

U. S. NAVAL HOSPITAL, ROTA MEETS SPANISH OSH REQUIREMENTS

The U. S. Naval Hospital in Rota, Spain assigns members of its industrial hygiene staff to provide occupational safety and health (OSH) services to U.S. Naval Activities in Spain (COMNAVACTS). Providing OSH services in a foreign country has always been challenging. This challenge increased considerably in the early 1990s when the European Union (EU) began issuing OSH laws for the first time. As a member of the EU, Spain adopted EU's OSH laws in 1995.



Spanish OSH personnel interviewing supervisors during a joint U.S. / Spanish workplace inspection at NAVSTA Rota

Spain's *Law for the Prevention of Labor Risks* established the basis for employers throughout Spain to implement all of the EU's OSH directives. These OSH laws are similar to U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) regulations. For instance, the EU requires mandatory workplace inspections to identify

workplace hazards, worker risk awareness training, chemical product labeling, and other safety measures. Some aspects of the EU's OSH laws are more inclusive than OSHA. Examples are:

--A four hour per day limit on asbestos removal due to the significant physiological stress of workers' Personal Protective Equipment such as full body suits and respirators;

--Establishment of local workers' unions' occupational safety and health committees at each place of employment, including Spanish military installations hosting U.S. forces in Spain;

--Requirements for establishing ergonomics programs to protect workers who use computer video display terminals in the course of employment; and

--Specific education and experience criteria for occupational safety and health professionals, such as industrial hygienists and safety engineers, to be certified or licensed by the Spanish government and the EU as legally-recognized OSH specialists.

The Spanish OSH laws originally exempted military installations such as the Rota Naval Station. However, a recent decree ended that exemption, and Spanish *and* U.S. Navy activities in Spain

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Bilingual MSDS station at Naval Station Rota helps the base comply with US and EU Hazardous Material "Right-to-Know" standards

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are now required to fully comply with Spanish OSH laws. One significant change brought about by that decree was the requirement for the Rota naval base, as an employer, to establish an OSH committee. This body meets quarterly and is composed of representatives from both the local workers' union and "management" members of the U.S. and Spanish Navies. The charter of the OSH committee is to discuss and ultimately resolve OSH-related matters in a professional and cooperative manner.

Rota Naval base's OSH committee includes four Spanish employees of the U. S. Navy, who represent the workers' union and were trained in the Spanish OSH laws through a 40-hour course presented by the workers' compensation insurance carrier for the base. Four U.S. Navy civilian employees represent the U.S. Navy, and one Spanish Navy civilian employee represents the base's Spanish Admiral Commander.

One of the workers' representatives' first requests was for a Spanish language translation of all the U.S. Navy's safety, industrial hygiene, and occupational medicine reports and other "correspondence" concerning Spanish workers at the naval base. These translations were to also cite Spanish/EU OSH regulations.



NAVHOSP Rota Industrial Hygienist performs Local Exhaust Ventilation system airflow evaluation in feet per minute and meters per second for Industrial Hygienist reports at locations where there are Spanish workers

In one of the committee's first compromises, management and union representatives agreed that a new round of baseline industrial hygiene and safety surveys commencing in 1999 and 2000 would be produced in Spanish to meet the intent of the Spanish OSH law. In addition, the law requires that industrial hygiene and safety inspections cite, or reference, applicable Spanish OSH laws in place of the applicable U.S. OSHA regulations.

In order to meet the union request to comply with Spanish OSH laws, the Industrial Hygiene Department staff at Naval Hospital Rota initially evaluated two options for providing surveys in Spanish with citations referencing applicable Spanish OSH laws:

-- Hire a translation service to translate OSH correspondence into Spanish. This option was eliminated due to the extremely expensive per word translation cost and because it would not address the legal requirement to include citations of Spanish OSH law. Simply translating U. S. industrial hygiene reports that reference OSHA, Department of Defense and U. S. Navy OSH regulations from English into Spanish would not bring NAVHOSP Rota's IH work into compliance with Spanish/EU requirements.

--Hire a private OSH consultant from Madrid or Barcelona to perform industrial hygiene surveys and to write reports in Spanish, which would meet the Spanish OSH law industrial hygiene survey requirements. This option was rejected because of the high costs associated with hiring and retaining OSH contractors from out of the area for the length of time it would take to complete baseline Spanish-format IH surveys for the entire base.

For the U. S. Navy Bureau of Medicine & Surgery's Rota hospital, a solution was provided through the personal initiative of Mr. Miguel Garcia, a workplace monitor employed in the hospital's Industrial Hygiene Department. Although not required to do so, Mr. Garcia elected to submit his educational background, including a Bachelor's degree in mechanical engineering and many specialized OSH courses, his professional experience, and his successful employment history as an industrial hygiene technician to the local Spanish Labor Ministry office. This



Miguel Garcia, ME, Certified Spanish Industrial Hygienist, Superior Level and Dave Hiipakka, American Board Certified Industrial Hygienist, perform concurrent, multi-national IH survey at NAVSTA Rota Spain

allowed them to consider licensing him as a full industrial hygienist under all applicable Spanish/EU requirements. After a thorough review of his qualifications, Miguel was officially licensed in 1998 as an industrial hygienist, *Superior Level* who meets current Spanish and EU professional standards.

Mr. Garcia's initiative in earning his Spanish OSH license as an industrial hygienist has been a key factor in the U. S. Navy's ability to comply with Spanish OSH requirements, because NAVHOSP Rota's Industrial Hygiene work is now legally recognized under Spanish law. Mr. Garcia participates in industrial hygiene surveys along with his American counterparts, Kevin Dyr Dahl and David Hiipakka. He drafts a Spanish language report that corresponds with each English language report submitted by the American industrial

hygienists. To assure consistency, Mr. Garcia's Spanish language report format is modeled closely on the traditional NAVHOSP Rota English language counterpart. His format has been well received by the local Spanish Worker's Union. In addition, professors at the nearby University of Cadiz have recommended it as a model to students in the university's industrial hygiene master's degree program.

With Mr. Garcia's industrial hygiene license, the U. S. Navy's industrial hygiene reports will now be legally admissible and defensible in any future worker's compensation cases involving Spanish employees of the U. S. Navy at Rota. It has been very cost effective for the U.S. Navy to make use of Mr. Garcia's license and investigative expertise regarding workplace hazards reported by U.S. Navy Spanish employees. Compared to hiring a private industrial hygiene consultant to meet the Spanish/EU's OSH law requirements, a conservative cost savings estimate for the U. S. Navy would be \$50,000.00 to \$75,000.00. This includes billable field survey and

report writing time and per diem/travel expenses for a six- to 12-month industrial hygiene survey services contract.

Mr. Garcia has also become the in-house expert for the U. S. Naval Hospital Rota Command on Spanish and EU OSH laws. In this capacity, he sits on the Command's Safety Policy Council to advise hospital management on projected changes in Spanish OSH laws that could affect the Navy in Rota.

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