

## OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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### SUMMARY PUBLIC MEETING AND BUSINESS MEETING January 16, 2020 San Diego, California

#### I. PUBLIC MEETING

##### A. 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., January 16, 2020, in Room 358 of the County Administration Center, San Diego, California.

##### ATTENDANCE

##### Board Members Present

Dave Thomas  
Barbara Burgel  
Nola Kennedy  
Chris Laszcz-Davis  
Laura Stock

##### Board Members Absent

Dave Harrison

##### Board Staff

Christina Shupe, Executive Officer  
Mike Manieri, Principal Safety Engineer  
Peter Healy, Legal Counsel  
Lara Paskins, Staff Services Manager  
David Kernazitskas, Senior Safety Engineer  
Sarah Money, Executive Assistant

##### Division of Occupational Safety and Health

Eric Berg, Deputy Chief of Health

##### Others Present

Dan Leacox, Leacox & Associates  
Amber Aviles, ACG-CA  
Steve Johnson, Walters & Wolf  
Derek Engard, Federal OSHA  
Jack Gastil, Elevator Constructors Union  
Jay Weir, AT&T  
Mark Wickens, DOSH Elevator Unit  
Mark Stone, Alliant Insurance Services  
Brian Heramb, San Diego Gas & Electric

Kevin Thompson, Cal/OSHA Reporter  
Gail Blanchard-Saiger, CHA  
Gloria Chan, CIHC  
Reese Fortin, Sundt Construction  
Augustin Eichwald-Romero, Worksafe  
Jamie Carlile, SCE  
James Mackenzie, SCE  
Alicia Morrell, Littler Mendelson  
Chris Molton Contract Services

##### B. PUBLIC MEETING COMMENTS

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.

**Augustin Eichwald-Romero, Worksafe**, commented in support of the proposal regarding Employee Access to Injury and Illness Prevention Program.

**Dan Leacox, Leacox & Associates**, commented in support of the proposal regarding Employee Access to Injury and Illness Prevention Program.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:06 a.m.

**II. BUSINESS MEETING**

Mr. Thomas called the Business Meeting of the Board to order at 10:06 a.m., January 16, 2020, in Room 358 of the County Administration Center, San Diego, California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8:     **GENERAL INDUSTRY SAFETY ORDERS**  
                  Section 3203  
                  **Employee Access to Injury and Illness Prevention Program**

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 Ms. Stock and seconded by Ms. Laszcz-Davis that the Board adopt the proposal.

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

B. PROPOSED PETITION DECISIONS FOR ADOPTION

1. Richard Manuel, Safety Director  
Lancaster Burns Construction, Inc.  
**Petition File No. 578**

Petitioner requests amendment to the Construction Safety Orders, Section 1710(1), to clarify to employers when the use of barrier planking is required as a means for preventing workers from falling through floor openings during multi story high rise steel erection through use of an exception to subsection (1).

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

MOTION

A motion was made by Ms. Laszcz-Davis and seconded by Ms. Stock that the Board deny the petition as proposed.

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

C. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated he is aware of no unresolved procedural issues regarding items A-L on the consent calendar, and he believes that those items are ready for the Board’s decision on the question of adoption. He also said that the Board was served a new copy of the proposed decision for item F on the consent calendar (Otis Gen2S Elevators (Group IV)) that contained a clerical correction on page 2 of the decision, but the correction did not change the substance of the decision.

MOTION

A motion was made by Ms. Stock 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.

D. OTHER

1. Legislative Update

Mr. Healy had no update to provide because the legislature reconvened only recently, and they are still assessing what is developing in this session. A thorough update will be provided at next month’s meeting.

2. Executive Officer’s Report

Ms. Shupe reported that DIR has begun a long term accessibility update on its website, and the documents housed on it, to bring it into compliance with Government Code Sections 7405 and 11135. As a result, many older rulemaking documents listed on the Board’s website will be archived and no longer available online. The Board staff is carefully reviewing these documents before they are archived, and none of the Board’s proposed, recently adopted, or otherwise active documents will be affected. Archived documents will still be available to the public via the public records officer.

Ms. Shupe stated that Jacqueline Lowe has joined the Board staff as a retired annuitant. She also said that the agenda for next month’s meeting contains the following items:

- A public hearing on proposals pertaining to Commercial Diving Operations and a Horcher proposal regarding technical corrections to Section 5189
- Adoption items pertaining to a proposal regarding Outdoor Agricultural Operations During Hours of Darkness and a Horcher proposal pertaining to Cranes and Derricks in Construction: Operator Qualification

3. Future Agenda Items

No future agenda items were mentioned.

E. CLOSED SESSION

Pursuant to Government Code Sections 11125.4(a)(1), the Board conferred with counsel regarding pending litigation. Closed Session began at 10:22 a.m.

F. RETURN TO OPEN SESSION

1. Report on any Closed Session Action

Closed session ended at 11:37 a.m. No action was taken during the Closed Session.

G. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 11:44 a.m.