

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

In the Matter of:

November 21, 2019 OSH)
Standards Board Meeting)
Minutes)
_____)

STATE OF CALIFORNIA

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Harris State Building
Auditorium
1515 Clay Street
Oakland, CA 94612

THURSDAY, NOVEMBER 21, 2019

10:00 A.M.

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Reported by:
Jacqui Denlinger

APPEARANCES

BOARD MEMBERS

David Thomas, Chair

Barbara Burgel, Occupational Health Representative

Dave Harrison, Labor Representative

Nola Kennedy, Public Member

Chris Laszcz-Davis, Management Representative

Laura Stock, Occupational Safety Representative

BOARD STAFF

Christina Shupe, Executive Officer

Michael Manieri, Principal Safety Engineer

Peter Healy, Legal Counsel

Sarah Money, Executive Assistant

DIVISION STAFF

Eric Berg, Deputy Chief of Health

1 Mr. David Kernazitskas, Senior Safety Engineer;
2 Ms. Sarah Money, Executive Assistant; and present
3 from the Division of Occupational Safety and
4 Health is Eric Berg, Deputy Chief of Health.
5 That's quite a (indiscernible).

6 If you have not already done so, we
7 invite you to sign the attendance roster, which
8 is located on the table at the entrance to the
9 room. It will become part of the official record
10 of today's proceedings. When you sign the
11 attendance roster, please be sure to write
12 legibly so that we have your correct name and
13 contact information for the record.

14 Copies of today's agenda and other
15 materials related to today's proceedings are also
16 available on the table next to the attendance
17 roster.

18 As reflected on the agenda, today's
19 meeting consists of three parts. First, we will
20 hold a public meeting to receive public comments
21 for proposals on occupational safety and health
22 matters. Anyone who would like to address any
23 occupational safety and health issues, including
24 any of the items on our business meeting agenda,
25 should come up to the microphone during the

1 public meeting when I invite public comment.

2 After the public meeting, we will conduct
3 the second part of our meeting which is the
4 public hearing. At the public hearing, we will
5 consider the proposed changes to the specific
6 occupational safety and health standards that
7 were noticed for review at today's meeting.

8 Finally, after the public hearing is
9 concluded, we will hold a business meeting to act
10 on those items listed on the business meeting
11 agenda. The Board does not accept public comment
12 during its business meeting unless a Member of
13 the Board specifically requests public input.

14 We will now proceed to the public
15 meeting. Anyone who wishes to address the Board
16 regarding matters pertaining to occupational
17 safety and health is invited to comment, except,
18 however, the Board does not entertain comments
19 regarding variance decisions. The Board's
20 variance hearings are administrative hearings
21 where procedural due process rights are carefully
22 preserved. Therefore, we will not grant requests
23 to address the Board on variance matters.

24 So at this time, is there anyone who
25 would like to comment on any matters concerning

1 occupational safety and health? If you would,
2 please, come up to the podium where the
3 microphone is and say your name and affiliation.

4 MR. LEACOX: Dan Leacox here today on
5 behalf of National Elevator Industry, Inc., the
6 major manufacturers' trade association, the
7 elevator industry.

8 Just following up, really, on the time
9 track of this group from the Walnut Creek hearing
10 where we did some presentations and promised to
11 come back and provide some data and this is today
12 only -- only a portion of that.

13 But I wanted to come back and orient you
14 to the safety data that's been presented to this
15 committee, I looked it up, longer ago than I
16 realized, 2016. So there are some new members
17 who actually haven't seen it. And there were
18 some references to the safety data and the
19 importance of it or the unimportance of it. And
20 so I thought just today I'd give you a little
21 orientation to that and then also, you know, what
22 we'll bring back in the future. Pretty brief.

23 So if you look at the handout that I gave
24 you this morning. And oh, by the way, good
25 morning, everybody, staff and Board. Forgive me

1 for --

2 CHAIR THOMAS: Good morning.

3 MR. LEACOX: -- bypassing the niceties.

4 Good morning.

5 So the main thing we're talking about
6 here from the industry perspective is this first
7 graph. Shows you a couple of lines and these are
8 lost time incident rates. That's the red line and
9 total recordable incidents rate. And that's a
10 rate over worker hours, so it's a rate of injury,
11 not total, and that's important when you look at
12 some of the other data.

13 And as you can see, since 2005, these
14 injury rates and lost time incident rates are --
15 have decreased dramatically. This is actually
16 updated by three years since what I last
17 presented. So if you look at the recordable
18 incident rates, it's 32 -- it's down to 32% of
19 where it started and the lost time incident rate,
20 the red line, is down to 18% of where it started.

21 During the same period of time, if you
22 notice it's from 2005 to 2018, we've had one,
23 two, three, four, five, soon to be this year six
24 updates of the model code. And this is all since
25 the 2004 ASME. So it's been six updates since

1 the model code that the -- California is
2 operating on. And these are national statistics,
3 so these, to a large degree, correspond with the
4 evolution of the model code which, of course,
5 goes hand in hand with the evolution of the
6 technology.

7 And just important to note that it's an
8 industry getting safer and safer. These things
9 are -- this is what you would want to see. And
10 the advance of elevator design and the model code
11 are part and parcel of achieving this. Okay.

12 Sure.

13 MS. BURGEL: Is this BLS data or is the
14 NEII data?

15 MR. COX: This is --

16 MS. BURGEL: OSHA 300 log data through
17 the BLS.

18 MR. COX: Well, this came from the
19 companies. This may be what they report. This
20 reflects NEII member experience. And not clear
21 to me -- fair question, not clear to me exactly
22 where this is reported and recorded.

23 MS. BURGEL: And incident excludes
24 fatalities?

25 MR. LEACOX: That, I couldn't -

1 MS. BURGEL: Ok.

2 MR. LEACOX: - couldn't say for sure.

3 MS. BURGEL: Thank you. It should.

4 MR. LEACOX: That -

5 MS. BURGEL: It should. You know, then the
6 next page is fatality data. But usually the OSHA
7 300 log -- well, it would have fatality data on
8 OSHA 300 logs. But -

9 MR. LEACOX: Yeah.

10 MS. BURGEL: Anyway.

11 MR. LEACOX: So, okay --

12 MS. BURGEL: But it's pulled out through
13 the census of fatal occupational incidents.
14 There's a CFOI database for the fatality
15 incidents. So I --

16 MR. COX: Right. There's several sources
17 of data.

18 MS. BURGEL: Right.

19 MR. COX: Yes. And I'll get to that in a
20 little bit.

21 MS. BURGEL: But the census -- the census
22 for fatal occupational incidents is a fabulous
23 database. Probably the most accurate data and
24 not fatality data because it uses both two
25 datasets. So, anyway, thank you.

1 MR. LEACOX: Well, I'll jump to that in a
2 bit. Amy Blankenbiller mentioned that.

3 The industry looked into every single
4 incident, including fatalities, to try to
5 understand -- get a root cause understanding of
6 them. That's not what I -- that was one of the
7 things we promised to come back with -

8 MS. BURGEL: Yes.

9 MR. LEACOX: - but I'm not bringing that
10 today.

11 And, you know, you get in the mix. You
12 have a lot of factors you wouldn't necessarily
13 take into account thinking about a superficial
14 level, including the fatalities. For example,
15 people from other trades falling in a hoistway.
16 It might be a hoistway accident recorded that way
17 but is it -- what's the connection between what
18 we're doing with the code here?

19 MS. BURGEL: Okay.

20 MR. LEACOX: So yeah. So that deeper
21 guide is important, I just am unprepared to go
22 there.

23 Good. And so this has -- this has been
24 kind of the background of the dialogue so far.
25 You know, it's been awhile since the industry --

1 you know, we haven't seen exactly what's
2 proposed. There have been comments made on an
3 early draft that was put out a number of years
4 ago, actually, on Group 5. You know, hard to say
5 what it is but there's been a theme or a message
6 for us has been look at where, you know, elevator
7 designs and model codes have gotten us.

8 If you're going to make a change from the
9 model code, then there needs to be some rigor and
10 very good reason why. This is a basic premise
11 we've been putting forward and leading up to
12 this.

13 So if you look at -- and this graph that
14 NEII put together of member data was basically
15 inspired by the early original document that the
16 elevator unit put out to justify its first
17 Group 5 draft. And it included a couple of
18 slides. And so this next slide is what they put
19 out. And it shows fatalities. And notice the
20 bold line above. It says: "the design of
21 elevators critically important to the elevator
22 worker's occupational safety and health." Well,
23 that's clearly understood.

24 And part of the, you know, the reason for
25 putting together the first graph was to

1 demonstrate that design, elevator design has been
2 achieving that objective. And the implication at
3 the time was elevator design was getting more
4 dangerous, and in particular the machineroomless
5 elevators. But during this whole time you see
6 the safety statistics taking a very nice dive.
7 It's also the time when these machineroomless
8 elevators were infiltrating the market. And so
9 you really have a disconnect between the safety
10 data and the notion that an MRL is less safe.

11 So here regarding these fatalities, I
12 mentioned that NEII has reviewed all of these
13 incidents and we'll be back to talk about what's
14 been found.

15 If you go to the next page, you'll see
16 a -- two things. A total number of injuries in
17 the first column for these five years, from 2009
18 to 2013. And shows a rather alarming trend,
19 almost double during that period of time. It's
20 total incidents. And so I went through a little
21 exercise to put that in context. You know, one
22 of the first thing you notice is that's a period
23 of recovery from an earlier crash so some of the
24 total is economic recovery. And that's where if
25 you compare it to rate, you see a little bit

1 different story when you look at injury rates
2 compared to totals.

3 And then you have in the next three
4 columns a characterization of the types of
5 injuries. And these don't tell a very good story
6 in -- to inform rulemaking. So what we did, turn
7 to the next page, we did a couple of things.
8 First I put those five years into perspective.

9 So if you look at the top two tables on
10 this page are those elevator unit tables. Are
11 you looking at this? It says, California safety
12 data explored. Yeah. And the top two tables are
13 what I just showed you. I included them extra
14 because they're hard to read here.

15 But if you look at this bottom table,
16 you'll see the five years from the elevator
17 unit's document. And then in the next column,
18 you have the -- the same information total number
19 of serious injuries and illnesses except it's for
20 -- it's nationwide for all NEII members. So as
21 post industrywide, it's NEII members which is
22 approximately 85 percent of the market. And you
23 can see that the 85 percent of the market for the
24 NEII members is quite a bit different experience.

25 There is an increase during those years

1 of economic recovery in the total. But if you
2 look at the next two columns, those rates that it
3 provided, you see that the rates, there's a
4 little bit fluctuation but those are the numbers
5 behind the graph I just showed you. It's a long-
6 term steady down -- downward trend.

7 So the -- we found that that
8 encapsulation of the five years where there was
9 an uptrend in the economic recovery and so forth
10 to be a little bit misleading and wanted to put
11 it in context with a longer range of data. And
12 there's a couple of explanations for what's going
13 on. Like I said, the economic recovery in
14 comparing the totals to rates. Totals going up,
15 but rates going down.

16 The other thing is that whereas the
17 increase in those five years total is alarming
18 and almost double, it's not nearly that with the
19 NEII members. And these are the members who are
20 the leading -- are installing the leading edge
21 elevators in terms of design. The NEII members
22 would represent those -- their experience would
23 represent, you know, advancing design. They're
24 the ones who are doing that and pushing those
25 envelopes. And the alarming aspect is more

1 attributable to the other 15 percent. At least
2 that would be an initial interpretation of this.
3 Right? So that's why this was -- this is given
4 to you is to put some of that information in
5 context.

6 The other thing, if you turn to the last
7 page, summary of accident types is character --
8 characterization of the types of accidents drawn
9 from NIOSH and the worker's comp insurance
10 rating, Bureau of California, the U.S. Department
11 of Labor Bureau of Labor Statistics. Wow. Okay.

12 And you see it's a much different
13 characterization that informs you that, you know,
14 half of what happens are strains and sprains. So
15 this much different characterization as opposed
16 to the one you saw before is -- has more baskets
17 and they're a little bit more informative to the
18 injury and illness experience, broadly of the
19 industry and we think should be what directs
20 rulemaking and changes in rulemaking.

21 And, you know, for example, one of the
22 things in model code is a new method of testing
23 that doesn't require or reduces the requirement
24 to haul heavy weights around which are a major
25 source of sprains and strains. And yet that's

1 rejected, that's not included in the Group 5
2 proposal. So -- and yet it's a designed safety
3 feature for the workers that was removed from
4 model code for purposes of Group 5.

5 So we just think, you know, the devil's
6 in the details, you've got to look to them,
7 that's the point being made with these graphs.
8 And we will be back with more root cause analysis
9 about the serious injuries that have been looked
10 at.

11 Okay. Thank you for time.

12 CHAIR THOMAS: Thank you.

13 MS. BURGEL: Thank you.

14 MR. ROCHA: Good morning. My name is
15 Louis Rocha, I'm here today -- good morning, I
16 should say, Board and staff, I'm here with -- on
17 behalf of the Communication Workers of America.
18 Again, my name is Louis Rocha, and I want to
19 acknowledge the Board for seeing to hopefully
20 fruition a petition that was submitted by a CWA
21 member who worked at Verizon and later at
22 Frontier some years ago.

23 It's taken some time, but I'm here to
24 speak on Item 4(A)(1), the proposed safety order,
25 Title 8, Telecommunication Safety Orders, Section

1 8615(g), Fall Protection and Telecommunications.

2 Again, that was triggered by a worker
3 that thought it was an issue in his workplace and
4 lo and behold, it was an issue in the industry.
5 And so we are -- CWA is in support of this
6 proposed safety order revision. We will be
7 monitoring its compliance as well as the results
8 of the -- if it is approved, the effect. And
9 also we'll be raising any concerns that we may
10 have, we may find, and other areas as well
11 related to working in this industry.

12 So thank you very much for your
13 consideration. Again, I urge your support of
14 this safety order revision in this industry.

15 Thank you.

16 CHAIR THOMAS: Thank you.

17 MS. MARQUEZ BAKER: Good morning, Chair,
18 members of the Board, DIR staff and Cal/OSHA
19 staff. My name is Nicole Marquez Baker. I'm a
20 senior staff attorney with Work Safe. And I'm
21 here for two reasons.

22 The first is to speak in support of the
23 telecommunications fall protection standard and
24 urge the Board to adopt the revisions sought out.
25 And also should it be adopted, that we would urge

1 that the enforcement angle also be looked at
2 ensuring workers' safety and that it is complied
3 with and employers are held accountable.

4 Secondly is to speak about the, kind of,
5 our experience with the temporary emergency
6 wildfire smoke standard. So, Worksafe has been
7 working with legal aid attorneys, day labor
8 centers, other worker centers who have been
9 impacted by our -- the most recent wildfires and
10 then also seeing how the new standard impacted
11 folks. Right?

12 And so just kind of to report some of the
13 gaps that we were seeing. Couple of them really
14 focus on kind of resources that are available for
15 workers who do not speak English. So being able
16 to if you're a monolingual Cantonese speaker or
17 monolingual other than English speaker, having
18 resources that are available that are -- that
19 have more visuals and that are literacy
20 appropriate would be something that is kind of a
21 gap that we were seeing.

22 Also, and this might fall into another
23 bucket, but really being able to kind of monitor
24 what the AQI is. If you are a monolingual other
25 than English speaker so when you go to, as a

1 worker, if you want to know what the AQI is, the
2 only kind of resource available is AirNow, which
3 is in English, and so if somebody does not speak
4 English and they're unable to kind of understand
5 what the, you know, what their employer is
6 supposed to be doing when AQI reaches over --
7 reaches 151.

8 And then other -- other kind of things
9 that we were seeing, workers working in mandatory
10 evacuation areas which was very much not what
11 we're hoping for, we're hoping that workers don't
12 work in those areas since people are not supposed
13 to be in those areas. Right? So having some
14 clarity around when local commissioners and
15 counties are saying kind of contradictory things
16 in terms of where -- where workers can be.

17 Another area of concern that we're --
18 we're look -- that we heard about was domestic
19 workers engaging in work that is not
20 traditionally domestic work. So workers being
21 told by homeowners who -- to kind of take care of
22 the house and kind of engage in fire suppression
23 or workers not being told that they should not
24 come -- come to work.

25 Understanding that some workers are

1 carved out of the Cal OSHA Act, but this would
2 kind of make me think that if they're not engaged
3 in kind of traditional domestic work, that they
4 would perhaps fall within the Act's protection
5 and therefore the protections of the wildfire
6 smoke standard.

7 It's also kind of trying to think
8 creatively of how we can make sure that we act
9 with human decency and treat people with kind of
10 the care and concern during these types of
11 emergencies. These are very, you know, life
12 threatening and risky situations that people are
13 in and so we want to make sure that we're -- that
14 in the permanent standard, we're considering all
15 of those things and kind of the gaps that we're
16 seeing in the -- with this last exercise of how
17 the temporary emergency standard worked out.

18 And -- and strongly encourage the Board
19 to vote in adopting the Telecommunications Safety
20 Orders and urge your support for that as well.

21 Thank you.

22 CHAIR THOMAS: Thank you. Any other
23 comments at this time?

24 MS. BURGEL: Can I make a comment? I
25 don't know if this is appropriate, but I would

1 like to sometime this morning or during our
2 meeting talk about the marketing of the temporary
3 wildfire prevention standard during this most
4 recent wildfire season in Northern California.

5 Because I was surprised -- I mean, I
6 received the news release, there was a DIR
7 release because I'm on that mailing list. But I
8 was -- I live in San Francisco. I was really
9 surprised that there was not more visibility
10 about the temporary emergency standard in
11 reference to the Kincadee fire. And certainly
12 around Santa Rosa that AQI was over 151. So.

13 MR. HEALY: Perhaps this can be taken --
14 addressed as a future agenda item.

15 MS. BURGEL: Okay.

16 MR. HEALY: Later in the business
17 meeting.

18 MS. BURGEL: Right. Thank you.

19 MS. SHUPE: We do also have agendized a
20 report from Eric Berg, Division activities.

21 MS. BURGEL: Yes, I saw that.

22 MS. STOCK: I'm sorry, what did you say,
23 Christina?

24 MS. BURGEL: In the packet.

25 MS SHUPE: As part of -- can you hear me

1 now? As part of our agenda for today, we do have
2 a rulemaking update that will be provided by Eric
3 Berg on behalf of the Division.

4 CHAIR THOMAS: There being no further
5 comments, the Board appreciates your testimony.
6 And the public meeting is adjourned and the
7 record is closed.

8 We will now proceed with the public
9 hearing. During the public -- during the
10 hearing, we will consider the proposed changes to
11 the occupational safety health standards that
12 were noticed for review today. The Occupational
13 Safety and Health Standards Board adopts
14 standards that, in our judgment, will provide
15 such freedom from danger in the nature of the
16 employment reasonably permits and that are
17 enforceable, reasonable, understandable, and
18 contribute directly to the safety and health of
19 California employees.

20 The Board is interested in your testimony
21 on the matter before us. recommendations are
22 appreciated and will be considered before a final
23 decision is made. If you have written comments,
24 you may read them into the record, but it is not
25 necessary to do so as long as your comments are

1 submitted to Sarah Money, over here, our
2 Executive Assistant, who will ensure that they
3 are included in the record. Ms. Money will also
4 forward copies of your comments to each Board
5 Member and I assure you that your comments will
6 be given every consideration. Please include
7 your name and address on any written materials
8 you submit.

9 I would also like to remind the audience
10 the public hearing is more for receiving comment
11 on the proposed regulations, not to hold public
12 debates. While rebuttal comments may be
13 appropriate to clarify a point, it's not
14 appropriate to engage in arguments regarding each
15 other's credibility.

16 If you would like to comment orally
17 today, please come forward to the podium when I
18 ask for public testimony. Please state your name
19 and affiliation for record, if any, and identify
20 what portion of the regulation you intend to
21 address each time you speak. If you have a
22 business card, please submit it to Ms. Money so
23 that we have your contact and your correct name
24 and contact information is correct.

25 After all testimony has been received and

1 the record is closed, staff will prepare
2 recommendation for the Board to consider for a
3 future business meeting.

4 We will now proceed to the first proposal
5 schedule for today's public hearing. Title 8,
6 General Industry Safety Orders, Sections 3420 and
7 3425, Tree Work, Maintenance or Removal -- Use of
8 Portable Power Saws.

9 Mr. Manieri, will you please brief the
10 Board?

11 MR. MANIERI: Chairman Thomas and Members
12 of the Board.

13 As stated in the Informative Digest, as a
14 result of the Board's adoption of the Electric
15 Power Generation, Transmission, and Distribution:
16 Electrical Protective Equipment - Federal Final
17 Rule on December 17th, 2017, the Board staff
18 became aware that the previous adoption of
19 amendments to Section 3425(a)(2) and (5)
20 immediately created confusion for the employers
21 in the tree care industry with specific regards
22 to the drop starting and starting power saws at
23 elevation.

24 The proposal defines drop starting as the
25 action of starting a power saw, presumably

1 gasoline, by simultaneously pushing the saw away
2 with one hand while pulling the start and cord
3 handle the opposite direction with the other
4 hand. This practice is prohibited under federal
5 OSHA standards. Power saws may be started at
6 elevation when they're formerly supported --
7 firmly supported as in the case of a tree branch
8 with another employee present, and there are no
9 personnel below the saw when it's being started.

10 The proposal also includes relocation of
11 existing regulatory text pertaining to manners in
12 which certain power saws in excess of 15 pounds
13 are to be supported from its current position as
14 existing paragraph number 6 with paragraph
15 number 3, which we believe to be a much more
16 logical position in Section 3425(a). At the same
17 time, this has the effect of streamlining the
18 requirement to some degree consistent with
19 federal OSHA standards for both starting the saw
20 and supporting it.

21 Federal OSHA has already deemed this
22 proposal to be commensurate with their comparable
23 standards contained in, this a long cite, 29 CFR
24 1910.269(r)(5), 4 1910.266(e)(2)(6) and
25 .269(r)(5), paragraph 4. To my knowledge there

1 have been no written comments to -- received by
2 the Board on this particular rulemaking proposal,
3 and so staff believes it is ready for the Board's
4 consideration and the public's comment.

5 CHAIR THOMAS: Thank you, Mr. Manieri. At
6 this time, we'll accept public testimony. Not
7 everybody at once. Well, since there are no
8 comments, the hearing is closed. Written
9 comments will be received until 5 p.m. today.

10 We will now proceed with the business
11 meeting. The purpose of the business meeting is
12 to allow the Board to vote on matters before it
13 and receive briefings from staff regarding the
14 issues listed on the business meeting agenda.
15 The Board does not accept public comment during
16 its business meeting unless a member of the Board
17 specifically requests public input.

18 Proposed safety orders for adoption.
19 Telecommunication Safety Orders, Section 8615(g),
20 Fall Protection and Telecommunications. Ms.
21 Shupe, will you please brief the Board?

22 MS. SHUPE: Thank you, Chair Thomas.

23 The Fall Protection in Telecommunications
24 rulemaking package was sent to OAL for notice and
25 published on November 30th of 2018. Our deadline

1 to return an adopted rulemaking to OAL is
2 November 30th, 2019. At this point we would
3 historically provide a full and complete package
4 which includes a signed 399.

5 We do not currently have the signed 399
6 in office but we did receive word late yesterday
7 afternoon that the Department of Finance has
8 approved and signed the 399 for the Fall
9 Protection Telecommunications rulemaking.

10 OAL has informed us that they will accept
11 the rulemaking proposal and begin the review, and
12 that the signed 399 can be added to the file once
13 it is received.

14 CHAIR THOMAS: Thank you.

15 Mr. Manieri, will you please brief the
16 Board?

17 MR. MANIERI: Yes. Thank you. Chairman
18 Thomas and Board Members, that having been said,
19 the proposal before you was heard at the January
20 17th, 2019 Board meeting in Rancho Cordova,
21 California. At that time the Board staff
22 explained the proposal was developed to amend
23 Title 8 fall protection standards pertaining to
24 point-to-point travel performed by qualified
25 telecom workers to change work positions on

1 telecommunication poles, towers, or similar
2 structures as regulated by California's Vertical
3 Standards, the Telecommunication Safety Orders,
4 Section 8615(g).

5 At the January public hearing, staff
6 stated the it based the need to amend section
7 8615(g) to render the state's standard
8 commensurate with federal standards as a result
9 of amendments to federal walking working surfaces
10 standards for which California version, a
11 California version, is currently in development,
12 and the federal telecom standard.

13 The California proposal intends to render
14 the state standard and its point-to-point travel
15 exception, which, as you know, federal OSHA does
16 not provide, commensurate with federal OSHA with
17 specific requirements to better controlling the
18 fall risk, meaning associated with point-to-point
19 travel.

20 Finally, the proposal provides clarity
21 and consistency by deletion of the term
22 "equipment" in relation to fall protection for
23 replacement by the current term now used. Most
24 commonly, the term "system" is now the term of
25 choice in California's Construction Safety Orders

1 and the federal standards.

2 As noted in the Final Statement of
3 Reasons, the proposal received oral and written
4 comments. They resulted in modifications to
5 clarify the applicable standards to which telecom
6 fall protection equipment must comply with as
7 described in the High Voltage Electrical Safety
8 Orders, Article 36, which have as much
9 application to fall protection used in telecom
10 work as they do in electrical work, hence,
11 they're a great similarity.

12 A summary of the oral and written
13 comments are described in the Final Statement of
14 Reasons and include comments related to the cost
15 of the proposal, predominantly created by
16 equipment and the equipment costs and training,
17 for which the Board staff conducted, we believe
18 to have been, a well-considered cost impact
19 determination with stakeholder input to the best
20 of staff's ability to ascertain that impact.

21 Federal OSHA has deemed this proposal to
22 be commensurate with their comparable standards.
23 In fact, Board staff discussed the proposal with
24 representatives from federal OSHA's national
25 office in Washington regarding the exception, and

1 our desire to retain the exception, and they
2 assured the proposal's acceptance with the
3 amendments that we're proposing, that you adopt
4 here today.

5 With that all in mind, Board Staff,
6 therefore, recommends that the Board adopt the
7 proposal as modified.

8 Thank you.

9 CHAIR THOMAS: Thank you, Mr. Manieri.

10 Are there any questions for Mr. Manieri?

11 Hearing none, do I have the motion to
12 adopt the revisions as proposed?

13 BOARD MEMBER LASZCZ-DAVIS: I so move.

14 CHAIR THOMAS: Do I have a second?

15 BOARD MEMBER STOCK: Second.

16 CHAIR THOMAS: I have a motion and
17 second.

18 Anything else on the question?

19 Hearing none, Ms. Money, will you please
20 call the roll?

21 MS. MONEY: Ms. Burgel?

22 BOARD MEMBER BURGEL: Aye.

23 MS. MONEY: Mr. Harrison?

24 BOARD MEMBER HARRISON: Aye.

25 MS. MONEY: Ms. Kennedy?

1 BOARD MEMBER KENNEDY: Aye.

2 MR. MANIERI: Ms. Laszcz-Davis?

3 BOARD MEMBER LASZCZ-DAVIS: Aye.

4 MS. MONEY: Ms. Stock?

5 BOARD MEMBER STOCK: Aye.

6 MS. MONEY: Chairman?

7 CHAIR THOMAS: Aye. The motion passes.

8 Proposed variance decisions for adoption.

9 Mr. Healy, will you please brief the
10 Board?

11 MR. HEALY: Thank you, Board Chair Thomas
12 and Members.

13 The Board has 13 items on its consent
14 calendar today. Items A through M. Item M, I
15 will advise, be taken up separately and after
16 addressing the other items.

17 So as to permanent variance decisions,
18 decisions on your variance calendar -- on your
19 consent calendar, Items A through L, I'm aware of
20 no unaddressed procedural prerequisites to your
21 taking up these matters and believe Items A
22 through L are ready for your decision on the
23 question of adoption.

24 CHAIR THOMAS: Thank you, Mr. Healy.
25 Just one quick. So we're going to take up M by

1 itself?

2 MR. HEALY: Right. So that's the last
3 one. So you can discreetly take up A through L
4 as you would normally --

5 CHAIR THOMAS: Okay.

6 MR. HEALY: -- for consent calendar
7 items. And then once you're completed with that,
8 addressing that question of adoption, I will
9 address the Item M.

10 CHAIR THOMAS: Thank you.

11 BOARD MEMBER HARRISON: Motion to approve
12 A through L as proposed.

13 CHAIR THOMAS: I have a motion.

14 Do I have a second?

15 BOARD MEMBER LASZCZ-DAVIS: Second.

16 CHAIR THOMAS: I have a motion and a
17 second.

18 Is there anything on the question?

19 Hearing none, Ms. Money, will you please
20 call the roll?

21 MS. MONEY: Ms. Burgel?

22 BOARD MEMBER BURGEL: Aye.

23 MS. MONEY: Mr. Harrison?

24 BOARD MEMBER HARRISON: Aye.

25 MS. MONEY: Ms. Kennedy?

1 BOARD MEMBER KENNEDY: Aye.

2 MS. MONEY: Ms. Laszcz-Davis?

3 BOARD MEMBER LASZCZ-DAVIS: Aye.

4 MS. MONEY: Ms. Stock?

5 BOARD MEMBER STOCK: Aye.

6 MS. MONEY: Chair Thomas?

7 CHAIR THOMAS: Aye. And the motion
8 passes. So now we've got the motion -- well, I'm
9 going to ask Mr. Healy to brief us on Item M.

10 MR. HEALY: Thank you, Chair Thomas.

11 As to what happened in consent calendar
12 Item M in the matter of application for permanent
13 variance by Vivante Westside LLC as file 18-V-
14 364, you have before you a November 20th, 2019
15 signed, clerically corrected first amended
16 proposed decision in file 18-V-364. The
17 corrections therein to the previous November 15th
18 signed proposed decision are within the
19 conditions of variance as follows: replacing
20 reference to suspension traction media and STM
21 with reference to elastomeric steel coated belt
22 and ECSB; replacing condition 1, subpart 14,
23 specified minimize sheath diameter of 72
24 millimeters with 112 millimeters and striking the
25 second sentence; replacing condition subpart 1.8,

1 second sentence reference to 80 percent of full
2 rated strength with 60 percent of full rated
3 strength; and replacing condition 4.8 and 5.8
4 references to A17-1 2013 with A17.1 2013.

5 That comprises the clerical corrections I
6 wanted to fully bring to your attention,
7 acknowledge prior to taking up the matter. And
8 with that, I believe no unaddressed procedural
9 prerequisites remain prior to your taking up the
10 matter, File 18-V-364, the November 20th, 2019
11 corrected first amended proposed decision, taking
12 up that for your consideration of adoption.

13 CHAIR THOMAS: Thank you, Mr. Healy.

14 Any questions for Mr. Healy now?

15 BOARD MEMBER HARRISON: I have a
16 question. The changes that were made November 20,
17 were any of those substantive, or were they
18 housekeeping? What drove the changes, if I could
19 ask?

20 MR. HEALY: They can fairly be
21 characterized as clerical and fully consistent
22 with the substance of the decision. They just --
23 in context they can be understood, but they're
24 appropriate, just worth making the clerical
25 decisions -- I mean worth accomplishing clerical

1 corrections.

2 BOARD MEMBER HARRISON: Okay. Thank you.

3 CHAIR THOMAS: Any other questions?

4 Hearing none, I would entertain a motion
5 to accept M.

6 BOARD MEMBER HARRISON: Motion to
7 approve.

8 CHAIR THOMAS: Do I have a second?

9 BOARD MEMBER STOCK: Second.

10 CHAIR THOMAS: So I have a motion and a
11 second to approve proposed variance decision M.

12 Anything else on the question?

13 Hearing none, Ms. Money, will you please
14 call the roll?

15 MS. MONEY: I didn't catch who was first
16 and who was second.

17 MS. STOCK: Dave was first and I was
18 second.

19 MS. MONEY: Okay.

20 MS. LASZCZ-DAVIS: Then Laura.

21 CHAIR THOMAS: Laura.

22 MS. MONEY: Okay. Hang on. Just a second.
23 Ms. Burgel?

24 BOARD MEMBER BURGEL: Aye.

25 MS. MONEY: Mr. Harrison?

1 BOARD MEMBER HARRISON: Aye.
2 MS. MONEY: Ms. Laszcz-Davis?
3 BOARD MEMBER LASZCZ-DAVIS: Aye.
4 MS. MONEY: Ms. Stock?
5 BOARD MEMBER STOCK: Aye.
6 MS. MONEY: Ms. Kennedy?
7 BOARD MEMBER KENNEDY: Aye.
8 MS. MONEY: Chair Thomas?
9 CHAIR THOMAS: Aye. The motion passes.

10 Division update on rulemakings and
11 advisory committees. Mr. Berg, will you please
12 brief the Board?

13 MR. BERG: Thank you, Chairman Thomas.

14 CHAIR THOMAS: And I'm having trouble
15 hearing, so if you could --

16 MR. BERG: Okay. All right. I'll try to
17 speak up. I'll go through quickly the update for
18 our rulemaking efforts.

19 First is adult film, which the Standards
20 Board approved just last meeting. And we hope to
21 have the first advisory committee next year. It
22 will cover prevention of sexual assault in the
23 adult film industry and other forms of violence
24 through assuring continuous consent during all
25 times during filming and getting approval prior

1 to filming for whatever scenes are done.

2 Antineoplastic drugs is the next
3 proposal. We're still working on the economic
4 impact assessment. No change on that one.

5 First aid that was recently approved by
6 the labor agency, so we should hopefully begin
7 rulemaking next year.

8 Indoor heat. We have a draft SRIA.
9 We've been working on this SRIA with an
10 independent contractor. They are working on a
11 draft to hopefully submit to the Department of
12 Finance before the end of this year. It's not a
13 final SRIA, it's a draft that gets comments from
14 Department of Finance, so it's still a long ways
15 from being completed, but it's a major step to
16 get the drafted done. So that should be done by
17 the end of this year for the first draft. That's
18 for indoor heat.

19 The lead proposal, that in construction
20 and general industry, we have provided our
21 package to the Standards Board staff and are
22 looking forward to seeing their comments.

23 Permissible exposure limits. We're
24 having the next advisory committee on December
25 3rd here in this building on the 13th floor, so

1 that's coming up soon.

2 Wildfire smoke detection. We're working
3 on the economic impact assessment, DIR budget,
4 and Department of Finance, so that is taking
5 considerable work, but our goal is to make the
6 emergency standard permanent with some minor
7 changes.

8 And then workplace violence in general
9 industry, we're still working on draft language
10 internally and don't have a date on when that
11 will be posted. It depends on internal
12 discussions and approval by the Chief.

13 Any questions?

14 CHAIR THOMAS: Any questions of Mr. Berg?

15 Hearing none, thank you. Thank you very
16 much for the update.

17 Legislative update. Mr. Healy, will you
18 please brief the Board?

19 MR. HEALY: Chair Thomas and Members,
20 there is no legislative activity to update you on
21 at this point. The legislature is not active at
22 this time.

23 CHAIR THOMAS: Thank you.

24 Executive Officer's report. Ms. Shupe,
25 will you please brief the Board?

1 EXECUTIVE OFFICER SHUPE: Thank you,
2 Chair Thomas.

3 There's an update for Occupational Safety
4 and Health Standards Board rulemaking activity
5 included in the handouts for today's meeting.
6 This update was presented to the Cal/OSHA
7 advisory committee last week.

8 For fall protection -- and I just want to
9 call out a few of these that have had some
10 movement and have interest in them. And I'm
11 going to start with Section 3441 and 3449,
12 Outdoor Agricultural Operations During Hours of
13 Darkness. This particular rulemaking has
14 benefitted greatly from the public review and
15 feedback process. And we're currently clarifying
16 some of the language in the proposed regulation
17 and anticipating noticing a second 15-day notice
18 soon.

19 Section 8615, Fall Protection in
20 Telecommunications, you just adopted.

21 Section 5141.1, Protection from Wildfire
22 Smoke, the emergency regulation, that will go
23 before the Board next month for re-adoption,
24 allowing for the first of two anticipated 90-day
25 extensions.

1 For Section 1630(a), Elevators for
2 Hoisting Workers, also known as Construction
3 Personnel Hoists, it was designated as an
4 expedited rulemaking by the Board in the wake of
5 a decision after reconsideration by the Cal/OSHA
6 Appeals Board and is strictly limited in scope.
7 There will be a more expansive Form 9 generated
8 rulemaking in this same area, but the one that
9 I'm going to address right now is specific to the
10 petition that the Board granted.

11 We allowed two months, or until August
12 20th, for Occupational Safety and Health
13 Standards Board staff to draft a proposal and
14 prepare the initial rulemaking documents. Those
15 documents were prepared on schedule, including a
16 fiscal and economic impact analysis, and
17 submitted to DIR as for the initial fiscal
18 approval by the Labor and Workforce Development
19 Agency on August 9th.

20 On September 18th, we received a signed
21 original 399. However, we did not receive the
22 required approval SAR, or Secretary Action
23 Request, from the Labor Workforce Development
24 Agency. We received new questions on cost
25 estimates on October 2nd and provided responses

1 within two business days. And we inquired on the
2 status of the fiscal review on October 25th and
3 again on November 19th.

4 At this time the Department of Industrial
5 Relations continues to work with the Labor
6 Workforce Development Agency to answer their
7 specific questions regarding the cost impact of
8 the rulemaking.

9 The next one I'd like to address is
10 Sections 3403 through 3411 for Firefighter
11 Personal Protective Equipment, which was
12 submitted for SAR approval on August 9th of 2019
13 as well. This followed a very extensive
14 development and review period where we developed
15 a SRIA and worked with Department of Finance to
16 come up with an approved 399 -- or, I'm sorry,
17 not an approved 399, but DIR and worked with
18 feedback from DOF regarding costs.

19 We went with BEAR on this one, that's the
20 Berkeley Economic Advising and Research, to
21 prepare the cost estimate analysis, and because
22 there are a lot of inherent difficulties in
23 determining some of the costs for this industry.
24 DOF provided us with language regarding the state
25 mandate issue on the 399 back on July 26, 2019.

1 The state mandate issue is something that the
2 Board normally does not drift into. So this
3 particular rulemaking, which was triggered by
4 legislation, goes into that area and Finance
5 helped us out with that.

6 We received a finalized package to
7 forward to the State Fire Marshal. We finalized
8 the package and forwarded it to the State Fire
9 Marshal on August 2nd of 2019 and got their
10 approval, which then led to this submission for
11 the Secretary Action Request.

12 At this time, we have received specific
13 cost estimate request questions back from the
14 Labor Workforce Development Agency. And we are
15 restarting our contract with BEAR, or Berkeley
16 Economic Advising and Research, to begin work on
17 providing the required estimates.

18 That is what I have for today. Are there
19 any questions?

20 BOARD MEMBER HARRISON: Was there any
21 updates, first, on the -- I mean, I know we see a
22 lot of communication with the outdoor lighting
23 and ag.

24 EXECUTIVE OFFICER SHUPE: Um-hmm.

25 BOARD MEMBER HARRISON: Is there anything

1 to report there?

2 EXECUTIVE OFFICER SHUPE: Yeah. So
3 outdoor lighting and ag was actually one of the
4 first ones that I touched on.

5 BOARD MEMBER HARRISON: Oh, I -- okay.

6 EXECUTIVE OFFICER SHUPE: And we will be
7 releasing the second 15-day notice on that one.
8 We're just finalizing current responses to the
9 questions and comments that came in.

10 BOARD MEMBER HARRISON: Okay. And then
11 my next question is around the construction
12 personnel hoists.

13 EXECUTIVE OFFICER SHUPE: Yes.

14 BOARD MEMBER HARRISON: I know when the
15 petitioner came forward, he asked for an
16 emergency rulemaking and we kind of pushed him
17 off. We didn't want to go down this path where
18 everyone wanted an emergency rulemaking. And
19 there was some reassurances that the expedited
20 process would probably be faster, if you will,
21 more expeditious than the emergency path.

22 What's -- what would you -- I mean, where
23 are we with that? What can we do to push this
24 along? I mean, it sounds like it's sitting with
25 the Labor Secretary's Office.

1 EXECUTIVE OFFICER SHUPE: So the fact
2 that this is not an emergency regulation doesn't
3 change where it is right now in the process.
4 Even emergency regulations have to go through the
5 Secretary Action Request process. So, for
6 example, the emergency protection from wildfire
7 smoke exposure rulemaking, that had to go to the
8 Labor Secretary. That's why you had so many --
9 that there seemed to be that long lag time
10 between when they received that from the public
11 and then when we would say there could be no more
12 changes to the language, it was because it had
13 gone to the Labor Agency and they were reviewing
14 it for fiscal review.

15 BOARD MEMBER HARRISON: Okay.

16 EXECUTIVE OFFICER SHUPE: So whether this
17 was an emergency or designated expedited by the
18 Board, that wouldn't change where we are today.

19 BOARD MEMBER HARRISON: And it's still in
20 the Labor Agency's lap?

21 EXECUTIVE OFFICER SHUPE: We have to have
22 that Secretary Action Request fiscal approval
23 before we can move forward.

24 BOARD MEMBER HARRISON: Thank you.

25 CHAIR THOMAS: Any other questions from

1 the Board?

2 Future agenda items. I think we touched
3 on all those. But I guess --

4 BOARD MEMBER BURGEL: I would like to
5 just talk, have an open discussion, first about
6 the wildfire smoke prevention standard in recent
7 experiences, given the Kincade Fire which started
8 on October 23rd and ended November 8th, I think,
9 or thereabouts. And then also the Simi Valley
10 fire. And just, first of all, I want to commend
11 Worksafe for bringing this topic up because I
12 think it's really important.

13 And I also don't know, Eric, if you could
14 share if there was any enforcement action on this
15 standard or lessons learned with this recent
16 wildfire? But I would welcome, if this is
17 appropriate to bring at this time as an agenda
18 item?

19 MR. HEALY: Well, perhaps the Division
20 can add to its earlier update on rulemaking
21 advisory committees, if that fits into that
22 agenda category. But otherwise, that would be an
23 appropriate request as a future agenda item to be
24 taken up as soon as next month as a particular
25 agenda item, so that it's -- so the public has

1 the fullest notice of the subject of the
2 discussion and can be here to participate in it,
3 or at least to hear the Board discuss it.

4 BOARD MEMBER BURGEL: Okay. Well,
5 perhaps I could ask Eric, just an addendum to
6 your update report, that was focused on permanent
7 rulemaking, as far as are there plans to do more
8 outreach and translation of, perhaps, Appendix B
9 and some of the materials that are posted on the
10 website in languages other than English? And are
11 you aware of any AQI sites that are available in
12 languages other than English? I was just
13 thinking of the app I have and I think it might
14 be in Spanish but I'm not sure, but --

15 MR. BERG: Yeah. I'm not sure about the
16 languages that here, now, is available online.
17 I'm not sure about the languages that the AQI or
18 Air Now websites have available but I could
19 research that and get back to you.

20 And then during the Kincadee Wildfire and
21 the wildfires down south, we did issue press
22 releases -- or DIR issued press releases.

23 BOARD MEMBER BURGEL: Right. I saw that.

24 MR. BERG: And we updated our website and
25 also addressed health and safety during power

1 outages, got out information on that because
2 that's come up as a new issue during when the
3 wildfires are in progress or there's a hazard of
4 wildfires, so we've added that information too.

5 BOARD MEMBER BURGEL: I saw that as well.

6 MR. BERG: What was your other question,
7 other than that?

8 BOARD MEMBER BURGEL: Well, I just,
9 again, I didn't think there was a lot of media
10 coverage during the Kincade Fire in particular.
11 In fact, a physician with the Department of
12 Public Health in San Francisco made a specific
13 comment that was reported at the San Francisco
14 Chronicle that masks -- I mean, really, and it
15 was after it, she essentially said masks won't
16 help. You need to move to areas where there's
17 clean indoor air. But it was a missed
18 opportunity for her to mention that there is a
19 new Cal/OSHA Standard. So I saw no news coverage
20 and that was my concern.

21 And all the journalists, all the
22 reporters that were in the Kincade Fire were
23 not -- I did not see one wearing any N-95
24 protection. Obviously, it's voluntary, but they
25 could have mentioned, and I hope that they

1 received the news release, so I'm not quite sure.
2 I signed up for those news releases but I don't
3 know if they automatically go to all the news
4 stations.

5 So I just -- it was a missed opportunity,
6 from my perspective.

7 BOARD MEMBER STOCK: Can I just add
8 something else?

9 MR. BERG: In fact, Telemundo had -- I
10 was watching Telemundo during the fires and their
11 reporters on camera always were wearing masks.

12 BOARD MEMBER BURGEL: Oh, good.

13 MR. BERG: So --

14 BOARD MEMBER BURGEL: I didn't see that.

15 MR. BERG: -- so that was good.

16 BOARD MEMBER STOCK: And also --

17 MR. BERG: I didn't watch any other news,
18 other than Telemundo.

19 BOARD MEMBER BURGEL: Yeah.

20 BOARD MEMBER STOCK: Yeah. I was just
21 going to say --

22 CHAIR THOMAS: Any other questions?

23 BOARD MEMBER STOCK: -- for the
24 discussion next time, it would be great to just
25 be able to get a report a little bit on

1 enforcement activity, like --

2 MR. HEALY: Okay.

3 BOARD MEMBER STOCK: -- you know, were
4 there -- was there any and what were the things
5 that people doing enforcement found? And I
6 actually really think some of the issues that
7 Nicole brought up around -- issues around
8 mandatory evacuation, about whether or not it's
9 legal or illegal to require people to -- or to --
10 for homeowners to require their workers or demand
11 that their workers stay? I mean, it would be
12 interesting to get a little bit of feedback from
13 the Division about that issue as well, just in
14 response to some of the specifically on-the-
15 ground concerns that were raised today and others
16 that people might be hearing about.

17 MR. BERG: Okay. That's --

18 BOARD MEMBER STOCK: I mean, for next
19 month. I understand we have to discuss this next
20 month. So --

21 MS. BURGEL: Yes.

22 BOARD MEMBER STOCK: So as the -- for
23 the -- if we could get a report specifically on
24 that?

25 MR. BERG: When is the December meeting?

1 When is the date of that? Just because I'm going
2 on vacation, so I --

3 CHAIR THOMAS: The 19th of December, I
4 think.

5 MR. BERG: Yeah. I won't be here.

6 BOARD MEMBER STOCK: Oh, okay. Is there
7 anyone else?

8 MR. BERG: I could get someone else to do
9 it but --

10 BOARD MEMBER STOCK: That would be great.

11 BOARD MEMBER BURGEL: Yeah, if anybody
12 could report on your behalf, that would be great.

13 CHAIR THOMAS: Is there -- could you give
14 an enforcement report without mentioning --
15 because I don't think legally you could -- if
16 it's just in the -- how many citings, if people
17 were cited, if there were citings during that
18 period of time, I don't know if you could say
19 anything other than so many were, but not who,
20 because those things go through a process?

21 MR. BERG: Yeah. We can provide like the
22 number of complaints received --

23 CHAIR THOMAS: Yeah.

24 MR. BERG: -- and the number of
25 inspections.

1 MR. BERG: Okay. That would be good too.

2 MR. BERG: Our method.

3 BOARD MEMBER STOCK: And then just, you
4 know, get to underline specifically to kind of
5 comment on how the regulation does or doesn't
6 apply to some of the issues around domestic
7 workers and others who make, you know, the kinds
8 of issues that Worksafe brought up and what --
9 how this standard relates to it or whether other
10 regulations cover those issues.

11 MR. BERG: Okay.

12 BOARD MEMBER STOCK: Thank you.

13 CHAIR THOMAS: Question?

14 BOARD MEMBER LASZCZ-DAVIS: Well, just a
15 comment, while we're on a roll here, Eric. You
16 know, in the report, any kind of a report in
17 December, if you could also, or somebody, speak
18 to whether or not the process has been enhanced
19 in terms of as we move toward a permanent
20 standard, whether or not there's an interactive,
21 a very affirmative interactive process to engage
22 feedback on all sides so that what we end up with
23 as a permanent standard really is viable and
24 practical.

25 MR. BERG: Okay.

1 BOARD MEMBER LASZCZ-DAVIS: Okay.

2 CHAIR THOMAS: Thank you.

3 Any other -- yes?

4 EXECUTIVE OFFICER SHUPE: I'm sorry. Are
5 we still on the same topic?

6 CHAIR THOMAS: No.

7 EXECUTIVE OFFICER SHUPE: I need to make
8 a quick correction to my Executive Officer's
9 Report. So I had said that there were copies of
10 the rulemaking update on the desk back there.
11 Unfortunately, those copies did not make it down
12 here. So we will have that posted and available
13 online. And if anybody doesn't have a copy
14 already and would like one, please do contact our
15 office and we will make sure you get those. The
16 number is (916) 274-5721.

17 Thank you.

18 CHAIR THOMAS: Thank you.

19 Any other comments or questions?

20 So, Mr. Healy, is there any need to enter
21 a closed session today?

22 MR. HEALY: Chair Thomas and Members,
23 litigation has not developed as it might have
24 such that a closed session is required, so I
25 don't advise a closed session today.

1 CHAIR THOMAS: So there will be no closed
2 session today.

3 The next Standards Board regular meeting
4 and hearing is scheduled for December 19th, 2019,
5 in Rancho Cordova.

6 There being no further business to attend
7 to, this business meeting is adjourned.

8 Thank you.

9 (The Board meeting concluded at 10:57 a.m.)

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REPORTER'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 reported by me, 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 28th day of January, 2020.



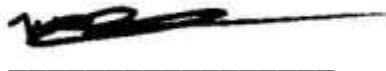
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And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of January, 2020.



Myra Severtson
Certified Transcriber
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