

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
Website address [www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



**SUMMARY  
PUBLIC MEETING AND BUSINESS MEETING  
September 19, 2019  
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 10:01 a.m., September 19, 2019, in the Auditorium of the State Resources Building, Sacramento, California.

ATTENDANCE

Board Members Present

Dave Thomas  
Barbara Burgel  
Dave Harrison  
Nola Kennedy  
Chris Laszcz-Davis  
Laura Stock

Board Members Absent

Board Staff

Christina Shupe, Executive Officer  
Mike Manieri, Principal Safety Engineer  
Peter Healy, Legal Counsel  
Lara Paskins, Staff Services Manager  
David Kernazitskas, Senior Safety Engineer  
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Eric Berg, Deputy Chief of Health

Others Present

|   |   |
|---|---|
| James Mackenzie, SCE                        | Jay Sturges, LWDA                           |
| April Kleine, LWDA                          | Gail Blanchard-Saiger, CHA                  |
| Kevin T. Wright, IUEC 8                     | Mark Thomas, IUEC Local 8                   |
| Del Garner, IUEC Local 8                    | Mike Shields, DOSH Elevator Unit            |
| Carl Paganelli, DOSH Elevator Unit          | Edward Persico, ThyssenKrupp/NEII           |
| Dan Leacox, Leacox and Associates           | Wolter Geesink, Otis Elevator               |
| Lucy Brazil, The Press Shop                 | Amy Blankenbiller, NEII                     |
| Charles McGivern, Mammoth Mountain Ski Area | Nathan Heit, Mammoth Mountain Ski Area      |
| Bruce Wick, CALPASC                         | Larry Isidro, L.A. Dept. of Building Safety |
|   | Jim Meyer, Meyer Consulting                 |

Elizabeth Treanor, PRR  
Saskia Kim, CA Nurses Association  
Jamie Carlile, SCE  
Sean Tracy, DSH  
Jora Trang, Worksafe  
Bill Benham, Benham Consulting  
Peter Callas, LA Dept. of Building Safety  
Pamela Murcell, CIHC

Michael Strunk, IUOE Local No. 3  
Bryan Little, CA Farm Bureau Federation  
Steve Johnson, Walters and Wolf  
Robert Moutrie, Cal Chamber  
Eric McClaskey, Elevator Industry Work  
Preservation Fund  
Kevin Goddard, CalTrans  
Amalia Neidhardt, DOSH

B. PRESENTATION BY THE DIVISION – ELEVATOR UNIT

\*Handouts from this presentation are available from the Board staff upon public records request.

**Dan Barker, Division - Elevator Unit**, gave a presentation to the Board explaining what the Group V Elevator Safety Orders are, why they are necessary, and how the Division feels they will impact the elevator industry. He also spoke about the Division's concerns regarding machine room-less elevators.

C. PUBLIC COMMENT ON THE DIVISION – ELEVATOR UNIT'S PRESENTATION

- **Dan Leacox, Leacox and Associates, representing NEII**
- **Mark Thomas, IUEC Local 8**
- **Frank Belio, IUEC Local 18**
- **Kevin Wright IUEC Local 8**
- **Eric McClaskey, IUEC Local 8**
- **Peter Callas and Larry Isidro, L.A. Department of Building Safety**
- **Amy Blankenbiller, NEII**
- **Del Garner, IUEC Local 8**
- **Jora Trang, Worksafe**

Mr. Thomas called for a break at 11:33 a.m. and reconvened the meeting at 11:45 a.m.

D. PUBLIC MEETING

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.

**Bruce Wick, CALPASC**, commented in support of extending the temporary emergency wildfire smoke regulation another 6 months, but with a few changes. He also commented on the advisory committee process for the emergency regulation.

**Bryan Little, CA Farm Bureau Federation**, commented on the advisory committee process for the emergency wildfire smoke regulation.

**Elizabeth Treanor, Phylmar Regulatory Roundtable**, commented on the advisory committee process for the emergency wildfire smoke regulation. She also stated that the regulation for this should be able to be found front and center on the Division’s website so that employers have an easier time trying to find the information that they need.

**Charles McGivern and Nathan Heit, Mammoth Mountain Ski Area**, commented in support of Petition 575.

E. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 12:00 p.m.

**II. BUSINESS MEETING**

Mr. Thomas called the Business Meeting of the Board to order at 12:00 p.m., September 19, 2019, in the Auditorium of the State Resources Building, Sacramento, California.

A. PROPOSED PETITION DECISIONS FOR ADOPTION

1. Nathan Heit and Charles Megivern, Ski Patrol Managers  
Mammoth Mountain Ski Area, LLC  
**Petition File No. 575**

Petitioners request the Board to amend Title 8, General Industry Safety Orders, Section 5357, regarding snow avalanche blasting.

Ms. Shupe summarized the history and purpose of the petition, and stated that the proposed decision is to grant the petition to the limited extent that the Board staff shall convene an advisory committee meeting to discuss the advisability of an update to Section 5357, Snow Avalanche Control Blasting.

MOTION

A motion was made by Ms. Laszcz-Davis and seconded by Mr. Harrison that the Board adopt the petition decision.

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 that item O on the consent calendar, OSHSB File No. 18-V-364, is not ready for the Board’s consideration and should be removed from the consent calendar. He also said that the proposed decision for item N on the consent calendar, OSHSB File No. 19-V-081, is to grant the variance. With that and the removal of item O, he is aware of no other unresolved procedural 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 Mr. Harrison and seconded by Ms. Stock to adopt the consent calendar.

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

## C. OTHER

### 1. Legislative Update

Mr. Healy provided an update on legislative activities.

### 2. Executive Officer’s Report

Ms. Shupe reported that the Board staff has a new signup form for the OSHSB mailing list, and it is posted on the Board’s website. The Board staff is also using new software to send out the monthly meeting notices and agendas with a new look and functionality.

### 3. Future Agenda Items

**Ms. Shupe** asked Mr. Berg to provide the Board with an update regarding the status of the permanent regulation for wildfire smoke. **Mr. Berg** stated that the Division held the first advisory committee meeting on August 27. He said that the regulation has been posted for several weeks on the Division’s website in the same place that they post all of their Title 8 regulations. The information on the Division’s wildfire smoke webpages is outdated, but the Division has submitted updates for those pages and are waiting for them to be posted. At the advisory committee, the Division considered two types of changes:

- 1.) Non-substantive changes to the emergency regulation. This was considered because the time to make it a permanent regulation is very condensed, so there won’t be enough time to make major changes to it.
- 2.) More significant substantive changes to the emergency regulation that won’t be able to be completed in time to make the regulation permanent.

Mr. Berg stated that during the advisory committee, everyone was invited to come up and speak, as is usually allowed during Division advisory committees. It appears that stakeholders don’t like that style, so the Division will look into doing more committee-style meetings in the future for the more substantive changes. He said that the Division hopes to enter formal rulemaking for the permanent rule before the current emergency standard expires in January, and there will be no further advisory committee meetings regarding this due to the limited amount of time available to get the permanent regulation done. However, for the more substantive changes, further advisory committees will be held. **Ms. Burgel** asked Mr. Berg how the committee-style structure of advisory committee meeting differs from the structure that the Division is currently using for advisory committee meetings. **Mr. Berg** stated that the Standards Board has been using the committee-style structure for a long time, so the Division will ask the Board staff for assistance with that. **Ms. Shupe** stated that the Board staff is more than happy to help the Division with that. **Ms. Stock** stated that it is a workable structure that

she has seen work effectively, and it's important to get the right mix of people at the table with the same opportunities to voice their opinions and concerns. She asked Mr. Berg if the Division has any plans to translate the regulation into other languages. **Mr. Berg** stated that a third party has translated the regulation into several other languages, and those translations just need to be proofread by two other parties before they are posted.

**Ms. Stock** asked Mr. Berg for an update on the proposals pertaining to workplace violence in general industry and indoor heat. **Mr. Berg** stated that the Division is planning to post an updated draft of the workplace violence proposal by the end of October for people to comment on. For indoor heat, DIR has contracted with a third party to do the standardized regulatory impact analysis (SRIA), which will be a lengthy process.

D. CLOSED SESSION

Mr. Healy stated that the need did not develop for the Board to hold a closed session at this time.

E. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 12:24 p.m.