

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
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SUMMARY
PUBLIC MEETING AND BUSINESS MEETING
April 15, 2021
Teleconference in Sacramento, California

I. CALL TO ORDER AND INTRODUCTIONS

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., April 15, 2021, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-5726, via WebEx/teleconference, in accordance with Executive Orders N-29-20 and N-33-20.

ATTENDANCE

<u>Board Members Present at OSHSB Office</u>	<u>Board Members Absent</u>
Dave Thomas	NONE

Board Members Present via
Teleconference and/or Webex

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

Division of Occupational Safety and Health
Staff Present via Teleconference and/or
Webex

Board Staff Present at OSHSB Office
Christina Shupe, Executive Officer
Autumn Gonzalez, Chief Counsel
Michael Nelmida, Senior Safety Engineer
Sarah Money, Executive Assistant

Eric Berg, Deputy Chief of Health

Board Staff Present via Teleconference
and/or Webex

Mike Manieri, Principal Safety Engineer
Lara Paskins, Staff Services Manager
David Kernazitskas, Senior Safety
Engineer
Jennifer White, Regulatory Analyst

Others Present via Teleconference and/or Webex

Paul Dimeo, Aquarium of the Pacific	Andrew Solomon, California Science Center Foundation
George Peterson, Monterey Bay Aquarium	Helen Cleary, Phylmar Regulatory Roundtable
Christopher Moulton, Contract Services Administration Trust Fund	Sarah Wiltfong, Los Angeles County Business Federation
Darrell Smith, Daniel C. Salas Harvesting, Inc.	Alex Daniels, Stuntmen's Association of Motion Pictures
Michael Donlon	Maggie Robbins, Worksafe
Frank Belio, International Union of Elevator Constructors	Robert Moutrie, CA Chamber of Commerce
	Larry Hunt, LJR Holdings

II. PUBLIC MEETING

Mr. Thomas indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code section 142.2.

A. PUBLIC COMMENT

The following individuals commented during the public meeting. To read their testimony, please refer to the meeting transcript, which will be posted on the Board's website at www.dir.ca.gov/oshsb, as soon as it becomes available.

The following individuals commented in support of the proposal for Commercial and Technical Diving Operations:

- **Paul Dimeo, Aquarium of the Pacific**
- **Andrew Solomon, California Science Center Foundation**
- **George Peterson, Monterey Bay Aquarium**
- **Alex Daniels, Stuntmen's Association of Motion Pictures**
- **Chris Moulton, Contract Services Administration Trust Fund, speaking on behalf of the motion picture studios**

Helen Cleary, Phylmar Regulatory Roundtable, stated that revisions to the COVID-19 emergency temporary standards (ETS) are needed right away and asked for clarification on the process and the status of the ETS. **Maggie Robbins, Worksafe** and **Michael Donlon** echoed Ms. Cleary's comments.

Sarah Wiltfong, Los Angeles County Business Federation, stated that the Board needs to consider making revisions to the COVID-19 emergency temporary standard very soon to address the conflicts between various current regulations guidelines. Businesses also need guidance and direction for what will happen with the ETS when the state's economy reopens on June 15.

Darrell Smith, Daniel C. Salas Harvesting, Inc., stated that his organization hopes to see the COVID-19 ETS get revised as soon as possible and that their concerns regarding fully vaccinated employees, testing requirements and exclusion pay will be addressed in the new version.

Robert Moutrie, CA Chamber of Commerce, echoed the comments of Ms. Cleary, Ms. Wiltfong, and Mr. Smith.

B. ADJOURNMENT OF THE PUBLIC MEETING

Mr. Thomas adjourned the Public Meeting at 10:37 a.m.

III. **BUSINESS MEETING**

Mr. Thomas called the Business Meeting of the Board to order at 10:37 a.m., April 15, 2021, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726, via Webex/teleconference, in accordance with Executive Orders N-29-20 and N-33-20.

A. PROPOSED SAFETY ORDER FOR ADOPTION

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Sections 6051, 6056 and 6057
 Commercial and Technical Diving Operations

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board's consideration and vote.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Stock to adopt the proposal.

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

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Ms. Gonzalez stated that items A through J on the consent calendar are ready for the Board's decision on the question of adoption.

MOTION

A motion was made by Ms. Laszcz-Davis and seconded by Ms. Burgel to adopt the consent calendar.

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

C. REPORTS

1. Division Update

Mr. Berg provided updates on the proposals for indoor heat, workplace violence prevention in general industry, and the COVID-19 ETS readoption. To view a more detailed version of this update, please refer to the meeting transcript, which will be posted on the Board’s website at www.dir.ca.gov/oshsb, as soon as it becomes available.

Ms. Stock asked Mr. Berg when a new draft of the COVID-19 ETS readoption might be made available for public comment. **Mr. Berg** stated that he is unsure when it will be made available, but the Division will work with the Board staff to figure out the exact timing. He said that the Division hopes to have it ready in time for the May 20 Board Meeting. **Ms. Shupe** stated that the Board staff does not have the draft, and in order to have it in time to put the COVID-19 ETS readoption on the May agenda, the Board staff will need to receive it by next Wednesday, April 21.

Ms. Laszcz-Davis stated that it does not appear a version of the COVID-19 ETS that has been reviewed and vetted by the public will be in place by the June 15 reopening, and if that is the case, she asked what guidance will be available to employers. **Mr. Berg** stated that the Division hopes to have it ready in time for the Board to consider at the May Board Meeting. **Ms. Shupe** explained that if the Board staff receives the draft language in time to put the proposal on the May agenda, the public will have an opportunity to review the language before the Board votes. If the Board votes to adopt the proposal, it would then be sent to the Office of Administrative Law and would become effective upon filing. That timeframe would be pushed back if the Board recommends making additional revisions to the proposal.

Mr. Harrison congratulated Doug Parker on his nomination by President Joe Biden to federal OSHA. **Ms. Burgel** asked Mr. Berg when the Senate confirmation hearings are going to take place. **Mr. Berg** stated that nothing has been scheduled yet.

2. Legislative Update

Ms. Gonzalez provided updates on AB 257, AB 885 and AB 1291. To view a more detailed version of this update, please refer to the meeting transcript, which will be posted on the Board’s website at www.dir.ca.gov/oshsb, as soon as it becomes available.

3. Executive Officer’s Report

Ms. Shupe stated that Jennifer Bailey and Amalia Neidhardt will be joining the Board staff as senior safety engineers on Monday, April 19.

D. NEW BUSINESS

1. Future Agenda Items

No future agenda items were mentioned.

Mr. Harrison thanked the Board staff and Mr. Dimeo for their work on the standard for commercial and technical diving operations.

Mr. Thomas thanked John Gotcher and his staff at TKO for their work in helping to facilitate the Board's virtual meetings. He said that having the virtual attendance option has allowed a lot more people to participate in the Board's meetings. He hopes that virtual attendance to meetings will still be an option even when in-person Board Meetings resume.

E. CLOSED SESSION

Pursuant to Government Code sections 11126(e)(1) and 11126(a)(1), the Board conferred with counsel regarding the pending litigation matters listed on the agenda and consideration of personnel matters. Closed Session began at 10:56 a.m.

F. RETURN TO OPEN SESSION

1. Report on any Closed Session Action

Open session resumed at 11:22 a.m. During Closed Session, the Board discussed the Executive Officer's position and voted to grant Mr. Thomas the authority to address the Executive Officer's compensation with the Department of Industrial Relations (DIR).

G. ADJOURNMENT OF THE BUSINESS MEETING

Mr. Thomas adjourned the Business Meeting at 11:23 a.m.