

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY & HEALTH STANDARDS BOARD

PUBLIC MEETING AND BUSINESS MEETING

In the Matter of: )  
October 19, 2023 OSH )  
Standards Board Meeting )  
\_\_\_\_\_ )

IN-PERSON & TELECONFERENCE

Attend the meeting in person:

Walnut Creek City Hall  
Council Chambers  
1666 N. Main Street  
Walnut Creek, California

Attend the meeting via Video-conference

THURSDAY, OCTOBER 19, 2023

10:00 A.M.

Reported by:  
M. Nelson

APPEARANCES

BOARD MEMBERS PRESENT AT WALNUT CREEK CITY HALL:

Dave Thomas, Chairman  
Joseph Alioto, Public Member  
Kathleen Crawford, Management Representative  
David Harrison, Labor Representative  
Nola J. Kennedy, Public Representative  
Chris Laszcz-Davis, Management Representative  
Laura Stock, Occupational Safety Representative

BOARD STAFF PRESENT AT WALNUT CREEK CITY HALL:

Autumn Gonzalez, Chief Counsel and Acting Executive Officer  
Amalia Neidhardt, Principal Safety Engineer  
Lara Paskins, Staff Services Manager  
Kelly Chau, Attorney  
Michelle Iorio, Attorney  
Sarah Money, Executive Assistant

BOARD STAFF ATTENDING VIA TELECONFERENCE AND/OR WEBEX:

Jesi Mowry, Administration & Personnel Support Analyst  
Jennifer White, Regulatory Analyst

ALSO PRESENT IN WALNUT CREEK:

Eric Berg, Deputy Chief of Health, Cal/OSHA

TKO STAFF:

Sean Acrea  
Maya Morsi  
John Roensch

INTERPRETERS:

Fabian Londono  
Brenda Tamez

APPEARANCES (Cont.)

PUBLIC MEETING COMMENTERS: (\*Online testimony)

Bruce Wick, Housing Contractors of California  
Eddie Marquez, Union Roofing Contractors Association,  
California Hispanic Chamber, California Hispanic  
Latino Chamber, Orange County Hispanic Chamber  
Mitch Steiger, CFT - A Union of Educators & Classified  
Professionals  
\*Richard Lawson, Lawson Roofing Company, Inc.  
\*Helen Cleary, Phylmar Regulatory Roundtable OSH Forum  
\*Dave Smith, Dave Smith & Co.  
Steve Johnson, Associated Roofing Contractors of the Bay  
Area Counties  
\*Bryan Little, California Farm Bureau Federation  
\*Dan Napier, DNA Industrial Hygiene  
\*Robert Moutrie, California Chamber of Commerce  
\*Michael Donlon, MD Safety Service LLC  
\*Christopher Lee, United Contractors Wall and Ceiling  
Alliance and Northern California Allied Trades  
\*Sharon Hilke, Painting & Decorating Contractors of  
California, Inc.  
\*Jane Williams, California Communities Against Toxics  
\*Michael Miiller, California Association of Winegrape  
Growers  
Cassie Hilaski, Nibbi Brothers General Contractors

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1 P R O C E E D I N G

2 OCTOBER 19, 2023

10:01 A.M.

3 CHAIR THOMAS: Good morning. This meeting of the  
4 Occupational Safety and Health Standards Board is now  
5 called to order. Let's stand for the Pledge, please.

6 (Whereupon the Pledge of Allegiance was recited.)

7 CHAIR THOMAS: Thank you. I'm Dave Thomas,  
8 Chairman. And the other Board Members present today are  
9 Joseph Alioto, Public Member; Kathleen Crawford, Management  
10 Representative; Dave Harrison, Labor Representative; Nola  
11 Kennedy, Occupational Health Representative; Chris-Laszcz,  
12 Management Representative; and Laura Stock, Occupational  
13 Safety Representative.

14 Present from our staff for today's meeting are  
15 Autumn Gonzalez, Chief Counsel and Acting Executive Officer  
16 for today's meeting; Amalia Neidhardt, Principal Safety  
17 Engineer who is also performing translation duties for our  
18 commenters who are native Spanish speakers; Lara Paskins,  
19 Staff Services Manager; Kelly Chau, Attorney; Michelle  
20 Iorio, is that right? Okay, got it. Attorney, and Sarah  
21 Money, Executive Assistant.

22 And before I go any farther, we're going to get  
23 an alert in here sometime this morning. I don't know when.

24 UNKNOWN SPEAKER: 10:19.

25 CHAIR THOMAS: So it's going to come on your

1 phone. Nothing will happen. It's just an alert like an  
2 emergency public service thing. So I just wanted to warn  
3 you of that, so everybody knows what's going on.

4 (Off-mic colloquy.)

5 CHAIR THOMAS: Also present is Eric Berg, Deputy  
6 Chief of Health for Cal/OSHA.

7 Supporting the meeting remotely are Jessi Mowry,  
8 Administrative and Personal Support Analyst; and Jennifer  
9 White, Regulatory Analyst.

10 Copies of the agenda and other materials related  
11 to today's proceedings are available on the table near the  
12 entrance of the room, and are posted on the OSHSB website.

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

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

24 As reflected on the agenda, today's meeting will  
25 consist of two parts. First, we will hold a public meeting

1 to receive public comment or proposals or occupational  
2 safety and health materials. Anyone who would like to  
3 address any occupational safety and health issues including  
4 any of the items on our business meeting agenda may do so  
5 when I invite public comment.

6           If you are participating via teleconference or  
7 videoconference, the instructions for joining the public  
8 comment queue can be found on the agenda. You may join by  
9 clicking on the public comment queue link in the "Meetings,  
10 Notices and Petitions" section of the OSHSB website, or by  
11 calling 510-868-2730 to access the automated public comment  
12 queue voicemail.

13           When the public meeting begins, we are going to  
14 alternate between three in-person and three remote  
15 commenters. When I ask for public testimony, in-person  
16 commenters should provide completed speaker slips to the  
17 staff person near the podium and announce themselves to the  
18 Board before delivering comments.

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

25           Is that it? For our commentators who are native



1 Spanish speakers, we are working with Amalia Neidhardt to  
2 provide a translation of their statements into English for  
3 the Board.

4 At this time, Ms. Amalia, will you please provide  
5 instructions to the Spanish speaking commentators so that  
6 they are aware of what to do during public comment.

7 Amalia.

8 MS. NEIDHARDT: [READS THE FOLLOWING IN SPANISH]  
9 Public Comment Instructions.

10 "Good morning and thank you for participating in  
11 today's Occupational Safety and Health Standards Board  
12 public meeting. Board Members present in Walnut Creek are  
13 Mr. Dave Thomas, Labor Representative and Chairman; Mr.  
14 Joseph Alioto, Public Member; Ms. Kathleen Crawford,  
15 Management Representative; Mr. Dave Harrison, Labor  
16 Representative; Ms. Nola Kennedy, Occupational Health  
17 Representative; Ms. Chris-Laszcz, Management  
18 Representative; and Ms. Laura Stock, Occupational Safety  
19 Representative.

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

25 "If you are participating in today's meeting via

1 teleconference or videoconference, please note that we have  
2 limited capabilities for managing participation during  
3 public comment periods. We are asking everyone who is not  
4 speaking to place their phones or computers on mute and  
5 wait to unmute until they are called to speak. Those who  
6 are unable to do so will be removed from the meeting to  
7 avoid disruption.

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

12 "If you are participating via teleconference or  
13 videoconference, the instructions for joining the public  
14 comment queue can be found on the agenda. You may join by  
15 clicking the public comment queue link in the "meetings,  
16 notices and petitions" section on the OSHSB website, or by  
17 calling 510-868-2730 to access the automated public comment  
18 queue voicemail.

19 "When public comment begins, we are going to be  
20 alternating between three in-person and three remote  
21 commenters. When the Chair asks for public testimony, in-  
22 person commenters should provide a speaker slip to the  
23 staff member near the podium and announce themselves to the  
24 board prior to delivering a comment.

25 "For our commenters attending via teleconference

1 or videoconference, listen for your name and an invitation  
2 to speak. When it is your turn to address the board,  
3 please be sure to unmute yourself if you're using Webex or  
4 dial \*6 on your phone to unmute yourself if you're using  
5 the teleconference line.

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

12 "Today's public comment will be limited to four  
13 minutes for speakers utilizing translation, and the public  
14 comment portion of the meeting will extend for up to two  
15 hours, so that the Board may hear from as many members of  
16 the public as is feasible. The individual speaker and  
17 total public comment time limits may be extended by the  
18 Board Chair.

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

22 "Thank you."

23 CHAIR THOMAS: Thank you, Amalia.

24 If there are any in-person participants who would  
25 like to comment on any materials concerning occupational

1 safety and health, you may begin lining up at the podium at  
2 this time. We will start with the first three in-person  
3 speakers and then we will go to the first three speakers on  
4 the teleconference or video conference queue.

5 Go right ahead. Thank you. Good morning.

6 MR. WICK: Good morning, Chair Thomas, Board  
7 Members, Acting Officer Gonzales, thanks for taking care of  
8 us.

9 Bruce Wick, Housing Contractors California. I  
10 want to make a couple of comments, but also clarify one  
11 thing. Kevin Thompson, I have great respect for, and he is  
12 an excellent journalist. However, I believe he -- an  
13 inaccurate statement was said in the last "CAL-OSHA  
14 Reporter." It said I'm a frequent critic of the Cal/OSHA  
15 rulemaking process. (Laughter.)

16 CHAIR THOMAS: I'm sorry, that was probably  
17 correct, but. No, but that's --

18 MR. WICK: But go ahead, huh?

19 CHAIR THOMAS: All right, it's all right. Go  
20 ahead. But that's okay.

21 MR. WICK: There's a difference between being a  
22 critic and offering constructive criticism. When you look  
23 at why someone is doing something and trying to point out a  
24 better way of doing it, I believe that's constructive  
25 criticism, not being a critic.

1           But the other part is I have been, I believe,  
2 very supportive consistently of the Standards Board staff,  
3 and the way you all conduct your rulemaking process. My  
4 constructive criticism has been to the Division in their  
5 part in the rulemaking process. And that's very stark and  
6 I'll give you two examples.

7           Last week, we had Walking-Working Surfaces. Your  
8 staff member, Maryrose Chan, did a terrific job. She does  
9 her homework. She is well prepared. There were two full  
10 days of walking through that regulation. This is our third  
11 two-day session, and we are not done. It's a big reg, but  
12 that's how you do it. We walk through it line by line.

13           And not only is Cal/OSHA engaged with the  
14 stakeholders, but the stakeholders are allowed to engage  
15 with each other. Everyone's voice is heard. Everyone's  
16 opinion is considered. And at the end, there's usually a  
17 vast majority vote that says let's go forward like this.  
18 That's how you build a regulation. When that regulation  
19 passes everybody's going to understand it. Everybody's  
20 going to implement it, except those who don't want to, and  
21 California will enforce against them. That's how you build  
22 an effective regulation.

23           We're in the second 15-day notice on Lead and  
24 this is almost the opposite. That regulation was not  
25 engaged with stakeholders. And there were five meetings,

1 but they were input only. No engagement discussion between  
2 Cal/OSHA, stakeholders, or more importantly including  
3 stakeholders giving their perspectives together and finding  
4 the best solutions. So here we are. The regulation as it  
5 sits today will be very ineffective. And that's a sad  
6 thing all the way around.

7           It would be best if that regulation were  
8 withdrawn and start over and do it right. We're in year 12  
9 and all we have is a destined to be ineffective regulation.  
10 We should start over and do it right.

11           If that isn't done, I would suggest you do two  
12 things. Because some things you have legal authority for  
13 as a Board, but you also have moral authority.

14           I believe the Division should be strongly  
15 encouraged to bring to you the information as to why we  
16 need a reduction of 93 percent in the action level. That  
17 reduction triggers so many things on the employer level  
18 that I believe weren't contemplated or understood by those  
19 pursuing this regulation. We need to have a discussion  
20 about that.

21           In the SRIA it went from page 4 saying, "more  
22 recent evidence suggests," to three pages later the  
23 Division concluded there is "convincing evidence." But  
24 there's no connecting the dots to tell us how you get from  
25 "evidence suggests" to "convincing evidence" for a 93

1 percent reduction in a PEL. And this is after we as the  
2 public and as an industry have spent enormous sums and time  
3 removing lead from paint, from gasoline, from most plumbing  
4 fixtures, from solder, and yet we need a 93 percent  
5 reduction in PEL. I would really hope you tell the  
6 Division come and justify this. Have convince us why  
7 something like that is so necessary.

8           The other part is of the SRIA itself we believe  
9 is very understated. Those who have to implement this, who  
10 have looked at what that reduction means and what it  
11 triggers, are huge. They said it would cost construction  
12 80 million a year. We're in the range of \$4 billion a year  
13 in what we believe it would actually cost us to implement  
14 this reg; 40 times more.

15           You have a duty, and the Division has a duty to  
16 us for you not to sit there and say, well does it cost 80  
17 million a year or 4 billion? You are tasked with making  
18 wise and informed decisions, but you have to be given the  
19 information to make that. And I would suggest strongly you  
20 have the Division come before February, if this is up for a  
21 vote in February, and have them resolve that.

22           Members of our coalition -- and we're going to  
23 issue more detail letter within the deadline -- but have  
24 reached out to DIR saying have your SRIA person meet with  
25 us and we need to walk through this. What is -- what are

1 the real costs? Tell us how you are at 80 million and  
2 we're so far different.

3 Please implore that to be done before February.  
4 We need to sort these things out.

5 So, and if, I would hope if they don't do that I  
6 would hope there would maybe be a "No" vote until the  
7 Division's let's start over and do this right. But if you  
8 thought you needed to vote for it, please extend it not  
9 just six months, two or three years. And tell the Division  
10 to meet with us and construction and general industry  
11 separately. We have trigger tests. We have a lot of  
12 things and have a true advisory committee meeting, so that  
13 when the regulation takes effect it can be effective.  
14 Thank you.

15 CHAIR THOMAS: Thank you. And I would tell you,  
16 Eric, that's constructive. That's it.

17 Who do we --

18 MR. MARQUEZ: Chair Thomas?

19 CHAIR THOMAS: Who do we have next in line? Go  
20 ahead, thank you.

21 MR. MARQUEZ: Thank you. I wanted to make sure it  
22 was me. I didn't want to jump the line. Good morning.

23 CHAIR THOMAS: Good morning.

24 MR. MARQUEZ: Mr. Chair, esteemed Board, my name  
25 is Eddie Marquez and I'm wearing multiple hats today. I



1 represent the Union Roofing Contractors Association. And  
2 we represent about 2,500 union roofers in Southern  
3 California. There are other organizations throughout the  
4 state that represent about another 3,000, so about 6,500  
5 union roofers in California.

6 I also represent here today -- I'm empowered to  
7 speak on their behalf. I'm an Executive Board Member for  
8 the California Hispanic Chamber and the California Hispanic  
9 Latino Chamber. And also, for the Orange County Hispanic  
10 Chamber I'm on the Executive Board.

11 And I reached out to them several months ago.  
12 And one of the reasons that we're here today is to show  
13 practical impacts that fall on the backs of both our  
14 laborers, our union roofers, and our business owners, the  
15 entrepreneurial Latino spirit, the people that are just  
16 trying to get their work done at the end of the day.

17 Now we support anything that protects workers and  
18 worker safety one hundred percent. At the same time, and  
19 I'm not here to preach, but we need to strike a delicate  
20 balance between those two positions. And it's very  
21 important to us that we allow business to continue to  
22 thrive in California. And when we keep adopting  
23 regulations -- and it's not just this group, it's everybody  
24 that is for worker safety, and again we get that.

25 But every time there's a new regulation -- I'm

1 also on the business advisory board for AQMD, Southcoast  
2 AQMD. And one of the things that we try to look at is okay  
3 we get the regs. We get the requirements. We understand  
4 the need for them, but how is this going to land on the  
5 back of the small business that's just trying to make it in  
6 California? That is just trying to survive day by day.

7           And my union brethren, our workers, we reached  
8 out to the trades, the California building trades, the  
9 Southern California building trades. And they said, "Look  
10 Eddie, we want to help. We want safety for our employees,  
11 but we also want to work." They want to work. We want  
12 jobs. We need jobs. Every time we turn around we hear we  
13 need more jobs, we need more jobs. We need to make it  
14 easier to create more jobs, not more difficult.

15           And again not preaching and not criticizing, but  
16 just these are the suggestions that we offer.

17           Again, I didn't want to get into the technical  
18 details. Some of you know better than I what the technical  
19 details are. But we just wanted to show the impact on that  
20 small business is just trying to make it day by day.

21           And the other thing is we as small businesses, we  
22 employ employees. And we are the backbone of the state's  
23 economic climate. And when it gets tougher and tougher in  
24 the state to just do our job that's when we lose companies,  
25 we lose employers to out of state.

1           In another life, I was in corporate America and I  
2 worked for an oil company. And that oil company -- I got a  
3 call from the president one day. I was the Executive Vice  
4 President of Government Affairs. The president called me  
5 in and said, "Eddie." This is about six years ago. He  
6 said, "This is not for public dissemination yet, but we've  
7 made the decision we're going to close all of our  
8 facilities in California, and we're going to move to the  
9 East Coast."

10           And I said, "Bob, for what? You have three  
11 operating refineries in California, one of them was an  
12 alternative energy. They were doing some great things in  
13 the alternative energy field." I said, "You have three  
14 licensed refineries. That'll never happen again in our  
15 lifetime. Why don't we switch them all to alternative  
16 energy?" And he said, "Eddie, I can run six refineries in  
17 Tennessee and in the Permian Basin for what it costs in  
18 California." And he said, "It'll take me two years to do  
19 what it'll take me a month to do in Tennessee."

20           So the point is what I'm asking for today in your  
21 infinite wisdom is just to say these regulations make  
22 sense. They're needed. They're necessary, but at what  
23 expense and at what cost? And if we can make it easier for  
24 businesses, let's do that. So if we can delay the  
25 implementation, if you can give us more time to work on the

1 regs, we're here to help.

2 So thank you very much for your time. And if you  
3 have any questions, I'd be happy to answer at this point.

4 CHAIR THOMAS: Thank you.

5 MR. MARQUEZ: Thank you very much.

6 CHAIR THOMAS: Do we have any other in-person  
7 speakers?

8 MR. STEIGER: Thank you, Mr. Chair, members and  
9 staff. Mitch Steiger, now with CFT, the union formerly  
10 known as California Federation of Teachers. But given that  
11 we represent a wide variety of classified workers including  
12 bus drivers, and maintenance workers, admin workers,  
13 cafeteria workers, the acronym is now gone. And so we are  
14 CFT - A Union of Educators and Classified Professionals.

15 And there are, given the wide variety of workers  
16 we represent, a wide variety of worker safety issues that  
17 we're pretty focused on. In my brief time there it seems  
18 like there are three, that really rise to the top. There  
19 are issues of workplace violence and indoor heat, and  
20 broadly speaking indoor air quality. A lot of COVID  
21 related issues, but also particulate matter, other things  
22 like that, that may affect our members ability to do their  
23 jobs. All three of which are pretty hot topics here at the  
24 Standards Board in recent years and in the coming years.

25 With respect to workplace violence this is

1 probably one that I hear about the most, though we do have  
2 a slightly different take on it than most.

3           First, I just wanted to take our hats off and  
4 congratulate all the unions that worked so hard on SB 553,  
5 the Cortese bill that we think definitely moved things  
6 forward on this issue. And we think was a major victory.  
7 Though, ironically the lobbyists that work for the  
8 organizations that sponsored that bill themselves faced  
9 very real incredible threats of violence as a result of  
10 their work on this issue from a specific group of opponents  
11 to that bill, further highlighting the need for quick  
12 action on this issue.

13           And while it is something that we spend a lot of  
14 time talking about, and a lot of time hearing about, we  
15 face the typical the kinds of violence from members of the  
16 public. Sadly, parents are now often making threats of  
17 violence against those in education. There are also  
18 members of the public, disgruntled partners, domestic  
19 violence type issues. But we also hear a lot about it from  
20 students.

21           And given that these are the individuals that our  
22 members and went into this field to help and to educate,  
23 these aren't people that we want to see enjoined -- in many  
24 cases enjoined from coming onto the premises or arrested or  
25 anything like that. A lot of times, these are kids with

1 issues that were no fault of their own they're having a  
2 tough time managing. And we don't want to see them treated  
3 as we may want, you know, shoplifters, and others that  
4 commit different kinds of workplace violence, treated. And  
5 there are a wide variety of other laws that affect how we  
6 work with those kids and help them address the issues that  
7 they're facing.

8           So 553, while it did take a big step forward,  
9 definitely didn't solve the problem. And very clearly put  
10 new responsibilities on the Standards Board to take further  
11 action on this issue in coming years. And we look forward  
12 to being very involved in that process and making sure that  
13 we can strike that balance of making sure that our members  
14 are protected from workplace violence while also being able  
15 to achieve the primary goals for which they work in schools  
16 of making sure that students get the education that they  
17 deserve.

18           With respect to indoor heat, many if not most of  
19 the school facilities in California don't have effectively  
20 functioning AC units. These are old buildings, many built  
21 for an era when, and parts of the state were at the time,  
22 extreme heat wasn't seen as that big of an issue. It is  
23 now a big issue. And these were also built at a time when  
24 we didn't know what we know now about the effect that heat  
25 has on your cognitive function. That both teachers and

1 students just have a hard time doing everything that they  
2 need to do when the temperature goes up 5, 10, 15 degrees.

3           And given that the point of these buildings even  
4 being there is to help kids function at the highest  
5 cognitive level they possibly can, we need to really start  
6 thinking of good solutions to make sure that we address  
7 that problem as much as we can. Because it's only going to  
8 get worse in the future. And then with respect to indoor  
9 air quality, this is another one where these buildings  
10 often weren't built with that in mind. And in an era when  
11 we didn't know what we know now similarly about the effect  
12 that particulate matter can have on cognitive function.

13           So there's probably a lot that we need to do to  
14 both protect our members and students from hazards like  
15 COVID, any other infectious diseases that might come our  
16 way. But also dealing with, say severe acute impacts of  
17 wildfire smoke, but also chronic issues related to indoor  
18 air quality. There are a lot of old, very harmful  
19 materials used in some of these facilities that are  
20 affecting our members ability to do their jobs and do them  
21 safely.

22           So a lot of work to do in coming years. But we  
23 look forward very much to engaging with you all on those  
24 issues. Thank you.

25           CHAIR THOMAS: Thank you.

1           So at this time, we will go to our online  
2 speakers. Maya, who do we have in the queue?

3           MS. MORSI: We have Richard Lawson with the  
4 Lawson Roofing Company. And just a heads up let's please  
5 speak a little bit slower for the Spanish interpreters.

6           CHAIR THOMAS: Thank you. I have to remind  
7 myself too. Was it Richard?

8           MR. LAWSON: Yes, sir.

9           CHAIR THOMAS: Are you with us?

10          MR. LAWSON: Yes, I am. Can you hear me?

11          CHAIR THOMAS: Yeah, go right ahead. Thank you.

12          MR. LAWSON: Thank you. I'm Richard Lawson with  
13 the Lawson Roofing Company in San Francisco. Our company  
14 was established in 1907. We have been serving the Bay  
15 Area, the San Francisco and the Bay Area now for 107 years,  
16 excuse me, 117 years. We try and we strongly believe in  
17 worker safety and without our workers, we certainly would  
18 not have our business. I always say we don't sell roofing,  
19 but we sell the ability to install roofing with the quality  
20 workers we have.

21                 We do what we can to protect them. We used to be  
22 mostly a significantly, a single-family residential roofing  
23 company. As times have changed, we've become much more of  
24 a commercial roofing company, although still do single-  
25 family residences.



1           Legislation, regulations make it very difficult  
2 to stay on top of this regulation. We say although we  
3 believe in worker safety, we feel this regulation is very  
4 onerous as presented. And we deal every day with the  
5 underground economy where there are workers that do not  
6 comply with any regulation, and are very, very competitive.  
7 Oftentimes when I sit with my friends in a social  
8 situation, and they ask me for a price to reroof, but at  
9 the same time they look at a guy that is working down the  
10 street, they have no fall protection. If they have a  
11 license that is sometimes not there or often times not  
12 there.

13           But the price difference is substantial and  
14 usually somewhere about 60 percent higher than the pricing  
15 that the underground economy can provide. And we all pay  
16 the same price for materials, but is that labor cost that  
17 is a driving factor. And all the burdens that we have to  
18 put on it to pay for that training, for the labor, to pay  
19 for testing, continual training, insurances, etc. And I  
20 don't believe that as presented this regulation is going to  
21 help that situation, but only drive that gap further. And  
22 actually end up increasing the ability of the underground  
23 economy to take business away from legitimate contractors.

24           And that's what I have. Thank you for listening  
25 to me and we hope to be able to work together with you in

1 the future.

2 CHAIR THOMAS: Thank you.

3 Maya, who do we have next? And can you have them  
4 turn up the sound in the back a little bit? It's a little  
5 --

6 MS. MORSI: I did.

7 CHAIR THOMAS: If you can, yeah.

8 MS. MORSI: So up next is Helen Cleary with PRR  
9 OSH Forum.

10 CHAIR THOMAS: Helen, can you hear us?

11 MS. CLEARY: I can. Good morning, everybody.

12 CHAIR THOMAS: Yeah. Go right ahead. Thank you.

13 MS. CLEARY: Okay, great. Good morning Board  
14 Members, Chair Thomas. I'm Helen Cleary. I'm the Director  
15 of PRR Occupational Safety and Health Forum. PRR is a  
16 member-driven group of 37 companies and utilities, 19 of  
17 which are Fortune 500 individual members or environmental  
18 health and safety professionals.

19 We're commenting today on the proposed  
20 modifications --

21 CHAIR THOMAS: Helen, you might slow down just a  
22 little bit. Thank you. Thank you, sorry. Go ahead.

23 MS. CLEARY: Okay. Thank you. We're commenting  
24 today on the proposed modifications to the Lead standards.  
25 PRR members are certified industrial hygienists. They're

26

1 generally concerned about the necessity and the impact of  
2 their requirements resulting from the extremely low PEL and  
3 action level that's proposed.

4           And to be clear, we're not disputing the health  
5 risk associated with exposure or the need to update the  
6 rule or the goal to reduce the blood lead burden of  
7 workers. We're trying to understand how Cal/OSHA derived  
8 these workplace requirements that will be triggered by a  
9 PEL of 10 micrograms per cubic meter of air. And action  
10 level of 2 micrograms per cubic meter of air based on  
11 another recommendation by CDPH.

12           PRR reviewed the modeling study performed by  
13 OEHHA and published in October 2013, which raises some  
14 questions about the process. Number one, the modeling and  
15 premise of the recommended PEL is based on a 40-year  
16 working lifetime and daily exposure.

17           Two, 7 model parameters were used all with  
18 acknowledged limitations and uncertainties. If one of them  
19 is incorrect or adjusted, it could have a significant  
20 impact on the model output.

21           And three, modeling was done over 10 years ago.  
22 And assumptions were made about workplace data, because 40-  
23 year data for workers in the lead industry wasn't  
24 available. In addition, the study indicates the data from  
25 the general population and children were used.

1           We're concerned that the assumptions and the data  
2 used resulted in an overly conservative recommendation, and  
3 a proposal that will apply to workers that aren't  
4 chronically exposed. PRR members, the employees that will  
5 be managing these changes, urge the Board to ask Cal/OSHA  
6 to explain the limitations and uncertainties in the  
7 modeling. And share how the agency determined a PEL of 10  
8 and an action level of 2, combined with the suite of  
9 additional requirements, how they will maintain the PELs  
10 below the 10 micrograms per deciliter.

11           In addition to our concerns with the bigger  
12 picture, specific modifications are still needed that  
13 guidance and FAQs will not be able to address. We do  
14 support many of the modifications in the 15-day notice, and  
15 we appreciate the Division's effort with those and we will  
16 submit written comments next week. We're also trying to  
17 understand what the timeline for compliance would be if  
18 adopted in February. So if we could maybe have some  
19 guidance on that today that would be helpful.

20           But the bottom line is that these changes we  
21 don't think should be adopted as proposed. Worker  
22 protection and lowered PELs can be met following a  
23 different strategy and still support the scientific  
24 findings. We hope the Board listens to industry and  
25 ensures Cal/OSHA takes the time to get this right for the

1 safety professionals and the industrial hygienists who are  
2 committed to protecting the workers. So thank you for your  
3 time and consideration today.

4 CHAIR THOMAS: Thank you.

5 Who do we have next, Maya?

6 MS. MORSI: Up next is Dave Smith with Safety  
7 Consultant.

8 CHAIR THOMAS: Dave, can you hear us?

9 MR. SMITH: I can hear you. Can you hear me?

10 CHAIR THOMAS: We can hear you go right ahead.

11 MR. SMITH: Great. Well, good morning, everyone.

12 I'm Dave Smith, a Safety Consultant in California and the  
13 author of the original first aid kits petition in 2006.

14 At the last Board meeting, a subcommittee was  
15 kicked off to look at the effectiveness and resource  
16 allocation of the standards process. We all appreciate the  
17 efforts of Board Member Stock assisted by Board Member  
18 Crawford on this. The issue is why can't we get things  
19 done?

20 I personally don't doubt the professional  
21 commitment of the Board staff, but something isn't working  
22 with the lengthy delays on all issues. The only way things  
23 seem to get done is by passing bills in the Legislature  
24 that when signed by the Governor have the force of law, or  
25 by stakeholders getting court orders to do something.

1 There must be a better way to build cooperation between the  
2 regulators and the regulated public.

3           Some of the issues that I thought of that we  
4 might consider include these. Are adequate resources  
5 provided to the Standards Board? What are roadblocks and  
6 process delays that exist? Are there ways to streamline  
7 processes? Could there be plugin modules to speed up the  
8 amount of time to complete required elements? Are any of  
9 the current required processes redundant or unneeded? Do  
10 we need new legislation to solve problems? These then are  
11 some of the questions that I've thought of, and I'm sure  
12 that the applicable Board Members have a better  
13 understanding of what we might look at.

14           The safety orders and regulations developed at  
15 the Standards Board have a direct impact on the life,  
16 health, and safety of the workers, their employers and all  
17 people in the Golden State. California safety orders set  
18 the standard of performance for safety in the workplace.  
19 We all look forward to hearing reports from the Board about  
20 the effectiveness and efficiency. Thank you.

21           CHAIR THOMAS: Thank you.

22           We will go back to in-house speakers, should we  
23 have any. If you would like to speak, just step up to the  
24 podium. Thank you.

25           MR. JOHNSON: Good morning, Chair Thomas, Members

1 of the Board, Division, Division staff. My name is Steve  
2 Johnson and I'm with Associated Roofing Contractors of the  
3 Bay Area Counties. And we're a Bay Area regional union  
4 roofing association. We have 23-25 union contractors that  
5 belong to our association. And we are a sister agency, or  
6 sister association to the Union Roofing Contractors  
7 Association of Southern California. So I frequently  
8 interact with Eddie and the RCAC, Roofing Contractors  
9 Association of California. So between Eddie, myself and  
10 our Executive Director, Manny DeSantiago, I think we're  
11 pretty plugged in to the needs of the roofing industry in  
12 California.

13 I am going to stick to the script, because I  
14 wrote the script. And I provided the script for the  
15 Standards Board Members to review it to have in the record.  
16 Sometimes I know it's tough for note takers, and especially  
17 with verbal testimony. So I thought that if I put down  
18 what I have to say in words and give to Sarah, that  
19 something might fall into the record that is accurate.  
20 Because I also tend to speak very quickly. So if I start  
21 to speed up, please slow me down.

22 So the three most important things in real estate  
23 are location, location, location. And the three most  
24 important things to understand about the changes to the  
25 lead in construction regulations are for Cal/OSHA, haven't

1 proven a need, haven't proven a need, haven't proven need.  
2 Quoting from page 6 of the 2008 to 2011 CDPH data, "For the  
3 vast majority of BLL reports, blood lead level reports, 80  
4 percent we do not know the employer. This greatly hinders  
5 our ability to determine whether lead is work related and  
6 identify employers where lead is a problem. In the future,  
7 we hope to improve reporting regulations, so that labs are  
8 required to report employer information to CDPH for all  
9 blood tests."

10 Page 13 revealed that less than 1 percent of  
11 workers tested with reported results to CDPH and OLPPP per  
12 elevated blood lead level worked in construction, less than  
13 1 percent.

14 Page 14 shows that half of the elevated blood  
15 lead level test results reported were unknown industry.

16 This is data relied upon for requiring a change.  
17 The construction industry will be required to train  
18 employees in an already complicated regulation that will be  
19 made even more complex.

20 For example, 1532.1(1), communication of hazards.  
21 Cal/OSHA added new language meant to clarify housekeeping  
22 and hygiene requirements. It doesn't. Instead, it is a  
23 citation trap for employers. The new language was added  
24 without an advisory committee meeting. Employers are  
25 required to provide effective training on 179 pages of



1 regulatory language that is written like the IRS tax code.  
2 And when employees don't understand what they've been  
3 trained on, and what they are required to do, the employer  
4 gets a citation for ineffective training.

5           The revisions to the second 15-day notice do not  
6 help employers. In fact, the very employers charged with  
7 compliance are being punished.

8           Changes to the unrealistically lowered action  
9 level and permissible exposure limit for lead will bring in  
10 new trigger tasks, not listed 1532.1(d), that will require  
11 employers to presume employee exposure above the PEL and  
12 conduct exposure assessments for lead work that is not  
13 defined in the regulation. Interim protection for  
14 infrequent trigger tasks under this new definition will  
15 require medical surveillance, including employee physical  
16 exams, or employees to undergo pre-exposure blood lead  
17 level testing before the project even begins.

18           Additionally, until an exposure assessment can  
19 prove that the lead work is below the action level  
20 employees will be subjected to four blood lead level tests  
21 in the first six months. Employees' personal information,  
22 home address, and phone number, and medical data for  
23 medical surveillance and blood lead level testing will be  
24 reported to the CDPH by the health care provider. All of  
25 the above concerns make union employers less competitive to

1 low-bid employers who never comply with even current  
2 regulations.

3           These regulation revisions strengthen the  
4 underground economy in California, weaken employers'  
5 ability to hire and maintain a trained and skilled  
6 workforce, puts a burden on Cal/OSHA enforcement with a  
7 complicated regulation, and subjects employees to  
8 unnecessary blood lead level testing, and intrudes on their  
9 personal lives. Thank you.

10           CHAIR THOMAS: Thank you.

11           Do we have any other in-person speakers? Seeing  
12 that we have none we will go to online speakers. Maya, who  
13 do we have?

14           MS. MORSI: Up next we have Bryan Little with  
15 California Farm Bureau.

16           CHAIR THOMAS: Bryan, can you hear us? Bryan.

17           MR. LITTLE: All right, now can you hear me?

18           CHAIR THOMAS: Yeah. Can you turn your mic up  
19 just a hair?

20           MR. LITTLE: I'm not quite sure how to do that.

21           CHAIR THOMAS: You're okay. You're okay. Go  
22 ahead.

23           MR. LITTLE: Okay, cool. All right. Thank you,  
24 I appreciate that.

25           Well, good morning, Members of the Board, Members

1 of the Standards Board, Cal/OSHA agency staff, Standards  
2 Board staff. And I will endeavor to speak slowly and  
3 distinctly for the sake of the translator. I am Bryan  
4 Little. I work for the California Farm Bureau Federation.

5 Just one quick thing for the record Farm Bureau  
6 is the largest general interest agriculture organization in  
7 California. We represent about 30,000 agricultural  
8 producers who grow everything in the produce department at  
9 your supermarket, and the dairy case and all the rest. And  
10 we work hard every day to try to make sure that we feed  
11 California, feed the United States. And make sure that all  
12 of our employees go home in at least as good a condition as  
13 they were when they came to work at the beginning of the  
14 day. And try to maintain safe and healthful workplaces for  
15 all of them.

16 In that vein, Mitch mentioned a few minutes ago -  
17 - and congratulations, Mitch, on your new job -- mentioned  
18 a few minutes ago that we are soon going to have a new  
19 general industry workplace violence standard that will be  
20 instituted by SB 553, the Cortese bill. That bill, as I  
21 think we all know, institutes a new general industry  
22 workplace violence standard that was very similar to the  
23 workplace violence standard currently in the process with  
24 the Cal/OSHA standards Board.

25 That will become effective in July of 2024. And

1 employers will be required to implement a workplace  
2 violence program in all industries, including very small  
3 employers, except for those who work in I think what could  
4 best be characterized as isolated places where the public  
5 never enters.

6           And if you've taken the time to read SB 553, as  
7 well as the pending workplace violence standard, you'll see  
8 that it's fairly complicated. It requires some very  
9 specific and complex things for employers to do for record  
10 keeping that they're required to do. Hazard assessments  
11 that they are required to periodically perform. And  
12 training of employees that they are required to  
13 periodically perform in order to provide a safe and healthy  
14 workplace.

15           And everybody understands I think that workplace  
16 violence is a problem. And everybody, I think, is in tune  
17 to all the concerns related to that. And I don't think  
18 anybody doesn't want to furnish a safe workplace. The  
19 problem is, and I spent the last few months looking at SB  
20 553 in its various iterations through the legislative  
21 process. And I am grappling a bit with trying to figure  
22 out how to explain it to our members. I think I've had  
23 similar conversations with you in the past about similar  
24 regulations.

25           In the vein of some of the prior speakers who

1 have talked about the importance of having regulations that  
2 the people who are charged with implementing them can  
3 actually understand. And then in turn, train their  
4 employees to be able to understand them. I'm not sure  
5 we're quite there yet on the general industry workplace  
6 violence standard. And I would urge you to bear in mind  
7 that when all this is said and done.

8           We're going to be asking very small employers, I  
9 often joke that if you can envision your average California  
10 farmer. I'm not talking about the ones who necessarily  
11 have big brand names all over the produce department, but  
12 the smaller guys and gals who are out there growing stuff  
13 every day too. Envision that farmer wearing a Levi's  
14 jacket, and often the right front pocket of his jacket or  
15 her jacket is accounts payable. The left front pocket is  
16 accounts receivable. And the left-hand back pocket of  
17 their jeans is the HR and safety department, because that  
18 farmer is the chief cook, bottle washer, and everything for  
19 that agricultural enterprise.

20           Now we do try to provide them with assistance to  
21 help them understand these regulatory requirements. But a  
22 little bit of help from the agency in particular would be  
23 helpful in our ability to be able to do that. I am going  
24 to be talking to a group of California farm labor  
25 contractors on November 2nd. And one of the things I'm

1 going to be trying to do is to explain to them what SB 553  
2 will require them to do. And it's going to -- it's not  
3 necessarily going to be easy or clear.

4 I think in that vein, and I've been working in  
5 this space for 30 years, one way or another. I think one  
6 of the things that the agency could do, and I hope that  
7 members of the Board would join me in urging the agency to  
8 undertake an effort to try to create, and to work with  
9 stakeholders, to try to create a template workplace  
10 violence program for general industry. That by definition  
11 is going to be different from that. That has been created  
12 and implemented by healthcare employers who generally have  
13 greater resources available to them than small employers  
14 are going to have. And to help provide us with -- help us  
15 to provide resources to small employers in all industries.  
16 Who are going to be charged with trying to figure out how  
17 to create and implement a workplace violence prevention  
18 program within the parameters specified by SB 553.

19 I know that what we all want is to ensure that we  
20 protect employees and particularly to protect employees  
21 from incidents of workplace violence. And it's difficult  
22 to know what it is trying to protect someone against if you  
23 don't go out and do the hazard assessment and the training.  
24 And all the other things that occupational safety and  
25 health plans like injury and illness prevention plans, and

1 respiratory protection plans, and heat illness prevention  
2 plans require. There's a reason why they're structured  
3 that way and I think we all understand that.

4 But when you add the level of specificity that we  
5 have in SB 553 -- and SB 553 by the way imposes an  
6 obligation on the Standards Board to create -- essentially  
7 finish the job that SB 553 begins in its provisions  
8 concerning creation of a workplace violence program that  
9 will be effective in July of 2024.

10 I would urge you to work with us, all of you,  
11 with the agency, with the Standards Board and all your  
12 staff, to help us create resources that will allow  
13 employers in all industries, particularly in the smaller  
14 employers who will be having to grapple with this to help  
15 them. And help us help them, and help us help you, to  
16 create resources and templates that will allow small  
17 employers to be able to effectively implement workplace  
18 violence protection programs. Because I don't think we're  
19 there yet. And I think we've got a way to go in order to  
20 get there.

21 And so I will finish by thanking you in advance  
22 for your help in doing that, because I am confident that  
23 the agency and the Board, and all of us, want to accomplish  
24 the same things. And that's to make workplaces, including  
25 agricultural workplaces, safer for all of our employees

1 every day.

2 I apologize for not being able to be there to  
3 meet the new member of the Board, Mr. Alioto, but I look  
4 forward to doing that at our first opportunity. I haven't  
5 yet mastered the art of being in two places at the same  
6 time, but perhaps someday I will. And I look forward to  
7 seeing all of you again soon. Thank you very much for your  
8 time and for your attention.

9 CHAIR THOMAS: Thank you.

10 Who do we have next, Maya?

11 MS. MORSI: Up next is Dan Napier with DNA  
12 Industrial Hygiene.

13 CHAIR THOMAS: Dan, can you hear us? Hello, Dan.

14 MR. NAPIER: Yes, I can. I was just having  
15 trouble unmuting my microphone. Good morning, I'm Dan  
16 Napier.

17 CHAIR THOMAS: Try to speak slowly, please. Try  
18 to speak slowly for our -

19 MR. NAPIER: Okay.

20 CHAIR THOMAS: Thank you.

21 MR. NAPIER: Good morning, I'm Dan Napier. I'm a  
22 CIH who has provided professional advice to employers since  
23 about the 1970s. I was a union steel worker while I was  
24 at university. Since graduating, I've been working to  
25 protect fellow workers and employers.



1           I support all the previous speakers who are  
2 asking for a more succinct standard. But a standard that's  
3 effective. It needs minor modifications, not major  
4 changes. Studies that have been conducted or associated  
5 studies and they're not causative. We need to look at good  
6 science and we need to look at causation. Current  
7 regulation provides effective protection of (indiscernible)  
8 --

9           MS. GONZALEZ: (Overlapping Colloquy.) Hey, Dan?  
10 I apologize for interrupting. Can you just clarify what  
11 standard you're commenting on? Thank you.

12           MR. NAPIER: I'm sorry. I'm commenting on the  
13 lead standard, I apologize.

14           The current lead standard provides effective  
15 protection. And my clients who are compliant with  
16 regulation, we don't see blood leads above 10 at all. But  
17 that includes employers who are conducting abrasive  
18 blasting inside of little orange gasoline storage or  
19 petroleum storage tanks located throughout the state.  
20 We've worked for months on some million-gallon tanks that  
21 are underground and painted with a very high lead-based  
22 paint. And the employees did not have blood leads above  
23 10. They weren't compliant with regulations.

24           Employers, there isn't a good reason to look at  
25 the drop in the PEL. It's all based on OEHHA's

1 calculations, not on actual physical data. I think that's  
2 what we need to be looking at and we should have that  
3 opportunity.

4           And in the recent meeting with DOSH stated that  
5 they only were relying on the DTSC and the OES information,  
6 and then they were dismissing any other scientific  
7 information. We need to have good science. We need to  
8 have a model that relies on good science and looks at not  
9 only association but causation. The standard, it may need  
10 a little bit of tweaking, but it doesn't need to be  
11 rewritten and made into this extremely complex and very  
12 large standard.

13           We need to have a careful look at it. And I  
14 would agree with the speakers previously that this standard  
15 needs to be more carefully reviewed. And the justification  
16 for dropping the PEL as far as it is and the action level,  
17 those justifications need to be looked at. And they don't  
18 need to be based on a model. They need to be based on real  
19 science and real data.

20           Thank you very much. I have no other comments.

21           CHAIR THOMAS: Thank you.

22           Who do we have next, Maya?

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

25           CHAIR THOMAS: Robert, can you hear us?

1 MR. MOUTRIE: Good morning, Mr. Chair. I can  
2 hear you clearly. Can you hear me in the room?

3 CHAIR THOMAS: Yes. Good morning. Go right  
4 ahead. And try to speak slowly, if you can.

5 MR. MOUTRIE: It will be a struggle.

6 So first, good morning Members and good morning,  
7 Acting Executive Officer Gonzalez. As I stated to my  
8 colleague, Bryan Little, I can't be there to join you. I  
9 have other meetings today that made it impossible for me to  
10 make the travel and still meet my commitments. I'd also  
11 like to convey the best wishes of someone who you will all,  
12 or many of you will remember, Elizabeth Traynor who I had  
13 the pleasure of having lunch with yesterday, and sends her  
14 best to all of you.

15 So I'd like to comment on a couple of  
16 regulations. First on the lead regulation and the 50-day  
17 changes I'd like to echo some of the concerns, and I won't  
18 rehash them, raised by my colleagues. Mr. Wick regarding  
19 the accuracy of lead regulation's cost determinations and  
20 SRIA, Steve Johnson's apt comments about the cost for  
21 compliance and the PEL level testing. And recently, Dan  
22 Napier's comments with the underlying basis in science. I  
23 think those are well stated.

24 I'd also like to comment on the new workplace  
25 violence regulation that is coming via SB 553. On behalf

1 of the California Chamber of Commerce, I was the lead  
2 negotiator on that bill for the business side. And we  
3 worked with the author, Senator Cortese, quite closely. So  
4 if there's any questions on it I'm glad to clarify that  
5 information or if I can be helpful to Ms. Gonzalez in any  
6 way I'm glad to.

7           But as stated by my colleague, Bryan Little, it's  
8 going to require all employers, not quite all, but  
9 basically all employers in California to have a workplace  
10 violence prevention plan in place later this year. And  
11 it's a relatively significant undertaking. These have to  
12 be site specific. They're not something you can mass  
13 produce easily. And this is going to reach down to small  
14 retail to the point of one person working at a gas station,  
15 right in that convenience store, you have to have that  
16 workplace violence plan and comply with it. So it's a  
17 significant obligation, particularly for the smaller  
18 businesses.

19           So I'd like to echo Bryan's push there, that to  
20 the extent the Division and consultation team, or anyone  
21 over there can help generate forms that we can use to help  
22 those small businesses get into compliance and that  
23 timeline we really view that as incredibly important to  
24 make sure that businesses can get into this compliance.

25           Because as you know, hospitals are the only ones

1 covered presently. And hospitals are much more well-  
2 resourced employers with legal teams that are developed,  
3 all those things. That's very different than the breadth  
4 of businesses we're about to have to figure out how to  
5 comply with 553. And so the help of your team and the  
6 staff consultation and others to make that work is going to  
7 be really critical.

8 So I just want to put in the plug and request  
9 that help and express our pre-appreciation for the help  
10 that's forthcoming. With that, that's all I have for  
11 today. So thank you.

12 CHAIR THOMAS: Thank you.

13 Who do we have next, Maya?

14 MS. MORSI: Up next is Mike Donlon with MD Safety  
15 Service, LLC.

16 CHAIR THOMAS: Mike, can you hear us?

17 MR. DONLON: Yes. Can you hear me?

18 CHAIR THOMAS: Yeah, go right ahead. You might  
19 speak up just a little bit. Thank you.

20 MR. DONLON: Okay. Thank you.

21 CHAIR THOMAS: And don't speak too fast. Thanks.

22 MR. DONLON: Good morning, all. Before I get  
23 into my topic, I do want to give a shout out to Maryrose  
24 Chan who did do a great job on the advisory committee on  
25 walking-working surfaces, a very difficult task. And she

1 did one thing that was a little unusual I hadn't seen  
2 before, and it was really fantastic. She allowed one of  
3 the members, Tom Kramer, to tell us about a new memorial to  
4 the Triangle Shirtwaist Factory victims that was just  
5 unveiled.

6           And if any of you are not familiar with the  
7 Triangle Shirtwaist Fire it was a horrific event in 1911  
8 where there's a fire on the top three floors, and I believe  
9 it was an eight or nine-story building, 146 people died,  
10 most of them young women and teenage girls. About 60 of  
11 them died by jumping out the windows rather than being  
12 burned to death. Horrific event if you don't know about  
13 it, you can find out about it on Google. There's a lot of  
14 information out there. But it is one of the key events  
15 that triggered the safety movement.

16           Going into my topic, I've been in safety for over  
17 30 years, which is what Dave Smith would call a rookie.  
18 I'm passionate about protecting employees from harm, but I  
19 often differ with the Board about the best way to achieve  
20 employee safety. The intent of the APA was to reduce the  
21 regulatory burden on the people and businesses in  
22 California.

23           One aspect of this was to pass performance  
24 regulations rather than prescriptive regulations. However,  
25 many regulations have prescriptive requirements, and then

1 follow on requiring the employer to write and maintain a  
2 written program mirroring these requirements. When I got  
3 into safety, there was a handful of required written  
4 programs, now it feels like a truckload. Every minute  
5 safety professionals must deal with written programs is a  
6 minute less they can work with employers and talk with  
7 employees.

8 Employee safety is a ground war. And victory is  
9 reached by influencing employers and employees that safe  
10 work practices are in their best interest. Actual worker  
11 safety is achieved by convincing employers that it is  
12 financially beneficial and the moral thing to do. Actual  
13 work safety is achieved by convincing employees that  
14 compelling with safety rules and regulations is a benefit  
15 to them.

16 As an example, just yesterday, I was on a  
17 construction site. And one of the HVAC workers who I'd  
18 written up a couple of months ago came over and grabbed me.  
19 And made me go come over to where he was working and show  
20 me everything he was doing right. I convinced that  
21 employee that that was in his best interest. And now he's  
22 working safely.

23 Burdensome regulations and written programs  
24 hinder me from convincing these employers and employees  
25 that complying with regulations is in their best interest.

1 Please help me prevent harm to employees by adopting  
2 regulations that are clear, make sense, can be implemented,  
3 and most importantly prevent injuries. If you have  
4 prescriptive requirements in regulation, don't require a  
5 written program. Better yet give the employers the outcome  
6 required and allow them to determine the best way to get to  
7 that outcome, a performance standard. Thank you.

8 CHAIR THOMAS: Thank you.

9 Who do we have next, Maya?

10 MS. MORSI: Up next is Christopher Lee with  
11 United Contractors Wall and Ceiling Alliance.

12 CHAIR THOMAS: Yes, go ahead.

13 MR. LEE: Yes. Good morning, Chair Thomas and  
14 members of the Board. This morning I'd like to address the  
15 proposed revisions to the lead standards. I spent my  
16 entire 43-year career as a safety and health professional,  
17 30 years with Federal OSHA, three as Deputy Chief of  
18 Cal/OSHA, and the last 10 years as a private sector  
19 consultant working exclusively with union-affiliated  
20 construction contractors to help them voluntarily comply  
21 with regulations.

22 In my 43 years I've never seen a proposed  
23 standard provision that's so problematic as the one we're  
24 facing today. The four associations I represent are part  
25 of a coalition of two dozen associations representing



1 union-affiliated contractors. Among the many areas of  
2 concern there are two critical issues. One, neither the  
3 Board nor the Division has made a cogent necessity case for  
4 the proposed revisions. And two, particularly problematic  
5 is the Standard Regulatory Impact Analysis, which is an  
6 integral part of the proposal we believe is deeply flawed  
7 and grossly underestimates the cost to contractors.

8           We went through each and every sub part and  
9 projected the cost to the extent that we could. And the  
10 SRIA's factor is below what we are protecting. As Bruce  
11 Wick mentioned, our coalition has requested a meeting with  
12 the DIR staff person who's responsible for SRIAs. We have  
13 not yet received the answer to that request. And we look  
14 forward hopefully to meeting with them.

15           Our coalition will be sending an updated letter  
16 to meet the deadlines next week, expressing our deep  
17 concerns. And I respectfully request and actually implore  
18 the members of the Board to read our letter and consider  
19 our concerns. Thank you for your time and attention.

20           CHAIR THOMAS: Thank you.

21           I don't believe we have any more speakers online.  
22 I'll open the floor one more time for anybody that's here  
23 in-person who wants to speak, if there is anybody. Seeing  
24 that there are --

25           MS. HILKE: I want to speak.

1 UNKNOWN SPEAKER: (Indiscernible.)

2 MS. HILKE: No wait, I want to speak. Hi.

3 CHAIR THOMAS: Oh, who's online?

4 MS. HILKE: Sharon Hilke.

5 CHAIR THOMAS: Okay. Go ahead. I was told there  
6 wasn't any more, but go ahead. Thank you.

7 MS. HILKE: (Indiscernible) Chairman Thomas,  
8 Standard Board Members and staff, my name is Sharon Hilke.  
9 And I represent the interests and concerns of the Painting  
10 and Decorating Contractors, and a coalition of --

11 CHAIR THOMAS: We just lost your audio.

12 MS. HILKE: Mother of pearl.

13 CHAIR THOMAS: Okay. You're all right now. You  
14 might want to start over.

15 MS. HILKE: Hi, everyone. I represent the  
16 interests and concerns of Painting and Decorating  
17 Contractors, and a coalition of 27 construction  
18 organizations. My testimony today will focus on the costs  
19 of compliance and implementation for the proposed lead  
20 standard.

21 The SRIA estimates that the cost to the  
22 construction industry will be \$86 million a year. It also  
23 estimates that the cost to all construction businesses will  
24 be \$10,000 in the first year, and \$8,500 in subsequent  
25 years. If you're a small business, one hundred or less

1 employees, SRIA says the cost to each small business will  
2 be \$5,900 in year one, and \$4,800 in subsequent years.

3           So the actual costs based on facts and math for  
4 the year is \$3,967,254,920. This is an underestimation by  
5 the SRIA of \$3.8 billion a year. I don't think anybody  
6 would call that a rounding error. The difference is the  
7 actual cost is 46 times greater than the SRIA. At \$4  
8 billion a year and 160,000 affected employees, the actual  
9 cost is \$24,795 per employee per year.

10           There's a lot of reasons why the SRIA is so  
11 deeply flawed. They underestimated the number of  
12 contractors. They underestimated the number of employees  
13 by 100 percent. Generally a lack of being able to assess  
14 actual costs, logistics and personnel hours that would in  
15 real world time be required to meet every single component  
16 of the standard. Also, a general lack of understanding of  
17 what the impact of a 93 percent reduction in action level,  
18 a drop in the PEL, and how this is going to affect every  
19 day on their job site.

20           Their calculations are based on this will affect  
21 an employee 6 days or sometimes 10 days out of the work  
22 year. And what it's going to do is impact all employees.  
23 So why is it going to impact employees, all of them?  
24 Because basically -- I'm sorry, I don't want to be pissy  
25 about this -- because basically a PEL and an action level

1 of 2 is the same thing as having an action level of 0.

2 There is no way that you're not impacted by this.

3 And I think probably the biggest issue, our issue  
4 with the -- what I find flawed about the SRIA is that it  
5 was written in 2019. It is out of date. It doesn't even  
6 remotely include all of the components of today's lead,  
7 proposed lead standard.

8 So there's so many components to the actual lead  
9 standard. One item alone, medical exams, is \$101 million a  
10 year. It wasn't before this last 15-day notice, but now it  
11 is because Cal/OSHA just added new mandates to increase  
12 medical exam requirements, which will effectively apply to  
13 all 160,000 employees.

14 So as an industry, as a trade, we're constantly  
15 being told just pass this on to the consumer. The costs  
16 are so exorbitantly high there is no way humanly possible  
17 to pass on \$4 billion a year to the clients of 86,000  
18 contractors. Nobody is ever going to get their house  
19 painted again, or renovated, or have new housing built.  
20 Due to the gross negligence of the scope of the mandate,  
21 and severe underestimation of costs, we respectfully ask  
22 the Standard Board to reject the proposed lead standard.

23 Cal/OSHA should be directed to restart this  
24 process by actually engaging stakeholders. They like to  
25 tell you they met with us in 2015. (phonetic) We would

1 like them to engage the medical and science communities, so  
2 that reasonable and attainable mandates for compliance and  
3 implementation can be established. And more importantly  
4 present to the industry, the public, the consumer, and very  
5 importantly, the Governor and his administration, the  
6 actual real-world costs of the SRIA.

7           This deeply broad standard will close the doors  
8 on 80 percent of licensed painting contractors, and as well  
9 as a major impact on other construction trades. A cost of  
10 \$24,000 per employee per year to comply with the lead  
11 standard is unbearable. The result, of course, is always  
12 the driving the underground economy. So do we think that  
13 people who can't bother to get a license or pay taxes or  
14 payroll taxes or provide Workers' Comp, do we think they're  
15 going to follow these regulations? Which by the way,  
16 almost no one completely understands?

17           The real travesty, I think of this standard, is  
18 beyond the loss of the legitimate contractors in  
19 construction, is that it's actually going to put employees,  
20 their families, and consumers at greater risk for exposure  
21 to lead. So what the standard is trying to accomplish they  
22 will actually accomplish the opposite thing.

23           I would like to just add this one note, which is,  
24 my painting contractors are the best client I've ever had  
25 in my life. They are decent, hardworking people, they all

1 have families. They're the younger generation, they have  
2 kids. And I would say probably 60 percent of them still  
3 paint. So they're also in the field, and on job sites, in  
4 residential homes, with their employees. They're not  
5 interested in taking lead toxicity home to their families  
6 either.

7 This thing is just so wrong on so many levels,  
8 and it's going to destroy construction. So on that note  
9 thank you very much for your time and your consideration of  
10 our concerns.

11 CHAIR THOMAS: Thank you.

12 MS. HILKE: You're welcome.

13 CHAIR THOMAS: So I believe we have two more  
14 callers. So who's next, Maya?

15 MS. MORSI: Up next is Michael Miiller with  
16 California Association of Winegrape Growers.

17 CHAIR THOMAS: Mike, are you there? Michael.  
18 Are you there, Mike? Let's go to the next, and then we'll  
19 come back.

20 MS. MORSI: Up next is Jane Williams with  
21 California Communities Against Toxics.

22 CHAIR THOMAS: Jean, was it Jean Williams?

23 MS. MORSI: Jane Williams.

24 CHAIR THOMAS: Jane, are you there? Hello, Jane.  
25 All right, we're not getting anything. Did we get Mike

1 back, or do we know if he's there?

2 MS. MORSI: Michael Miiller is in WebEx. Jane  
3 Williams, I will double check.

4 CHAIR THOMAS: Mike, if you hear us can you  
5 either unmute yourself or let us know you're there?

6 MS. MORSI: It looks like he's unmuting and  
7 remuting himself.

8 CHAIR THOMAS: We're giving you a lot of time,  
9 Mike. I thought I heard something.

10 MR. MIILLER: Can you hear me now?

11 CHAIR THOMAS: Mike, are you there?

12 MR. MIILLER: Yeah.

13 CHAIR THOMAS: Okay. Turn your mic up a little  
14 bit, Mike.

15 MR. MIILLER: Okay.

16 CHAIR THOMAS: Go ahead. Go ahead. Yeah, I  
17 think we have -- we're not getting the reception. So is  
18 Jane still on board?

19 MS. MORSI: Jane Williams with California  
20 Communities Against Toxics.

21 CHAIR THOMAS: Jane, are you there? I think  
22 we're having some technical difficulties.

23 MS. WILLIAMS: Yes, I'm here. Yes. I'm here.  
24 This is Jane Williams.

25 CHAIR THOMAS: Oh, go ahead.

1 MS. WILLIAMS: Good, thank you. Yes. Hello,  
2 this is Jane Williams. Can you hear me?

3 CHAIR THOMAS: Yes.

4 MS. WILLIAMS: Great.

5 CHAIR THOMAS: You can go right ahead. Go right  
6 ahead.

7 MS. WILLIAMS: Thank you so much. Okay. Thank  
8 you so much for the opportunity to testify this morning.

9 CHAIR THOMAS: We're here. Go right ahead.

10 MS. WILLIAMS: Thank you for the opportunity to  
11 testify this morning. I just want to reiterate how  
12 important it is to prevent take home lead, where workers  
13 are essentially taking home lead and poisoning their  
14 families. We understand the tremendous health impacts to  
15 workers, even from the exposure levels that are being  
16 proposed here. And we believe that the actions of the  
17 Board and strengthening the regulations to protect workers  
18 that are working in both lead remediation and construction  
19 are so important, not only for the workers, but also for  
20 the families of the workers.

21 We applaud the opportunity that this creates to  
22 significantly reduce the disease burden in construction and  
23 lead remediation workers. And we just want to encourage  
24 the Board to do everything it can to strengthen the  
25 regulations and not weaken them at this critical juncture.



1 Thank you so much for the opportunity to speak with you  
2 this morning.

3 CHAIR THOMAS: Thank you.

4 And then I think we had one other. What was the  
5 -- you want to speak for -- yeah, I'm waiting. I can't  
6 remember the name. Was it, yeah Mike. Mike Miiller.  
7 Mike, are you there? Can you hear us? Yeah, I can't see  
8 him. Mike, can you hear us?

9 MR. MIILLER: Yes. Can you hear me now?

10 CHAIR RICHARDS: Oh. It's about time dude, come  
11 on.

12 MR. MIILLER: I know. I'm so, so sorry.

13 CHAIR THOMAS: Go ahead. Go ahead.

14 MR. MIILLER: I was just on my cell trying to  
15 call in as well, trying to figure it out. I apologize.

16 Thank you, Chair and Members. This is Michael  
17 Miiller with the California Association of Winegrape  
18 Growers. I'll be very brief. I just wanted to welcome Mr.  
19 Alioto to the Board. I'm offering to work with you in the  
20 future on a lot of ag issues. One issue we care a lot  
21 about is autonomous equipment. If we can present any tours  
22 for you, opportunities for you to see the equipment in use,  
23 we're happy to do that and to work with you. And welcome  
24 to the Board. I think you're going to find this to be  
25 exciting.

1 CHAIR THOMAS: Mike, you might slow down just a  
2 little bit, just a little.

3 MR. MIILLER: I think you're going to find this  
4 to be exciting and interesting work. Mr. Alioto and I want  
5 to welcome you to the Board.

6 Also, I just want to comment one thing about the  
7 issue of the lead regulation, and the previous person  
8 mentioned the cost of the regulations. One thing that we  
9 experience in agriculture is the cost of one industry  
10 affecting the other, so for us the cost of construction in  
11 California is a huge issue.

12 Right now our growers can't get property  
13 insurance in many cases, because when they're looking at  
14 fire risk because of climate change they're looking at the  
15 cost of rebuilding after fire. And they're looking at  
16 construction costs as a huge cost. And they simply can't  
17 afford it.

18 Insurance companies are leaving. And we really  
19 have a crisis situation on insurance that is in part  
20 because of the cost of construction in California. But  
21 also more focused specifically on agriculture, we have a  
22 shortage of ag worker housing in California. And we would  
23 like to build as much as we can. We find one of the  
24 biggest challenges in building ag worker housing is the  
25 cost of construction.

1           So as you look at this regulation -- and we're  
2 not weighing in on the lead issue for growers -- but when  
3 we look at cost of doing business in California, it is  
4 really all related. The ripple effects are felt throughout  
5 several industries, and really does affect the quality of  
6 life of growers, our employees, and the entire industry.

7           So thank you very much again. And Mr. Alioto, I  
8 welcome you to the Board and look forward to working with  
9 you. Thank you.

10           CHAIR THOMAS: Thank you.

11           So I believe that is all the callers that we  
12 have. That's what I've been informed. We thank you for  
13 your testimony, and the public --

14           (Off-mic colloquy.)

15           MS. HILASKI: Just when you thought they were  
16 done, we pull you back in. Good morning.

17           CHAIR THOMAS: Good morning.

18           MS. HILASKI: So I am Cassie Hilaski with Nibbi  
19 Brothers. First of all I want to thank the Board and the  
20 Division as always for your service. I know you guys do  
21 not have easy jobs, so it is much appreciated all the  
22 efforts that you put into trying to make regulations for  
23 the community.

24           So an effective regulation is simple to  
25 understand and simple to enforce. It needs to be simple

1 for employers to understand and simple for the Cal/OSHA  
2 inspectors to be able to enforce. If both entities clearly  
3 understand the regulation then compliance and enforcement  
4 is made easier.

5           You heard testimony a couple of weeks ago  
6 reminding the Board that the Legislature has requested that  
7 regulations be as clear and as uncomplicated as possible.  
8 Some regulations, like the proposed indoor heat and lead  
9 standards seem to miss this mark and will make compliance  
10 more complicated and difficult to achieve.

11           Many testimonies today have spoken about the  
12 regulations being too complicated. So I just wanted to  
13 take a moment to remind the Board and the Division that  
14 complicated regulations are oftentimes ineffective, because  
15 employers especially small businesses who do not have the  
16 resources that larger employers have to employ a whole  
17 safety team to help them interpret these regulations.  
18 Small businesses especially -- they can't implement  
19 something they do not understand. It's difficult enough  
20 for a company of my size to understand them. But I really  
21 feel for smaller businesses who don't have the resources to  
22 make their way through these complicated regulations.

23           So I'm just asking again, on behalf of many who  
24 have already spoken also, to please strive to keep the  
25 regulations as easy to comply with as possible, which will

1 also make them more effective, which is what we really all  
2 want. We're all here trying to keep people safe. And so,  
3 the easier the regulations are to understand, the more  
4 possible that will be for all of us to achieve in keeping  
5 our communities and our workers safe to go home to their  
6 families every day. Thank you.

7 CHAIR THOMAS: Thank you.

8 All right, so in order not to bypass anybody who  
9 we might have missed online or here we're going to take a  
10 10-minute break and then we'll come back and start the  
11 business meeting. So we're adjourned. We're in recess.

12 (Off the record at 11:25 a.m.)

13 (On the record at 11:40 a.m.)

14 CHAIR THOMAS: Okay. So the Board appreciates  
15 the testimony. The public meeting is adjourned and the  
16 record is closed. And we will do questions --

17 BOARD MEMBER ALIOTO: Chair, if I could have one  
18 quick comment before questions?

19 CHAIR THOMAS: Yeah.

20 BOARD MEMBER ALIOTO: I just wanted to reach out  
21 very quickly to both Mr. Little and also to Mike Miiller  
22 for the very kind welcome. I appreciate your comments.  
23 And I also wanted to tell Mr. Miiller if he's still out  
24 there and listening to the meeting, that I would very much  
25 like to take him up on his invitation to learn more about

1 the autonomous agricultural equipment. So please contact  
2 somebody at the office, Ms. Money, and we will set up a  
3 time to discuss it. Thanks very much.

4 CHAIR THOMAS: Thank you. All right, so we're  
5 going to hold questions for Eric when we come to his  
6 portion of the meeting. So we're going to continue on.

7 We will now proceed with the business meeting.  
8 The purpose of the business meeting is to allow the Board  
9 to vote on the matters before it and to receive briefings  
10 from staff regarding the issues listed on the business  
11 meeting agenda. Public comment is not accepted during the  
12 business meeting unless a Member of the Board specifically  
13 requests public input.

14 So we have variance decisions, proposed variance  
15 decisions for adoption are listed on the consent -

16 (Off-mic colloquy.)

17 CHAIR THOMAS: It is on. Can you guys hear me  
18 out there? Okay. I think we're good now.

19 Autumn, will you please brief the Board?

20 MS. GONZALEZ: Go ahead.

21 MS. IORIO: Can you hear me, okay?

22 CHAIR THOMAS: Yeah.

23 MS. IORIO: All right. Thank you, Chair Thomas,  
24 and Members of the Board. On the consent calendar this  
25 month we have proposed decisions 1 through 49, ready for

1 your consideration and possible adoption.

2 CHAIR THOMAS: Thank you. Are there any  
3 questions for Michelle? All right, then I'll entertain a  
4 motion to adopt the proposed variance decisions.

5 BOARD MEMBER STOCK: So moved.

6 BOARD MEMBER LASZCZ-DAVIS: I second.

7 CHAIR THOMAS: I have a motion and second. Is  
8 there anything on the question? (No audible response.)

9 Hearing none, Ms. Money, will you call the roll?

10 MS. MONEY: So I have Laura Stock as the motion  
11 and Chris Laszcz-Davis as the second; is that correct?  
12 Joseph Alioto.

13 BOARD MEMBER ALIOTO: Aye.

14 MS. MONEY: Kathleen Crawford.

15 BOARD MEMBER CRAWFORD: Aye.

16 MS. MONEY: Dave Harrison.

17 BOARD MEMBER HARRISON: Aye.

18 MS. MONEY: Nola Kennedy.

19 BOARD MEMBER KENNEDY: Aye.

20 MS. MONEY: Chris Laszcz-Davis.

21 BOARD MEMBER LASZCZ-DAVIS: Aye.

22 MS. MONEY: Laura Stock.

23 BOARD MEMBER STOCK: Aye.

24 MS. MONEY: Chairman Thomas.

25 CHAIR THOMAS: Aye. And the motion carries. We

1 will now go to Reports, Division Update. Eric Berg, will  
2 you please brief the Board?

3 MR. BERG: All right, thank you, Chairman Thomas,  
4 and all Board Members. So first, I'll give a brief on the  
5 second 15-day changes to the lead regulations, and a little  
6 background on the lead regulation based on some of the  
7 comments.

8 So the lead proposal consists of changes to three  
9 separate regulations. Two mainly, which is the lead and  
10 construction regulation, and then lead and general industry  
11 regulation. The vast majority of the contents of the  
12 proposed changes of the regulations, in total that is, is  
13 in the appendices which are informational only, they're not  
14 mandatory. And they do not contain any additional  
15 obligations to employers. So when we talk about the total  
16 length of 179 pages, the vast majority of that is in this  
17 non-mandatory information-only appendices.

18 And this proposal is necessary to protect workers  
19 from lead poisoning. The current regulation does not do  
20 this. This proposal is based on science. I can go into  
21 further meaning on the science in future meetings, but I'm  
22 not prepared to go into that right now.

23 I also recently attended a public meeting  
24 sponsored by the Department of Toxic Substances Control.  
25 They're leading the major cleanup of a lead contaminated



1 site in Southern California. I think it's one of the  
2 largest contaminated sites in the history of the state.  
3 And they have many contractors employed and have done a lot  
4 of air monitoring in this heavily contaminated zone. And  
5 they haven't found any employees exposed over the PEL, the  
6 new proposed PEL of 10 micrograms per cubic meter.

7           And they are saying they will institute what's in  
8 our proposal now even though it's not in the law. The  
9 Permanent Toxic Substance Control will put these into  
10 effect now to better protect employees rather than waiting  
11 until the regulation becomes adopted.

12           And this was a public meeting. And the major  
13 complaint I received from those attending this public  
14 meeting of our proposal was that our proposal was not  
15 protective enough workers.

16           Also, Cal/OSHA strongly disagrees that the lead  
17 proposal will cost \$24,000 per employee. And the costs are  
18 calculated with the assistance of several experts who  
19 consulted with many in the industry, and it will cost much  
20 less than that.

21           Lastly, the Labor Code requires workers to be  
22 protected from toxic exposures even if they're exposed over  
23 their entire working lifetime. And Federal OSHA also has  
24 this mandate. And Federal OSHA says this is 45 years is  
25 the working lifetime of an employee.

1           So now I'll go into some of the changes in this  
2 second 15-day proposal. First, I'll go over the  
3 construction regulation. So the first significant change  
4 is the one in respiratory protection. Previously filtering  
5 facepieces were prohibited, so that prohibition was  
6 deleted. So these types of respirators will now be  
7 allowed. And this was replaced by a requirement that if  
8 the filtering facepiece respirators are used, that they'd  
9 be an N100, R100, or a P100. So if employees are using  
10 these respirators at least they get the best, the most  
11 protective type of these respirators.

12           The next change was to subsection (g) in the  
13 construction regulation, "Protective Work Clothing and  
14 Equipment." The language was changed so that the list, --  
15 there is already a current list of personal protective  
16 equipment. But it was changed so that the personal  
17 protective equipment is required rather than recommended.  
18 And this only applies if the PEL is exceeded or employees  
19 are exposed to lead compounds that cause skin or eye  
20 irritation, or as interim protection for employees  
21 performing trigger tasks. And this change was made to  
22 ensure that the proper personal protective equipment is  
23 used.

24           But in addition, changes were made to this list.  
25 So several items are optional and only required when

1 needed, such as gloves, face shield, goggles and other  
2 equipment.

3 Changes were made next to subsection (i) in the  
4 construction regulation, which is "Hygiene Facilities  
5 Practices." A prohibition against entering personal  
6 vehicles or leaving the workplace with protective clothing  
7 or protective equipment was added. This is to prevent take  
8 home lead exposures and protect workers' families from lead  
9 poisoning.

10 Next, is the shower requirements, in the  
11 construction regulations. So we rolled back this  
12 requirement and moved it to in the current regulation. So  
13 showers right now are required at 50 micrograms per cubic  
14 meter, which is the old PEL. So we made the change in this  
15 proposal to also just move that back to 50, so that  
16 showers, there will be no additional shower requirements.

17 They will also be required as interim protection  
18 for employees performing the most dangerous trigger tasks.  
19 And this change was made at the request of employers who  
20 said the inflammation -- shower requirements would be more  
21 expensive. So they should roll back those costs. And then  
22 showers are also not required if an employer can  
23 demonstrate they're not feasible, and that stays in there.

24 Moving on to medical surveillance, several  
25 exceptions are added to exempt employees from medical

1 surveillance and blood lead testing. The first exemption  
2 was added that exempts employees from initial blood testing  
3 for employees exposed between the action level and 20  
4 micrograms commitment per cubic meters for 15 days or less  
5 a year. And the same exception was added to the medical  
6 surveillance requirement. So also, medical surveillance  
7 won't be required for employees exposed between the action  
8 level and 20 micrograms per cubic meter, or fewer than 15  
9 days per year.

10           And then another exception was added to the  
11 medical, so that a written elevated blood response plan and  
12 related training is not required if the employees' initial  
13 blood lead level is at or above 20 micrograms per  
14 deciliter. And this is to address employees who have  
15 elevated levels before they begin working with lead for an  
16 employer.

17           And then signs, the change to the subsection on  
18 signs that says signs should be in language understandable  
19 to employees. That's about warning signs.

20           And moving on to the general industry regulation.  
21 In subsection (e), which is compliance, there's a part that  
22 allows for separate engineering control or limit. It  
23 basically doesn't require engineering controls to meet the  
24 PEL. And then four additional processes in lead acid  
25 battery recycling were added to this at the request of

1 industry. And also similar to construction, filter and  
2 face pieces are no longer prohibited.

3 And also, the protective work clothing and  
4 equipment, the same changes were made to not require  
5 gloves, face shield, Bl goggles under PPE if they're not  
6 needed it. And then also the same change to make sure to  
7 prevent lead take home exposures, protect workers'  
8 families.

9 And all the exemptions that were added to the  
10 medical surveillance and construction were also added to  
11 the general industry regulation. And then some changes  
12 were made to these non-mandatory informational tenancies  
13 just to make sure it was consistent with all the other  
14 information.

15 And then I'll move on to an update on silica for  
16 the emergency silica regulation. As you know, we have a  
17 crisis right now with silicosis. Of at least 80 workers  
18 that we know of that have silicosis in the countertop  
19 industry. And it's a non-curable, non-treatable and often  
20 fatal disease. So we held an advisory committee in August  
21 and have since posted three different versions of a draft  
22 proposal and gotten public comments on those and then  
23 adjusted those proposals based on public comment.

24 So some of the key requirements of the proposal  
25 are wet methods for cutting, grinding and polishing

1 countertops; use of safe methods for cleaning up debris and  
2 dust; improvements to the existing exposure control plan;  
3 the ability of Cal/OSHA enforcement to stop dangerous work;  
4 a high level of respiratory protection; improvements to  
5 training; and reporting of silicosis to Cal/OSHA and the  
6 California Department of Public Health.

7           Our goal is to have the emergency silica  
8 rulemaking package ready for a vote at the December 14th  
9 meeting. So some of the timelines on September 1st,  
10 Cal/OSHA submitted the initial stage one rulemaking  
11 documents. That did not have economic analysis. We  
12 submitted that on September 27th. And then October 4th, we  
13 just received the documents back with comments and  
14 requested changes.

15           And then on October 10th, we resubmitted the  
16 package with changes made. And then yesterday on October  
17 18th, we received some additional comments and changes and  
18 then we resubmitted the package, also yesterday on October  
19 18th. So hopefully that one is on schedule.

20           And I want to thank Lara for all her help with  
21 that. She's been an enormous help. Because it's really  
22 hard to do this and we make lots of mistakes and Lara  
23 corrects the mistakes. So I want to thank her for that  
24 because it's hard.

25           I guess that's my briefing. Thanks.

1 CHAIR THOMAS: Questions from the Board for Eric.

2 BOARD MEMBER KENNEDY: Sorry. I guess I don't  
3 have necessarily questions as much as I have comments. So  
4 I pointed out one early and I just wanted to say it out  
5 loud. I do think there's an error, and it probably goes  
6 back to the original lead standard, when it deals with the  
7 accuracy of the monitoring. And it requires a monitoring  
8 method and analysis that has within 95 percent confidence  
9 intervals have plus or minus 20 percent. And the language  
10 states "less than" and I really think it should -- it says  
11 no more -- or "no less than." I think it should probably  
12 say "no more than." So I do think that needs to be fixed,  
13 because we don't want less accurate information.

14 And this is an issue that I know has come up  
15 before this Board before. But in reviewing the lead  
16 standard, it's very obvious that we are requiring certified  
17 or licensed professionals to do a lot of the work required  
18 under the standard. For example, we require physicians or  
19 licensed health care providers for the medical surveillance  
20 portions. There is now a requirement for CDPH certified  
21 trainers to do training of employees.

22 I'm a little concerned that there is no  
23 requirement for certified professionals to conduct the  
24 monitoring, especially when the air monitoring is the  
25 trigger for most of the standard. I do think that's an

1 uneven oversight. And I don't know if that can be  
2 addressed or not, but I think it should be.

3           There have been a lot of comments about how  
4 difficult the lead standard -- and in general, not just the  
5 lead standard, for a lot of the standards that we've seen  
6 proposed since I've been on the Board. We often hear how  
7 they're not understandable, they're going to be very hard  
8 to implement, because they're hard to understand. And I  
9 don't want to just pass that off as rhetoric. I think  
10 people are saying these are hard to understand. And I do  
11 think we need to work better at making regulations that are  
12 understandable and implementable and enforceable.

13           I mean, it is one of the things we're required to  
14 do, and I don't think we should take that requirement  
15 lightly. I think, and not as part of the standard, but I  
16 do think that the Division does a good job with FAQs and  
17 providing guidance documents after standards are adopted  
18 and while they're being written, and I commend the Division  
19 on that.

20           I think for the lead standard, perhaps a decision  
21 flow diagram would be helpful. Because it does, if you  
22 read the standard now, it does require a lot of back and  
23 forth movement within the document to figure things out.  
24 Nobody, or very few people except people who are being paid  
25 to do that, have time to do that or interest in doing it.



1 So I just think making it something people can work with  
2 is helpful. And like I said in general the Division does  
3 make efforts in that direction.

4 I'm concerned, and I know the Board -- and I'm  
5 sorry, I'm going on a long time. I know the Board has --  
6 and this is actually directed not just at poor Eric, I  
7 always feel like we're just dumping on Eric. I mean I feel  
8 like the Board has been calling for the Division to have a  
9 more engaging advisory committee process in the development  
10 of standards.

11 It does sound from when I sit in this chair, that  
12 it's very much collecting information from stakeholders and  
13 incorporating them into the work product. It seems to me  
14 like people are interested in actually being able to sit  
15 across the table from stakeholders with a different  
16 perspective than theirs. And to sort of understand each  
17 other's views and understand what might bring you to the  
18 middle or something that everyone can work with. And I  
19 think that would be valuable to incorporate. I don't know  
20 why that's not done. I don't know if it's a process issue.  
21 But anyway, I feel like we've asked for it a lot, and it's  
22 still not happening.

23 And then the other thing, a couple of people  
24 mentioned that they don't understand, for the lead standard  
25 -- or they feel that the need for the update was not

1 documented well enough or explored or explained well  
2 enough. This is - and I'll take this from Amalia. This  
3 Nola speaking.

4 I feel it's probably time for the lead standard  
5 to be updated. It's been a long time coming. It does need  
6 an update. But I don't think it hurts to explain to people  
7 why it's needed and to really present the information for  
8 what well -- why this is needed at this time or has been  
9 needed. And likewise, I do think it's really important  
10 that there be justification for the components of any  
11 regulation we put forward. We think the right way to do  
12 this is this, and this is why. This is the science.

13 I have some concerns, particularly with the lead  
14 standard with the use of CDPH information and OEHHA  
15 information. Those are good agencies, they do good work.  
16 But there's a lot of primary literature out there also that  
17 could be used and looked at. And so, I don't think it  
18 hurts to be very -- and I know it's more work, and we all  
19 have too much work. But I do think it's important to  
20 explain why something has been -- why is the action level 2  
21 other than just saying it's the output from this model.  
22 Why is this a good model? And I think there are people who  
23 would not agree that it's necessarily a great model. And  
24 so just explaining why what goes into it, it helps those of  
25 us who look at those things. Other people don't care, but

1 some of us do.

2 I think that concludes my comments.

3 CHAIR THOMAS: You can (indiscernible).

4 BOARD MEMBER KENNEDY: (Overlapping colloquy.) I  
5 may come back. Oh, I guess I will just say. And it's the  
6 way I was indoctrinated into the profession, that standards  
7 should be health based. And we need to show the basis for  
8 our decisions for standards.

9 BOARD MEMBER STOCK: Yeah, thank you, Nola. So,  
10 I just want to build on some of the things that you said,  
11 many of which I agree with.

12 So first of all, I would second giving you the  
13 opportunity and give you the time you need to prepare for  
14 that opportunity to be able to respond to some of the  
15 comments that we've heard today to be able to explain what  
16 the science is as you said.

17 I feel confident and trust the work that the  
18 Division does, I really want to support the work you're  
19 doing. I think that you are -- in my experience, the  
20 Division has been quite careful and very diligent in  
21 reviewing the science and reviewing the evidence. And  
22 perhaps the problem is that it's not as transparent or is  
23 not as visible. And I think it would be really helpful for  
24 the Board and the public to hear that. So, if it is  
25 something that you can do at our next Board meeting, I

1 would really, I would welcome that.

2 I would welcome -- I don't know whether this is  
3 necessary or not or whether you can speak for them, but  
4 people from the California Department of Public Health,  
5 from CDPH, who've been involved with that, I feel like it  
6 would really beneficial to hear what kind of thinking went  
7 in here to be able to respond to some of the questions that  
8 were raised during testimony.

9 I really hope we can hear more from the general  
10 public and particularly workers who are impacted by lead  
11 poisoning. Because I feel like we're forgetting that basic  
12 thing. I think that the person who testified at the very  
13 end, to be able to remind us that we're talking about  
14 devastating health impacts from exposure to lead, not only  
15 to workers but to their families. And I feel like that  
16 gets lost in this conversation that we were having this  
17 morning. So I would encourage more stakeholders who can  
18 speak to that to come forward and do so also. I just want  
19 to be sure we're hearing that perspective.

20 I just wanted to make a few comments on the whole  
21 kind of issue around complexity, because this comes up all  
22 the time. I completely agree with the idea that we need to  
23 make it understandable in order to be able to enforce it.  
24 I completely agree with the requests that were made not  
25 only about this, as well as with workplace violence, to the

1 extent that Cal/OSHA consultation and others in the  
2 community can provide model programs, can provide FAQs. I  
3 think that is essential, particularly when a regulation is  
4 complex. And again you often do that. And I want to just  
5 commend you for the work that has been done in that way.

6           And I just think we should remember that  
7 complexity is because the hazards are very complex. And  
8 because they are trying to cover incredibly diverse  
9 industries. And so often the complexity is introduced by  
10 the efforts of the Division to respond to comments, people  
11 are saying things and they're putting other things in. So  
12 I think that complexity in and of itself, is not  
13 necessarily bad. Sometimes it is essential in order to  
14 make a regulation that is as effective as possible in  
15 response to all of the comments and all of the different  
16 industries. So I kind of am really kind of pushing back a  
17 little bit on defining complexity itself as the problem.

18           And I think -- and of course, I think the more it  
19 can be simplified, the better. But the thing is that if we  
20 have a complex issue -- and somebody was saying there was  
21 some talk about we shouldn't have the APA or whatever  
22 that's called, shouldn't have so many regulations and there  
23 have been so many. Because there's an increasingly  
24 evolving level of complex hazards from silicosis to lead,  
25 to indoor heat, to workplace violence. So we need

1 regulations, and they're complicated.

2 But I think what it points to is sufficient  
3 education and support and resources for employers and for  
4 workers to know what is required and how to comply. So I  
5 just think that's where we should be putting our energy,  
6 not so much just honing in on like "this is really  
7 complicated." It's complicated by necessity. But what can  
8 we do to make that complication more understandable and  
9 able to be enforced?

10 And the last thing I wanted to say, that maybe  
11 this is something you can address. You alluded to it.  
12 There was a lot of comments about the SRIA and how much it  
13 costs. So I'll be interested when you have more time to  
14 think about it, to hear more of your response to that.

15 And it would be really helpful to remember to  
16 mention occasionally the benefits that accrue from  
17 regulation. That there are a lot of costs, but  
18 theoretically there are benefits that are going to accrue  
19 by reduced exposure to hazards, reduced medical care, et  
20 cetera. And those often can counter weigh those costs. To  
21 the extent that you have anything that can be added around  
22 that, that would be really helpful to hear. Thank you.

23 CHAIR THOMAS: Go ahead, Chris.

24 BOARD MEMBER LASZCZ-DAVIS: I don't know that I'm  
25 going to add anything more illustrious than my colleagues

1 have already shared. But just to reiterate, just a couple  
2 of points. And Eric, the reason we always dump on you is  
3 because you're always so gracious about it quite frankly.

4           Number one, I want to reemphasize the fact that  
5 we recognize that the last version of the lead standard,  
6 and what we're going to be looking at, there have been  
7 changes. And I think you heard many of them. What I worry  
8 about -- and both Laura and Nola referenced this. We're  
9 not -- I don't think there's any desire on anybody's part  
10 to weaken regulations, but to strengthen them. The most  
11 powerful enabling way to do that is to make sure that  
12 they're understandable, that they're very clear, they're  
13 actionable with clear accountabilities.

14           And in reviewing the lead standard -- I put  
15 myself in the shoes of somebody in operations and I go, God  
16 this confuses the hell out of me. So I mean, clearly the  
17 Division wants to do the right thing. The Standards Board  
18 wants to do the right thing. Employers want to do the  
19 right thing as well. There have got to be regulations that  
20 are fairly straightforward, understandable, actionable,  
21 with clear accountabilities, and it can be done.

22           I got to thinking why we struggle with this  
23 issue. And I've heard a couple of people share this  
24 morning we didn't have an engaging process on lead. We did  
25 on walking-working surfaces. And Bruce Wick referenced

1 that. So a lot got done in two days, because people sat  
2 around the table and discussed it.

3           Apparently, that didn't quite occur with the lead  
4 standard. And I don't know whether -- it feels like it was  
5 cobbled together. So maybe I'm not sure what you do  
6 between now and February. But I know from my standpoint,  
7 I'd certainly like to see justification for the SRIA costs  
8 and the PEL. I struggle with the mathematical modeling on  
9 that. And it underpins so many action items in the  
10 standard. So from my standpoint, if I'm not comfortable  
11 with both of those by February, you'll probably see a no  
12 vote from me.

13           And the only other thing that I do want to share  
14 on the workplace violence standard and the new legislative  
15 bill. Obviously there's been a lot of work done, because  
16 they're pretty well aligned. But I think what might be  
17 helpful in terms of implementation is for the Division,  
18 with all the extra time that you have, to develop a  
19 template for employers. So that when it does get enacted,  
20 it's an easy shoe-in in terms of implementation versus them  
21 having to go back to the drawing Board and figure out what  
22 it is they have to do.

23           So anyways, you've always been gracious, and  
24 thank you, Eric. But my constructive thoughts.

25           CHAIR THOMAS: Who's next? Who would like to --



1 all right. Anything else to report, Eric?

2 MR. BERG: No, that's it, thank you.

3 CHAIR THOMAS: All right. Thank you. And you've  
4 heard all the questions. And I know you gave a lot of the  
5 answers when you were doing your initial report of some of  
6 the concerns out there. I hope everybody was listening,  
7 because I was. And I want to thank you for spelling some  
8 of those things out, because I just think a lot of times  
9 that people, they read but all they're thinking of is all  
10 the problems I'm going to have with this and not  
11 necessarily what's there.

12 Because you spelled out a lot of the stuff that  
13 I'm sure people had concerns with right away, and I  
14 appreciate you for that. But I'd just be prepared the next  
15 couple months to get a lot of questions. Because I think  
16 everybody up here would like to vote for regulation that is  
17 going to protect. And I know I would. And I know a lot of  
18 times that -- I don't want to say it's not justified, the  
19 SRIA, I don't know if that's a true number or not. But I  
20 have more faith in the way it's done now than the way it  
21 was done before. As you well remember I voted no on one,  
22 because I just didn't believe what they were saying the  
23 cost was. And this was before SRIA, and I just said no.  
24 And it just didn't sound right to me. And that's the only  
25 basis I had to go on. But I know that it's a lot more in

1 depth now. So but anyway I would say just be prepared.

2 So we'll have our Legislative Update. Michelle.

3 MS. IORIO: Thank you, Chair Thomas. There are  
4 three bills I wanted to quickly flag for you today.

5 The first is SB 553, the Cortese bill, which a  
6 few speakers today have mentioned. This would require  
7 nearly all employers to establish a workplace violence  
8 prevention plan. And the bill was approved by the Governor  
9 and chaptered on September 30th of this year. The Division  
10 must propose standards by December 1st, 2025 for the  
11 Board's adoption by December 31st, 2026.

12 The next bill is SB 544, which concerns the  
13 Bagley-Keene Open Meeting Act, and would allow for remote  
14 participation of Board Members with some conditions. This  
15 bill was approved by the Governor and chaptered on  
16 September 22nd of this year.

17 And the next bill is AB 521, which requires the  
18 Board to consider amending regulations to require at least  
19 one single use toilet facility on all construction job  
20 sites for employees who self-identify as female or non-  
21 binary. And that bill was approved and chaptered on  
22 October 8th of this year. And the Board is required to  
23 draft a rulemaking proposal for possible adoption on or  
24 before December 31st, 2025. Thank you.

25 CHAIR THOMAS: Thank you.

1                   Any questions for Michelle? (No audible  
2 response.) Hearing none. Acting Executive Officer's  
3 Report, Autumn.

4                   MS. GONZALEZ: Thank you, Chair Thomas. And I  
5 will just note that I am here today serving as Acting  
6 Executive Officer. But we currently do not have an Acting  
7 Executive Officer, so this is just for the meeting  
8 purposes. We're actually waiting to hear back from CalHR  
9 on the Acting EO position, so that's where that position is  
10 in the process. And then I also wanted to update you on  
11 the permanent position. We finished that package this  
12 week. And it is with our DIR HR and should hopefully be  
13 posted, maybe today, but very soon.

14                   And I just wanted to thank Jesi Mowry who has  
15 been the Board staff member who has been putting in a lot,  
16 a lot of time to get these packages going.

17                   CHAIR THOMAS: Any questions for Autumn?

18                   BOARD MEMBER STOCK: So it sounds like in the  
19 absence of an Acting Executive Officer, the work and duties  
20 of that is being picked up by existing staff in the absence  
21 of the title and the time and appropriate compensation.  
22 And so I just want to express my concern about that. And  
23 that it's unrealistic to expect people to continue to do  
24 this work without having the time to do it and being  
25 compensated fairly for it. And I would really appreciate

1 knowing if there's any steps that Board Members can take to  
2 try to address that situation.

3 MS. GONZALEZ: Thank you.

4 CHAIR THOMAS: Yeah. Why don't you call the DIR  
5 Director?

6 BOARD MEMBER STOCK: Is that what is needed?

7 CHAIR THOMAS: Yes, it is.

8 BOARD MEMBER STOCK: Because that -- it'd be  
9 great to get some guidance of what we could do.

10 CHAIR THOMAS: Just, yeah. Make that call.

11 BOARD MEMBER HARRISON: I have a question.

12 CHAIR THOMAS: Yeah, go ahead.

13 BOARD MEMBER HARRISON: Can we get an update or  
14 an expectation of when we expect to hear Petition 598, the  
15 Crane Recertification Petition?

16 MS. GONZALEZ: I'm looking at Lara because  
17 there's a spreadsheet. I know that we've gotten both the  
18 Division and the Board staff's analysis in. So it should  
19 be fairly shortly, I want to say.

20 So just for those who couldn't hear Lara, she  
21 said the December meeting possibly. I don't want to nail  
22 us down. If there's an error, it's on me.

23 CHAIR THOMAS: We'll check the transcript.

24 Anything else? (No audible response.)

25 Future agenda items. Any Board Members have any

1 questions about any -- we started, but any other future  
2 agenda items?

3 BOARD MEMBER STOCK: Well, obviously we've given  
4 a big future agenda item around the lead standard. But in  
5 addition to that, I think -- I don't know that -- this may  
6 be too much for the next meeting. But at a subsequent  
7 meeting it would be good to hear a little bit more about  
8 the workplace violence legislation, how it's impacting the  
9 standard that's now in development, the differences, where  
10 some of the gaps are. So it would be good to hear the  
11 impact of that on the work we're doing.

12 So I would have suggested that for next month,  
13 but if the time is not possible given the time to talk  
14 about lead, then the following month would be fine. That  
15 would be good too.

16 CHAIR THOMAS: Any others? Go ahead.

17 BOARD MEMBER CRAWFORD: Just real quick. I am  
18 interested in an overall workload summary. Because I know  
19 we have multiple legislative mandates. And I'd just like  
20 to see it all in one sheet. What we have, what's coming,  
21 what the timeline is. I think it would just be helpful,  
22 because we've also got this resource piece that we talk  
23 about pretty consistently. So having a more concise idea  
24 of what really is happening and what is needed, would be  
25 helpful.

1 CHAIR THOMAS: I think maybe something along the  
2 lines of a spreadsheet that would. I think we could  
3 probably get that done. I'm good with easy.

4 Any other questions regarding future agenda  
5 items? (No audible response.)

6 All right. Do we have a closed session today?  
7 Yeah, let's go ahead with that. So we're going to recess  
8 for 15 minutes and then we'll be back in session at 12:30.  
9 Thank you.

10 (Off the record at 12:15 p.m.)

11 (On the record at 12:51 a.m.)

12 CHAIR THOMAS: Thank you. All right, we are back  
13 in session. And there was much discussion, but there was  
14 no action taken in the closed session.

15 But I would like to say, and this is something  
16 that I think a lot of us have been thinking about, I  
17 certainly have been thinking about, over the last couple of  
18 months is we get a lot of complaints about how long it  
19 takes to pass through regulations, certain regulations.  
20 And I've always said that's not necessarily a bad thing.

21 But what is not a good thing is what's happening  
22 now, which is that there is a chance that everything that's  
23 in the works is just going to stop for a period of time,  
24 because we can't seem to keep people. And we can't seem to  
25 replace them either. We try to keep people, because

1 they're good at their jobs and they know what they're  
2 doing. And they're not always compensated adequately for  
3 what they're supposed to be, or what they're supposed to be  
4 compensated at.

5           And then when that person leaves, and then you're  
6 trying to hire someone else and have someone in that  
7 capacity as Acting. And they can't get an answer as to  
8 what their compensation should be for that job, which they  
9 know what the compensation should be. And it takes two,  
10 three, or we don't know how long it takes, work is going to  
11 stop, because people are not going to stay. And they're  
12 going to say, "You know what? I don't know if it's worth  
13 it. I love this job." Because we just had one that did  
14 that. She loved the job and she was not paid right. And  
15 we know that. And we've written letters.

16           We've done everything we can do as a Board to try  
17 and make sure that the people that are hired here --  
18 because these are not inconsequential jobs. These are jobs  
19 that save people's lives. I mean I say that a lot of  
20 people don't really know how this works. I've been around  
21 for a long time. I've seen Cal/OSHA do a lot of great  
22 things. I've seen when there was no Cal/OSHA. It was gone  
23 for a while because the Governor decided he didn't want to  
24 fund it. And then the people of the state put it back  
25 through a ballot measure. We brought OSHA back.

1           And as a Labor Representative in construction,  
2 there is nothing more important to me than to try and make  
3 the jobs that our guys do safer. And get them home from  
4 work to their families without being injured or killed.  
5 And all these regulations that we pass, usually there is a  
6 grave somewhere where somebody paid the ultimate price for  
7 a regulation that had not been passed yet that should have  
8 been or was known about. This is nothing new.

9           But what is new now is that this Board has tried  
10 to act in good faith with everything we've done. There's  
11 no secret about it. But we just need people to act that  
12 are in the capacity to put people in place to do these jobs  
13 and adequately compensate them. So I don't know if I need  
14 to say any more. I hope that message is loud and clear.

15           And I'm saying that from the bottom of my heart.  
16 I believe everything I'm saying. I'm not just saying  
17 something, I believe it. And I believe everybody up here  
18 feels the same way. That this is really important stuff  
19 for the workers of California. Wherever they're working  
20 at, it doesn't matter. It makes everybody safer.

21           And with that, I'll just say thank you for your  
22 time today. Our next Standards Board meeting will be on  
23 November 16th, 2023 in Oakland, California via  
24 teleconference and video conference. Please visit our  
25 website if you have any questions.



1                   And there being no further business, this meeting  
2 is adjourned. Thank you.

3                   (The Business Meeting adjourned at 12:55 p.m.)

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**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 6th day of February, 2024.



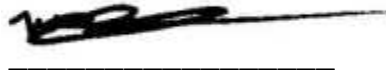
MARTHA L. NELSON, CERT\*\*367

**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 6th day of February, 2024.



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