

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
January 19, 2017
San Diego, 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 10:03 a.m., January 19, 2017, in Room 310 of the County Administration Center, San Diego, California.

ATTENDANCE

Board Members Present

Dave Thomas
Patty Quinlan
Barbara Smisko
Laura Stock

Board Member Absent

David Harrison

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

Tom Scott, Arauco North America
Liliana Diaz, Local 30
Bruce Wick, CALPASC
James Mackenzie, SCE
Jeff Everitt, Collins Pine Particleboard
Collin Hassebroek, VT West Inc.
Larry Wong, UC Office of the President
Rick Bates, Unite Here Local 30
Marisela Gonzalez, Local 30
Luz Diaz, Local 30
Dan Baker, DOSH Elevator Unit
John Egoavil, Aerotek
Elizabeth Treanor, PRR

Mark Kable, Setzer Forest Products
Michael Musser, CA Teachers Association
Jamie Carlile, SCE
Dan Leacox, Leacox & Associates
Rick Medina, RS1
Bill Andersen, Arauco North America
Adam Cohen, AHF
Yolanda Ramirez, Unite Here Local 30
Colomba Roman, Local 30
Mike Shields, DOSH Elevator Unit
Kevin Bland, Ogletree Deakins
Stewart Holm, AWC
Mia Li

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.

Rick Bates, Unite Here Local 30 San Diego, stated that the proposal regarding hotel housekeeping will significantly help to protect hotel housekeepers from being injured on the job if it is properly put into place by employers. He said that this proposal contains simple, feasible, and effective changes that managers can make to eliminate hazards. He stated that time is of the essence, since it has been 5 years since his organization filed a petition to create a standard to protect hotel housekeepers from injury. He asked the Division and Board staff to continue moving the proposal forward to get the necessary signatures so that a public hearing notice may be issued by April and a public hearing may be held by June.

Marisela Gonzalez, Unite Here Local 30, stated that hotel housekeeping is physically demanding work, and many hotel housekeepers are not given the tools that they need to do the job safely, or the tools are not in good working order. She said that many hotel housekeepers do not feel comfortable reporting unsafe working conditions to their employers. She stated that many hotel housekeepers are injured while lifting heavy mattresses to make beds, straining to reach high shower walls, and while on their hands and knees to scrub the floors. She said that even when the housekeeping carts are empty, they are difficult to push on carpeted floors, and pushing and pulling the cart takes a toll on their bodies. She stated that some of these injuries can be permanent, leaving hotel housekeepers unable to work and provide for their families. She asked the Division and Board staff to continue moving the hotel housekeeping proposal forward so that a public hearing notice may be issued by April and a public hearing held by June.

Ms. Hart stated that the Division returned the hotel housekeeping proposal and final documents to the Board staff. She said that the Board staff finalized the documents and has sent them on to the Department of Industrial Relations (DIR) for review and signature. After the documents have been signed by DIR, the package will be forwarded to the Labor and Workforce Development Agency (LWDA) for its review and signature. She stated that she cannot guarantee that the proposal will be noticed for public hearing by April, but every effort is being made to move forward on this as expeditiously as possible.

Dan Leacox, Leacox and Associates, read a statement from the California Solar Energy Industry Association (CalSEIA) regarding an accident that occurred in June 2016 where an employee fell through a skylight and was seriously injured. This accident occurred just prior to the new standard for skylight fall protection taking effect. CalSEIA still believes that the feasibility of the new standard will save lives, and CalSEIA will continue to reach out to non-member employers to share information about this new regulation.

Mr. Leacox also commented on the proposal regarding wood dust and western red cedar that is scheduled for a vote during the business meeting. He stated that this proposal is not a reasonable standard, and the regulated community prefers to have a permissible exposure limit (PEL) of 2 or 2.5 mg/m³. He said that there is a significant difference between PEL's of 2 and

1 in terms of feasibility, and nothing in terms of health effects. He stated that comments regarding this were made and ignored throughout the rulemaking process, including in the Final Statement of Reasons (FSOR). He said that when the Board's interpretation of a study is questioned, it is not responsive to simply refer back to the study, as was done in the FSOR, because it does not answer questions regarding interpretation of data. He stated that the reasons for this proposal remain a mystery. He said that he is glad to see that the FSOR does not reverse the burden of proof, but his organization feels that this agreement on principle was not followed through. He stated that there is substantial evidence that the proposed PEL is infeasible, and that a higher PEL is safe, but this has been dismissed with mere speculation and conjecture, which is a double standard in the evaluation of data that places a much higher burden of proof on the stakeholder than on the Board itself when it comes to proving the necessity and feasibility of this proposal.

Mr. Leacox stated that there is substantial evidence that the proposed PEL is infeasible for some parts of the industry, namely furniture and cabinet makers, and stakeholders mentioned this during the rulemaking process. He said that the Kalliny study shows that of the 35,000 air samples that were conducted during the study, 25% of the samples showed that the air contained levels that were higher than the proposed PEL. He stated that average exposures at furniture and cabinet plants are above the proposed PEL. He said that there is a claim in the FSOR that a PEL of 1 mg/m³ is feasible when the geometric mean of air samples is near or below 1 mg/m³. He stated that this claim is fundamentally flawed because the PEL is a limit and the mean is the middle ground, and many samples exceed the mean. He said that when a vertical standard is written, a limit and an action level are set, both of which are above the expected average of exposures, and the action level is set at half of the limit. He stated that there is a real disconnect when using mean or average values as evidence of compliance with the limit because that is not how a standard is enforced.

Mr. Leacox stated that in the FSOR, there are claims that new technologies will lower exposures and help employers to meet the PEL, but the FSOR does not demonstrate anywhere that the use of those technologies will reduce all exposures to a level that is below 1 mg/m³ where the average exposures are at or above that level. He also stated that it appears that the Board finds the Kalliny study troubling and reveals a double standard that shifts the evidentiary burden in this rulemaking. He said that it appears the Board will not accept the thousands of measurements that were above the PEL as substantial proof of infeasibility because a thorough analysis and engineering assessment were not done, but the Board gives itself a pass by dismissing the same data, saying that the "process evaluated in the Kalliny study may not have benefited from the use of maximum achievable engineering controls and practical administrative controls." His organization feels that in this case, the Board is accepting mere speculation to prove that the PEL is feasible and is dismissing substantial data. He asked the Board to vote "no" on this proposal, send it back to the Division, and have the Division consider implementing a more feasible PEL around 2 or 2.5mg/m³.

Stewart Holm, American Wood Council, stated that the current PEL of 5mg/m³ for wood dust and western red cedar is protective and feasible. He said that a PEL of 2mg/m³ is also sufficient and feasible, but the PEL of 1mg/m³ is unnecessary and not feasible. He stated that there are conclusions in the FSOR that are not substantiated for the proposed PEL, such as:

- Poor work practices can be corrected and improvements made to existing ventilated machines and tools for zero or low-cost.
- Any cost increases associated with the lower PEL are minor.

He said that the FSOR does not provide information, statistics, or dollar amounts to go along with achieving this PEL, or information to support the claim that meeting the PEL is inexpensive. He stated that his organization would like to know how the Board determined that there will be zero or low-cost because his organization believes that there is no such thing as no cost in this case. He also stated that several practices in the FSOR, such as the following, do not appear to be inexpensive:

- Front end loaders with open cabs instead of air conditioned/filtered cabs.
- Operator booths utilizing recirculated air rather than clean outside air.
- Solutions for large machinery typical of sawmills might require greater sophistication and financial input.
- Some data provided for sawmills on page 5; little information is available for other facilities.

He said that the FSOR does not provide any data regarding the actual cost for these things. The only feasibility data that it provides is for sawmills. He stated that the PEL could be feasible if it was exclusively for sawmills, but it's not. He said that the Kalliny study includes furniture, cabinet, and milling industries, which will be greatly affected by the proposed PEL. He stated that it appears that the state is using a geometric mean to justify that the PEL is feasible, rather than using an arithmetic mean that is more appropriate. He said that using the geometric mean confuses what the data actually suggests. He stated that historic studies are helpful in assigning a lung function hazard, but they are not helpful in predicting an appropriate PEL.

Jeff Everitt, Collins Pine Particleboard, stated that his organization would like to see the proposal regarding wood dust and western red cedar be denied because employers are already doing a good job protecting their employees against exposure. He said that increases in technology regarding wood cutting and sanding equipment have helped tremendously to improve air quality in shops. He stated that employers give their employees respirators and training on air quality and general safety, and employers have a financial interest in keeping shops clean and controlling the dust to make their product more palatable to market. He said that the cost to implement this proposal and replace ventilators and dust removal equipment will put some of these shops out of business. He stated that sawmills are already meeting these standards, and more direct intervention in smaller shops regarding things such as respirators would be more appropriate than requiring them to replace ventilation equipment. He said that his organization would like to see the PEL set to 2 or 2.5 mg/m³.

Bruce Wick, CALPASC, stated that his organization supports the comments made by Mr. Leacox and his colleagues regarding the proposal for wood dust and western red cedar. He

said that compliant employers lose job opportunities because it is too expensive for them to comply, and therefore, non-compliant employers get the job and employees are put at risk. He stated that going from a PEL of 5 mg/m³ to a PEL of 1 or 2 mg/m³ will be a major change that will have a cost associated with it, and it is important for employers to know what that cost will be. He also said that it is important to find a low-cost way for employers to be in compliance with the regulation.

Mr. Wick also commented on the silica proposal. He thanked Mr. Kernazitskas for his work on the advisory committee meeting and for doing it in an expedited fashion. He said that employers and labor groups are not far off regarding the changes that they would like to see in the silica standard, but more work needs to be done through an informal meeting of stakeholders or another advisory committee meeting to come to a closer consensus before the regulation becomes effective on June 23, 2017. He stated that many employers have spent a lot of money on dry vacuum equipment since the California silica standard was passed in 2008, and unless vacuum equipment is introduced into Table 1 of the silica proposal, it will be viewed as disfavored, and employers who currently use vacuum equipment will be non-compliant when the proposal becomes effective. He stated that vacuum equipment is much more expensive than wet cutting equipment, but has much less of a risk of slips and falls than wet cutting equipment.

Kevin Bland, representing the Residential Contractors Association, the CA Framing Contractors Association, and the Western Steel Council, stated that his organizations echo the comments that were made by Mr. Leacox and his colleagues regarding the proposal for wood dust and western red cedar. He said that feasibility is an issue, and the Division seems to be taking an unbalanced approach toward the data that has been presented. He stated that the Division only uses data that it wants when drafting regulations such as this. He asked the Board to send the proposal back to the Division to re-evaluate it and come up with a proposal that is feasible for employers.

Mr. Bland also commented on the silica proposal on behalf of the Masonry Contractors Association, the CA Framing Contractors Association, and the Residential Contractors Association. He stated that when California adopts a federal standard through the Horcher process, it does not adopt the preamble. He said that it is important to incorporate certain items from the preamble in the federal silica standard into the California silica standard so that it is clear what the California standard applies to. He recommended adding these items as exceptions in the standard. He also stated that even though the lawsuit against the federal standard has not been resolved, it is vital that vacuum methods are incorporated into the California standard because if they are not included now, then when the effective date comes, current vacuum equipment will be obsolete and the rulemaking process will have to start over again in order to add vacuum equipment back in. He asked the Board and Division staff to hold another advisory committee meeting to discuss these issues further.

Mr. Bland also commented on behalf of the FSC regarding the upcoming advisory committee meeting for petitions 557 and 560. He said that his organization is concerned about the number of seats that have been given because there is a 4-seat limit for each side and APAC has not been given any seats. He stated that the adult film industry is comprised of many facets that cannot be adequately represented with just 4 seats. He also said that the draft agenda for the meeting has already been released, and the first agenda item already has the

discussion item and conclusion done, even though the discussion has not started yet. He asked the Board to provide the Division with some guidance in this process.

Mia Li, Adult Film Performer, stated that petition 557 regarding bloodborne pathogen protection in the adult film industry was created without input from the true stakeholders. She said that petition 560 is the best option because its recommendations are in the best interests of adult film performers. She stated that she and other adult film performers are looking forward to working with the Division and want to be part of the process to develop a regulation that will affect their lives and bodies. She stated that performers trust and support having a testing system and options that allow them to choose what is best for them so they can do their jobs safely. She said that condoms are not the gold standard for protection because they do not work for industrial use and can cause abrasions, micro tears, and bodily harm. She stated that they can also break or fall off during industrial use. She asked the Division to give 4 seats on the advisory committee panel, in addition to the seats that have already been given to the Free Speech Coalition (FSC) and the AIDS Healthcare Foundation (AHF). She also asked the Division to consider holding a second advisory committee meeting in southern California because holding just one advisory committee meeting in Oakland may not capture the full scope of the industry, and the geographical diversity of performers is great.

Verta, Adult Performer Advocacy Committee (APAC), stated that her organization would like to see the Division add a second advisory committee meeting to discuss petitions 557 and 560, and would like to see more seats given to the adult film performers who are the true stakeholders that will be affected by this regulation. She also said that the FSC did a great job addressing their concerns in petition 560, but it does not contain any provisions to protect adult film workers from workplace violence. She stated that employees should not have to internalize their working conditions because of the stigma that surrounds the work that they do. She said that adult film performers want to work with the Division to develop a regulation that protects them from bloodborne pathogens in a way that will address their needs, but it is difficult for them to come to the Board because when they do, the AHF uses the things that they say against them.

Adam Cohen, AIDS Healthcare Foundation, stated that his organization is looking forward to the advisory committee on January 31 where petitions 557 and 560 will be discussed. He said that his organization will present scientific information that affirms that condoms are required to prevent exposure to blood and other potentially infectious material in the adult film industry. He submitted a copy of a peer reviewed study that was released last week [Please see the file copy of the Board packet to view this document]. He said that this study surveyed 360 adult film performers (about ¼ of the adult film industry population), and the study found that 24% of the participants that were surveyed tested positive for chlamydia or gonorrhea. He said that 1 in 3 of those infections would not have been detected using the industry's current testing scheme because gonorrhea infections, such as oral gonorrhea, are mostly found at pharyngeal sites which are site-specific infections that the industry does not test for. He said that they do not do throat swabs to test for oral gonorrhea. He also stated that the study had the following results regarding workplace safety:

- Only 6% of the participants surveyed said that they always use a condom on set.
- 1 in 5 said that they wanted to use a condom on set, but felt they could not insist on using one.
- 10% said that they were physically hurt during a film shoot.
- 14% said that they had to perform a sex act that they did not want to do.

He said that there is a conflict between the industry's narrative that they are in favor of regulation and the scientific research that reports unacceptable rates of harassment, violence, and exposure to serious infections.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 11:20 a.m.

Mr. Thomas called for a break at 11:20 a.m. and reconvened the meeting at 11:35 a.m.

II. PUBLIC HEARING

Mr. Thomas called the Public Hearing of the Board to order at 11:35 a.m., January 19, 2017, in Room 310 of the County Administration Center, San Diego, California.

Mr. Thomas opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Section 4306
 Underhung/Slung (Jump) Saw Guarding

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is ready for the Board's consideration and the public's comment.

There were no public or Board Member comments.

A. ADJOURNMENT

Mr. Thomas adjourned the public hearing at 11:43 a.m.

III. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 11:43 a.m., January 19, 2017, in Room 310 of the County Administration Center, San Diego, California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Section 5155
 Airborne Contaminants – Wood Dust and Western Red Cedar

Mr. Berg 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 Ms. Stock and seconded by Ms. Quinlan that the Board adopt the proposal.

Ms. Smisko stated that this proposal brings up the question of feasibility in such a way that has not been seen in years. She said that she supports lowering the PEL's, but there needs to be clarification regarding who bears the burden of proving feasibility and what the requirements are. She said that employers work hard to reduce exposure and follow requirements, and it is difficult to expect them to do studies to see how low they can make a PEL go while they are trying to meet requirements. She also stated that the industry does bear the burden of the financial cost of complying with requirements. She said that this proposal is asking employers to do more than ever before to prove that a PEL is not feasible, which is not in the financial interests of the employer. She stated that regulations do, however, motivate equipment manufacturers and employers to innovate their equipment and procedures to comply with requirements. She said that innovation comes at a cost, but it's also about the safety and health of employees. She stated that this proposal provides an opportunity to have more rigor regarding the feasibility of PEL's and to determine who is responsible for proving feasibility and who funds studies of feasibility to determine whether or not a PEL is feasible.

Ms. Stock stated that the issue regarding what is considered proof when proving whether or not a PEL is feasible is complicated, and it is always valuable to clarify who has the burden of proof. She said that it is inconceivable that, in every instance and usage, it must be proven whether or not a PEL is feasible, and it is unclear what is meant by "the burden of proof is on the agency". She stated that more discussion and clarity on these issues is preferable. She also said that more enforcement may be needed to ensure that low road employers comply.

Ms. Quinlan stated that she feels that it is best to go with the PEL of 1 mg/m³ as recommended by the Health Experts Advisory Committee (HEAC) and the Division because it does prevent health effects. She said that the main issue here is feasibility and whose burden it is to prove feasibility. She stated that the Kalliny study shows that most industries already comply with this PEL, but that data is more than 10 years old, and there are many unknowns regarding how the sampling was done in the study, as well as what kinds of controls were in place. She said that feasibility in this case is something that no one knows, but this is very close, and in some cases, this PEL is already being achieved. She also stated that respirators can be used to help lower the exposure to a level that complies with the PEL.

Ms. Stock stated that there are a range of methods that can be used to comply with this proposal, and the use of respirators in areas where high levels of these chemicals exist can be just as effective as, and less costly than, other interventions. She said that she feels comfortable moving this proposal forward.

Mr. Thomas asked Mr. Berg if he had an idea how much it would cost to implement this regulation. He said that it does not appear that implementing this regulation will be as low cost as the Division thinks it will be. **Ms. Hart** stated that according to the Initial Statement of Reasons (ISOR), the Division assessed that it will cost an average of \$1,000 per employer to comply with this proposal, but the American Wood Council feels it will cost \$448 million in 2010 dollars.

A roll call was taken. Ms. Quinlan, Ms. Smisko, and Ms. Stock voted “aye.” Mr. Thomas voted “no”. The motion did not pass.

Mr. Thomas stated that he supports the PEL, but he is not comfortable with the feasibility. He said that the difference is huge and is going to cost more money than what the Division stated. He recommended sending the proposal back to the Division for further consideration regarding cost.

Ms. Stock stated that these issues have come up for every chemical and PEL. She said that there will be many disagreements and differences of opinion regarding each of the PEL’s and each one’s feasibility. She stated that it is important for the Board to not set burdens or expectations that could hinder it from moving forward on future PEL’s.

Ms. Smisko stated that there will be many unknowns and disagreements regarding PEL’s for each chemical. She recommended that the Board and Division look at developing a process to help make the decision easier, as well as to clarify who is responsible for what when it comes to proving feasibility.

Ms. Stock asked Ms. Hart what the next step will be in this case. **Ms. Hart** stated that the 1-year time clock on this proposal will run out soon, so no further modifications can be made to this proposal. She said that Mr. Berg can take the information that was heard today back to the Division, and the Division can either engage with stakeholders to consider a PEL other than 1 mg/m³ or stick with the PEL of 1 mg/m³ and present additional data regarding the cost. From there, the Division can re-notice this proposal with that information included, or the Division will need to initiate a new rulemaking.

Ms. Quinlan stated that she is concerned about the fact that the PEL will remain at 5 mg/m³. She asked the Division to put wood dust and western red cedar back on the HEAC’s list for continued consideration. **Mr. Thomas** agreed. **Mr. Berg** stated that he will bring this information back to the Division and the HEAC.

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated that items A through N on the consent calendar are ready for consideration, and possible adoption, by the Board. Regarding item O on the consent calendar, OSHSB File Nos. 16-V-110, Riverside County Sheriff's Department, this item is being removed from the consent calendar because the proposed decision is not yet ready for the Board's consideration.

MOTION

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

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

C. OTHER

1. Division Update on Possible Rulemakings and Advisory Committees

In addition to the written update that the Division provided [Please see the file copy of the Board packet to view this document], Mr. Berg provided the following information:

Antineoplastic Drugs: The Division is reviewing all of the comments that were received during the advisory committee process and is preparing the formal rulemaking documents to send to the Board staff in the first half of 2017.

First Aid: The Division has completed the rulemaking documents and will be sending them to the Board staff for review very soon.

Indoor Heat: In response to legislation that was recently passed that requires the Division to create regulations regarding indoor heat, the Division is preparing to hold its first advisory committee meeting in February.

Lead in Construction and GISO: The Division has completed the advisory committee process and is currently reviewing the comments that were received and preparing the documents for the formal rulemaking package. The Division plans to send the formal rulemaking package to the Board staff in early 2017.

Marijuana (Medical): In response to legislation that was recently passed requiring the Division to hold an advisory committee to discuss this, the Division held an advisory committee meeting and is currently reviewing the documents from that meeting. The Division will do a presentation for the Board before July 1, 2017.

Trichloroethylene and Benzyl Chloride: The Division sent the required documents for these proposals to the Board staff along with its comments.

Sexually Transmitted Infections: The Division is scheduled to hold an advisory committee meeting regarding this on January 31 in Oakland.

Workplace Violence Prevention in General Industry: On January 12, the Division held an advisory committee. The Division is currently reviewing the comments that were received, and after all of the comments have been reviewed, the Division will decide if another advisory committee meeting is needed.

Ms. Quinlan asked Ms. Hart if she had any updates on the remaining items on the Division's written report. **Ms. Hart** provided the following information:

Elevator Safety Orders: The Division is finalizing the rulemaking documents and preparing to send them to the Board staff for review. The Division will do a presentation on this in a few months to bring the Board up to speed on its progress.

Mining and Tunneling Safety Orders: A series of meetings have been held regarding this, but this proposal has been placed on hold temporarily.

Boiler and Fire Pressure Vessel Safety Orders: The principal safety engineer that has been assigned to this proposal has been working very diligently on it, and a proposal will probably come before the board within the next year or so.

Tramway Safety Orders: The Division will bring forth a rulemaking in the next few months.

Ms. Stock asked if there are legislative deadlines by which the Board must pass regulations pertaining to indoor heat illness and workplace violence prevention in general industry. **Mr. Berg** stated that there is no deadline for workplace violence prevention in general industry, but there is a deadline of January 1, 2019 by which the Board must pass a regulation addressing indoor heat illness.

2. Executive Officer's Report

Ms. Hart stated that the Board staff is waiting for more information from Mike Horowitz at the Division before the proposal for trichloroethylene can be finalized. She said that the proposal regarding benzyl chloride has been finalized, and the Secretary's Office Action Request (SAR) form has been sent out to DIR and LWDA for signature, along with the other necessary documents.

Ms. Hart stated that the advisory committee meeting that was held regarding the silica proposal received information that was later discovered to be irrelevant, and that created a setback for the committee. She said that time is critical regarding this proposal because the effective date of June 23, 2017 cannot be changed. She stated that if the effective date is changed on the California standard, the standard will no longer be as effective as the federal standard, and federal OSHA is unlikely to approve any requests for extension of the effective date. She said that the Board staff is still receiving and reviewing comments

from the subcommittee that was convened, and after that, the Board staff will have to assess where things stand before deciding whether or not to convene another advisory committee.

Ms. Hart stated that at last month's meeting, a letter was read into the record from Eric Paul Leue of the FSC regarding the FSC's concerns about the upcoming advisory committee meeting regarding petitions 557 and 560. She said that the Board staff sent a response back to Mr. Leue recommending that the FSC submit the names of the people that they would like to see on the advisory committee panel to Steve Smith for consideration. She said that she also contacted Juliann Sum and recommended to her that the APAC also be given seats on the panel. She stated that the roster for the advisory committee has not been set yet, but the agenda for the meeting has been published. **Ms. Stock** asked Ms. Hart if members of the public who attend the advisory committee meeting will be allowed to speak during the meeting. **Ms. Hart** stated that the Division has allotted some time during the meeting for members of the public to speak, but only on items pertaining to the agenda.

Ms. Hart stated that the proposal regarding the final rule for electric power generation has been completed by Maryrose Chan and will be noticed on January 27 for public hearing in March.

3. Future Agenda Items

No future agenda items were suggested.

D. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 12:27 p.m.