

Department of Labor and Industries
WISHA Advisory Committee Meeting – May 6, 2021
Virtual Meeting

Welcome and Opening Remarks – Craig Blackwood, Acting Assistant Director

Craig welcomed everyone and asked Committee members and others to introduce themselves. He provided an overview of today's agenda.

Joel Sacks, L&I Director, had joined in the meeting and spoke to the group.

Governor's Industrial Safety & Health Advisory Board Membership John Geppert, Acting Senior Manager, DOSH Education & Outreach

John talked about current vacancies on the Board and encouraged anyone who may have an interest in serving as a member or knew of someone who might be interested, to complete an application and submit it for consideration. The Governor's Industrial Safety and Health Advisory Board (GISHAB) is labor-management organization representing all Washington state industries whose mission is to promote safe and healthy working environments. John asked Corwyn Fischer from the Washington Farm Bureau, who is a past Board member, to say a few words about his participation. Corwyn said his time as a Board member was a worthwhile experience for a good cause and included a great collaboration of business, labor, and government to bring the best speakers and events to the conferences.

For more information about the Board and/or membership, please contact John (GEPP235@Lni.wa.gov) or Rebecca Llewellyn, Conference Manager, (LLER235@Lni.wa.gov) or go to the GISHAB website: <https://lni.wa.gov/safety-health/grants-committees-partnerships/advisory-committees/sh-committees-governors-industrial-safety-and-health-advisory-board>

COHE Update - Morgan Wear, L&I

Morgan joined us to provide an overview/update of Centers of Occupational Health and Education (COHE). Morgan shared his screen with the group to provide a PowerPoint presentation that gave information about the basic design, best practices, and data about COHE. (NOTE: PowerPoint presentation is included as a separate document along with this meeting summary).

Question: Is the main COHE Advisory Board still meeting?

Answer: Even without the pandemic, the meetings for this Board were put on pause; there were only a few individuals participating so there was no quorum. Looking for other ways to engage labor and business and would welcome ideas for how to boost participation.

Comment: The Spokane area board is not doing a lot of advising because most were happy with how things were working, but would like to see something continue.

Question: Have been out of touch with COHE for a couple of years with COHE measurements of success now and prior to COHE, so can't really tell employees where to go.

Answer: COHE doctors can be found on the website; COHE providers have a star by their name.

For more information or other questions, contact Morgan Wear by email: weav235@Lni.wa.gov
COHE website: <https://www.gocohe.com/>

SHARP Update - Dave Bonauto, SHARP Research Director

Over the past year, SHARP staff continued with a lot of their regular work, but also interacted and assisted others in response to the pandemic, as staff expertise overlaps with public health.

- Assisted with data linkages between COVID case data and health care provider credentialing data at Department of Health (DOH)
- Looked at Covid cases in the workplace and what the worker's occupation was (reviewed case investigations that were reported to DOH and had contact with employers to ask questions, e.g., industry type, etc.); information was hard to collect either because information was not always collected by DOH or information was missing.
- Worked with local public health agency jurisdictions to find better ways to collect industry and occupation data
- There is a report available on the SHARP website for case incident rates from early in the pandemic
- Data showed a higher rate of Covid cases in agriculture than in healthcare
- Looked at how workers' comp claims came into the L&I's workers compensation system; published a monthly report of Covid cases coming in

Here is the link to the April 2021 report for workers compensation claims by industry.

https://lni.wa.gov/safety-health/safety-research/files/2021/64_25_2021_wcCOVID_Apr.pdf

Report of COVID cases reported to our state DOH. https://lni.wa.gov/safety-health/safety-research/files/2021/103_06_2021_COVID_Industry_Report.pdf

Other areas where SHARP staff have or are continuing to help with the pandemic:

- Post-acute Sequelae of Covid (PASC) or also called 'long haulers' (these will be hard on the workers' comp system)
- PPE shortages – worked with DES (WA State Department of Enterprise Services) to scour the globe to find PPE that met specifications for the products; absence of globally uniform standards
- Continuing efforts on janitorial workers
- Firefighter Injury and Illness REduction Program
- FACE continues
- Occupational safety and health disparities
- Work-related Musculoskeletal Disorders

Question: In regard to wildfire smoke, has there been any talk on doing research?

Answer: Carolyn Whitaker from SHARP has been involved with UW in studies of FF exposures during controlled burns and is monitoring NIOSH wildland firefighter studies; she is also aware of DOSH rulemaking efforts and can convey the research information to those in L&I responsible for rulemaking.

Email contact information for Dave Bonauto: BONE235@Lni.wa.gov

SHARP website: <https://lni.wa.gov/safety-health/safety-research/about-sharp>

SHIP Update - Jenifer Jellison, SHIP Program Manager

2020 was a year of adjustments. Grantees had to reassess how to work through projects; SHIP staff and grantees worked together to problem-solve issues to come up with solutions to help move projects along.

During the safety and health grant cycle, nine projects were selected to fund and one return to work (RTW) project was funded. Another grant cycle will open sometime in the summer of 2021.

Comment: Would like to point out to everyone not to waste funding dollars that the Legislature has provided for the grants, as that funding could be taken away by the Legislature as well. The pandemic put a lot of potential applicants on pause; Return to Work is a challenge.

Contact information for Jenifer Jellison: JELC235@Lni.wa.gov

SHIP Website: <https://lni.wa.gov/safety-health/grants-committees-partnerships/safety-health-investment-projects-grant-program/>

Rules Update - Ryan Allen, Senior Manager for DOSH Standards, Technical & Laboratory Services

Ryan provided a brief description/update for some, but not all, of the rules that are listed on the Rulemaking Summary (NOTE: Rulemaking Summary is included as a separate document along with this meeting summary).

- The demolition standard is effective June 1st
- Temporary Worker Housing (TWH): Finalizing the emergency rule this week as current emergency rule expires 5/8/2021. There were some changes to medical monitoring and vaccine.
- Wildfire Smoke: Final stakeholder meeting will be in June, but no date has been set yet. We will be going over the draft rule at the June stakeholder meeting; planning to file mid to late June; permanent rulemaking will go forward
- Rulemaking for HB 1817, 20 hour refinery training; working with Apprenticeship Program on training curriculum

- Infectious disease rulemaking – waiting on OSHA and others; will not be Covid specific, but rather more about pandemic planning; will use lessons learned from this pandemic
- Lead – not a lot of activity because of work responding to pandemic; lack of resources (staff). Will move forward and stakeholder meetings will be scheduled

Question: Wildfire Smoke – Prior to the June stakeholder meeting, what advance information will there be? Action level; what will be used for action level and how action level is applied? How will this be handled if only affects part of the country and not all parts?

Answer: Planning to have information available before the stakeholder meeting in draft form.

Comment from audience: There have been problems with the California rule and hope this isn't repeated in the Northwest for how the rule is applied and responded to. Caution to be careful not to repeat problematic issues like California.

Ryan encouraged everyone to share information so we can take it into consideration when finalizing the rule.

Contact information for Ryan: ALRY235@Lni.wa.gov

Recap of 2021 Legislative Session - Alan Lundeen, Senior Manager, DOSH Operations

Alan provided a summary of the bills that affected DOSH during the 2021 session and identified Tammy Fellin, L&I Legislative Director, as a lifeline, for clarification if needed, as Tammy had also joined the meeting.

DOSH looked at approximately a total of 52 bills during the legislative session.

Some of the pandemic related bills that would only impact us during a public health emergency:
 HB 1097 – increases to worker protection amending portions of RCW 49.17 affecting DOSH (WISHA) discrimination, extending time to file discrimination complaints and change to the language regarding Orders of Immediate Restraint (OIR), or 'red tag' for employers who violate OIRs relative to the Governor's Executive Orders.

SB 5115 – Health Emergency Labor Standards Act (HELSEA) establishes protections and requirements for frontline workers to file workers' comp claims for exposure to infectious disease during a declared public health emergency

SB 5254 – related to voluntary use of personal protection equipment (PPE) during a public health emergency

SB 5272 – provides temporary waivers to some licensing fees during a public health emergency

HB 1206 – provides protections to temporary workers; includes information that's already in place in our DOSH directive

Contact information for Alan Lundeen: LUND235@Lni.wa.gov

Craig asked Tammy if she had anything to add. She noted that the Legislature approved two things in the budget: (1) We were funded to establish an Agriculture Compliance Unit, with FTEs to be phased in (staff hired) over the next two years. (2) The Legislature gave us direction to develop an infectious disease rule

Craig mentioned that we have recently appointed the manager for the new Agriculture Compliance Unit. The manager hired is bilingual and we will do our best to hire additional bilingual staff, however, sometimes that is hard to do. If anyone is interested or knows others that may be looking for agriculture related work, let them know we will be hiring additional staff.

Question to Tammy from audience: SB 6171, is L&I involved?

Answer: L&I did not engage in this directly as it deals with environmental issues, but we would help other agencies if asked.

Review of action items and future agenda topics

Craig asked Joel if he had anything to say to the group before ending the meeting. Joel passed on his thanks for the work done during the legislative session; it was a robust session. Also, he encouraged the members of the Committee to bring forward agenda topics, etc., since they serve in an advisory capacity.

No action items from today's meeting.

Craig said it is our hope to have another meeting in September, possibly during the 3rd week, so it doesn't conflict with the Governor's Conference (September 28-30, 2021)

Future agenda topics:

More information on wildfire smoke

Invite someone to come and talk about work at home issues (telecommuting/workers' comp claims)

Additional Comments from Meeting Chat Area:

[2:47 PM] Mandi Kime

Just wanted to share that this is national construction safety week and there is a lot of great content on the website for the week long event. <https://www.constructionsafetyweek.com/>

Construction Safety Week – Safety Week 2021

[2:48 PM] Mandi Kime

And a friendly reminder that COVID is still important and we need to maintain good practices and stay vigilant in protecting our people... BUT there are still our day to day "ordinary" hazards that we need to protect our folks from too. Its been a long haul but hats off to everyone for working so hard to stay safe and healthy!