

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**SUMMARY  
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING  
December 21, 2017  
Sacramento, California**

**I. PUBLIC MEETING****A. CALL TO ORDER AND INTRODUCTIONS**

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:07 a.m., December 21, 2017, in the Council Chambers of the City of Sacramento, City Hall, Sacramento, California.

**ATTENDANCE****Board Members Present**

Dave Thomas  
David Harrison  
Barbara Smisko  
Laura Stock

**Board Member Absent**

Chris Laszcz-Davis  
Patty Quinlan

**Board Staff**

Marley Hart, Executive Officer  
Mike Manieri, Principal Safety Engineer  
Peter Healy, Legal Counsel  
David Kernazitskas, Senior Safety Engineer  
Sarah Money, Executive Assistant

**Division of Occupational Safety and Health**

Eric Berg, Deputy Chief of Health

**Others Present**

Heather Gribben, Ogletree Deakins	Michael Musser, CA Teachers Association
Elizabeth Treanor, PRR	Michael Strunk, IUOE Local No. 3
Jamie Carlile, Southern CA Edison	Marti Fisher, CalChamber
Kevin Bland, Ogletree Deakins	Larry Wong, University of CA Office of the President
Bob Mahan, PG&E Corporate Safety Dept.	James Mackenzie, Southern CA Edison
Amalia Neidhardt, DOSH	Dan Leacox, Leacox & Associates
Saskia Kim, CA Nurses Association	
Ben Ebbink, Fisher Phillips	

B. OPENING COMMENTS

Mr. Thomas indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

**Kevin Bland, Ogletree Deakins**, thanked the Board and Division staff for their work throughout this past year. He said that his organization is looking forward to working with the Division and Board staff in 2018.

**Elizabeth Treanor, Phylmar Regulatory Roundtable**, thanked the Board and Division staff for their work throughout this past year. She also thanked Maryrose Chan and Leslie Matsuoka for their work on the rulemaking pertaining to electrical power generation, transmission, and distribution, which is scheduled for a vote today during the business meeting. She said that this rulemaking was a massive one, and she asked the Board to adopt it.

**Dan Leacox, Leacox & Associates**, thanked the Board and Division staff for their work throughout this past year, especially the work that Michael Nelmda has done on the large volume of variances that have been submitted over the past year.

**Saskia Kim, CA Nurses Association**, stated that her organization has submitted Petition 567 to the Board staff to amend Title 8 to add standards to protect healthcare workers from the airborne contaminants contained in surgical plume smoke that is generated during procedures that destroy human tissue. She said that surgical plume smoke contains aerosols, vapors, fumes, and gases such as benzene, hydrogen cyanide, and formaldehyde. She stated that it also contains aerosolized bloodborne pathogens in the form of viruses and bacteria. She said that there are no enforceable regulations that specifically describe the requirements for removal of surgical plume smoke in settings where workers are exposed to it, and the evidence of its health effects is abundant. She stated that her organization sponsored legislation in 2015 and 2016 to add these standards to Title 8, but the Governor vetoed the bills because he feels it is better for CNA to petition the Standards Board in order to get these regulations put into place. She asked the Board to approve Petition 567 and to convene an advisory committee to develop regulations to address worker exposure to surgical plume smoke.

**Michael Musser, CA Teachers Association**, thanked the Board and Division staff for their work to help prevent workplace violence from occurring in the healthcare industry, and for moving on to working on a standard to address workplace violence prevention in general industry. He said that his organization is excited about the advisory committee that has been scheduled for early 2018, and his organization feels that this regulation will help protect many people from workplace violence. He also stated that it will provide a template for workers in education to use to protect workers, students, and families from workplace violence on school campuses.

**Roxanna Tapia, Unite Here Local 49 Sacramento**, asked for an update regarding the progress of the hotel housekeeping proposal, and for confirmation regarding the date that it will be voted on. She said that her organization is very concerned about the looming 1-year deadline that is coming up in March. She stated that it has been 6 years since her organization petitioned the Board for this standard. She asked the Board to vote "aye" on this proposal

when it comes up for a vote.

**Lola Garcia, Hotel Housekeeper, Unite Here Local 49**, stated that she hopes the Board will vote on the hotel housekeeping proposal at the January 18, 2018 meeting in Oakland. She said that hotel housekeepers have been waiting 6 years for this proposal to be adopted, and during that time, they have continued to get injured on the job. She stated that this regulation is necessary to protect hotel housekeepers' health and ability to provide for their families. She asked the Board Members to be sure that they are there to vote "aye" on the hotel housekeeping proposal when it comes up for a vote.

**Ms. Hart** stated that the hotel housekeeping proposal is tentatively scheduled to be voted on by the Board at the January 18, 2018 meeting in Oakland.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:17 a.m.

**II. BUSINESS MEETING**

Mr. Thomas called the Business Meeting of the Board to order at 10:17 a.m., December 21, 2017, in the Council Chambers of the City of Sacramento, City Hall, Sacramento, California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8:     **LOW VOLTAGE ELECTRICAL SAFETY ORDERS**  
Article 1. Definitions, Section 2300  
Article 3. Work Procedures, Sections 2320.2, 2320.7, and 2320.8; and  
New Section 2320.11  
Article 4. Requirements for Electrical Installations, Section 2340.17  
**HIGH VOLTAGE ELECTRICAL SAFETY ORDERS**  
Article 1. Definitions, Section 2700  
Article 23. Transformers, Section 2874  
Article 29. Capacitors, Sections 2887 and 2893  
Article 36. Work Procedures and Operating Procedures, Sections 2940,  
2940.1, 2940.2, 2940.5, 2940.6, 2940.7, and 2940.8;  
New Sections 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, and 2940.16;  
Sections 2941, 2941.1, and 2943;  
New Section 2943.1; Section 2944; and New Section 2944.1,  
New Appendix A, Appendix C, New Appendix D, and New Appendix E  
Article 37. Provisions for Preventing Accidents Due to  
Proximity to Overhead Lines, Section 2946  
Article 38. Line Clearance Tree Trimming Operations, Section 2951  
**GENERAL INDUSTRY SAFETY ORDERS**  
Article 7. Miscellaneous Safe Practices, Sections 3314  
Article 10. Personal Safety Devices and Safeguards, Section 3389  
Article 12. Tree Work, Maintenance or Removal, Sections 3422 and 3425;  
and New Section 3428  
Article 108. Confined Spaces, Section 5156  
**TELECOMMUNICATIONS SAFETY ORDERS**

Article 1. Telecommunications, Section 8617  
**Electric Power Generation, Transmission, and Distribution;  
Electrical Protective Equipment: Final Rule**

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board's adoption.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Stock that the Board adopt the proposal.

A roll call was taken, and all members present voted "aye." The motion passed.

B. OTHER

1. Division Update on Rulemakings and Advisory Committees

Mr. Berg stated that the written version of the Division's update is posted on their website and updated every few months. In addition to the written version of the update that was provided in the Board packet, Mr. Berg provided the following updates:

Antineoplastic Drugs: The Division has finished the rulemaking documents for this proposal except for the economic and fiscal impact statement. The Director's Office is assisting the Division in completing the economic and fiscal impact statement.

First Aid Kit Contents: The Division is working on making changes to the Initial Statement of Reasons (ISOR) as requested by the Director's Office.

Hotel Housekeeping: This proposal is ready for the Board to vote on it.

Indoor Heat: The next advisory committee will be held on February 8, 2018 in Oakland. The Division will post a draft of the proposal shortly for the advisory committee to discuss at the meeting.

Lead in Construction and General Industry: The Division has contracted out the work on the Significant Regulatory Impact Analysis (SRIA) to professors at UC Berkeley, and it will take a long time for them to complete it.

Medical and Recreational Marijuana: The Division has decided that no regulatory rulemaking is necessary at this time regarding medical marijuana. Per the request of the Legislature, the Division will be holding an advisory committee in Oakland to see if regulations are needed regarding recreational marijuana.

Benzyl Chloride: This proposal was adopted by the Board and approved by the Office of Administrative Law (OAL) and will become effective on April 1, 2018.

Permissible Exposure Limits (PEL's): The Division will do a presentation at the January Board Meeting regarding the Health Experts Advisory Committee and Feasibility Advisory

Committee (HEAC and FAC) process and how PEL's are established. The HEAC is meeting quarterly to evaluate hazardous substances and recommend PEL's. Their last meeting was on December 12, and their next meeting will be in March of 2018.

Sexually Transmitted Infections: The Division is working with stakeholders to update the information on its webpage.

Workplace Violence Prevention in General Industry: The Division has scheduled an advisory committee meeting for January 25, 2018 in Oakland and has posted draft discussion text on its advisory committee webpage.

## 2. Executive Officer's Report

Ms. Hart stated that the 2018 meeting schedule is included in the Board packet. She said that the Board Meetings in 2018 will take place on the third Thursday of the month, except for the meeting in December, which will take place on the second Thursday of the month. She said that it was very difficult to get meeting rooms, so there are some new locations on the calendar.

Ms. Hart stated that following the advisory committee that was held regarding Petition 545, the Board staff has determined that it is not worthwhile to proceed with rulemaking at this time. She said that the advisory committee favored a broader examination of the requirements in Section 5538, so the Board staff will come back at a later date and look at the entire section. She also stated that there have been some changes to the NFPA and other continuity changes that are not making it worthwhile to move forward with a partial rulemaking at this time. She said that the petitioner has been informed of this decision and does not object to the delay.

Ms. Hart stated that the Board staff will be holding an advisory committee regarding employee access to an employer's injury and illness prevention plan (IIPP) on February 13, 2018 at the Division's training room on Arden Way in Sacramento, and it will be chaired by David Kernazitskas. She said that she and Mr. Kernazitskas have met with Mark Schacht from the California Rural Legal Assistance Foundation (CRLAF, author of AB 978), as well as Dan Leacox and the California Chamber of Commerce, to discuss this and develop draft language. The draft language was reviewed by the Division and then sent out to the petitioner and CRLAF for their review and comment. The Board staff is currently putting together the list of advisory committee members. The petitioner and CRLAF have submitted the names of people that they would like to have the Board staff consider putting on the advisory committee. She stated that the Board staff is considering limiting the number of attendees to 20-25 people, and having other stakeholders communicate with those stakeholders so that all voices can be heard. **Ms. Stock** asked Ms. Hart if the draft language has been posted online. **Ms. Hart** said that the draft language has only been given to the petitioner and the legislative office at this point. It will be posted online when the advisory committee meeting notice is sent out.

Ms. Hart thanked the Board Members and staff for their work throughout 2017. She also stated that Steve Smith, Principal Safety Engineer with the Division, is retiring. She thanked him for his work with the Board staff and the Division over the course of his career. **Mr. Berg** echoed Ms. Hart's comment. **Mr. Smith** stated that it has been a pleasure to work with the Division, the Board, and the Board staff over the years, and he thanked them for their dedication to protecting California workers.

Mr. Thomas called for a break at 10:35 a.m. and reconvened the meeting at 10:46 a.m.

C. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy recommended that items M-N on the consent calendar be conditionally granted. He said that other than that, he is aware of no unresolved legal issues regarding items A-N on the consent calendar, and he believes that those items are ready for the Board's decision on the question of adoption.

MOTION

A motion was made by Ms. Stock and seconded by Mr. Harrison to adopt the consent calendar as modified.

A roll call was taken, and all members present voted "aye." The motion passed.

D. OTHER

3. Future Agenda Items

No future agenda items were mentioned by the Board.

**Mr. Harrison** thanked the Division for its efforts to keep workers safe as they did cleanup work following the wildfires that took place in California this year. He said that the Operating Engineers and other labor unions have been very involved with the cleanup efforts, and the Division has also been very involved to make sure that those workers are protected.

**Mr. Thomas** thanked the Board, the Board staff, and the Division staff for their work throughout the course of 2017.

E. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:50 a.m.