

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY & HEALTH STANDARDS BOARD

PUBLIC MEETING AND BUSINESS MEETING

In the Matter of:)
February 18, 2021 OSH)
Standards Board Meeting)
_____)

TELECONFERENCE

*PLEASE NOTE: In accordance with Executive Order N-29-20, and Executive Order N-33-20, the
February Board Meeting will be conducted via teleconference.*

THURSDAY, FEBRUARY 18, 2021

10:00 A.M.

Reported by:
Elise Hicks

APPEARANCES

BOARD MEMBERS:

David Thomas, Chair
Barbara Burgel, Occupational Health Representative
Kathleen Crawford, Management Representative
Dave Harrison, Labor Representative
Nola Kennedy, Public Member
Chris Laszcz-Davis, Management Representative
Laura Stock, Occupational Safety Representative

BOARD STAFF PRESENT AT OSHSB OFFICE IN SACRAMENTO:

Christina Shupe, Executive Officer
Autumn Gonzalez, Chief Counsel
Sarah Money, Executive Assistant
Michael Nelmda, Sr. Safety Engineer

BOARD STAFF PRESENT VIA TELECONFERENCE AND/OR WEBEX:

Michael Manieri, Principal Safety Engineer
Lara Paskins, Staff Services Manager
David Kernazitskas, Sr. Safety Engineer
Jennifer White, Regulatory Analyst

DIVISION STAFF PRESENT VIA TELECONFERENCE AND/OR WEBEX:

Eric Berg, Deputy Chief of Health

TKO STAFF:

John Gotcher, TKO
John Roensch, TKO
Maya Morsi, TKO
Michael Howard, TKO

INTERPRETERS:

Susana Haikalis
Estella Moll
Patricia M. Hyatt

APPEARANCES (Cont.)

PUBLIC COMMENT:

Pamela Murcell, California Industrial Hygiene Council

Bryan Little, California Farm Bureau

Rob Moutrie, Cal Chamber

Louie Costa, SMART Transportation

Bruce Wick, Housing Contractors of California

Kevin Bland, Ogletree Deakins

Maggie Robbins, Worksafe

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<p>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).).</p>	

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Next Meeting: March 18, 2021
 Teleconference and Video-conference
 (In accordance with Executive Orders N-29-20 and
 N-33-20)
 10:00 a.m.

Reporter's Certificate	25
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1 PROCEEDINGS

2 FEBRUARY 18, 2021

10:00 a.m.

3 CHAIR THOMAS: Good morning. This meeting of the Occupational Safety
4 and Health Standards Board is now called to order. I am Dave Thomas, Chairman, and
5 the other Board Members present today are Ms. Barbara Burgel, Occupational
6 Health Representative; Ms. Kathleen Crawford, Management
7 Representative; Mr. David Harrison, Labor Representative; Ms. Nola
8 Kennedy, Public Member; Ms. Chris Laszcz-Davis, Management
9 Representative; and Ms. Laura Stock, Occupational Safety
10 Representative.

11 Also present from our staff for today's meeting are Ms.
12 Christina Shupe, Executive Officer; Ms. Autumn Gonzalez, Chief Counsel;
13 Ms. Sarah Money, Executive Assistant; and Mr. Michael Nelmidia, Senior
14 Safety Engineer, who is providing technical support.

15 Supporting the meeting remotely are Mr. Michael Manieri,
16 Principal Safety Engineer; Ms. Lara Paskins, Staff Services Manager; Mr.
17 David Kernazitkas, Senior Safety Engineer; and Ms. Jennifer White,
18 Regulatory Analyst.

19 Via teleconference, we are joined today by Mr. Eric Berg,
20 Deputy Chief of Health, representing the Division of Occupational Safety
21 and Health.

22 If you have not already done so, we ask that you email
23 oshbsb@dir.ca.gov to provide your name and contact information, which
24 will become a part of the official record of today's proceedings. Today's
25 agenda and other materials related to today's proceedings are posted on

1 the OSHSB website.

2 In accordance with the Executive Orders N-29-20 and N-33-
3 20 the February Board Meeting will be conducted via teleconference,
4 with an optional video component.

5 This meeting is also being live broadcast via video and audio
6 stream in both English and Spanish. Links to these non-interactive live
7 broadcasts can be accessed via the “What's New” section at the top of
8 the main page of the OSHBSB website.

9 We have limited capabilities in managing participation during
10 public comment periods, so we’re asking everyone who is not speaking to
11 place their phones on mute and wait to unmute until they are called
12 upon to speak.

13 As reflected on the agenda, today’s meeting consists of two
14 parts. First, we will hold a public meeting to receive public comments or
15 proposals on occupational safety and health matters. Anyone who would
16 like to address any occupational safety and health issues, including any
17 of the items on our business meeting agenda, may do so at that time.
18 Members of the public who have contacted staff, either by email or
19 phone, and asked to be placed in the public comment queue, will be
20 called on in turn. Additionally, those joining via WebEx may ask to join
21 the queue via the chat function.

22 The WebEx chat function is monitored exclusively by staff
23 and is only available to send requests to join the public comment queue.
24 It is not a method for providing public comments to Board Members.
25 Board Members will not consider or respond to any messages delivered

1 via the chat function, nor will such comments become part of the
2 official rulemaking record.

3 Please listen for your name and an invitation to speak before
4 addressing the Board, and please remember to mute your phone or
5 computer after commenting. After everyone in the queue has been
6 provided an opportunity to speak, we will then open public comment to
7 anyone on the call who was not able to enter the queue. If you wish to
8 speak more than once, please contact staff and have your name placed
9 back in the queue.

10 Board staff can be contacted by email at oshbsb@dir.ca.gov
11 or via phone at 916-274-5721 to be placed in the comment queue. If you
12 experience a busy signal or are routed to voicemail, please hang up and
13 call again.

14 After the public meeting has concluded, we will conduct the
15 second part of the meeting, which is the business meeting to act on
16 those items listed on the business meeting agenda. The Board does not
17 accept public comment during its business meeting unless a member of
18 the Board specifically requests public input.

19 We will now proceed with the public meeting. Anyone who
20 wishes to address the Board regarding matters pertaining to occupational
21 safety and health is invited to comment, except however, the Board does
22 not entertain comments regarding variance decisions. The Board's
23 variance hearings are administrative hearings where procedural due
24 process rights are carefully preserved. Therefore, we will not grant
25 requests to address the Board on variance matters.

1 At this time, anyone who would like to comment on any
2 matters concerning occupational safety and health will have an
3 opportunity to speak.

4 For our commenters who are native Spanish speakers, we are
5 working with an interpreter, Susan Haikalis, to provide a translation of
6 their statements into English for the Board.

7 At this time, Ms. Haikalis will provide instructions to the
8 Spanish-speaking commenters so they are aware of the public comment
9 process for today's meeting. So, Ms. Haikalis, you may go ahead.

10 [Introductions and Public Comment Instructions
11 Provided in Spanish.]

12 CHAIR THOMAS: Thank you, Ms. Haikalis.

13 Mr. Gotcher, do we have any commenters in the queue?

14 MR. GOTCHER: Our first commenter is Pamela Murcell from the
15 California Industrial Hygiene Council.

16 CHAIR THOMAS: Pamela, can you hear us?

17 MS. MURCELL: I can. Hopefully, you can hear me as well?

18 CHAIR THOMAS: Yes we can. Go right ahead.

19 MS. MURCELL: Thank you, Chairman Thomas. This is Pamela Murcell
20 with the California Industrial Hygiene Council. Just a couple of very brief comments this
21 morning.

22 The first one is to express on behalf of the CIHC our thanks at being a
23 party to the COVID ETS **advisory committee** meetings. I want to thank the Standards
24 Board, but in particular the Division, and Chief Parker and Deputy Chief Berg for the
25 experience, for what I felt was a very productive and informative use of our time. It was

1 incredibly well run and the dialogue that we were able to generate, even via the virtual
2 platform, was very appreciated. So, I wanted to express our thanks for that opportunity
3 and look forward to the revised regulations that come out of that process.

4 Also, I just wanted to make a brief comment on the proposed petition
5 581 decision that's on the business meeting docket for today. The CIHC would support
6 the proposed decision to deny that petition basically for the reasons that are stated in
7 the proposed decision documents. Essentially now, with the COVID ETS, this is really no
8 longer necessary, as those workers are covered by the COVID ETS.

9 Thank you, appreciate everyone's time today.

10 CHAIR THOMAS: Thank you, Pamela.

11 John, who do we have next in the queue?

12 MR. GOTCHER: Our next commenter is Bryan Little and I do not have an
13 affiliation for him.

14 CHAIR THOMAS: Bryan, can you hear us?

15 MR. LITTLE: I can. Can you hear me?

16 CHAIR THOMAS: Yes. Yes, we can go right ahead.

17 MR. LITTLE: I'm sorry, I was getting the blue circle of death from
18 Microsoft there for a minute and I wasn't sure if I was on or not.

19 Bryan Little with California Farm Bureau. I participated in the COVID-19
20 ETS advisory committee on Thursday, Friday and Tuesday and am grateful the role that
21 the Standards Board and staff played in that because I think that it was a very
22 constructive exercise. Had a lot of opportunities to talk about things that needed to be
23 addressed. The nature of the emergency regulation was such that it was done quickly
24 and there were things that needed to be ironed out, shall we say.

25 And I think that the agency's looking at some important changes to the

1 regulation and I think that's encouraging. I think there are a few things that probably
2 need to continue to be revisited and we will be submitting comments to address some
3 of those things.

4 And just wanted to close by saying that -- to offer some good news and
5 some (indiscernible) light at the end of the tunnel which is that our daily case rate
6 averages have dropped about two-thirds, maybe more than that, depending on how you
7 do the math. I was a poli sci major so I can't do math to save my life. But it's a
8 substantial drop since late December. Hopefully that's an indication there's light at the
9 end of the tunnel that isn't a train. So, I just wanted to share that bit of good news and
10 thank you for all of your efforts with the ETS advisory committee. Thank you.

11 CHAIR THOMAS: Thank you. Who do we have next in the queue, John?

12 MR. GOTCHER: There are no further commenters in our queue right
13 now, but we are expecting some late submissions.

14 CHAIR THOMAS: All right. So, if you have not put yourself in the queue,
15 please call in and get yourself put in the queue. We'll wait a few minutes to see who
16 comes on board. John, just let me know when you have someone.

17 MR. GOTCHER: Sure. So, I just got word that we aren't receiving any
18 additional requests at the moment.

19 CHAIR THOMAS: All right.

20 MS. SHUPE: At this time, do we have anyone on the meeting who was
21 unable to join the queue, who would like to address the Board?

22 MR. GOTCHER: Okay, we just got one. Our next commenter is Rob
23 Moutrie.

24 CHAIR THOMAS: Rob, are you with us?

25 MR. MOUTRIE: Yes, I am. Can everyone hear me okay?

1 CHAIR THOMAS: Yeah, go right ahead, Rob.

2 MR. MOUTRIE: Thank you. Good morning everyone. Hope you're all
3 safe.

4 So, echoing the prior two commenters, the Cal Chamber was able to
5 participate in this call over the last Thursday, Friday and Tuesday regarding some
6 updates to the regulation. And again, I'd like to echo the thanks to Division staff. They
7 were very thorough. The discussions were productive, I think, on all sides. We had
8 some agreement on a couple of points between management and labor, which was very
9 nice to see, and a very productive discussion.

10 I expect you may have heard this through the vine, but I'll just say that
11 we're hoping that that -- at least on my side, we're hoping that can get to you all within
12 the next couple of months and those changes can be made, because some of them I
13 think will really improve the effectiveness and the clarity of the reg in productive ways.
14 So, hopefully, you'll be seeing it soon. Thank you.

15 CHAIR THOMAS: Thank you, Rob.

16 John, do we have anybody else waiting?

17 MR. GOTCHER: There are no further commenters in our queue.

18 CHAIR THOMAS: Is there anybody else that is in the meeting that would
19 like to make a comment?

20 MR. COSTA: Mr. Chairman, this is Louie Costa with SMART
21 Transportation Division. Can you hear me okay?

22 CHAIR THOMAS: Yeah.

23 MR. COSTA: Okay, we were -- I'm one of the original petitioners of 581
24 and I just wanted to say that it was -- the petition was submitted prior to the petition
25 that eventually became the emergency temporary standards. And we're comfortable

1 with the Board's decision and believe that all of our issues were addressed in the
2 emergency temporary standard.

3 CHAIR THOMAS: Thank you. Is that the extent of your comments?

4 MR. COSTA: That is the extent. Thank you, sir.

5 CHAIR THOMAS: Thank you very much.

6 Is there anybody else that's with us on WebEx that would like to
7 comment?

8 MR. GOTCHER: Yeah, our next commenter is Bruce Wick.

9 CHAIR THOMAS: Bruce.

10 MR. WICK: Good morning Chair Thomas, Board Members, Bruce Wick
11 with the Housing Contractors of California. I just want to augment the comments made
12 by Bryan Little and Rob Moutrie.

13 We were very thankful and appreciate all the work to create, because it is
14 extra work to create an advisory committee made of representatives who can then
15 dialogue, sort of, together. And it was harder, you know, virtually, than typically when
16 we're sitting around a table able to really, you know, dig into issues. But it was very
17 effective, much better than the Division meetings where people are, you know, giving
18 comments. Large numbers of people and you can't really dialogue about the
19 comments. This was very improved.

20 So, I hope the Board will recommend to the Division, whenever they are
21 holding an advisory committee, to take the extra time, like was done. You know, for
22 those of us who weren't part of the committee, we knew, you know, there will be
23 representatives of your group. I've been on many committees and represented others,
24 and this time could only watch. But I knew the people representing the employer side
25 were having real good dialogue with those, you know, on the occupational safety and

1 health side, the worker advocates, the labor advocates. It was very, very improved.

2 So, just encourage continue to do that whenever we are doing either a
3 combined sort of advisory or the Division is doing it. This was much improved. And we
4 can gain more ground and feel like everybody got their voices heard. So, just wanted to
5 say thank you for all the work involved.

6 CHAIR THOMAS: Great, thank you Bruce. And I'm really happy to hear
7 that. I know we've got a lot of comments that the advisory committee went well and
8 we're very happy that it did. We want everybody to be able to make their comments
9 and feel like they have an exchange so that the ideas get across.

10 I think, I just got a note from Kevin Bland. Are you there, Kevin? Would
11 you like to speak?

12 MR. BLAND: Yes. I'm sorry, I almost said yes, your honor. I've been on
13 too many calls.

14 Thank you, Chairman, and Board Members and staff. Just briefly, I mean,
15 I don't want to keep repeating. But we repeat bad things sometimes, so it's kind of nice
16 maybe to hear good things. And I echo the comments of the previous speakers. Been
17 through a lot of Division advisory committees and by far, this one was leaps and bounds
18 above the others. I know it was a long haul of three solid days, but we feel that it was
19 productive.

20 We appreciate -- I was fortunate enough to be a member of it. So, I
21 thank the Board and the Division for including me in that as a member. And I'd like in
22 particular, as far as the Board goes, to thank Christina Shupe for her involvement. I
23 found that she was very helpful in guiding some of the procedural issues that came up
24 during the meeting and I was very appreciative. So, just a thank you. We're looking
25 forward to seeing what the results are in the edits to the emergency standard and

1 discussing what we're going to do with timing of adoption, or amendments, and that
2 sort of thing. And then, also, we know we still have to grapple with vaccinations, so we
3 still have that. I think that's going to be an open issue we're going to have to contend
4 with sooner, rather than later.

5 So, thank you very much, appreciate it, and I won't take up any more of
6 your time. This might be my record shortest comment. Thank you.

7 CHAIR THOMAS: Thanks, Kevin. Appreciate that.

8 I think we had another commenter. I believe the name was Maggie. I
9 didn't get the last name. Are you there, Maggie?

10 MS. ROBBINS: Yeah, hi, this is Maggie Robbins from Worksafe. And I did
11 also want to talk about the advisory committee meeting. I thought it also, as the other
12 commenters had said, went well and there was good substantive discussion.

13 And I do look forward to, as soon as you have some idea when
14 (indiscernible) -- proposals to be sure and let everybody know for consideration by the
15 Board. I think we're all -- I think everybody, including the Board, is eager to know what
16 the timeline will be. So, I will encourage you to do that.

17 And one just final note is that there was a period there when, for
18 mysterious reasons, I wasn't actually able to access that meeting via the Zoom link, but
19 had to phone in. And I must say it's completely confusing when you can't see the screen
20 to see what's being talked about, to keep track of exactly where the dialogue is in terms
21 of the text that you're discussing, you know, during the conversation. So, just a
22 comment about that. I encourage anybody who's trying to take part to make sure you
23 can do it with a computer and not just on the phone.

24 Thank you very much. Keep up the good work.

25 CHAIR THOMAS: Thank you, Maggie.

1 Do we have any other commenters on the line, John?

2 MR. GOTCHER: There are no further commenters in our queue.

3 CHAIR THOMAS: Is there anybody who is part of the meeting now on
4 WebEx that would like to make a comment?

5 All right, at this time then, we thank you. The Board appreciates the
6 testimony and the public meeting is adjourned and the record is closed.

7 We will now proceed with the business meeting. The purpose of the
8 business meeting is to allow the Board to vote on matters before it and to receive
9 briefings from staff regarding the issues listed on the business meeting agenda.

10 Proposed petition decisions for adoption. Louie Costa, Director of
11 California State Legislative Board, SMART Transportation Division; Ryan K. Snow,
12 Chairman, California State Legislative Board, Brotherhood of Locomotive Engineers and
13 Trainmen; Petition File No. 581.

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

17 Ms. Shupe, will you please brief the Board?

18 MS. SHUPE: Thank you, Chair Thomas.

19 The Petitioners request the Board promulgate an emergency regulation
20 that incorporates various Centers for Disease Control and Prevention cleaning and
21 disinfecting guidelines for exposure to COVID-19 in order to protect the workforce of rail
22 and transit carriers under the jurisdiction of the Federal Railroad Administration, Federal
23 Transit Administration, Federal Motor Carrier Safety Administration, California Public
24 Utilities Commission and California State Transportation Agency.

25 The proposed decision before you today, for Petition 581, includes

1 consideration of both the Division and Board staff evaluations. Both the Division and
2 Board staff evaluations conclude that the Board's adoption of the COVID-19 emergency
3 temporary standard have rendered the Petitioners' request null. The Petitioners are
4 encouraged to engage in the ETS process, which I understand they have elected to do
5 so.

6 For those reasons, the proposed decision before you today recommends
7 a denial. Are there any questions?

8 CHAIR THOMAS: Thank you, Ms. Shupe.

9 Do I have a motion to adopt the petition decision?

10 BOARD MEMBER STOCK: So moved.

11 BOARD MEMBER HARRISON: Second.

12 CHAIR THOMAS: I have a motion and second. Is there anything on the
13 question? Seeing none, Ms. Money, will you please call the roll?

14 MS. MONEY: I'm sorry, I didn't catch who was first and who was second.
15 Sorry about that.

16 BOARD MEMBER STOCK: I think I was first, this is Laura. And Dave was
17 second, Dave Harrison.

18 MS. MONEY: Okay, thank you.

19 Ms. Burgel?

20 BOARD MEMBER BURGEL: Aye.

21 MS. MONEY: Mr. Harrison?

22 BOARD MEMBER HARRISON: Aye.

23 MS. MONEY: Ms. Kennedy?

24 BOARD MEMBER KENNEDY: Aye.

25 MS. MONEY: Ms. Laszcz-Davis?

1 BOARD MEMBER LASZCZ-DAVIS: Aye.

2 MS. MONEY: Ms. Stock?

3 BOARD MEMBER STOCK: Aye.

4 MS. MONEY: Ms. Crawford?

5 BOARD MEMBER CRAWFORD: Aye.

6 MS. MONEY: Chairman Thomas?

7 CHAIR THOMAS: Aye.

8 And the motion passes which is to deny the Petition. Thank you.

9 Proposed variance decisions for adoption are listed on the consent

10 calendar. Ms. Gonzalez, will you please brief the Board?

11 MS. GONZALEZ: Good morning Chair Thomas and Board Members. On

12 the consent calendar for your consideration are proposed decisions A through X. These

13 items are ready for your consideration and your possible adoption.

14 CHAIR THOMAS: Thank you, Ms. Gonzalez.

15 Do I have any questions for Ms. Gonzalez?

16 BOARD MEMBER HARRISON: Motion to approve.

17 CHAIR THOMAS: I'm sorry, Dave, say that again?

18 BOARD MEMBER HARRISON: Oh, I'm sorry. Motion to approve.

19 CHAIR THOMAS: All right, do I have a second?

20 BOARD MEMBER LASZCZ-DAVIS: Second.

21 CHAIR THOMAS: And that was Chris. So, it was Dave Harrison and then

22 Chris.

23 Are there any questions before we vote? Seeing none, Ms. Money will

24 you please call the roll?

25 MS. MONEY: Ms. Burgel?

1 BOARD MEMBER BURGEL: Aye.

2 MS. MONEY: Mr. Harrison?

3 BOARD MEMBER HARRISON: Aye.

4 MS. MONEY: Ms. Kennedy?

5 BOARD MEMBER KENNEDY: Aye.

6 MS. MONEY: Ms. Laszcz-Davis?

7 BOARD MEMBER LASZCZ-DAVIS: Aye.

8 MS. MONEY: Ms. Stock?

9 BOARD MEMBER STOCK: Aye.

10 MS. MONEY: Ms. Crawford?

11 BOARD MEMBER CRAWFORD: Aye.

12 MS. MONEY: Chairman Thomas?

13 CHAIR THOMAS: Aye.

14 The motion passes.

15 Division update. Mr. Berg, will you please brief the Board?

16 MR. BERG: Yeah, thank you Chairman Thomas and Board Members.

17 As you've heard, we held an advisory meeting, Cal/OSHA had an advisory

18 meeting about the emergency temporary standard for COVID-19 Prevention last

19 Thursday and Friday and this past Tuesday. And I want to thank everybody, for all the

20 advisory committee members for their valuable input. It's very helpful in us preparing a

21 future changes to the Board to update the standard. And we'll do that as quickly as

22 possible.

23 And we're also asking for persons to submit written comments to us by

24 March 2nd. Once all those comments are in, we'll get started on revising the draft and

25 getting it to the Board as soon as possible.

1 In other rulemaking, we've completed our work on the lead in
2 construction and general industry. We're just waiting to hear back on that one.

3 And on indoor heat, we are still waiting on a third-party contractor from
4 the Department of Industrial Relations to complete the standardized impact regulatory
5 assessment.

6 So, that is all the updates I have for now, thank you.

7 BOARD MEMBER STOCK: Eric, this is Laura. Can I just ask if you have any
8 update on the workplace violence in general industry?

9 MR. BERG: No, we're not (indiscernible). No updates to that one right
10 now.

11 BOARD MEMBER STOCK: Is that one still in the pipeline or is it on the
12 agenda?

13 MR. BERG: Yeah, we still have -- we will be working on it. We're not
14 working on it actively now because we're occupied with COVID.

15 BOARD MEMBER STOCK: Right. Understandably. All right.

16 CHAIR THOMAS: Anymore questions of Mr. Berg from the Board?

17 All right, seeing none, Ms. Gonzalez -- oh, legislative update. Ms.
18 Gonzalez, will you please brief the Board?

19 MS. GONZALEZ: Sure, sure. Thank you, Chair Thomas.

20 So, your Board packet contains a number of new bills that we're
21 monitoring right now. We're very early in the legislative session so there's not a whole
22 lot to tell you about those.

23 But I did want to mention AB 701, which was just introduced about two
24 days ago. That's from Lorena
25 Gonzalez and it may require some Board rulemaking, so we're going to monitor that bill.

1 It's related to warehouse worker production quotas. And that's all I have.

2 CHAIR THOMAS: Thank you. Any questions for Autumn?

3 No questions, Executive Officer's --

4 BOARD MEMBER STOCK: I'm sorry, excuse me one second. Autumn,
5 could you say what the bill number is again of that one that you said about warehouse?

6 MS. GONZALEZ: Of course. It's AB 701, Lorena Gonzalez.

7 BOARD MEMBER STOCK: Thank you.

8 CHAIR THOMAS: Thank you. If there's no further questions, Executive
9 Officer's report. Ms. Shupe, will you please brief the Board?

10 MS. SHUPE: Thank you, Chair Thomas. Board staff attended the COVID-
11 19 ETS advisory committee meeting held on February 11th, 12th and 16th. We were
12 likewise impressed by the level of interaction among participants, especially given the
13 constraints of the virtual platform.

14 And I would like to extend my congratulations to Chief Parker, Eric Berg
15 and the rest of the Division staff on a very well executed meeting. We look forward to
16 the continuing discussion.

17 Looking forward to March, the Board will consider a proposed decision
18 for Petition 584, which seeks to amend title 8, section 5189.1, Process Safety
19 Management for Petroleum Refineries.

20 Specifically, the applicant requests revisions to the definitions of major
21 change, employee representative, highly hazardous material and effective participation
22 where used in the context of 5189.1.

23 The Petitioner also seeks amendment of the high hazard control analysis
24 hierarchy.

25 At this time, we have not received an evaluation from the Division for

1 Petition 584. The Board is bound by statute to deliver a decision on this matter in
2 March. As such, the proposed decision for this Petition, which is due to be provided for
3 the Board's consideration and public review in just slightly over two weeks, will, by
4 necessity, be drafted absent their input.

5 Should the Division submit an evaluation prior to the Board's meeting,
6 we will post it with the Petition documents and the Board may consider it along with the
7 proposed decision at their meeting in March.

8 Are there any questions from the Board Members?

9 BOARD MEMBER STOCK: Yes, Christina, this is Laura. Did you say who
10 the Petitioner was? Who is that from?

11 MS. SHUPE: It's the Western States Petroleum Association.

12 BOARD MEMBER STOCK: Got it, thank you.

13 CHAIR THOMAS: Any other questions?

14 All right, future agenda items. Do any of the Board Members have any
15 questions regarding future agenda items or proposed that you would like to ask either
16 Christina or Eric or any staff about at this time?

17 BOARD MEMBER LASZCZ-DAVIS: This is Chris, just a real quick question.
18 The timing of the COVID regulation. We've gone through several days of robust
19 advisory committee process exchanges. What is the timing on assimilating that
20 information and coming out with a permanent regulation for consideration?

21 MR. BERG: Excuse me, you said that's for permanent?

22 CHAIR THOMAS: Is that Eric? Go ahead, Eric.

23 MR. BERG: Yeah, you said a permanent regulation? We're not working
24 on a permanent regulation right now.

25 BOARD MEMBER LASZCZ-DAVIS: No, no, but the next draft, if you will.

1 MR. BERG: Oh, okay. Yeah, we're taking comments until March 2nd
2 and hope to finish up a draft by the end of March. That's our aspiration at least. And
3 then, that will have to be reviewed and then we'll get it to the Board as soon as
4 possible.

5 BOARD MEMBER LASZCZ-DAVIS: Thank you.

6 CHAIR THOMAS: Thank you, Eric. Thank you, Chris.

7 BOARD MEMBER STOCK: And I --

8 CHAIR THOMAS: Any other questions? Go ahead, Laura.

9 BOARD MEMBER STOCK: Yeah, hi. I wonder if we could put on the next
10 agenda a report from the Division about enforcement activities related to COVID. It
11 would be interesting to hear, you know, the impact of the new standard. And I know,
12 I've certainly seen a lot in the news about enforcement actions. But if we could hear a
13 little bit about, you know, what's happened since the regulation has been passed and
14 any challenges, or successes, or comments they would say on how it's going
15 implementing the regulation.

16 MR. BERG: Okay, can you provide something in like an email or in writing
17 so I can -- because I don't have (indiscernible) to that. But if you provide it to me first, I
18 can send that on to our enforcement unit.

19 MS. SHUPE: I would like to also note for the Board that the Division is
20 posting their enforcement data on their website and that is available right now.

21 BOARD MEMBER STOCK: Okay, yeah that's great. I mean, I guess I'm just
22 thinking it would be interesting, particularly as we're considering the changes to the ETS
23 to just hear a little bit about --. You know, I see more enforcement actions, but if there
24 was any comment they wanted to make on how the regulation is working, and whether
25 it's being able to achieve the intended goal, or where they might see some issues that

1 have come up in the course of enforcing it, which is just a little bit beyond
2 -- I mean it's great to be able to look at the enforcement actions.

3 MR. BERG: Yeah, I can pass that on to our enforcement unit,
4 (indiscernible) provide any details and then they can talk to that.

5 BOARD MEMBER STOCK: Appreciate it.

6 CHAIR THOMAS: Thank you. Any other questions?

7 All right, at this time --

8 MS. SHUPE: The need for a closed session has not arisen today.

9 CHAIR THOMAS: Okay. So, with that, the next Standards Board meeting
10 and hearing is scheduled for March the 18th, 2021, via teleconference and
11 videoconference. Please visit our website and join our mailing list to receive the latest
12 updates.

13 We thank you for your attendance today. There being no further
14 business to attend to, the business meeting is adjourned and we will see you next
15 month. Thank you very much.

16 (The Business Meeting adjourned at 10:34 a.m.)

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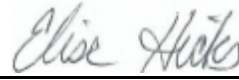
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of April, 2021.



ELISE HICKS, IAPRT CERT**2176

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Myra Severtson
Certified Transcriber
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