to be more reasonable than Federal officials, even if the State regulations were more stringent than the Federal standards. The letter also points out that the Council should recognize the psychological inconsistency posed by the shipbuilding industry of America supporting Federal jurisdiction over State jurisdiction in matters of safety and State jurisdiction over Federal jurisdiction in matters of workers' compensation.

"Following brief discussion, it was the consensus of the Board that the objection raised by the Newport News Shipbuilding should be recognized and that the letter be re-drafted to make clear that the recommendation for Federal jurisdiction was limited entirely to matters of safety and health and should be forwarded to the Assistant Secretary of Labor."

Assistant Secretary Stander reportedly will stop down shortly but it is known that the letter was referred to the Solicitor's office with regard and expected until mid-August.

It is understood that Labor Secretary John Dooling has up-graded two assistants -- Bert Canale and Marshall Miller as his deputies in matters of safety and health, and that in the Secretary's location OSHA will be reorganized. One problem which has triggered this decision is to make some changes that have been the recent decisions by some States to abandon their State programs in favor of the Federal program. At the time of the

NR 419

PROCESSED
JUN - 85

meeting only 21 States had operating plans and 12 had plans in various stages of development. States which have recently abandoned their own programs include North Dakota, Montana, New Jersey, New York, Illinois and Wisconsin. This development seems to favor approval of the Council's request for exclusive Federal jurisdiction.

ACCIDENT-INCIDENT SURVEY

The Committee had before it a copy of the results of the shipbuilding and ship repair accident-incidence survey made by the Secretary covering 1972, 1973 and 1974. Based on a review of the report, it was agreed that the report should remain CONFIDENTIAL and in abeyance. It was also agreed that the Secretary should, at an appropriate time, submit information for 1975 so that this report can be updated on a continuing basis.

Overall, the report shows an unfavorable trend in the incidence rate covering the number of lost working days with the average for the 15 reporting member yards at 3.88 for 1972, 4.05 for 1973 and 5.28 for 1974 - a gradual increase over the three-year period. During this same period, the incidence rates for these same yards for non-fatal cases without lost working days was 21.99 for 1972, 15.21 for 1973 and 12.56 for 1974. The improvement in this latter rate may be due to improved reporting methods resulting from the study made by the Committee some time ago in an effort to reduce inconsistencies between procedures used by the member yards.

ABESTION

Recent reports are to the effect that the Navy is limiting the use of asbestos from its procurement specifications. In this context, the Secretary noted he had received inquiries from a Navy-sponsored Marketing Survey Report on "Asbestos Replacement Materials and Applications in the Shipbuilding and Ship Repair Industry" which he would forward to the members of the Committee for their information.

FRANK R. BARNACKO - CHAIRMAN, SUBCOMMITTEE OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Chairman Barnacko called on Frank Barnacko, present as a special guest of the Committee, to informally review recent activities of the Advisory Committee to the Secretary of Labor on Occupational Safety and Health of which he has been a member for several years. The Chairman noted it was expected that Mr. Barnacko would be nominated by the President to the post of Chairman, Occupational Safety and Health Review Commission.

NOV 1975

PRODUCED
AM - 21

Mr. Barnabe discussed the operations of the Advisory Committee and highlighted a number of items of interest to the Committee.

NEXT MEETING

The Chairman noted that the Annual Meeting of the National Safety Council was being held in late September in Chicago so that the next meeting of the Committee should probably be held in mid-October and proposed October 15 in New Orleans. He noted that several members of the Committee had run into some difficulties in securing accommodations in Washington for today's meeting and the expectation is that as the Presidential approaches, conditions will get worse. With this in mind, the Committee agreed the next meeting would be in New Orleans and the Chairman agreed the arrangements for the accommodations at the Royal Orleans. The Chairman also suggested that future Committee meetings in Washington should commence at 8:30 A. M. to accommodate the ever-expanding business of the Committee.

In connection with the National Safety Council, the Committee suggested that it would probably be advantageous for the Secretary to attend. If his schedule permitted.

ADJOURNMENT

The Committee adjourned at approximately 3:30 P. M.

E. P. Rudy
E. P. Rudy
Secretary

PRODUCED
IN - 83

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