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- **Personal Protective Equipment Final Rule**—In the *Federal Register* of September 9, 2009, OSHA published its final rule revising PPE provisions for “general industry, shipyard employment, longshoring and marine terminals standards for eye and face-protective devices and head and foot protection. As you may recall from previous newsletters, OSHA has been updating its protective equipment regulations to delete “outdated national consensus and industry standards.”

The rule becomes effective on October 9, 2009.

- **Deputy Secretary Speaks about OSHA**—DOL Deputy Secretary Seth Harris, speaking to an organization of government executives, discussed his job at DOL and how DOL’s current leadership views the organization and its responsibilities—referring to the DOL as the “department of good jobs for everyone” encouraging higher wages, safe workplaces, and a diverse workforce. Regarding OSHA specifically, Secretary Harris made several points:
 - Corporate-wide enforcement: expect to see OSHA at other sites/facilities if there is a problem at one site;
 - OSHA will be using networking tools for enforcement;
 - OSHA will be regulating those hazards posing the greatest risk in order to save lives;
 - OSHA will focus on the most egregious employers and the neediest laborers.

Secretary Harris also noted that we will be seeing “values driven reforms” at DOL.

- **Harwood Training Grants Announced**—Earlier this month, OSHA awarded \$6.8 million in Susan Harwood Training Grants, which support workplace safety and health programs. The list of recipients is available on the [OSHA website](#).

- **Site Specific Targeting**—In 2009, OSHA’s Site-Specific Targeting program will be focusing its energies on approximately “4,000 high-hazard worksites.” OSHA has divided the sites into three employment sectors: manufacturing, non-manufacturing, and nursing homes. OSHA set minimum injury and illness rates for each group, and the 500 non-manufacturing worksites have Days Away, Restrictions, & Transfers (DART) rates of 15 or more, or a Days Away From Work Injury and Illness (DAFWII) rate of 13 or more. On its secondary list, non-manufacturing facilities would have DART rates between 6 and 15, or DAFWII between 4



and 13. The rates were based on data from the 2008 Data Initiative survey of employers “with 40 or more workers, in industries with historically high occupational injury and illness rates.”

- **OSHA Recordkeeping Program**—On October 1, 2009, OSHA announced a new “National Emphasis Program” (NEP) for recordkeeping. OSHA plans to inspect businesses’ injury and illness records to determine if employers are under-reporting injuries and illnesses. OSHA wants to assess the accuracy of employer injury and illness data, and “appropriately” enforce “regulatory requirements” when data is under-reported. The agency’s inspections will include “a records review, employee interviews, and a limited safety and health inspection of the workforce.” Industries with high rates of injuries and illnesses will be targeted.

- **Business Requests Hearings on DOL’s Assistant Secretary for OSHA Appointee**—Business groups have sent a joint letter to members of the Senate’s Committee on Health, Education, Labor, and Pensions (HELP Committee) requesting that the committee hold hearings on the nomination of Professor David Michaels to be Assistant Secretary of Labor, OSHA. The letter cites Mr. Michaels’ advocacy for “more government regulation,” even without adequate scientific support and data. The letter comments that Mr. Michaels’ “writings frequently cast corporations as perennial bad actors in need of regulation.” It also notes that Mr. Michaels has questioned a unanimous Supreme Court’s decision requiring “that scientific evidence in litigation must meet certain standards to be admitted.” Finally, the letter states that Mr. Michaels’ nomination warrants the confirmation hearing that all other OSHA Assistant Secretaries have been subject to.

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