

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**SUMMARY**  
**PUBLIC MEETING AND BUSINESS MEETING**  
**October 18, 2018**  
**Sacramento, 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 10:02 a.m., October 18, 2018, in the Auditorium of the State Resources Building, Sacramento, California.

**ATTENDANCE****Board Members Present**

Dave Thomas  
Barbara Burgel  
Chris Laszcz-Davis  
Dave Harrison  
Barbara Smisko  
Laura Stock

**Board Members Absent****Board Staff**

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

**Division of Occupational Safety and Health**

Eric Berg, Deputy Chief of Health

**Others Present**

Peter McDonald  
Michael Hall, Pacific Maritime Association  
Dan Leacox, Leacox & Associates  
Jay Weir, AT&T  
Saskia Kim, CA Nurses Association  
Kevin Thompson, Cal/OSHA Reporter  
Christina Shupe  
Marvin Pineda, ILWU Locals 13, 63, 94  
Marti Fisher, CalChamber

Elizabeth Fleming  
Larry Wong, UC Office of the President  
Michael Musser, CA Teachers Association  
Elizabeth Treanor, PRR  
Bryan Little, CA Farm Bureau  
Steve Johnson, Walters & Wolf  
Pamela Murcell, CA Industrial Hygiene  
Council

Mr. Thomas introduced the Board's newest member, Barbara Burgel, and administered the Oath of Office. He also announced that Marley Hart has returned to the Board staff as a retired annuitant, and as a result, Mr. Manieri will no longer be serving as Acting Executive Officer, but will be returning to his duties as Principal Safety Engineer. He thanked Mr. Manieri for his willingness to serve as Acting Executive Officer at today's meeting and over the last 2 months.

**B. OPENING 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.

**Dan Leacox, Leacox & Associates, representing the National Elevator Industry, Inc.**, stated that the upcoming Group V Elevator Safety Orders rulemaking package is very controversial and contains over 80 pages of modifications to the model code. He said that this is a component of the construction standard, and all aspects of it except for this one are being dealt with by the Building Standards Commission. He stated that this aspect of it was moved to the Standards Board for rulemaking in 2002. He said that building codes evolve rapidly, and this one was developed by the American Society of Mechanical Engineers (ASME). He stated that Building Standards Commission updates their codes every 2 years and makes very few changes to them, and the ASME standard changes every 3 years. He said that the ASME standard has been adopted in several jurisdictions nationwide either as is or with very few changes, so the fact that California is looking to do a big rewrite of these standards is problematic. He stated that the current Group IV elevator code is a slightly modified version of the 2004 code, and the 2004 code has been modified 5 times since then, and by the time the Group V standard comes before the Board at a public hearing, the 2004 code will have been modified a 6<sup>th</sup> time. He said that the proposed Group V language is a modification of the 2013 code, and it was revised in 2016 and will be revised again in 2019. He stated that there are many things that cause the model codes to change, so it is not a good idea for California to do its own thing. He said that the codes are reviewed by many people, including engineers, manufacturers, and consultants, and if California continues to go its own way, it will create a huge problem every time the standard needs to be updated.

**C. ADJOURNMENT**

Mr. Thomas adjourned the public meeting at 10:13 a.m.

**II. PUBLIC HEARING**

Mr. Thomas called the Public Hearing of the Board to order at 10:13 a.m., October 18, 2018, in the Auditorium of the State Resources Building, Sacramento, California.

Mr. Thomas opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8:      **GENERAL INDUSTRY SAFETY ORDERS**  
Section 3389(a)  
**Life Rings and Personal Flotation Devices (PFD) in Marine  
Terminal Operations**

Mr. Manieri summarized the history and purpose of the proposal, as set out in the Informative Digest Notice, and indicated that the proposal is ready for the Board's consideration and the public's comment.

**Michael Hall, Pacific Maritime Association**, stated that his organization has no opposition to this proposal, and he hopes that the Board will move forward with this proposal as soon as possible.

A.      ADJOURNMENT

Mr. Thomas adjourned the Public Hearing at 10:18 a.m.

**III. BUSINESS MEETING**

Mr. Thomas called the Business Meeting of the Board to order at 10:18 a.m., October 18, 2018, in the Auditorium of the State Resources Building, Sacramento, California.

A.      PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated he is aware of no unresolved legal or procedural issues regarding items A-M on the consent calendar, and he believes that those items are ready for the Board's decision on the question of adoption.

MOTION

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

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

B.      OTHER

1. Legislative Update

Mr. Healy stated that both AB 1761 and AB 2934 died in the suspension file with the Appropriations Committee, so none of the bills that the Board staff was tracking this session advanced to the Governor.

2. Executive Officer's Report

Mr. Manieri congratulated Ms. Burgel on her appointment to the Board. He said that she has been appointed by the Governor to the Board's occupational health position.

Mr. Manieri stated that Marley Hart returned to the Board staff as a retired annuitant and special consultant on September 26. He said that she will take on many of the roles that she had as Executive Officer, she will continue to help train Ms. Paskins in her role as Staff Services Manager I, and will assist with the transition to a new Executive Officer as soon as one is hired. Mr. Manieri said that he will continue with his duties as Principal Safety Engineer and will provide backup assistance to Ms. Hart when needed.

Mr. Manieri stated that although discussion on Ms. Stock's request to learn more about the Division's position regarding federal OSHA's proposed regulations for employers regarding electronic reporting of injuries and accidents was not placed on today's agenda, if the Board's desire, the Board can have Mr. Berg can briefly state what has transpired regarding this issue. He also stated that if it is the Board's desire, this can be placed on the agenda for the Board to discuss at a future meeting. He said that the Division has developed emergency regulations to address this issue and will be filing them with the Office of Administrative Law (OAL) tomorrow, and the Division's legal unit is directing people to go to OAL's website for further information and to the Division's website to view the rulemaking documents.

Mr. Manieri stated that the dates for the 2019 Board Meeting schedule have been determined, and the meetings will continue to be held on the third Thursday of every month. He said that the meeting locations are still being determined, and Ms. Money is checking with location representatives to verify their availability. He stated that the only date that may create a conflict is February 21, which is during the President's Day holiday week. He asked the Board Members to let the Board staff know if they have any conflicts with any of the dates.

Mr. Manieri stated that he received a request from the Occupational Safety and Health Appeals Board to give a presentation to the administrative law judges about the Board's work. He said that the Board staff has already developed a Power Point presentation containing this information and presented it to labor and management groups, so the Board staff is more than happy to do it for the administrative law judges at the Appeals Board. He stated that it will most likely be done in December at the Appeals Board's office. **Ms. Stock** stated that she would like to see the Power Point presentation. **Mr. Manieri** stated that he will look into getting a copy of the presentation for Ms. Stock.

**Ms. Stock** stated that she wanted to hear more from the Division regarding federal OSHA's proposed regulations for electronic reporting of accidents and injuries. She said that she wanted to hear more about the Division's position on the matter and how it differs from, or is commensurate with, what is happening on the federal level. **Mr. Berg** stated that the Division published a notice of regulatory action on October 10, 2018 regarding this, and on October 19, 2018, an emergency regulation will be filed with the Office of Administrative Law. He said that this regulation is the same as the federal regulation because it requires employers with 250 or more employees to submit the Form 300A electronically by December 31, 2018.

**Mr. Harrison** asked if the Division had any further updates on rulemakings and advisory committees. **Mr. Berg** provided the following updates:

Indoor Heat Illness: The Division is working on updating and republishing the text so that it can get more comments.

Lead: The Division is finalizing the standardized regulatory impact analysis (SRIA) and the economic assessment.

Antineoplastic Drugs: The Division is working on the economic impact analysis.

Permissible Exposure Limits (PEL's): The Division is continuing to hold regular meetings and develop PEL's based upon the health effects and economic impacts. The Division is also working on rulemakings to address these, which takes much longer.

**Ms. Stock** asked Mr. Berg for a more specific timeframe regarding the proposals for indoor heat illness prevention and workplace violence prevention in general industry. She said that she is especially concerned about making sure that the proposal for workplace violence prevention in general industry continues to move forward because it does not have a legislatively-mandated deadline. **Mr. Berg** stated that the Division does not have any specific dates by which things will happen for either of those proposals, but for the proposal regarding workplace violence prevention in general industry, he said that the Division has almost completed new draft language. He said that within the next month or two, the draft should be completed and sent out to stakeholders for comment.

### 3. Future Agenda Items

No future agenda items were mentioned by the Board.

#### C. CLOSED SESSION

Mr. Healy stated that as events have unfolded, it turned out not to be necessary to go into closed session.

#### D. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:32 a.m.