

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY & HEALTH STANDARDS BOARD

PUBLIC MEETING AND BUSINESS MEETING

In the Matter of:                    )  
February 16, 2023 OSH            )  
Standards Board Meeting         )  
\_\_\_\_\_                                  )

IN-PERSON & TELECONFERENCE

Attend the meeting in person:

Fresno Council of Governments

Board Room

2035 Tulare Street

Fresno, CA 93721

Attend the meeting via Video-conference

THURSDAY, FEBRUARY 16, 2023

10:00 A.M.

Reported by:  
E. Hicks

APPEARANCES

BOARD MEMBERS PRESENT AT FRESNO COUNCIL OF GOVERNMENTS:

Dave Harrison, Labor Representative, Acting Chair  
Kathleen Crawford, Management Representative  
Nola Kennedy, Public Member  
Chris Laszcz-Davis, Management Representative

BOARD MEMBERS PRESENT VIA TELECONFERENCE:

Barbara Burgel, Occupational Health Representative  
Laura Stock, Occupational Safety Representative

BOARD STAFF PRESENT AT FRESNO COUNCIL OF GOVERNMENTS:

Amalia Neidhardt, Senior Safety Engineer  
Autumn Gonzalez, Chief Counsel, Acting Executive Officer  
David Kernazitskas, Senior Safety Engineer  
Sarah Money, Executive Assistant

BOARD STAFF ATTENDING VIA TELECONFERENCE AND/OR WEBEX:

Steve Smith, Principal Safety Engineer - Special Consultant  
Lara Paskins, Staff Services Manager  
Jennifer White, Regulatory Analyst

ALSO PRESENT IN FRESNO:

Kevin Graulich, Principal Safety Engineer, Cal/OSHA  
Research and Standards Health Unit

TKO STAFF:

Maya Morsi  
John Roensch

SPANISH INTERPRETERS:

Patricia Hyatt  
Estela Moll

APPEARANCES (Cont.)

PUBLIC MEETING COMMENTERS: (\*Online testimony)

Michael Miiller, California Association of Winegrape  
Growers  
Nick Tindall, Association of Equipment Manufacturers, AEM  
Bryan Little, California Farm Bureau Federation  
\*AnaStacia Nicol Wright, Worksafe  
\*Bruce Wick, Housing Contractors of California  
\*Helen Cleary, Phylmar Regulatory Roundtable  
Steve Johnson, Associated Roofing Contractors of the Bay  
Area Counties  
Dave Smith, Dave Smith & Co.  
\*Enrique Huerta, Climate Resolve  
\*Mitch Steiger, California Labor Federation  
\*Anne Katten, California Rural Legal Assistance Foundation  
\*Robert Blink, Worksite Partners Medical Group  
\*Robert Moutrie, California Chamber of Commerce  
\*Jassy Grewal, UFCW Western States Council

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P R O C E E D I N G S

FEBRUARY 16, 2023

10:00 A.M.

A/CHAIR HARRISON: Good morning, this meeting of the Occupational Safety and Health Standards Board is now called to order. I'm Dave Harrison, Acting Chair for today's meeting. And the other Board Members present here today are Ms. Kathleen Crawford, Management Representative; Ms. Nola Kennedy, Public Member; and Ms. Chris Laszcz-Davis, Management Representative. And the Board Members attending via teleconference are Ms. Barbara Burgel, Occupational Health Representative; Ms. Laura Stock, Occupational Safety Representative.

Present from our staff for today's meeting are Ms. Amalia Neidhardt, Principal Safety Engineer; Ms. Autumn Gonzalez, Chief Counsel and Acting Executive Officer for today's meeting; Mr. David Kernazitskas, Senior Safety Engineer; and Ms. Sarah Money, Executive Assistant.

Also present is Mr. Kevin Graulich, Principal Safety Engineer for Cal/OSHA Research and Standards Health Unit.

Supporting the meeting remotely are Mr. Steve Smith, Principal Safety Engineer - Special Consultant; Ms. Lara Paskins, Staff Services Manager; and Ms. Jen White, Regulatory Analyst.

Copies of the agenda and other materials related

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to today's proceedings are available on the table near the entrance to the room and are posted on the OSHSB website.

This meeting is also being live broadcast via video and audio stream in both English and Spanish. Links to these non-interactive live broadcasts can be accessed via the "Meetings, Notices and Petitions" section on the main page of the OSHSB website.

If you are participating in today's meeting via teleconference or videoconference, we are asking everyone to place their phones or computers on mute and wait to unmute until they are called to speak. Those who are unable to do so will be removed from the meeting to avoid disruption.

As reflected on the agenda today's meeting consists of two parts. First we will hold a public meeting to receive public comments or proposals on occupational safety and health matters. Anyone who would like to address any occupational safety and health issue, including any of the items on our business meeting agenda, may do so when I invite public comment.

If you are participating via teleconference or videoconference the instructions for joining the public comment queue can be found on the agenda. You may join by clicking the public comment queue link in the "Meetings, Notices and Petitions" section on the OSHSB website or by

calling 510-868-2730 to access the automated public comment queue voicemail.

When public comment begins we are going to alternate between three in-person and three remote commenters. When I ask for public testimony, in-person commenters should provide a completed speakers slip to the staff person near the podium and announce themselves to the Board prior to delivering a comment.

For commenters attending via teleconference or videoconference, please listen for your name and an invitation to speak. When it is your turn to address the Board, unmute yourself if you're using WebEx, or dial \*6 on your phone to unmute yourself if you're using the teleconference line.

We ask all commenters to speak slowly and clearly when addressing the Board. And if you are commenting via teleconference or videoconference remember to mute your phone or computer after commenting.

Today's public comment will be limited to two minutes per speaker and the public comment portion of the meeting will extend for up to two hours, so that the Board may hear from as many members of the public as is feasible. Individual speaker and total public comment time limits may be extended by the Board Chair.

After the public meeting is concluded we will



hold a business meeting to act on those items listed on the business meeting agenda.

Public meeting, we will now proceed to the public meeting. Anyone who wishes to address the Board regarding matters pertaining to occupational safety and health is invited to comment, except however, the Board does not entertain comments regarding variance matters. The Board's variance hearings are administrative hearings where procedural due process rights are carefully preserved; therefore, we will not grant requests to address the Board on variance matters.

For our commenters who are native Spanish speakers we are working with Ms. Amalia Neidhardt to provide a translation of their statements into English for the Board. At this time Ms. Neidhardt, will you provide instructions to the Spanish-speaking commenters, so they are aware of the public comment process for today's meeting?

MS. NEIDHARDT: [READS THE FOLLOWING IN SPANISH]

"Good morning, and thank you for participating in today's Occupational Safety and Health Standards Board public meeting. The Board Members present in Fresno are Mr. Dave Harrison, Labor Representative and Acting Chair for today's meeting; Ms. Kathleen Crawford, Management Representative; Ms. Nola Kennedy, Public Member; and Ms.

Chris Laszcz-Davis, Management Representative.

"The Board Members attending via teleconference are Ms. Barbara Burgel, Occupational Health Representative; and Ms. Laura Stock, Occupational Safety Representative.

"This meeting is also being live broadcast via video and audio stream in both English and Spanish. Links to these non-interactive live broadcasts can be accessed via the "Meetings, Notices and Petitions" section on the OSHSB website.

"If you are participating in today's meeting via teleconference or videoconference, please note that we have limited capabilities for managing participation during public comment periods. We are asking everyone who is not speaking to place their phones or computers on mute and wait to unmute until they are called to speak. Those who are unable to do so will be removed from the meeting to avoid disruption.

"As reflected on the agenda, today's meeting consists of two parts. First, we will hold a public meeting to receive public comments or proposals on occupational safety and health matters.

"If you are participating via teleconference or videoconference, the instructions for joining the public comment queue can be found on the agenda. You may join by clicking the public comment queue link in the "Meetings,

Notices and Petitions” section at the top of the main page of the OSHSB website, or by calling 510-868-2730 to access the automated public comment queue voicemail.

“When public comment begins, we are going to be alternating between three in-person and three remote commenters. When I ask for public testimony, in-person commenters should provide a completed request to speak slip to the attendee near the podium and announce themselves to the Board prior to delivering a comment.

“For our commenters attending via teleconference or videoconference, listen for your name and an invitation to speak. When it is your turn to address the Board, please be sure to unmute yourself if you’re using WebEx or dial \*6 on your phone to unmute yourself if you’re using the teleconference line.

“Please be sure to speak slowly and clearly when addressing the Board, and if you are commenting via teleconference or videoconference, remember to mute your phone or computer after commenting. Please allow natural breaks after every two sentences so that an English translation of your statement may be provided to the Board.

“Today’s public comment will be limited to four minutes for speakers utilizing translation, and the public comment portion of the meeting will extend for up to two hours, so that the Board may hear from as many members of

the public as is feasible. The individual speaker and total public comment time limits may be extended by the Board Chair.

"After the public meeting is concluded, we will hold a business meeting to act on those items listed on the business meeting agenda.

"Thank you."

A/CHAIR HARRISON: Thank you Ms. Neidhardt.

If there are any in-person participants who would like to comment on any matters concerning occupational safety and health, you may begin lining up at this time. We will start with our first three in-person speakers and we will go to the first three speakers in the teleconference and video conference queue.

MR. MIILLER: Good morning. I'm Michael Miiller with the California Association of Winegrape Growers. I will be very brief. First and foremost I want to thank you all for coming to the World Ag Expo yesterday, and looking at the equipment, doing the tours yesterday and the day before. We believe that the future of agriculture involves technology. It involves autonomous equipment. It involves precision viticulture. And we think that it's a very important issue that we want to continue to have a conversation about.

We appreciate the Board's willingness and the

Board staff, to sit down and look at the information, gather the data, and help make some informed decisions about how to take a regulation that's 50 years old and bring it into the 21st century. And make it reflect the technology that's available today, and the safety parameters around it to make it work for everybody involved. And we look forward to continuing those conversations.

And if any of you need an individual tour where you could see it out in vineyards I can help with that. I can help put some demonstrations together, and we're happy to coordinate and schedule stuff with you. Just feel free to let me know. You all know how to reach me, so I'll put that offer out there to you.

The second issue I wanted to just bring up briefly is the Association of Migrant Growers is sponsoring legislation, SB 375, by Senator Alvarado-Gil. That legislation would provide for a tax credit to reimburse employers for the cost of compliance with the new COVID-19 regulation, the idea being that for the next two years that regulation is going to be in place. The SRIA shows that there's significant cost to employers. And we believe that those costs should be borne by the state government and not by individual employers, given our previous conversation about how this is a community-spread virus that's part of a

global health issue and not something that is unique to the workplace, or a unique workplace situation.

So we would hope the Board might recognize the employers are still recovering from the pandemic. It's a long way back. There's a lot to do in the next few years in coming back from the losses that were experienced. And we hope the Board may consider supporting that legislation. Thank you very much for your time.

A/CHAIR HARRISON: Thank you.

MR. TINDALL: (Inaudible - audio cutting in and out.) sorry. Nick Tindall with the Association of Equipment Manufacturers. I just want to echo some of the comments that Mike Miiller made, expressing our members' deepest and sincerest gratitude for so many folks from Cal/OSHA taking the time to come out to the World Ag Expo this week to learn about the latest in agricultural equipment, technology, and have really good in-depth conversations with the technology experts that were on site.

You know, we really appreciate so many of you coming with open minds and a lot of questions. We understand it's going to be a long conversation, but we're really happy to just have your participation and eagerness to learn. And we are here as a resource for any additional information. We have the technology experts. They love

this stuff, and they're happy to engage, demo, whatever you need to help us make good, sound decisions on this important topic. Thank you.

A/CHAIR HARRISON: Thank you.

MR. LITTLE: Well good morning. I'm Bryan Little with the California Farm Bureau Federation. I'd like to add my thank-you to all of you who joined the 120,000 of our closest friends at World Ag Expo yesterday and it's great. Well, I think we should be grateful that the weather apparently was a little better on Wednesday than it was on Tuesday. I think the exercise of going to see this equipment, to get a feel for how it works, talk to the people who developed it, understand what their intentions were, maybe even offer some constructive feedback as to how that equipment might be made better, safer and more effective, was of a very good use of your time.

Now I know it's not my job to tell you what a good use of your time is, but I think in this case I think we all have the idea that this type of equipment and the use of it is probably something that's -- it's happening already. It's going to be happening more and more in the future. And it would be very useful for the agency to learn more about that and see if we can do some things to not unduly interfere with the implementation of that kind of equipment and its safe implementation.

At your last stop yesterday it came up in the course of the conversation, occupational safety and health at federal facilities and installations, because some of the demo they were doing was video of working on an Air Force Base. I spent two years at the end of the George W. Bush Administration serving as the Deputy Assistant Secretary for Occupational Safety and Health. And one of the things I did while I was there was helping to administer the federal programs that Fed OSHA runs. Federal agencies are not covered by the Occupational Safety and Health Act, but by an Executive Order from President -- I think it was President Carter -- required those agencies to develop safety and health programs and to largely be in compliance with Federal OSHA regulations and requirements.

So every federal agency and every federal installation has a health and safety plan. They have professionals on staff that help to implement those things and that's probably who the folks with Sabanto were interacting with when they were talking about the people they were working with at the Air Force Base.

I had the privilege -- because Fed OSHA cannot cite or fine other federal agencies. They can simply suggest that they should be in compliance with President Carter's Executive Order and looking out for the health and safety of their employees. But they do participate in



other OSHA programs, like the Voluntary Protection Program. So I had the privilege of going to Hawaii, spending twice as much time on the plane as I was actually there, for the VPP renewal ceremony for the Pearl Harbor Naval Shipyard.

And that was one of the really interesting things I think Cal/OSHA does, and programs like VPP I think are very valuable for you. And the programs that you do here at Cal/OSHA are very valuable things to do in cooperation with employers.

So but I want to thank you again for taking the time to come out to Cal Expo. I hope everybody got their 10,000 steps in yesterday although you wouldn't know it, because the pacer on your phone probably didn't work. So anyway, thank you again for being there.

A/CHAIR HARRISON: Thank you.

Ms. Morsi, are you with us?

MS. MORSI: Yes, I am. I'm here.

A/CHAIR HARRISON: Who are our first three commenters?

And if I could remind speakers to speak slowly.

MS. MORSI: The first speaker is Derek Davis with Government Risk Manager and Safety and Health Consultants. Up next after that will be Tanya Charlesworth and AnaStacia Nicol Wright. So first up, Derek Davis.

A/CHAIR HARRISON: Derek, are you with us?

Derek, are you with us?

A/CHAIR HARRISON: Please unmute yourself and if you're on the phone press \*6. (No audible response.)

Okay. How about Tanya? Tanya, are you with us?

MS. MORSI: I'll just speak about her affiliation as well, Tanya Charlesworth with BrandSafway.

A/CHAIR HARRISON: Tanya, if you can unmute yourself or press \*6 if you're on the phone please. (No audible response.) Okay, strike two.

How about AnaStacia? Are you with us?

MS. NICOL WRIGHT: I am. Can you hear me?

A/CHAIR HARRISON: All right. Yes we can, please continue.

MS. NICOL WRIGHT: Okay, perfect. So good morning Board Members, colleagues. As you all probably know by now I'm AnaStacia Nicol Wright. I'm with Worksafe. And I'm here to comment on a few of the pressing matters that will be coming before the Board.

Workplace violence in California is an emergency of epic proportions at this point. And the gravity of each event, they seem to increase every year. And each of those years in Cal/OSHA also fails to pass a workplace violence standard. The tragedy recently in Half Moon Bay left seven people dead between two worksites at the hands of just one employee. And it's just the most recent event, right, in a

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long line of deaths caused by workplace violence. And unfortunately, it likely won't be California's last fatal workplace tragedy.

It also shined a light on the need for revisions to the standard that Worksafe and other health and safety advocates have been championing for, particularly the need to expand the definition of "workplace violence" to ensure that workers are protected from harassment, stalking, and other form of threats to their safety that don't involve a physical threat of physical injury, but rather entails psychological trauma or stress, and causes workers to fear for their safety.

Last month we heard Cal/OSHA has plans to start this year off strong by focusing on several crucial standards. The workplace violence standard was one of those crucial laws. However, Cal/OSHA does not seem to be moving with the speed needed to address this deadly issue. How many more acts of violence at workplaces will need to occur before we have a workplace violence standard for general industry: 1, 8, 15? Worksafe urges Cal/OSHA and the Board to treat workplace violence as the emergency workplace health and safety issue that it is and pass a standard for general industry. That includes the much-needed revisions proposed by Worksafe and similar employee advocates.

We also want to bring people's attention to the emergency situation of heat. The California Department of Justice wrote a multi-state petition demanding that the Biden Administration issue national heat regulations on an emergency basis effective May 1st. This February 9th petition points out that extreme heat is already a grave danger to the health and safety of outdoor/indoor workers across the country. And that Cal/OSHA -- or not Cal/OSHA, but OSHA is required to promulgate an emergency standard if it finds workers are exposed to a grave danger in the workplace, and an emergency standard is necessary to protect workers from such danger. The petition declares that both factors here are undeniably met.

Because Cal/OSHA has to provide protections at least as effective as the federal rules this petition signed by Attorney General Bonta essentially amounts to a declaration of heat emergency here in the state of California. And so Worksafe urges Cal/OSHA and the Standards Board to expedite the pending indoor heat illness standard for immediate implementation before the summer heat arrives this year.

Respectfully, I'd also like to demand that Cal/OSHA release a draft of the general industry disease standard and immediately set a date for advisory committee for it as well. Promptly attending to these aspects of the

process will ensure enough time for feedback from the public and Board Members to actually be considered and make any necessary revisions.

Lastly, lastly, I'd like to make a "me too" in support our -- in support of Cal Labor Federation and California Rural Legal Assistance Foundation. But they're not -- they haven't spoken yet, but just clear that I'm supporting them, not the petition on autonomous tractors. Worksafe does not support the petition on autonomous tractors. We'd like to voice that we're in opposition to it. We believe that the nature of autonomous vehicles runs contrary to the principles of worker safety and health. And we urge the Standards Board to reject that petition. Thank you all.

A/CHAIR HARRISON: Thank you for your comments.

Maya, who's our next speaker?

MS. MORSI: Up next we have Bruce Wick with Housing Contractors of California.

A/CHAIR HARRISON: Bruce, are you with us?

MR. WICK: Yes, sir, Acting Chair Harrison. Can you hear me?

A/CHAIR HARRISON: Why yes we can.

MR. WICK: Thanks for the opportunity. And I just want to make a quick comment. We anticipate the lead proposals finally coming down. And I do want to just alert

the Board that I attended several of those meetings, especially the last two that were led by Peter Scholz from the Division. And the discussion, understandably and rightfully so, centered around the serious exposures to lead, abrasive blasting, battery manufacturers, peace officers in handling ammunition, etcetera. There was not enough time in those meetings to get to the issues regarding the regulation and its impact on people with a far less exposure.

And so I do have Peter Scholz's quote from one of the last meetings, "We can't fix everything now. If there are unclear places in the proposal the Standards Board can clear it up further in the process." So just to let you know Steve Johnson and I are working with a coalition of construction parties representing several different crafts that are going to propose some amendments to make it work properly for us. We did not have the opportunity in the advisory committees to do that. So just wanted to alert you that will be coming down shortly from us.

Thank you for the time and thank you for all the work you all do at the Board.

A/CHAIR HARRISON: Thank you.

Maya, who do we have up next?

MS. MORSI: Up next we have Helen Cleary with PRR OSH Forum.

A/CHAIR HARRISON: Helen, can you hear us?

MS. CLEARY: Good morning, yes. Can you hear me?

A/CHAIR HARRISON: Yes.

MS. CLEARY: Okay.

A/CHAIR HARRISON: Good morning, go ahead.

MS. CLEARY: Nice to see you all. Good morning, Chair today Harrison, and Board Members and staff. I'm Helen Cleary, the Director of PRR Occupational Safety and Health Forum.

We ask the Board today to help get clarity from Division on the first aid rulemaking package. It's not on the agenda today as we anticipated, and there seemed to be universal support from the majority of stakeholders on the draft that was proposed in December. So we'd like to know why it's been delayed. And are there a new set of proposed modifications coming? Now that the rulemaking has missed the one-year timeline to amend and adopt what are the next steps and when can we expect that to start? PRR members have been preparing for the changes based on the December text. So now we're a bit concerned about additional unexpected changes that may be coming.

So that's it for me today. Thank you for your time and help with this issue.

A/CHAIR HARRISON: Thank you.

At this time we'll go back to in-person

testimony. Is there any other?

MR. JOHNSON: Good morning, Board Members, Division staff. My name is Steve Johnson. I'm with Associated Roofing Contractors of the Bay Area Counties. And I'll keep my comments brief. Just Bruce mentioned that we're concerned stakeholders and concerned about the lead and construction standard. And we just look forward to working with the Standards Board on some workable options for contractors working with essentially minimal exposures to lead.

Most legitimate contractors are already providing personal protective equipment to protect their employees when they're working with lead. So just really looking forward to clarifying some of the language, some of the issues around objective data, and other issues that I don't have enough time to drill down on here.

And then also looking forward to working with any other advisory committees that come up with proposed standards. I know there's a number of proposed standards out there with different areas and that directly affect our members. So thank you.

A/CHAIR HARRISON: Thank you.

MR. SMITH: Good morning, Board and staff and attendees online. And I think before I start I'll just say thanks for meeting around the state, I think that's very



important. California is a big state, the Golden State, the largest state, and perhaps the most number of employees to protect. So getting input from all regions and industries is important.

My name is Dave Smith, and I'm a Safety Consultant in California and the author of Petition 483 on first aid kits submitted in 2006. Seventeen years have passed and we still can't tell to California employers, which first aid kit to buy, can't do it. I thought it was going to be in on the agenda this week or this month, but it's not.

I understand that the issue has been put on the backburner for a wide variety of reasons. More significant hazards, or issues certainly have been addressed. But consider if this were an enforcement action by the Division. After 17 years, I think there would be numerous "failure to abates citations" and the Division is not going to want to hear, "We don't have the resources. We have more important things to do."

So we really need to get this done. I encourage the Board and staff to place the first aid package on the next Board agenda and to vote "yes" on this long overdue proposal.

It brings up another issue. And I'm just going to riff off of the comments on lead: usability and simplicity

and how to do safety. A complicated standard is more difficult to implement. It may need to be complicated, but the complexity is directly proportional to whether or not it actually gets done in a real workplace to protect actual employees. So I think it's really important to, in safety to think about usability.

For example, whenever I develop forums or programs I test them out and usually end up -- and then also involve the people, as the Board does, through advisory committee processes on how this might actually work in a real workplace. If it can't be performed it's really of little value.

All employers, public and private, have many regulatory agencies. I know all agencies, beyond even the Standards Board here develop the regulations in a silo. But in the real workplace, the employer has to figure out how to mesh all of these together so that they can actually work and achieve the objective that it's got to be workable. A great example is trying to mesh Cal/OSHA and CDPH on COVID. Great example, and that's just one issue. So there are many issues that that all employers have to deal with, so I think the proposed regulations at least ought to go through a usability review, is can people actually understand this? Can they do it? Is it practical? Is there a way to implement this in the real

workplace?

And I commend the Division and consultation service for trying to help employers by writing model programs. And it could be a model even for future regulations like the PPE standard has the Advisory Appendix A where it tells you how to do a PPE hazard assessment. That's great. We need more of that, how to do it.

All of the model programs and how-to publications, I particularly like the lockout one that's fairly recently done. And e-tools. I think that a long-term objective might be if you use a Division-authored program that ought to provide a safe harbor for program content citations. A program actually has to be implemented to control the hazards. That's the whole point of us being here. And if we don't control the hazards then we subject employers and employees to unwanted injuries and deaths in their workplace.

Confusion, now just think about in this room and online, and there are probably perhaps 1,000 years of professionals' health and safety experience. And yet we all disagree on how to actually implement this in the real world. So imagine the small employer, 75 percent of employers in California have four or less employees, they're lost. And confusion on how to actually implement complex standards hurts the very workers and their families

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they're designed to protect, and their employers.

So our goal in safety is to try to prevent injuries, illnesses, and deaths. Simplicity is a big part of actually doing safety. Thank you.

A/CHAIR HARRISON: Thank you.

Are there any other in-person commenters? If not, we will go back to remote commenters. Maya, who's our next commenter?

MS. MORSI: The next speaker is Enrique Huerta with Climate Resolve.

A/CHAIR HARRISON: Enrique, can you hear us?

MR. HUERTA: Yes, good morning. Enrique Huerta, Legislative Director Climate Resolve. It's time to adopt the indoor heat illness prevention standard. We know that places that are already hot are only getting hotter, especially inland areas. For example, last year Los Angeles experienced 14 consecutive days with temperatures above 100 degrees.

SB 1167, adopted in 2016, directed Cal/OSHA to draft a proposed heat illness and prevention standard for indoor worksites. It's been more than three years since the last revisions were made to the draft of the indoor heat illness prevention standard. And it has yet to be presented to the Occupational Safety and Health Standards Board for review as mandated by law.

Progress on the standard may have stopped, but heat incidents for most vulnerable workers have not. Since 2019 at least 60 indoor heat-related complaints have been filed with Cal/OSHA, but inspectors remain without a standard to enforce. Without clear rules stating the temperature at which heat is hazardous most businesses face no threat of enforcement action.

With summer fast approaching. It is imperative that the Occupational Safety and Health Standards Board review the standards and complete the formal rulemaking proceeding. Please protect our indoor workers from unnecessary and avoidable heat illness and death. Adopt a standard that minimizes heat-related injuries as soon as possible. Thank you.

A/CHAIR HARRISON: Thank you.

Who is our next speaker, Maya?

MS. MORSI: Up next is Mitch Steiger with California Labor Federation.

A/CHAIR HARRISON: Mitch, can you hear us?

MR. STEIGER: Yes I can. Thank you, Mr. Chair and Members and Board staff, I appreciate the opportunity to testify today.

We would largely like to echo the comments of Worksafe with respect to workplace violence and heat, both critically important urgent needs. These are serious

hazards that need to be fixed as soon as possible. And we very much hope that the general industry workplace violence standard eventually looks more like the healthcare one.

The building that the California Labor Federation is in, when I showed up yesterday there was a swarm of cops out front because someone had attacked the security guard in the building that we're located in. And I had a conversation with him about that and how often that sort of thing happens to him. He said it was the first time the cops had ever actually showed up and arrested the person. And he has had a long history of this sort of thing of people pulling knives on him in that role. It's a hazard that just seems to keep growing no matter what industry you're in and where you are. And what we're doing right now isn't working. And so we very much urge quick and decisive action on that hazard.

And with respect to autonomous tractors, we very much appreciated the opportunity to attend the World Ag Expo on Tuesday, and thanks Standards Board staff for setting up a great event. We learned a lot. It was very cold, but it was a great day. And all of the presenters were very knowledgeable and very nice people.

But if anything, all of the presentations that we saw only solidified and intensified our concerns with respect to this technology. The first demonstration that

we were going to see couldn't happen, because the technology failed. There was some sort of power loss to some station that powered the autonomous vehicle and may or may not have been the tractor manufacturer's fault, I don't know. But what's relevant is not whose fault it is. What's relevant is that this point we keep making about the technology going to fail proved perfectly true. And in this case, it failed in a way where the tractor couldn't be operated autonomously, and a worker had to save the day and come in and drive it around. Next time maybe the technology fails in a way where the tractor just keeps going.

All of the autonomous tractors that we saw had very different ways of trying to minimize this risk. And we very much commend the manufacturers for doing a lot of work to try to minimize that risk. We very much believe that they're trying to make these as safe as possible. But there's nothing that we can do to change the fact that technology is going to fail sometimes. And the best way to protect against the hazards involved in that is to have a human operator on board. Is to design the technology in a way that makes the best use of everything that a human being does wrong, and builds all of the things that technology can do right around that, because this sort of thing is just going to keep happening.

We never heard a great reason for why workers need to not be on there, not be on the tractors. But we did hear a lot of comments like workers stare at their phones. Workers show up late, sometimes they don't show up at all. Sometimes they're not paying attention. Some fairly offensive comments about workers as the reason for why this autonomous technology makes sense.

And we would respectfully counter that if your employer is actively trying to get rid of you it doesn't create a great dynamic for a respectful workplace. And if we could turn all of that around and focus this technology on maximizing everything that a worker does well, respecting all of their contributions. While also developing technology that does the best job that it possibly can to keep everyone safe, that's the best way forward, rather than moving ahead with technology that eliminates the worker entirely.

And one last very quick point on the ETS. I just wanted to argue that while it is true there is some upfront costs with complying with the ETS, the SRIA was very clear that in the long run employers save a great deal of money from the ETS being in place in terms of reduced Workers' Comp costs, fewer outbreaks, all sorts of benefits that come from preventing occupational illness. And so we very much would urge that perspective to be considered as that



legislation is discussed. That while it is true there is an upfront cost that upfront cost is more than dwarfed by the direct cost savings to employers with that regulation being in place. And we appreciate the opportunity to testify.

A/CHAIR HARRISON: Thank you.

Maya, who's our next speaker?

MS. MORSI: Our next speaker is Anne Katten with CRLA Foundation.

A/CHAIR HARRISON: Anne are you with us?

MS. KATTEN: Hi, good morning. This is Anne Katten from CRLA Foundation, good to see everyone. I want to echo that we strongly support the comments of Worksafe, Climate Resolve and the Labor Federation regarding their urgency of moving forward with the indoor heat standard, the general industry infectious disease standard, and with the workplace violence standard, while making it more comprehensive because of the very, very urgent and pervasive need.

In contrast, as the Labor Federation, we don't think a rulemaking should be initiated on autonomous tractors. We agree with the previous -- with the position of the Division that autonomous tractors are an emerging technology not ready for rulemaking. Smart features should be a safety supplement, as rollbars are, not a substitute

for a driver in a vehicle.

Some of our specific concerns include that a remote operator sitting at a computer terminal monitoring multiple autonomous tractors will get used to restarting machines that stopped due to glitches. And then they're in danger of overlooking a worker who has collapsed or fallen in the field with devastating consequences. And these dangers would of course be much greater during night work, which is growing in agriculture.

Tractors and other agricultural equipment obviously are operated under rugged conditions and fields and on farm roads, where there are uneven surfaces, rocks, vines, and (indiscernible) that can damage or displace the sensors on these machines. So it makes it another reason why you shouldn't be just depending on the sensors.

And finally, agriculture frankly has a poor track record for equipment maintenance that contributes to the industry's high injury and fatality rates. Guards get damaged and then removed rather than repaired in instances. And we are concerned that the sensors for these tractors will meet the same fate. Again, tractors still need drivers for safety. Thank you.

A/CHAIR HARRISON: Thank you.

I don't believe we have any more in-person commenters. So Maya, we'll just continue down the list of

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remote speakers. Who's next?

Up next is Robert Blink, M.D. with Worksite Partners Medical Group.

A/CHAIR HARRISON: Robert, are you with us?

DR. BLINK: Hello, and good morning. Can you hear me okay?

A/CHAIR HARRISON: Yes, we can. Good morning. Go ahead.

DR. BLINK: Excellent. Well, I'm an occupational medicine physician and also a member of WOEMA, Western Occupational Environmental Medicine Association.

A/CHAIR HARRISON: If I can ask you to speak up just a little bit, we're having a hard time hearing you.

DR. BLINK: Oh. Yeah, I'm sorry. This microphone on this laptop is not great. Is that better?

A/CHAIR HARRISON: That's a little better.

DR. BLINK: All right, I will speak up. I'm talking today about preventing occupational silicosis in engineered stone fabricators. WOEMA is in the process of submitting a paper or a letter to Cal/OSHA on this topic, but I wanted to give everyone a heads-up. And thank the Chairman and the Members and the staff for their work here.

Recently, more than 50 workers in Southern California have been found to develop advanced and irreversible silicosis, that's a lung disease, as a result

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of their work with engineered or artificial stone. I might add this is not the manufacturers of the stone. This is like kitchen countertops, bathroom countertops, that sort of thing, which is a composite product of finely ground silica with a binder. And when it's cut to size, and you cut out all the little holes and such, the process of grinding and cutting creates a tremendous amount of dust, which if not controlled properly enters the lungs and causes a kind of lung disease that has seldom been seen before in any industry. And it's really just being recognized and grossly under-appreciated.

So these are often workers as young as 30 and 40 years old. It can happen within a few years of starting to do this work. And many of these folks are employed in smaller shops with fewer than 5 to 10 employees. So again, we will be getting a formal letter from WOEMA on this but as a occupational physician and a California citizen, I wanted to bring this to everyone's attention.

So we are proposing that OSHA, current Cal/OSHA standards are inadequate to control these hazards. And we're going to be asking for an emergency temporary standard to be developed to prevent unnecessary and preventable lung disease. And these guys, the lung disease is so severe that sometimes it causes death, sometimes it needs a lung transplant. And many times causes permanent

pulmonary disability requiring the lifetime use of oxygen.

So there are some things to think about that could be instituted. Number one, requiring the employers who have workers who work with these items to be registered and get a permit from an OSHA program. Prohibit dry-cutting and other operations that will produce a lot of dust that can be breathed in. Requiring the deployment of respirators that are correct for the job and made similar to the rule in effect for asbestos. And that the penalty structure be strengthened to call these violations "serious violations."

So this will be upcoming. This is an ongoing issue. There is no doubt that the true number of people affected by this occupational exposure, and having their lungs destroyed, is much larger than the 50 identified so far. Some people think it may be 10 times or even 20 times as large. So this is a very serious exposure for California workers and indeed around the country.

And I appreciate your time and listening to this and look forward to seeing Cal/OSHA take action. Thank you.

A/CHAIR HARRISON: Thank you, Bob.

Maya, who's our next speaker?

MS. MORSI: Up next is Robert Moutrie with the California Chamber of Commerce.

A/CHAIR HARRISON: Robert, are you with us?

MR. MOUTRIE: Good morning, Acting Chair Harrison and Members. Can you hear me all right?

A/CHAIR HARRISON: Yes, go ahead.

MR. MOUTRIE: Oh, thank you. I'm sorry I couldn't be there in person. I wanted to, first off echo the comments by Mr. Wick regarding concerns from members about the revisions to the lead standard. As he stated there were issues that didn't get fully resolved in that rulemaking process. And we have concern about going into implementation -- excuse me, I can barely talk, I have a stuffy nose with this cold -- we have concerns about going into implementation without touching up some of those places. I don't think that's bad faith on anyone's part, but just situations that didn't get time to be addressed in the rulemaking process.

Also, I think many others have commented that the infectious disease draft and the first aid regulation, which we haven't seen yet in the first aid regulation, I think we've been waiting to see move to the last steps. And while I'm eager to see those I also think it's important to acknowledge that I know how busy your staff and Division staff is. And how you've kind of jumped from emergency to emergency for the last I can't count how many months. So I look forward to seeing those, but understand

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how busy you are. Thank you.

A/CHAIR HARRISON: Thank you.

Maya, who do we have next?

MS. MORSI: Up next we have Jassy Grewal with UFCW Western States Council.

MS. GREWAL: Good morning.

A/CHAIR HARRISON: Can you hear us? Good morning.

MS. GREWAL: Yes, I can. Can you hear me?

A/CHAIR HARRISON: Yes, go ahead.

MS. GREWAL: Wonderful, Jassy Grewal with UFCW Western States Council. I'm hoping to comment on a couple things today that were previously mentioned by my colleagues at the California Labor Federation, Worksafe, and CRLAF.

First, really want to stress the importance and urgency of passing a workplace violence standard. We have heard about the horrific tragedy at Half Moon Bay. But we also just this week had a shooting at MSU, Michigan State University. And these are not standalone incidences. There has been a huge uptick in violence, particularly in the workplaces that UFCW represents like the grocery store and drug retail environments. This is a emergency and we really urge Cal/OSHA to address workplace violence as the emergency that it is.

I also want to stress the need for an indoor heat standard before the summer. Heat temperatures can get extremely high throughout the state and pose a significant hazard for workers who work indoors when there is not reliable air conditioning. So I just really urge this Board to move forward on an indoor heat standard.

And then additionally, to set an advisory date for the general industry ATD standard, so we can start to have that conversation. And apply the necessary input from workers who will be affected as well as the general public as this is probably not going to be the last pandemic. We're not out of it yet. And so want to make sure that there is a strong standard on the books related to aerosol transmissible diseases.

And lastly, just want to express our support for the reasons mentioned previously on the autonomous tractors petition. I have significant concerns on the impact to workers, especially during the course of work at night. Thank you for allowing me to make comment today.

A/CHAIR HARRISON: Thank you.

Maya, who do we have next?

MS. MORSI: I'm going to go back to Derek Davis with Government Risk Manager and Safety and Health Consultant.

A/CHAIR HARRISON: Derek, are you with us? If



you are please unmute yourself or press \*6 on your phone.  
Okay, it looks like we lost Derek. Who do we have next,  
Maya?

MS. MORSI: And the last one I will call out is  
Tanya Charlesworth with BrandSafway.

A/CHAIR HARRISON: Tanya, can you hear us?  
Tanya? I guess not. Okay.

MS. MORSI: And that's all we have for public  
comment.

A/CHAIR HARRISON: Very good. Thank you, Maya.  
Is there anyone else here that didn't get an opportunity to  
speak in person? Okay. Thank you, and the Board  
appreciates your testimony. The public meeting is  
adjourned and the record is closed.

We will now proceed to the business meeting. The  
purpose of the business meeting is to allow the Board to  
vote on the matters before it and to receive briefings from  
staff regarding the issues listed on the business meeting  
agenda. Public comment is not accepted during the business  
meeting unless a member of the Board specifically requires  
public input.

The Proposed Variance Decisions for Adoption.  
The Proposed Variance Decisions for Adoption are listed on  
the Consent Calendar. Ms. Gonzalez, will you please brief  
the Board?

MS. GONZALEZ: Thank you, Chair. Good morning Board Members and Chair. Today for your consideration we have Proposed Variance Decisions 1 through 132 for consideration and possible adoption.

A/CHAIR HARRISON: Okay, 132. I guess that's what we get for none last month. (Laughter.) Are there any questions from the Board from Ms. Gonzalez? If not, do I have a motion to adopt the list?

BOARD MEMBER LASZCZ-DAVIS: I so move.

BOARD MEMBER CRAWFORD: Second.

A/CHAIR HARRISON: We have a motion and a second.

Ms. Money, would you please call the roll.

MS. MONEY: Okay, I have the motion as Ms. Laszcz-Davis and the second from Ms. Crawford; is that correct?

A/CHAIR HARRISON: Yes.

MS. MONEY: Ms. Burgel?

BOARD MEMBER BURGEL: Aye.

MS. MONEY: Ms. Crawford?

BOARD MEMBER CRAWFORD: Aye.

MS. MONEY: Mr. Harrison?

A/CHAIR HARRISON: Aye.

MS. MONEY: Ms. Kennedy?

BOARD MEMBER KENNEDY: Aye.

MS. MONEY: Ms. Laszcz-Davis?

BOARD MEMBER LASZCZ-DAVIS: Aye.

MS. MONEY: Ms. Stock?

BOARD MEMBER STOCK: Aye.

A/CHAIR HARRISON: And the motion passes.

Next we have a Division Update. Mr. Graulich, would you please brief the Board?

MR. GRAULICH: Good morning, I have just a brief update today. As has been mentioned, we have a lot of interest in the lead and indoor heat standard. And both of those are currently with the Board. And we are anticipating those going to Notice in Succession very quickly, and the Board can probably give a better update on the timeline of those projects.

We are of course, still working on the 5199 revisions to include COVID. Those are in final review on our side, so should be coming to Board staff shortly.

Workplace violence, of course, is a high priority for us. So we are reviewing the comments that were received in July and anticipating scheduling an advisory meeting as soon as possible. We're hoping in the first half of this year. And that's really about all I have.

So silica, as was mentioned today, we actually are already working on that. We all have some working groups that are looking into that. So we realize and recognize the significant hazard that that poses.

And I really have nothing else to update on today. But if there's questions, I'm happy to answer them.

A/CHAIR HARRISON: Thank you. Are there any questions of Mr. Graulich from the Board?

BOARD MEMBER STOCK: Yes, I have some questions. This is Laura.

A/CHAIR HARRISON: Go ahead, Laura.

BOARD MEMBER STOCK: Hi, thank you for that report. So I have a couple of questions. I want to start with the first aid package. I understand everybody expected to see it on the agenda today. I understand that we have now missed a deadline, which requires that it be started all over. And given what I know is really major capacity issues within the Division I'm very concerned about the fact that we have to start all over on something. And how that impacts the ability of the Division to address other pressing, pressing matters, such as indoor heat. And it sounds like the draft that was considered had very broad support among all stakeholders. So could you explain why? What happened to that first aid package and why it's not in front of the Board as we expected?

MS. GONZALEZ: Do you mind if I address that?

MR. GRAULICH: Be my guest.

BOARD MEMBER STOCK: Sure.

MS. GONZALEZ: So first aid has not been

deprioritized. To the contrary, the Board and the Division are working together to ensure that this rulemaking is complete and ready for resubmission to OAL and a Board vote.

Any time a rulemaking undergoes changes requiring a 45-day or a 15-day notice it is incumbent upon the Board to ensure that the changes, and the public feedback to those changes, are properly documented and accurately reflected in the rulemaking record as required by the Administrative Procedure Act. When a rulemaking requires multiple public notices as first aid did, there is a rising probability of exceeding the one-year time limit allowed by the APA. When that happens we don't consider it a failure, but rather evidence of the robust engagement with the regulated public that we've had on this issue.

The Board's commitment to public engagement is the foundation of successful rulemaking, as you all know. We look forward to finalizing the outstanding documents with the Division and resubmitting the first aid package for consideration in short order.

BOARD MEMBER STOCK: Thank you, Autumn. If I could just ask a few follow-up questions. So it sounds like what you're saying is that the package that the Board received fell short in some way for what you needed. And do you have any more information to provide about

specifically where revisions were needed? And that's my one question.

And my second is what is the impact of the deadline having been passed? Can it -- so does that somehow, like once those changes that you might be able to describe about what's needed -- can it then immediately come to the Board for a vote? Or is there something else that needs to happen that will delay it kind of many months? So any thoughts on that. I'm just curious about what it means that that deadline has passed.

MS. GONZALEZ: Sure. Just because of the nature of the way the APA is set up we do start back at the beginning of the process. So noticing and going through all those steps again, opportunities again for public comments. I don't think the changes that are required or the tweaking that is needed at this point is going to significantly delay the matter, but I'm also not intimately familiar with that work right now.

MR. GRAULICH: And if I can just (indiscernible)?

BOARD MEMBER STOCK: Yeah, go.

MR. GRAULICH: We were surprised by this, but we have redirected my staff to go back. And unfortunately, we were not -- there was a comment earlier about changes in the draft text. We don't anticipate making any changes to the text as it was last proposed. But we do have to go

back and rewrite the notice, the Initial Statement of Reasons and get those documents repackaged and presented. We'll be doing that as quickly as we can, because we don't want this to be delayed any longer or distract us any further from the other critical rulemaking that we're working on.

MS. GONZALEZ: And I'll just piggyback on that and say that on the Board side, we're finalizing that Final Statement of Reasons and the 399 cost estimates.

BOARD MEMBER STOCK: Yeah. I see Barbara your hand is up, so I'll just make one final thing and then maybe Barbara. And then afterward I'll ask my questions about other standards.

And so yeah, I mean we hear a lot about the limited resources and the capacity that the Division has, and others, and we're very sympathetic about that. I think we've said numerous times if there's anything that Board can do to try to address that, to advocate for more resources, etcetera, because there are urgent matters in front of the Board. And so this is just an example of this is unfortunate for many reasons just in terms of getting this package passed, but also the fact that now Board staff has to kind of reinitiate efforts that they already did.

And so I regret that. I'm sorry that that happened. And maybe there's some way we can learn from

this to just try to, again, be mindful about how to avoid this particular kind of situation. So thank you.

So Barbara, let me give the microphone to you.

BOARD MEMBER BURGEL: Actually, I was not going to talk about the first aid standard, so you can continue. I was just going to --

BOARD MEMBER STOCK: That's all I need. That's all I have to say about the first aid standard.

BOARD MEMBER BURGEL: But I have a question regarding the comments by several stakeholders on whether we can speed up the work, general industry workplace violence standard and the indoor heat standard, by changing it into an emergency standard at this late date? So I would like to hear if that would help in any way. I know that we don't usually do emergency standard-setting processes often. And it's unusual that we've done an emergency standard process with wildfire smoke, and COVID. So and I know it's a different process. So, I don't -- Autumn and then also Cal/OSHA commenting on whether that would help in any way.

MR. GRAULICH: From the Division side, especially on the indoor heat package, since that is already on the verge of going to notice I don't see that going to an emergency process would really speed that up. In fact it would add significant resources, because the emergency



standard would then have to be followed up with formal rulemaking to make it a permanent standard. And it would greatly increase the timeline for that project. So unless you have any --

MS. GONZALEZ: No, I'm in agreement with that. And I would just add that unless we hear otherwise from the Division we're expecting a public hearing for lead in April, and for indoor heat in May. So those are actually coming up pretty quickly.

MR. GRAULICH: As for workplace violence, again that as well with it being an emergency standard would add, again, a long timeline. But we are trying to push that forward as quickly as we can. So we've received and gone through numerous rounds of comments. The very vast differences in the various stakeholders has made it very challenging to come to text that will be workable, so we're trying to reconcile that. And that's why we're planning this next advisory meeting, so we can get some more direct input and speed up that process.

BOARD MEMBER BURGEL: I also have a -- I don't know whether you can comment on this, but I'm sure there was a Cal/OSHA inspection of the Half Moon Bay recent work-related fatalities and whether that somehow gets integrated into the rulemaking. Can you comment on that inspection process?

MR. GRAULICH: I can't comment on any open investigations with the Division or the enforcement side. The rulemaking is kept separate. I'm sure that information as statistics and data will be presented to us and we can look at in the rulemaking process, whether lessons learned can be applied to that draft standard. But yeah, I can't talk about anything in an open investigation.

BOARD MEMBER BURGEL: Okay. Thank you.

BOARD MEMBER STOCK: I have one other question. But I wanted to see if other Board Members -- I can't see you now -- so I want to go after that since I already had my chance.

A/CHAIR HARRISON: Hold on just a second, Laura, I'll get right to you. Are there any other (Overlapping colloquy) --

BOARD MEMBER STOCK: Yeah. No, no. Other people should go first and then come back to me.

A/CHAIR HARRISON: Nope, the floor is yours.

BOARD MEMBER STOCK: Okay. I just wanted to follow up with Autumn about indoor heat. And so it does -- obviously the goal -- and I think a lot of the people who've testified and just expressed frustration and concern there was a deadline that was passed -- and obviously there were lots of emergencies that contributed to that. And now we're facing the summer. And it's very concerning that

particularly given that what we heard about the Federal OSHA's movement towards really making an emergency out of indoor heat, and I'm wondering if you could walk us through the process of that? Like what the timeline could be about -- it sounds like you're saying that the earliest that you're expecting it will be able to come to the Board is May, so that's several months away.

And then if you could just like what would happen after that? And so does there seem any possibility that we're going to be able to get that in time to -- I mean, May is already after the heat season has started. So how long do you anticipate until we'll get something to vote on?

And then secondly, is there any way to accelerate that so that we can see it before May in order to accelerate that timeline?

MS. GONZALEZ: That question I am not exactly sure where that the heat illness proposal is in the process right now. But we can expedite things a bit by once the Board votes on it, we can have it become effective upon filing with OAL, which would make it effective as soon as you all are able to vote. And it's hard to predict when that will happen since as we know that this is an open process and the public gets to participate. And that can make things go longer or shorter, depending.

BOARD MEMBER STOCK: Because basically when we have -- what you're saying is May is what is currently anticipated for when the hearing might be. Then of course there would -- people would testify, and then Board staff would have to respond to those. And then if there was no major changes then it could be for a vote by when? And if there were changes by what would that be? I'm just trying to think what would the timeline be with a May hearing? What might you anticipate at that point?

MS. GONZALEZ: So there's the 45-day comment period. And then responding to those comments, possibly changes. Changes can require another notice, another comment period if the changes are significant, so it can be up to a year. And I hate to give you that information. But let's hope that it gets done more quickly than that.

BOARD MEMBER STOCK: Yeah. I mean, thank you. I appreciate you being candid about this. I think it's really important for us and for the public to be able to really know what we're dealing with here.

And it's interesting to hear that making this an emergency standard would somehow make this even longer. But I hear what you said. That's a little mysterious because it does feel like it's an emergency. I think that what we've heard about the actions that Federal OSHA is contemplating kind of contributes to that. This is also a

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regulation that had a deadline of multiple years ago. And it sounds like from what we're hearing there's literally no chance for it to be promulgated in time to have any impact on this summer season. And that is very disappointing and unfortunate.

And I think it would be really great to understand that better and both -- to really maybe next time, because I know some of this you may not be prepared to answer now -- really, what are the options, if any? Is it in fact true that designating this an emergency would delay a process that already could take at least a year? Is there anything that can be done to get it in front of the Board sooner than May?

So I appreciate that you don't have all that information at your fingertips. But if we could hear more about that next meeting, that would be great. Thank you.

MS. GONZALEZ: Sure. We can definitely report out in more detail on this next month for you.

BOARD MEMBER STOCK: Thanks so much. That's all I had, thank you.

A/CHAIR HARRISON: Are there any other questions from Board Members? Okay.

Next, we'll have our Legislative Update. Ms. Gonzalez, would you once again brief the Board.

MS. GONZALEZ: Thank you.

A/CHAIR HARRISON: You're not done.

MS. GONZALEZ: The Legislative Update this month is still pretty short. We're watching two bills: AB1, which was in your packet last month as well. And then we added AB 316, which at this point does not look like it directly impacts us, but it is interesting since it is about autonomous vehicles. And we know there's a lot of interest in that right now, so we just added it kind of as an FYI. And that's it.

A/CHAIR HARRISON: Very good.

Are there any questions of Ms. Gonzalez on the legislative report? Okay, seems like Autumn is pretty busy today.

Now as our Acting Executive Officer would you please brief the Board on the EO Report?

MS. GONZALEZ: Sure. And I will try to keep this short. So we've had a very busy month. Michael Nelmidia, who's one of our senior safety engineers, provided a presentation on the Standards Board rulemaking process at the Safety Center Incorporated Annual Safety Symposium in Sacramento; I believe that was this week.

And then of course, Board Members Kate Crawford, Nola Kennedy, Chris Laszcz-Davis and Dave Harrison attended this week's World Ag Expo in Tulare. And myself, DIR Director Katie Hagen, Amalia Neidhardt, David Kernazitskas,

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Yancy Yap, and a number of other folks from the Standards Board and from DOSH also attended.

The Board is in the process of filling a number of critical vacancies, including an AGPA, an attorney position in our legal unit. Legal assistant positions have been posted and we're now taking applications for those. And the Engineering Unit is engaged in scheduling interviews for permanent and limited-term Senior Safety Engineer positions, hopefully for the end of February or early March. And one more permanent position in that department should also be posted again soon. So lots of hiring happening, which will help with workload issues.

A/CHAIR HARRISON: Good.

Are there any questions of Ms. Gonzalez on the Executive Officer's Report? And I want to specifically thank Autumn for filling in. I know filling in any acting capacity is not easy.

So Future Agenda Items, any future agenda items from the Board?

BOARD MEMBER STOCK: Yes, just underline that I think we put on next month's agenda a more detailed report on heat.

BOARD MEMBER BURGEL: Yes.

BOARD MEMBER STOCK: And maybe if there's more about workplace violence, that would be helpful too.

(Overlapping colloquy.) Maybe that's something for the general report.

A/CHAIR HARRISON: Okay.

BOARD MEMBER BURGEL: I think -- or actually, Dave, if I could add a specific around indoor heat it would be great to just have an update on what Cal/OSHA is doing as far as outreach and education to indoor, high-risk industries around heat. I know that there's often advisories given and various other things. But again, it'd be great to be reminded what Cal/OSHA does in anticipation of the high heat environment in the summer. Thank you.

A/CHAIR HARRISON: Yeah, please.

BOARD MEMBER LASZCZ-DAVIS: You know actually, Barbara, that prompted a thought on my part. I know Dr. Blink had raised the profile on the silicosis with engineered products. And there's an awful lot of information that's available publicly. But I too, or perhaps we all would be educated as to what Cal/OSHA is doing in terms of education with the public when it comes to engineered products and silicosis, so maybe next agenda? Okay, thank you.

A/CHAIR HARRISON: Is there anything else from the Board for future agenda items? No?

Ms. Gonzalez is there a need for closed session today?



MS. GONZALEZ: No.

A/CHAIR HARRISON: There is not. Okay.

So the next Standards Board regular meeting is scheduled for March 16th, 2023 in Los Angeles and via teleconference and video conference. Please visit our website and join our mailing list to receive the latest updates. We thank you for your attendance.

Today, there being no further business to attend to this business meeting is adjourned.

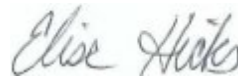
(The Business Meeting adjourned at 11:10 a.m.)

CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June, 2023.



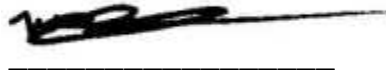
ELISE HICKS, IAPRT CERT\*\*2176

**TRANSCRIBER'S CERTIFICATE**

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June, 2023.



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Myra Severtson  
Certified Transcriber  
AAERT No. CET\*\*D-852