

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
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SUMMARY
PUBLIC MEETING AND BUSINESS MEETING
February 18, 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., February 18, 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.

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

Pamela Murcell, CA Industrial Hygiene Council	Michael Donlon, Construction Employers Association
Robert Moutrie, CA Chamber of Commerce	Bruce Wick, Housing Contractors of CA
Louie Costa, Sheet Metal Air Rail Transportation (SMART) - Transportation Division	Bryan Little, CA Farm Bureau Federation
	Kevin Bland, Ogletree Deakins
	Maggie Robbins, Worksafe

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 transcript which will be posted on the Board's website at www.dir.ca.gov/oshsb, as soon as it becomes available.

Pamela Murcell, CA Industrial Hygiene Council, commented in support of the COVID-19 ETS advisory committee that took place on February 11, 12 and 16, 2021. She also commented in support of the proposed petition decision for petition 581 which recommends denying the petition.

The following individuals also commented in support of the COVID-19 ETS advisory committee:

- **Bryan Little, CA Farm Bureau Federation**
- **Robert Moutrie, CA Chamber of Commerce**
- **Bruce Wick, Housing Contractors of CA**
- **Kevin Bland, Ogletree Deakins**
- **Maggie Robbins, Worksafe**

Louie Costa, Sheet Metal Air Rail Transportation (SMART) - Transportation Division, commented in support of the proposed decision for petition 581.

B. ADJOURNMENT OF THE PUBLIC MEETING

Mr. Thomas adjourned the Public Meeting at 10:21 a.m.

III. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 10:21 a.m., February 18, 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 PETITION DECISION FOR ADOPTION

1. Louie Costa, Director
California State Legislative Board
SMART Transportation Division

Ryan K. Snow, Chairman
California State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Petition File No. 581

Petitioners request to amend title 8 to ensure the safety and health of rail and transit carrier workers in California against the spread of the COVID-19 virus.

Ms. Shupe summarized the history and purpose of petition 581 and stated that the proposed decision is to deny the petition.

MOTION

A motion was made by Ms. Stock and seconded by Mr. Harrison to deny the petition.

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 X on the consent calendar are ready for the Board's decision on the question of adoption.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Laszcz-Davis 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 following projects. To view a more detailed update, please refer to the transcript which will be posted on the Board's website at www.dir.ca.gov/oshsb, as soon as it becomes available.

- COVID-19 Prevention Emergency Temporary Standard (ETS)
- Lead in Construction and General Industry
- Indoor Heat

Ms. Stock asked Mr. Berg if he had any further updates on the proposal for workplace violence prevention in general industry. **Mr. Berg** stated that the project is still on their list, but it hasn't been worked on in a long time because they have been working on the COVID-19 ETS.

2. Legislative Update

Ms. Gonzalez provided an update on AB 701. To view a more detailed version of this update, please refer to the 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 the Board staff attended the Division's advisory committee meeting for the COVID-19 ETS on February 11, 12 and 16.

At next month's meeting, the Board will consider a proposed decision for petition 584.

D. NEW BUSINESS

1. Future Agenda Items

Ms. Laszcz-Davis asked about the timeline for assimilating the information gathered during the advisory committee meeting for the COVID-19 ETS, making revisions to the standard and releasing a new draft. **Mr. Berg** stated that the Division is accepting comments in response to the advisory committee until March 2 and the Division hopes to finish revisions to the draft by the end of March. After the draft is reviewed, the Division hopes to get it to the Board for consideration as soon as possible.

Ms. Stock stated that she would like to get a report from the Division regarding enforcement activities related to COVID-19, especially regarding the impact that the COVID-19 ETS is having on enforcement actions and how things are going with implementing the regulation.

E. CLOSED SESSION

The need did not develop for the Board to hold a Closed Session at this time.

F. ADJOURNMENT OF THE BUSINESS MEETING

Mr. Thomas adjourned the Business Meeting at 10:34 a.m.