

# Occupational Safety and Health Standards Board

Public Meeting, Public Hearing and  
Business Meeting

**January 20, 2022**

Via teleconference / videoconference

Board Meeting Packet

# Occupational Safety and Health Standards Board

## Meeting Agenda

DEPARTMENT OF INDUSTRIAL RELATIONS  
Occupational Safety and Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
Tel: (916) 274-5721 Fax: (916) 274-5743  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



MISSION STATEMENT

*The mission of the Occupational Safety and Health Standards Board is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers.*

**January 20, 2022 at 10:00 a.m.**

**TELECONFERENCE AGENDA**

PUBLIC MEETING, PUBLIC HEARING AND BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

**PLEASE NOTE:** In accordance with [section 11133 of the Government Code](#), this Board Meeting will be conducted via teleconference.

**Attend the meeting via Video-conference:**

1. Go to [www.webex.com](http://www.webex.com)
2. Select "Join"
3. Enter the meeting information: **268 984 996**
4. Enter your name and email address then click "Join Meeting"
5. Video-conference will be opened to the public at 9:50 a.m.

**Attend the meeting via Teleconference:**

1. Dial (844) 992-4726
2. When prompted, enter **268-984-996**
3. When prompted for an Attendee ID, press #
4. Teleconference will be opened to the public at 9:50 a.m.

**Live video stream and audio stream (English and Spanish):**

1. Go to <https://videobookcase.com/california/oshsb/>
2. Video stream and audio stream will launch as the meeting starts at 10:00 a.m.

**Public Comment Queue – NEW PROCESS:**

Those who wish to comment on agenda items may submit a request to be added to the public comment queue either in advance of or during the meeting through one of the following methods:

**ONLINE:** Provide your information through the online comment queue portal at <https://videobookcase.org/oshsb/public-comment-queue-form/>

**PHONE:** Call **510-868-2730** to access the automated comment queue voicemail and provide\*:  
1) your name as you would like it listed; 2) your affiliation or organization; and 3) the topic you would like to comment on.

*\*Information requested is voluntary and not required to address the Board.*

**NOTE: In accordance with [section 11133 of the Government Code](#), Board Members will participate via video-conference and/or teleconference.**

I. **CALL TO ORDER AND INTRODUCTIONS**

II. **PUBLIC MEETING (Open for Public Comment)**

This portion of the Public Meeting is open to any interested person to propose new or revised standards to the Board or to make any comment concerning occupational safety and health (Labor Code section 142.2). *The Board is not permitted to take action on items that are not on the noticed agenda, but may refer items to staff for future consideration.*

This portion of the meeting is also open to any person who wishes to address the Board on any item on today's Business Meeting Agenda (Government Code section 11125.7).

Any individual or group planning to make a presentation during the Public Meeting is requested to contact Sarah Money, Executive Assistant, at (916) 274-5721 in advance of the meeting so that any logistical concerns can be addressed.

A. PUBLIC COMMENT

B. ADJOURNMENT OF THE PUBLIC MEETING

III. **PUBLIC HEARING**

A. EXPLANATION OF PROCEDURES

B. PROPOSED SAFETY ORDERS (Revisions, Additions, Deletions)

1. **TITLE 8:**      **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 3.5, Subchapter 1, Section 411  
**[Applications for Permanent Variances](#)**

IV. **BUSINESS MEETING – All matters on this Business Meeting agenda are subject to such discussion and action as the Board determines to be appropriate.**

The purpose of the Business Meeting is for the Board to conduct its monthly business.

A. PROPOSED EMERGENCY SAFETY ORDER FOR ADOPTION (GOV. CODE SEC. 11346.1, LAB. CODE SEC. 142.3(a) and 142.4(b), and 29 CFR 1953.5(b))

2. **TITLE 8:**      **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, new sections 3205.5 and 3205.6  
**COVID-19: Vaccination, Testing, and Face Coverings; and**  
**COVID-19: Severability**  
**[HORCHER – EMERGENCY TEMPORARY STANDARD]**

\*The draft regulations will be posted on our website as soon as feasible at: <https://www.dir.ca.gov/oshsb/mtgsch.html>

**B. PROPOSED PETITION DECISIONS FOR ADOPTION**

1. Kelly Thomas, CDA, RDA  
Susan Dahn, RDA  
[Petition File No. 592](#)

Petitioners requests to amend title 8, General Industry Safety Orders (GISO), section 5193(g)(2)(B) to add a requirement clarifying that on-the-job trained dental assistants must receive a California Dental Board approved course in infection control, prior to performing any basic supportive dental procedures. Additionally, the petitioners ask that language be added to define and specify what constitutes 'knowledgeable in the subject matter' as referred to in subsection 5193(g)(2)(H).

2. Brian Macejko, P.E.  
Phillip E. Prueter, P.E.  
David A. Osage, ASME Fellow, P.E.  
[Petition File No. 593](#)

Petitioners requests to amend title 8, Petroleum Safety Orders - Refining, Transportation and Handling, section 6857(c)(1) to incorporate by reference the latest edition of American Petroleum Institute (API) 579, Fitness-for-Service assessment standard.

**C. REPORTS**

1. Division Update
2. Legislative Update
3. Executive Officer's Report

**D. NEW BUSINESS**

1. Future Agenda Items

Although any Board Member may identify a topic of interest, the Board may not substantially discuss or take action on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125 & 11125.7(a).)

E. CLOSED SESSION

1. Western States Petroleum Association (WSPA) v. California Occupational Safety and Health Standards Board (OSHSB), et al. United States District Court (Eastern District of California) Case No. 2:19-CV-01270
2. WSPA v. OSHSB, et al., County of Sacramento, CA Superior Court Case No. 34-2019-00260210
3. Western Growers Association, California Farm Bureau Federation, et. al. v OSHSB, et al., County of San Francisco, CA Superior Court Case No. CPF-21-517344
4. Personnel

F. RETURN TO OPEN SESSION

1. Report from Closed Session

G. ADJOURNMENT OF THE BUSINESS MEETING

**Next Meeting:** February 17, 2022  
Teleconference and Video-conference  
**(In accordance with [section 11133 of the Government Code](#))**  
10:00 a.m.

**CLOSED SESSION**

1. If necessary, consideration of personnel matters. (Government Code section 11126(a)(1)).
2. If necessary, consideration of pending litigation pursuant to Government Code section 11126(e)(1).

**PUBLIC COMMENT**

Efforts will be made to accommodate each individual who has signed up to speak. However, given time constraints, there is no guarantee that all who have signed up will be able to address the State body.

Each speaker is invited to speak for up to two minutes. The Board Chair may extend the speaking time allotted where practicable.

The total time for public comment is 120 minutes, unless extended by the Board Chair.

The public can speak/participate at the meetings before items that involve decisions.

In addition to public comment during Public Hearings, the Occupational Safety and Health Standards Board (Board) affords an opportunity to members of the public to address the Board on items of interest that are either on the Business Meeting agenda, or within the Board's jurisdiction but are not on the noticed agenda, during the Public Meeting. The Board is not permitted to take action on items that are not on the noticed agenda, but may refer items to staff for future consideration. The Board reserves the right to limit the time for speakers

**DISABILITY ACCOMMODATION NOTICE**

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the meeting.

**TRANSLATION**

Requests for translation services should be made no later than five (5) days before the meeting.

NOTE: Written comments may be emailed directly to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) no later than 5:00 p.m. on the Tuesday prior to a scheduled Board Meeting.

Under Government Code section 11123, subdivision (a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The Board Chair may adopt reasonable time limits for public comments in order to ensure that the purpose of public discussion is carried out. (Gov. Code, §11125.7, subd. (b).)

Pursuant to section 11133 of the Government Code, certain provisions of the Bagley-Keene Open Meeting Act are suspended until January 31, 2022. Executive Order N-1-22 has suspended the sunset date of Government Code section 11133, subdivision (g), until March 31, 2022. This meeting of the Occupational Safety and Health Standards Board will be conducted remotely via video/teleconference only. None of the locations from which the Board Members will participate will be open to the public. Members of the public who wish to participate in the meeting may do so via livestream on our website at <https://videobookcase.com/california/oshsb/>. The video recording and transcript of this meeting will be posted on our website as soon as practicable.

For questions regarding this meeting, please call (916) 274-5721.



# Occupational Safety and Health Standards Board

## Public Hearing

### Applications for Permanent Variances

**TITLE 8**

**CHAPTER 3.5, SUBCHAPTER 1, ARTICLE 2  
SECTION 411**

**APPLICATIONS FOR PERMANENT VARIANCES**

**HYPERLINKS TO RULEMAKING DOCUMENTS:**

**[NOTICE/INFORMATIVE DIGEST](#)**

**[PROPOSED REGULATORY TEXT](#)**

**[INITIAL STATEMENT OF REASONS](#)**

**CALIFORNIA STANDARDS COMPARISON**

DATE: November 17, 2021

Page: 1 of 1

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR 1905.11(b) and 1905.7(a)

SCOPE: Applicable throughout state unless otherwise noted.

FEDERAL: 29 CFR 1905.11 and 1905.7	STATE: Title 8, Division 1, Chapter 3.5	RATIONALE
<p>§1905.11 - Variances and other relief under section 6(d).</p> <p>(a) Application for variance. Any employer, or class of employers, desiring a variance authorized by section 6(d) of the Act may file a written application containing the information specified in paragraph (b) of this section, with the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210.</p> <p>(b) Contents. An application filed pursuant to paragraph (a) of this section shall include:</p> <p>(1) The name and address of the applicant;</p> <p align="center">* * * * *</p> <p>§1905.7 - Form of documents; subscription; copies. 1905.7(a).</p> <p>No particular form is prescribed for applications and other papers which may be filed in proceedings under this part. However, any applications and other papers shall be clearly legible. An original and six copies of any application or other papers shall be filed. The original shall be typewritten. Clear carbon copies, or printed or processed copies are acceptable copies.</p> <p align="center">* * * * *</p>	<p>§411. Applications for Permanent Variances.</p> <p>(a) Any Employer desiring a permanent variance from an occupational safety or health standard, regulation or order contained in California Code of Regulations, Title 8 shall file a written application for a variance, submitted under penalty of perjury, with the Standards Board.</p> <p>Note: See Rule 403(n) for definition of Employer.</p> <p align="center">* * * * *</p> <p>(b) <del>Six copies</del> <u>One</u> of the application for variance shall be submitted and shall include:</p> <p>(1) The name and address of the Employer;</p> <p align="center">* * * * *</p> <p>(9) <del>Six copies</del> <u>One copy</u> of any photographs, blueprints or other illustrative materials submitted to document or clarify the application.</p> <p>NOTE: Authority cited: Section 143.2, Labor Code. Reference: Sections 143, 143.1, 143.2 and 146, Labor Code.</p>	<p>The State proposes to allow employers to submit one variance application (instead of six copies) and one copy of any photographs, blueprints or other illustrative materials (instead of six copies), due to the current feasibility of electronic copy distribution. The elimination of the requisite six copies saves applicants on copy and mailing costs.</p>

# Occupational Safety and Health Standards Board

## Business Meeting

# Occupational Safety and Health Standards Board

**Business Meeting  
Petition 592**

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of a Petition by:     )  
   )  
Kelley Thomas & Susan Dahn     )  
P.O. Box 8128                     )  
Rancho Cucamonga, CA 91701    )  
   )  
   Applicant. )

**PETITION FILE NO. 592**

The Occupational Safety and Health Standards Board hereby adopts the attached PROPOSED DECISION.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

\_\_\_\_\_  
DAVID THOMAS, Chairman

\_\_\_\_\_  
BARBARA BURGEL, Member

\_\_\_\_\_  
KATHLEEN CRAWFORD, Member

\_\_\_\_\_  
DAVE HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

\_\_\_\_\_  
CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

By: \_\_\_\_\_  
Christina Shupe, Executive Officer

DATE: January 20, 2021  
Attachments

## **PETITION NO. 592**

Petitioners requests to amend title 8, General Industry Safety Orders (GISO), section 5193(g)(2)(B) to add a requirement clarifying that on-the-job trained dental assistants must receive a California Dental Board approved course in infection control, prior to performing any basic supportive dental procedures. Additionally, the petitioners ask that language be added to define and specify what constitutes 'knowledgeable in the subject matter' as referred to in subsection 5193(g)(2)(H).

### **HYPERLINKS TO PETITION NO. 592 DOCUMENTS:**

**[PROPOSED PETITION DECISION](#)**

**[BOARD STAFF EVALUATION](#)**

**[CAL/OSHA EVALUATION](#)**

**[ORIGINAL PETITION \(RECEIVED 08/16/21\)](#)**

# Occupational Safety and Health Standards Board

**Business Meeting  
Petition 593**



STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of a Petition by:         )  
  ) **PETITION FILE NO. 593**  
Brian R. Macejko, P.E.                         )  
Phillip E. Prueter, P.E.                        )  
David A. Osage, P.E.                          )  
E<sup>2</sup>G The Equity Engineering Group, Inc.)  
20600 Chagrin Blvd., Suite 1200         )  
Shaker Heights, OH 44122                    )  
  Applicant.                                  )

The Occupational Safety and Health Standards Board hereby adopts the attached PROPOSED DECISION.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

\_\_\_\_\_  
DAVID THOMAS, Chairman

\_\_\_\_\_  
BARBARA BURGEL, Member

\_\_\_\_\_  
KATHLEEN CRAWFORD, Member

\_\_\_\_\_  
DAVE HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

\_\_\_\_\_  
CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

By: \_\_\_\_\_  
Christina Shupe, Executive Officer

DATE: January 20, 2021  
Attachments

## **PETITION NO. 593**

Petitioners requests to amend title 8, Petroleum Safety Orders - Refining, Transportation and Handling, section 6857(c)(1) to incorporate by reference the latest edition of American Petroleum Institute (API) 579, Fitness-for-Service assessment standard.

### **HYPERLINKS TO PETITION NO. 593 DOCUMENTS:**

**[PROPOSED PETITION DECISION](#)**

**[BOARD STAFF EVALUATION](#)**

**[CAL/OSHA EVALUATION](#)**

**[ORIGINAL PETITION \(RECEIVED 08/18/21\)](#)**

# Occupational Safety and Health Standards Board

**Business Meeting**  
**Legislative Update**

**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

SUMMARY OF CHANGES

**AB-2 Regulations: legislative review: regulatory reform. (2021-2022) No Update**

**AB-29 State bodies: meetings. (2021-2022) No Update**

**AB-62 Income taxes: credits: costs to comply with COVID-19 regulations. (2021-2022) No Update**

**AB-420 Public health: amusement parks and COVID-19. (2021-2022) No Update**

**AB-885 Bagley-Keene Open Meeting Act: teleconferencing. (2021-2022) No Update**

**AB-893 Emergency regulations: Division of Occupational Safety and Health: State Department of Public Health. (2021-2022) No Update**

**AB-1175 Division of Occupational Safety and Health: inspections and investigations: advance notice. (2021-2022) No Update**

**SB-831 Entertainment Productions: Firearms: Safety .(2021-2022)**

**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

<b>AB-2</b>	<b>AB-2 Regulations: legislative review: regulatory reform. (2021-2022)</b> (Fong)	
	Date	Action
	05/20/21	In committee: Held under submission.
	05/20/21	Joint Rule 62(a), file notice suspended.
	05/19/21	In committee: Set, first hearing. Referred to APPR. suspense file.
04/29/21	From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 28). Re-referred to Com. on APPR.	
<u>Summary:</u>		
<p>AB 2, as introduced, Fong. Regulations: legislative review: regulatory reform.</p> <p>The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires an agency, prior to submitting a proposal to adopt, amend, or repeal an administrative regulation, to determine the economic impact of that regulation, in accordance with certain procedures. The act defines a major regulation as a regulation, as specified, that will have an economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000, as estimated by the agency. The act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. The act provides that a regulation or an order of repeal of a regulation becomes effective on a quarterly basis, as prescribed, except in specified instances.</p> <p>This bill would require the office to submit to each house of the Legislature for review a copy of each major regulation that it submits to the Secretary of State. The bill would add another exception to those currently provided that specifies that a regulation does not become effective if the Legislature enacts a statute to override the regulation.</p> <p>The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.</p> <p>This bill would require each state agency to, on or before January 1, 2023, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the</p>		

**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

	<p>Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2024.</p>
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	<p>Board staff are monitoring this legislation to determine if regulatory action by the Board is called for.</p>
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**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

**AB-29 State bodies: meetings. (2021-2022)**  
 (Cooper and Rubio)

Date	Action
05/20/21	In committee: Held under submission.
04/21/21	In committee: Set, first hearing. Referred to APPR. suspense file.
04/12/21	From committee: Do pass and re-refer to Com. on APPR. (Ayes 22. Noes 0.) (April 8). Re-referred to Com. on APPR.

Summary:

AB 29, as introduced, Cooper. State bodies: meetings.

**AB-29**

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Board staff are monitoring this legislation for cost and impacts to its meeting requirements.

**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

<b>AB-62</b>	<b>AB-62 Income taxes: credits: costs to comply with COVID-19 regulations. (2021-2022)</b> (Gray)	
	<b>Date</b>	<b>Action</b>
	03/22/21	In committee: Hearing postponed by committee.
<p><u>Summary:</u></p> <p>AB 62, as introduced, Gray. Income taxes: credits: costs to comply with COVID-19 regulations.</p> <p>The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. Existing law requires any bill authorizing a new tax credit to contain, among other things, specific goals, purposes, and objectives that the tax credit will achieve, detailed performance indicators, and data collection requirements.</p> <p>This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2021, to a qualified taxpayer, as defined, in an amount equal to the total amount paid or incurred during the taxable year by the qualified taxpayer to comply with the regulations adopted by the Occupational Safety and Health Standards Board on November 19, 2020, relating to COVID-19 prevention and approved by the Office of Administrative Law. The bill also would state the intent of the Legislature to comply with the additional information requirement for any bill authorizing a new income tax credit.</p> <p>This bill would take effect immediately as a tax levy.</p> <p>Board staff are monitoring this legislation for any potential impacts to its COVID-19 Emergency Temporary Standards.</p>		



**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

<b>AB-420</b>	<b>AB-420 Public health: amusement parks and COVID-19. (2021-2022)</b> (Quirk-Silva and Valladares)	
	<b>Date</b>	<b>Action</b>
	03/01/21	Re-referred to Com. on A.,E.,S.,T., & I.M..
	02/25/21	From committee chair, with author's amendments: Amend, and re-refer to Com. on A.,E.,S.,T., & I.M. Read second time and amended.
	02/25/21	Referred to Coms. on A.,E.,S.,T., & I.M. and L. & E.
	02/05/21	From printer. May be heard in committee March 7.
	02/04/21	Read first time. To print.
<u>Summary:</u>		
<p>AB 420, as introduced, Quirk-Silva. Public health: amusement parks and COVID-19.</p> <p>Existing law, the California Emergency Services Act, authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. Pursuant to this authority, on March 4, 2020, the Governor declared a state of emergency relating to the novel coronavirus 2019 (COVID-19) pandemic. On August 28, 2020, the executive branch implemented a 4-tier “Blueprint for a Safer Economy,” which identifies a county’s COVID-19 risk level for business operations on a scale from widespread risk to minimal risk. On October 20, 2020, the State Department of Public Health and the Division of Occupational Safety and Health issued a guidance document, “COVID-19 INDUSTRY GUIDANCE: Amusement Parks and Theme Parks,” which authorizes a small amusement park to operate at limited capacity when its county is in the moderate tier, and authorizes any other amusement park to operate at 25% capacity when its county is in the minimal tier.</p> <p>This bill would express the intent of the Legislature that the executive branch adjust the “COVID-19 INDUSTRY GUIDANCE: Amusement Parks and Theme Parks” document and place all amusement parks, regardless of size, within the moderate risk tier, rather than the minimal risk tier. If the executive branch takes those actions, the bill would require the Department of Industrial Relations to administer a competitive grant for amusement parks to be used by amusement parks to purchase personal protective equipment for their employees. The bill would appropriate \$500,000 from the General Fund for the grant program. The bill would also make related findings and declarations.</p> <p>Board staff are monitoring this legislation to determine if regulatory action by the Board is called for.</p>		

**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

**AB-885 Bagley-Keene Open Meeting Act: teleconferencing.(2021-2022)**  
 (Quirk)

Date	Action
03/25/21	Re-referred to Com. on G.O.
03/24/21	From committee chair, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
02/25/21	Referred to Com. on G.O.
02/18/21	From printer. May be heard in committee March 20.
02/17/21	Read first time. To print.

Summary:

AB 885, as amended, Quirk. Bagley-Keene Open Meeting Act: teleconferencing.

**AB-885**

The Bagley-Keene Open Meeting Act (Bagley-Keene Act), requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. The Bagley-Keene Act, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to make the portion of the meeting that is required to be open to the public audible to the public at the location specified in the notice of the meeting. The Bagley-Keene Act requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and requires each teleconference location to be accessible to the public. That law authorizes any meeting of a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to hold an open meeting by teleconference if the meeting complies with the requirements of the act, except as provided. Existing law requires that when a member of a multimember state advisory body participates remotely the body provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting. Existing law requires a multimember state advisory body to end or adjourn a meeting if it discovers that a required means of remote access has failed during the meeting, and, if the meeting is to adjourn and reconvene on the same day, that law requires the body to communicate, among other things, how a member of the public may hear audio of the meeting or observe the meeting.

This bill would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly

**Legislative Update**  
**Prepared January 7, 2022, for the January 20, 2022**  
**Meeting of the Occupational Safety and Health Standards Board**

and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would further require any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting. The bill would also make nonsubstantive changes to those provisions.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Board staff are monitoring this legislation for cost and impacts to its meeting requirements.

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**AB-893 Emergency regulations: Division of Occupational Safety and Health: State Department of Public Health. (2021-2022)**

(Davies)

Date	Action
02/25/21	Referred to Com. on A. & A.R.
02/18/21	From printer. May be heard in committee March 20.
02/17/21	Read first time. To print

Summary:

AB 893, as introduced, Davies. Emergency regulations: Division of Occupational Safety and Health: State Department of Public Health.

**AB-893**

Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations to adopt occupational health and safety standards to protect the welfare of employees. The Division of Occupational Safety and Health enforces occupational safety and health standards and orders.

Existing law establishes the State Department of Public Health, within the California Health and Human Services Agency, and vests the department with certain duties, powers, functions, jurisdiction, and responsibilities over specified public health programs.

Existing law, the Administrative Procedure Act, governs, among other things, the procedures for the adoption, amendment, or repeal of regulations, including emergency regulations, by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would require the Division of Occupational Safety and Health or the State Department of Public Health, within 14 calendar days of the release of a federal recommendation that conflicts with an emergency regulation related to COVID-19 issued by the division or the department, to review the conflicting emergency regulation and make a determination to either amend the regulation or submit a report to the Legislature on the decision not to amend the regulation, as specified. The bill would require the division or department, before determining whether to amend the emergency regulation, to provide public notice and an opportunity for public comment. The bill would repeal these provisions

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	<p>90 days after the termination of the state of emergency related to the COVID-19 pandemic declared by the Governor.</p> <p>This bill would declare that it is to take effect immediately as an urgency statute.</p> <p>Board staff are monitoring this legislation to determine if regulatory action by the Board is called for.</p>
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<b>AB-1175</b>	<b>AB-1175 Division of Occupational Safety and Health: inspections and investigations: advance notice. (2021-2022)</b>	
	(Aguiar-Curry)	
	Date	Action
	03/15/21	Re-referred to Com. on L. & E.
	03/11/21	From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.
	03/11/21	Referred to Com. on L. & E.
	02/19/21	From printer. May be heard in committee March 21.
02/18/21	Read first time. To print.	
	<u>Summary:</u>	
	<p>AB 1175, as amended, Aguiar-Curry. Division of Occupational Safety and Health: inspections and investigations: advance notice.</p> <p>Existing law, the California Occupational Safety and Health Act of 1973, vests the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over every employment and place of employment, which is necessary adequately to enforce and administer all laws and lawful standards and orders, or special orders requiring such employment and place of employment to be safe, and requiring the protection of the life, safety, and health of every employee in such employment or place of employment, including to inspect and investigate employments and places of employment, as prescribed. The Occupational Safety and Health Administration (OSHA), except as provided, prohibits a person or employer from being given advance warning of an inspection or investigation by any authorized representative of the division. OSHA authorizes the Chief of the Division of Occupational Safety and Health or an authorized representative to permit advance notice of an inspection or investigation as prescribed by the Director of Industrial Relations. OSHA prohibits the authorization of advance notice when the investigation or inspection is to be made as a result of an employee complaint, unless there is imminent danger to the health or safety of an employee or employees. OSHA makes it a crime, punishable as prescribed, for any person to give unauthorized advance notice of any inspection to be conducted.</p>	

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This bill would revise those advance warning provisions to prohibit any representative of the division from giving advance notice of an inspection or investigation to an employer or other person unless authorized under OSHA. The bill would authorize the chief or their authorized representatives to permit advance notice of an inspection or investigation when advance notice is necessary to ensure availability of essential personnel or access to the site, equipment, or process, as prescribed by the director. The bill would delete the prohibition on the authorization of advance notice when the investigation or inspection is to be made as a result of an employee complaint. The bill would expand the crime to apply to unauthorized advance notice of an investigation to be conducted, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Board staff are monitoring this legislation.

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**SB-831 Entertainment Productions: Firearms: Safety.(2021-2022)**

(Cortese)

Date	Action
01/04/22	From printer. May be acted upon on or after February 3.
01/03/22	Introduced. Read first time. To Com. on RLS. for assignment. To print.

Summary:

SB 831, as introduced, Cortese. Entertainment productions: firearms: safety.

Existing law grants the Division of Occupational Safety and Health, which is within the Department of Industrial Relations, jurisdiction over all employment and places of employment, with the power necessary to enforce and administer all occupational health and safety laws and standards. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state. Existing law, the California Occupational Safety and Health Act of 1973, requires employers to comply with certain standards ensuring healthy and safe working conditions, as specified, and charges the division with enforcement of the act. Other existing law relating to occupational safety imposes special provisions on certain industries and charges the division with enforcement of these provisions.

This bill would prohibit a live gun, functioning gun-like weapon, and blank ammunition containing gunpowder or other explosive charge on entertainment productions for certain purposes, including rehearsal, filming of an on-camera sequence, or other development of content, except under specified conditions. The bill would require a qualified armorer, prop or property master, or designee handling a firearm to have completed certain training in firearms and have a specified permit for the use of the firearm.

This bill would prohibit live ammunition, as defined, from being permitted on film, television, and commercial sets, except in limited circumstances, including while filming a reality television project that uses firearms and live ammunition and follows certain safety rules and laws. The bill would require an employer to ensure that any employee in proximity to the use of firearms on set completes a specific firearm training or equivalent training, as prescribed. The bill would establish exemptions from its provisions for specified registered security guards and peace officers.

This bill would require the division to enforce its provisions and, before July 1, 2023, to propose to the standards board, for its review and adoption on or before January 1, 2024, a

**SB-831**



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	<p>standard that protects the health and safety of entertainment production employees with regard to the storage, handling, and use of firearms, gun-like projectile weapons, and ammunition on set. The bill would require the division, in the development of the proposed safety standard, to consider and incorporate, to the extent feasible and consistent with the bill, the provisions of specified joint industry-labor safety bulletins. The bill would establish unspecified civil penalties for specified violations.</p> <p>Board staff are monitoring this legislation to determine if regulatory action by the Board is called for.</p>
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# Occupational Safety and Health Standards Board

## Business Meeting Executive Officer's Report