

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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SUMMARY PUBLIC MEETING AND BUSINESS MEETING November 15, 2018 Walnut Creek, 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 10:00 a.m., November 15, 2018, in the Council Chambers of the Walnut Creek City Hall, Walnut Creek, California.

ATTENDANCE

Board Members Present

Dave Thomas
Barbara Burgel
Chris Laszcz-Davis
Barbara Smisko
Laura Stock

Board Members Absent

Dave Harrison

Board Staff

Marley Hart, Executive Officer/Special
Consultant
Mike Manieri, Principal Safety Engineer
Peter Healy, Legal Counsel
Lara Paskins, Staff Services Manager I
David Kernazitskas, Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Eric Berg, Deputy Chief of Health

Others Present

Jay Weir, AT&T	Elizabeth Treanor, PRR
Pete Bennett	Christina Shupe
Michael Musser, CA Teachers Association	Bruce Smith, Waymo LLC
Nicole Marquez, Worksafe	Jane Thomason, CNA/NNU
Nola Kennedy, Cal State Univ. Northridge	Jamie Carlile, SCE

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.

Pete Bennett, Former PG&E Programmer, spoke about his experience while working for PG&E, and he asked for an investigation to be opened regarding information that he has that pertains to several events that have occurred, including some explosions and fires. **Mr. Berg** gave Mr. Bennett his business card and offered to meet with him after the meeting to discuss this information, and how to open an investigation with the Division.

Michael Musser, CA Teachers Association, stated that even though Ms. Hart has returned to assist during the transition to the new Executive Officer, he missed Ms. Hart's last meeting where many folks had an opportunity to speak about her accomplishments, so he also wanted to speak about Ms. Hart. He thanked Ms. Hart for her passion and dedication to her work as Executive Officer. He stated that Ms. Hart has always been able to tackle tough situations with grace and wisdom, and her approach was always fair, balanced, and thoughtful. He also said that Ms. Hart had amazing skills for managing competing interests.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:18 a.m.

II. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 10:18 a.m., November 15, 2018, in the Council Chambers of the Walnut Creek City Hall, Walnut Creek, California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Section 3389(a)
Life Rings and Personal Flotation Devices (PFD) in Marine Terminal Operations

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 Ms. Stock and seconded by Ms. Laszcz-Davis that the Board adopt the proposal.

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

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated he is aware of no unresolved legal or procedural issues regarding items A-P

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. Laszcz-Davis and seconded by Ms. Smisko to adopt the consent calendar.

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

C. OTHER

1. Division Update on Rulemakings and Advisory Committees

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

Antineoplastic Drugs: The Division is still working on the economic impact assessment.

First Aid Kit Contents: The pre-rulemaking documents are complete and awaiting approval from the Labor and Workforce Development Agency (LWDA). Once LWDA approves the package, the formal rulemaking process can begin.

Lead in Construction and General Industry: The standardized regulatory impact analysis (SRIA) is almost complete. Once it is completed, it will be sent to the Department of Finance for approval. Once the Department of Finance approves the SRIA, the rulemaking package will be submitted to the Board staff to begin the formal rulemaking process.

Marijuana: The Division will convene an advisory committee meeting sometime in 2019 to look at adding marijuana smoke to the regulations pertaining to secondhand smoke.

Naturally Occurring Asbestos: In response to the petition that the Board granted earlier this year regarding this, the Division will convene an advisory committee meeting sometime in 2019.

Permissible Exposure Limits (PEL's): The Division is convening an advisory committee meeting on December 4 to discuss several chemicals, and is also working on pre-rulemaking documents for other chemicals.

Surgical Plume: The Division convened an advisory committee meeting on November 8 to review and discuss the Division's draft regulatory text. The Division is accepting comments regarding the discussion draft until January 15, 2019, at which time the Division will review and consider the comments that are submitted, and make any necessary changes to the draft language.

Indoor Heat: The Division has posted another draft of the regulatory language on its website. The comment period was originally scheduled to end on November 16, but the Division received some requests to extend the comment deadline, so the Division extended it to November 20.

Workplace Violence Prevention in General Industry: The Division has posted an updated draft of the regulatory language on its website. The comment period was originally scheduled to end on November 30, but the deadline has been extended to December 14.

Ms. Stock stated that the legislation that initiated the process for indoor heat requires the Division to submit a proposed regulation to the Board staff by January 1, 2019. She asked Mr. Berg to explain that deadline and how it matches with where the Division is at in the process right now. **Mr. Berg** stated that it has been difficult to come up with a standard that is workable and protective of employees. He said that there have been many changes throughout the various drafts of the proposal, and the Division wants to bring a good standard to the Board staff for review. He stated that as a result of this, the Division will not be able to meet the January 1, 2019 deadline. **Ms. Stock** asked Mr. Berg if he had any idea when the proposal will be brought to the Board staff. **Mr. Berg** stated that he was unsure how long it will take. He said that the Division is currently working on the economic impact analysis. He stated that if a SRIA is required, it will take much longer to get the proposal to the Board because the Division will have to contract with an economist to do the SRIA. **Ms. Stock** asked Mr. Berg if there is an impact on the Division or the Board for missing the legislatively-mandated deadline. **Mr. Berg** stated that he was unsure what the impact will be for missing the deadline. He said that if the proposal does not need a SRIA, it is possible that the Division could have the proposal ready to submit to the Board staff in the next few months.

2. Executive Officer Position Recruitment and Appointment

Ms. Hart summarized the process that occurred to recruit and assess candidates for the Executive Officer position. She said that 5 candidates were interviewed by a panel consisting of Mr. Thomas and Ms. Laszcz-Davis during the first round of interviews. From there, two candidates were selected to move forward to a second round of interviews, and Ms. Stock joined Mr. Thomas and Ms. Laszcz-Davis on the panel conducting the second round of interviews. She stated that from this in-depth process, the panel has informed her that they have selected someone that they feel is worthy of becoming the next Executive Officer for the Standard Board. She said that she included a short bio on the candidate in the Board Members' meeting folders. **Mr. Thomas** stated that the process to select a new Executive Officer has been a thorough one, and he believed that the panel selected a strong candidate to fill the position. He summarized the candidate's background and qualifications for the position.

MOTION

A motion was made by Ms. Stock and seconded by Ms. Laszcz-Davis that the Board move forward with the appointment of Christina Shupe to the Executive Officer position for the Occupational Safety and Health Standards Board.

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

Ms. Hart stated that the Board will move forward with the appointment, but there are still a few more state government approvals that must be obtained before Ms. Shupe can be given a start date.

Ms. Shupe stated that she is looking forward to joining the Board staff and feels that it is a good fit for her because she values transparency and public engagement. She said that she appreciates the fact that everyone at the Standards Board is dedicated to bringing everyone's voices to the table in a transparent and engaging manner.

3. Executive Officer's Report

Ms. Hart stated that the 2019 meeting schedule is still in the process of being determined, but the decision has been made that the meetings will continue to be held on the third Thursday of the month. She said that there was no concern raised by any of the Board Members regarding holding the February meeting on the third Thursday of the month, even though it will occur during the President's Day holiday week, so the meeting date will not be changed. She stated that it is getting more difficult each year to put the schedule together in time for the November or December meeting because the meeting locations do not release their calendars for the upcoming year until November or December. She said that Ms. Money is staying in contact with each of the locations, and hopefully, the schedule will be completed in time for the December meeting. She stated that the January meeting has been scheduled and will take place in Rancho Cordova on January 17, 2019.

4. Future Agenda Items

No future agenda items were mentioned by the Board.

C. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:34 a.m.