

**APPROVED MINUTES  
NYSDEC JOINT STATEWIDE HEALTH & SAFETY  
COMMITTEE MEETING  
(PEF, CSEA, C-82 and DEC MANAGEMENT)  
September 26, 2003**

Attendees

|                     |                                                        |
|---------------------|--------------------------------------------------------|
| James Kersten       | (Co-Chair) PEF/EnCon - Buffalo                         |
| Joseph Lattanzio    | (Co-Chair) DEC Director of Employee Relations - Albany |
| Jean Edouard        | DEC Director of Health & Safety - Albany               |
| Everett Chamberlain | DEC Chief, Transportation Services Bureau - Albany     |
| Marl Malinoski      | DEC Division of Operations - Albany                    |
| Holly Clark         | PEF - Albany                                           |
| Wayne Bayer         | PEF - Albany                                           |
| Jack Marsch         | PEF - Region 6                                         |
| Mike Kanuk          | PEF - Albany                                           |
| Jonathan Rosen      | PEF Headquarters - Albany                              |
| Matthew Kozak       | CSEA Headquarters - Albany                             |
| Bernie Rivers       | Council 82 - Region 4                                  |
| Karen Glesmann      | Council 82 - Region 4                                  |
| Mike Murray         | DEC Division of Law Enforcement - Albany               |
| Les Wilson          | DEC Division of Law Enforcement - Albany               |
| Jack Cooper         | DEC Fish, Wildlife & Marine Resources                  |
| Marie Furlong       | DEC Office of Employee Relations - Albany [Minutes]    |

Miscellaneous Issues

J. Lattanzio reported to the Committee that Larry Enoch, Associate Industrial Hygienist, from the Health & Safety Unit has left DEC to become the OGS Health & Safety Director.

PEF prefers that all future meetings be held on Wednesdays or Thursdays. Also, citing it would improve preparedness for actual Statewide Committee meetings, PEF reiterated its request to Management for EOL time to conduct pre-meetings with members of CSEA and C-82. Management explained that historically EOL (other than sub-committees) for pre-meetings is not provided. PEF inquired whether Management would consider four (4) meetings a year with ½ prior day pre-meetings.

It was mutually agreed to add an "inactive" category to the agenda. It will be located at the end of Old Business. This action does not eliminate the agenda item from future Statewide Health & Safety Committee activity. The unions believe the overall committee time to conduct the meeting with an aggressive agenda does not allow for ongoing updates and progress reports (if any). There is still much work to do.

Minutes

The minutes of the May 29, 2003 Committee meeting were distributed via GroupWise on 9/11/03.

Reports/Recommendations

Fleet Management

Neighborhood Electric Vehicles

The Department has been using 66 Neighborhood Electric Vehicles that were loaned to the Department for one year as part of an electric vehicle Evaluation Program being sponsored by General Motors. These were in use this summer at several of our Campgrounds with a few others at Education Centers and Fish Hatcheries. Initial evaluation reports have indicated that they are working very well and are very beneficial for doing facility patrols and message delivery. It is anticipated that several will be retained.

Vehicle Procurement

The procurement of vehicles by State agencies has been put on hold by the Division of the Budget pending review of the entire State Fleet. The only exception to this is the Division of the State Police. As a result, of the projected SFY 2002-03 vehicle procurement of 201 vehicles, only 50 were ordered. To date, 29 of these have been received and issued to the appropriate Region/Program. When approval will be given to purchase the remaining 151 vehicles from SFY 2002-03 or the 226 that are part of the SFY 2003-04 budget is unknown at this time. The Department is working with DOB in an effort to obtain approval to purchase vehicles by the time the new State Contracts are available in October/November. DOB guidance on this, Budget Bulletin 1110 & D-750, are located on the DOB website.

PEF inquired about the cost efficiency of the Explorers. E. Chamberlain reported that they are surprisingly efficient and, in response to a follow-up question from C-82, told the Committee that our Operations' staff at the Tree Nursery staff have been working on design changes to correct the wiring problems.

#### MMS Implementation

Implementation of the Maintenance Management Automated Tracking System (MMS) continues to move forward. The first segment of this system to be implemented is the Vehicle Maintenance Management module. Initial training was provided to the users of this module during the first week in June and the system has been put in use at our Vehicle Maintenance Centers. Follow-up training and user support is being provided as needed. This will increase our ability to track maintenance repairs and associated costs. The vehicle mileage reporting component of this system is now being tested at our Port of Albany Maintenance Facility. Once this testing is complete, it will be implemented Statewide.

#### Mechanic Losses/Retirement Incentive

There has been no change in status for this item. As a result of the recent retirement incentive, four mechanics retired. To date, three vacant mechanic positions have been filled and one seasonal maintenance assistant mechanic position has been funded. PEF expressed concern over seasonal's qualifications to do the job. E. Chamberlain assured PEF that all seasonal employees must demonstrate their qualifications.

#### Crown Victorias/Police Packages for SUV Patrol Vehicles

This issue has been returned to the agenda by C-82. C-82 continues to raise concerns regarding the safety of the fuel tanks. E. Chamberlain told the Committee Ford came out with a retrofit program especially for pursuit vehicles. 116 of our vehicles were retrofitted (includes Central Office DLE vehicles). Only four (4) remain to be completed: Two (2) will be done in October and the other 2 are vehicles which are out of service in Regions 1 and 3. These are vehicles with engines which need to be replaced, and once the engines work is done, the retrofit will be completed.

B. Rivers reported that C-82 is not happy with the retrofit and would prefer the bladder system. C-82 would like the Department to follow in step with the State Police.

#### Statewide H&S Committee Membership

Management is in the process of recruiting new members. We now have full representation from the unions including Law Enforcement (Council 82).

#### Local Committee Formation

J. Lattanzio has had discussions with the new Region 1 Director regarding the establishment of a labor/management group in the region. The Regional Director was agreeable to the proposal, and will work with local union representatives toward this end. J. Lattanzio will follow up as necessary.

J. Lattanzio reported that Region 2 continues to meet on a periodic basis. PEF disagreed and requested the Statewide Committee be sent copies of the Region 2 meeting minutes. J. Lattanzio to follow up.

It was reported that Regions 3, 6, and 8 are meeting effectively and regularly.

The PEF Co-Chair reported that the Region 9 committee is not functioning well.

PEF requests a report on the status of the regional committees, including committee members' names and who they represent, and a copy of their minutes. J. Edouard to follow up on this by sending a letter to each Regional Office requesting an update.

## **OLD BUSINESS**

### **Standard Operating Procedures (SOPs)/Class B Biosolids/Botulism**

Division of Water (DOW) reps were unable to attend the meeting. A follow up on this subject will be added to the minutes. **Update: DOW has recently completed a full review of all its current functions and responsibilities and has undergone a significant reorganization. The Division has reorganized from five (5) Bureaus to four (4) partly as a reaction to the significant loss of staff due to retirements. The function of health and safety coordination has now been assigned. The Division is currently identifying resources to assist in carrying out the responsibilities of health and safety coordination, including updating the Division's SOPs. It is their hope that these resources will be available within the next month. The Division will work in cooperation with the Department's Health & Safety Unit in assessing the current status/priority of the Division's health and safety program and needs, updating the SOPs and establishing the appropriate and necessary health and safety training for Division employees.**

Jack Cooper, representing the Division of Fish, Wildlife & Marine Resources, distributed copies of the Division's SOPs, which have also been distributed to all program staff and field stations and are posted on In-Site. In response to the Statewide Committee's concern, their latest SOP, which is currently in the final draft stage, relates to botulism. The SOP is based on W. Stone's checklist/botulism safety plan. Staff are instructed on how to handle suspected outbreaks. Employees are encouraged to use gloves and wash with disinfectant after disposing of the animals. The Natural Resources supervisors will be responsible for providing the appropriate equipment. The SOP does not specify the disinfectant to be used, but PEF suggests a waterless antibacterial soap should be recommended. PEF also reminds everyone that inverted bags should not be used in place of gloves. Avian botulism is especially prevalent in the Great Lakes region. One issue being dealt with is sick and dying birds are being sent to wildlife rehabilitators. Botulism is only treatable at the very early stage; we usually don't see the animals at that stage. Sick and dying birds should be euthanized in a safe and humane manner. From human health standpoint, botulism is not a significant threat in this form. The danger to humans comes from eating contaminated food or through a wound (99% as a result of intravenous drug use).

Botulism E can affect fish. FW&MR has designated Fisheries Pathology to develop a guidance for the fisheries staff. It is not felt that this will be a major issue for DEC.

The Division is also in the process of developing an October 8<sup>th</sup> training session on this issue to be presented by W. Stone.

### **World Trade Center (WTC) Medical Monitoring Task Force**

GOER has suspended the program as of November 1, 2003. However, another program is now available through a NYC Department of Health registry for individuals involved in the WTC. **Update: On 10/01/03 J. Lattanzio issued a memo to all DEC employees relaying the information on the NYC-sponsored WTC Registry Program.**

### **Respiratory Protection Committee**

The DER committee on this issue is no longer meeting and has no future plans to meet. The Department respiratory protection policy is currently being updated to incorporate requirements of the

emergency response plan.

#### Incident Command (IC): Weapons of Mass Destruction

NIOSH recently published recommendations on the appropriate equipment which needs to be selected for emergency responders. The Department is in the process of establishing an equipment list to insure uniformity of the equipment purchased. Equipment purchase will be coordinated by J. Edouard, and It is PEF's (J. Rosen) belief that the product selection should be shared with the union.

J. Edouard reported that DEC will have a specialized team of approximately two (2) dozen highly trained/highly prepared employees who will be suited in Level A equipment. For the most part, we will respond in the defensive mode. Modifications will be made to the risk category system. The employees involved will be covered under medical monitoring. Members of the Office of Public Protection (OPP) will be asked to complete a questionnaire which when approved by EHS will certify their eligibility to use respiratory equipment. While this procedure has been implemented for OPP personnel, it has not yet been extended to PEF and CSEA employees.

International Chemical Workers Union has received a grant to provide health and safety training for incident command. PEF presented to Management in writing several concerns regarding Incident Command and Weapons of Mass Destruction prior to the meeting and in preparation of the agenda, etc. PEF stated that Level A exposure is not required of the agency employees and questioned the absence of consultation with PEF. PEF also requests proper training and equipment of all employees involved in addition to a consistent DEC policy defining actions for various threat levels for all employees in all workplaces, and a copy of the Agency's Emergency Preparedness and Response Plan. PEF also requests specific information on how the Department is addressing the Chemical Security Act of 2003. PEF requests that IJOG be explained in full disclosure as it impacts PEF members' terms and conditions of employment.

PEF requests complete disclosure on the three (3) Tier III trailers, equipment and necessary training to operate same. PEF is aware that these trailers are to be equipped to protect emergency responders at Hazmat incidents, when they perform drug lab investigations, and when involved in any terrorist actions. PEF requested a full explanation. PEF understands that the Department has also requested 650 new respirators with a single multi-purpose cartridge. PEF requested a full explanation as this impacts the terms and conditions of employment. PEF also requests a full explanation of the DEC colored fact sheets regarding DEC Emergency Response ("Technical Specialists Supporting You"). J. Kersten shared a copy of the sheets said to be used for regional threat levels. PEF asked where the sheets came from and why the Statewide Health & Safety Committee wasn't made aware of them before they were finalized. J. Lattanzio to investigate the origin of the instruction sheet. PEF requests more information on the threat levels. J. Lattanzio explained there is no standardized response for DEC. Whenever the threat level is changed, the Department disseminates that info and specific instructions are transmitted directly to all DEC employees.

PEF asks for a special meeting/briefing to cover this entire topic, and reminded Management that these concerns have been on the Statewide Health & Safety Committee's agenda since the summer of 2002. J. Lattanzio reminded the Committee that IJOG is not a DEC effort, and that DEC is only a resource for expertise when needed. However, he will investigate the possibility of a briefing by Assistant Commissioner Tuffey at our next meeting.

#### Body Armor (C-82)

New lighter weight body armor has been issued to all DLE staff below the rank of Captain. This effort was funded out of the DLE budget. DCJS advised K. Glesmann that there is federal government funding for body armor. It was reported that Forest Protection and Fire Management has budgeted \$700,000 for the replacement of vests. J. Lattanzio will follow up with A. Jacob on this.

#### HazMat Team Training

OPP Hazwoper team members expressed their concern to the C-82 executive board on not being properly trained on use of the equipment. B. Rivers reported that C-82 members do not feel the "train the trainer" concept is working. It was noted that P. Brinkerhoff, the former DLE C-82 rep, did not get back in touch with L. Wilson on the specific pieces of equipment in question. J. Rosen stated that there are OSHA

standards regarding sufficient training. M. Murray reported that the employees in question receive hundreds of hours of training. The employees are experts; some of them are becoming specialists in different areas. B. Rivers to follow up with M. Murray on specifics.

#### Cold Water Immersion/Survival Suits (Mustang Suits)

(MORE and Marine Teams) Through grants and legislative monies, DLE purchased four (4) all weather/all year boats. These boats will operate throughout the year—especially in the marine district.

Regarding survival suits, DEC is currently using cold water immersion suits—the only effective method to prevent loss of core temperature (especially important during winter and spring). The old Stern suits, which did not give adequate protection, are being phased out. The Department has consulted with the coast guard and decided on a new (international orange) model which protects when in the water and is wearable (vented) while on the boat. The suits will be ordered as soon as capital funds are available.

B. Rivers asked when a suit usage policy/procedure would be in place, when must the suits be worn and who will make the decision of when it is too cold to out without the suits? M. Murray reported the policy will be issued when the suits come in. DEC will use the coast guard rules (with DEC modifications) to govern our policy. Unions feel they need an interim policy before the new suits come. M. Murray stated that, once the water temperature gets low, employees will not be asked to go out. The Department would not put an officer at risk. Management to give C-82 an opportunity to review the draft policy.

#### **NEW BUSINESS**

##### Smoking Policy/Rules at DEC

The Commissioner's policy is being updated to incorporate recent GOER direction. The unions have signed off on the policy. There were concerns that some buildings in the regions may have additional, more restrictive rules not in the letter of the law. PEF believes we should mention the smoking cessation programs; J. Rosen to e-mail J. Lattanzio with referral info.

##### Dept. Occupational Accident & Injury/Illness Data 2002

CSEA feels the issue of back injuries/lifting sprains and strains is a major problem at DEC. PEF and CSEA feel the terminology in the Accident & Injury Report is outdated; J. Edouard to explore updating the language. J. Rosen suggested we initiate better training and provide the employees with better, more ergonomically correct equipment. J. Lattanzio requested that, if the unions want a specific incident followed up on or if they have a critique of our report, they present Management with a report on which issues they would like addressed. M. Kozak and J. Kersten to work on this. Management stated that it would be receptive to suggestions.

#### **INACTIVE ISSUES**

##### News & Views

Supervisors' Health & Safety Training

Health & Safety Website

Department Health & Safety Budget Initiative/Staffing

Evacuation Procedures/Emergency Preparedness Plan

Automated External Defibrillators (AED)

Right to Know Training

Safety Incentive Differential (SID)

Regional H&S Committees' Annual Recommendation for Award - Propose Regional Committee

DEC H&S Joint Training & Conference/Statewide Proposal for Pro-Active H&S Refresher of All Regional Committees and Their Activities

Workplace Violence/Security (J. Rosen)

Respirator Protection/Biological and Chemical Emergency Response

SARS, Hepatitis, Lyme Disease

#### **NEXT MEETING**

It was mutually agreed to hold the next meeting at PEF Headquarters, 1168 Troy-Schenectady Road, on December 11, 2003 at 9:30 a.m. PEF requested time for a pre-meeting on December 10, which Management could not approve.