

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY & HEALTH STANDARDS BOARD

PUBLIC MEETING AND BUSINESS MEETING

In the Matter of:)
June 15, 2023 OSH)
Standards Board Meeting)
_____)

IN-PERSON & TELECONFERENCE

Attend the meeting in person:

Walnut Creek City Hall
Council Chambers
1666 N. Main Street
Walnut Creek, California

Attend the meeting via Video-conference

THURSDAY, JUNE 15, 2023

10:00 A.M.

Reported by:
C. Caplan

APPEARANCES

BOARD MEMBERS PRESENT AT COUNTY ADMINISTRATION CENTER:

Dave Thomas, Chairman
Barbara Burgel, Occupational Health Representative
David Harrison, Labor Representative
Chris Laszcz-Davis, Management Representative
Laura Stock, Occupational Safety Representative

BOARD MEMBERS PRESENT VIA TELECONFERENCE:

Kathleen Crawford, Management Representative
Nola J. Kennedy, Public Representative

BOARD STAFF PRESENT AT COUNTY ADMINISTRATION CENTER:

Christina Shupe, Executive Officer
Amalia Neidhardt, Principal Safety Engineer
Autumn Gonzalez, Chief Counsel
David Kernazitskas, Senior Safety Engineer
Sarah Money, Executive Assistant

BOARD STAFF ATTENDING VIA TELECONFERENCE AND/OR WEBEX:

Steve Smith, Principal Safety Engineer - Special Consultant
Lara Paskins, Staff Services Manager
Jesi Mowry, Administration & Personnel Support Analyst

ALSO PRESENT IN WALNUT CREEK:

Jeff Killip, Cal/OSHA Chief
Eric Berg, Deputy Chief of Health, Cal/OSHA

TKO STAFF:

Sean Acrea
Maya Morsi
John Roensch

INTERPRETERS:

Fabian Lonzono
Erin Lafargue

APPEARANCES (Cont.)

PRESENTERS:

Roger A. Isom, California Cotton Ginners and Growers Association; Western Agricultural Processors Association.

PUBLIC MEETING COMMENTERS: (*Online testimony)

Steve Johnson, Associated Roofing Contractors of the Bay Area Counties, Inc.

Kevin Bland, representing the Western Steel Council, California Framing Contractors Association, and the Residential Contractors Association

*Helen Cleary, Phylmar Regulatory Roundtable OSH Forum

*AnaStacia Nicol Wright, Worksafe

*Mitch Steiger, California Labor Federation

*Judith Neidorff, CSP - Safety Analyst

*Anne Katten, California Rural Legal Assistance Foundation

*Michael Miiller, California Association of Winegrape Growers

*Robert Moutrie, California Chamber of Commerce

*Robert Sarnoff, Self

Bruce Wick, Housing Contractors of California

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1. Future Agenda Items

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).).

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1 P R O C E E D I N G

2 JUNE 15, 2023

10:01 A.M.

3 CHAIR THOMAS: Good morning. This meeting of the
4 Occupational Safety and Health Standards Board is now
5 called to order. Let's stand for the Pledge.

6 (Whereupon the Pledge of Allegiance was recited.)

7 CHAIR THOMAS: Thank you. My name is Dave
8 Thomas, I'm the Chair. And the other Board Members present
9 here in Walnut Creek are Ms. Barbara Burgel, Occupational
10 Health Representative; Dave Harrison, Labor Representative
11 -- sorry, Chris Laszcz-Davis, Management Representative and
12 Laura Stock, Occupational Safety Representative.

13 The Board Members attending via teleconference
14 are Kathleen Crawford, Management Representative and Nola
15 Kennedy, Public Member.

16 Present from our staff for today's meeting are
17 Christina Shupe, Executive Officer; Amalia Neidhardt,
18 Principal Safety Engineer, who is also providing
19 translation services for our commenters who are native
20 Spanish speakers. Autumn Gonzalez, Chief Counsel; Dave
21 Kernazitskas, Senior Safety Engineer; and Ms. Sarah Money,
22 Executive Assistant.

23 Also present is Eric Berg, Deputy Chief of Health
24 for Cal/OSHA and Cal/OSHA Chief, Jeff Killip.

25 Supporting the meeting remotely are Steve Smith,

1 Principal Safety Engineer, Special Consultant; Lara
2 Paskins, Staff Services Manager; and Jesi Mowry,
3 Administration and Personnel Support Analyst.

4 Copies of the agenda and other materials related
5 to today's proceedings are available on the table near the
6 entrance to the room, and are posted on the OSHSB website.

7 This meeting is also being live broadcast via
8 video and audio stream in both English and Spanish. Links
9 to these non-interactive live broadcasts can be accessed
10 via the "Meetings, Notices and Petitions" section on the
11 main page of the OSHSB website. By the way, before I
12 forget, we welcome Jeff Killip, Cal/OSHA Chief.

13 If you are participating in today's meeting via
14 teleconference or videoconference, we are asking everyone
15 to place their phones or computers on mute and wait to
16 unmute until they are called on to speak. Those who are
17 unable to do so will be removed from the meeting to avoid
18 disruption.

19 As reflected on the agenda, today's meeting will
20 consist of two parts. First, we will hold a public meeting
21 to receive public comment on proposals or occupational
22 safety and health matters. Anyone who would like to
23 address any occupational safety and health issues including
24 any of the items on our business meeting agenda may do so
25 when I invite public comment.

1 If you are participating via teleconference or
2 videoconference, the instructions for joining the public
3 comment queue can be found on the agenda. You may join by
4 clicking the public comment queue link in the "Meetings,
5 Notices and Petitions" section on the OSHSB website, or by
6 calling 510-868-2730 to access the automated public comment
7 queue voicemail.

8 When the public meeting begins, we are going to
9 alternate between three in-person call -- three in person,
10 and then three remote commenters. When I ask for public
11 testimony, in-person commenters should provide a completed
12 speaker slip to the staff person near the podium and
13 announce themselves to the Board prior to delivering a
14 comment.

15 For commenters attending via teleconference or
16 videoconference, please listen for your name and an
17 invitation to speak. When it's your turn to address the
18 Board, unmute yourself if you're using WebEx, or dial *6 on
19 your phone to unmute yourself if you are using the
20 teleconference line.

21 We ask all commenters to speak slowly and clearly
22 when addressing the Board, and if you are commenting via
23 teleconference or videoconference, remember to mute your
24 phone or computer after commenting. Today's public
25 comments will be limited to two minutes per speaker, and

1 the public comment portion of the meeting will be extended
2 for up to two hours, so that the Board may hear from as
3 many members of the public as is feasible. Individual
4 speaker and total public comment time limits may be
5 extended by the Board Chair.

6 After the public meeting is concluded, we will
7 hold a business meeting to act on those items listed on the
8 business meeting agenda.

9 Let's see, today's agenda includes a presentation
10 by the California Cotton Ginners and Growers Association.
11 Roger Isom, President and CEO of the California Cotton
12 Ginners and Growers Association who will be presenting --
13 or will be presenting.

14 Board Members will have an opportunity to ask
15 questions and members of the public will be provided an
16 opportunity to comment on the presentation before we move
17 to our next agenda item.

18 Mr. Isom, would you please brief the Board?

19 MR. ISOM: Is this working okay?

20 CHAIR THOMAS: Yeah, go right ahead.

21 MR. ISOM: Well good morning, Chair, and Members
22 of the Board and Ms. Shupe. Thank you very much for the
23 opportunity to make this presentation this morning.

24 For those that might not know my name is Roger
25 Isom. I'm the President and CEO of both California Cotton

1 Ginners and Growers Association, and the Western
2 Agricultural Processors Association.

3 CHAIR THOMAS: Just hold on for one second,
4 because we are getting some reverb.

5 And I don't know if you can take care of that,
6 John. Let's try again and see, sorry.

7 MR. ISOM: No, no.

8 (Off-mic colloquy.)

9 CHAIR THOMAS: Go ahead, Roger.

10 MR. ISOM: Okay. I don't know if you want me to
11 go back or not. But again, I represent the California
12 Cotton Ginners and Growers Association, and the Western
13 Agricultural Processors Association. The Cotton
14 Association represents cotton gins and cotton growers
15 throughout California. Western Agricultural Processors, we
16 represent haulers and processors of almonds, walnuts,
17 pecans, and pistachios.

18 We are an ag trade association. We're voluntary
19 dues. We're a little bit different than your normal trade
20 association in that we provide services to our members for
21 both environmental safety and food safety.

22 So I want to make sure that, to put some context
23 around my presentation, that we are very proactive on
24 worker safety. It's extremely important to us. I know
25 Amalia from some of the heat illness training she's done in

1 the Valley and provide -- certainly appreciate that in
2 working with us on that.

3 One of the things I wanted just to share, just to
4 again emphasize how important it is to us. This is what we
5 call our WAPA HIP Kit, our Heat Illness Prevention Plan
6 Toolkit. It's in a plastic folder so that our members, our
7 foremen that are driving the pickups out on the farm can
8 carry this with them and be protected from the weather and
9 the elements. We also provide it at our gins and our
10 haulers so that they can carry it on their golf carts or
11 their pickups, or anywhere on the facility.

12 It includes not only their plan, but their
13 emergency numbers, their map, which is especially important
14 out on the farm, because you've got to get the emergency
15 services to that point. And if we have certain ranches,
16 you want to know how to get them directly to that point
17 where that person is at. It also includes tailgate topics
18 so that out in the field, they don't have to come back.
19 They're always carrying, there's like 14 or 15 in here.
20 They can do a tailgate training every single day on heat
21 illness and different aspects of it. So I wanted to put
22 that in context on how we are, and what our organizations
23 do, and what our comments are based on today.

24 As you can see on the slide, and I'm assuming
25 everybody can see that. We do annually train the trainers

1 with our employees. We've trained over 1,300 this last
2 year. We've done -- we have an ASCHA grant that we got to
3 do nut harvest safety with AgSafe. We have a grant right
4 now, a specialty crop block grant, to provide training on
5 yard truck and stockpiler safety. Which I know most of you
6 probably may not know what I'm talking about, but it's
7 equipment used at our haulers.

8 And what's interesting on both the nut harvest
9 safety and the yard stuff is there was no safety materials
10 out there. So people were using this equipment, being
11 exposed to things, but had no safety materials. So we're
12 able to produce that and provide that and get that out
13 there.

14 So again, just trying to give you that that
15 mindset of where we are and where we're coming from. Most
16 of our trainings though are geared towards areas where we
17 really have concerns. And that's something I want to
18 emphasize today. That includes lockout, tagout, confined
19 spaces, fall protection, airlift equipment, things like
20 that. But with regards to the issue today and that's the
21 indoor heat illness, is that one, we are very concerned
22 with how low the temperature thresholds are.

23 For us in our facilities, I'm going to show you
24 some pictures I want to talk about. It's extremely
25 expensive. And I want to emphasize that we feel this is

1 very different from, at least for our situation. And I
2 want to make sure I'm emphasizing I'm talking about our
3 facilities, our gins, our haulers, our farm shops. This
4 isn't like outdoor heat illness. We have no issue on
5 outdoor heat illness, that is an issue that has to be
6 addressed. And again, why do we spend so much time and
7 effort on that.

8 What we're very concerned is that when you add up
9 all the things we're doing now between nighttime light
10 requirements and all the other trainings, it's taken our
11 eye off the ball on where we really need to emphasize our
12 safety efforts. Where we see injuries in our members is
13 more failure to lock out, not following fall protection,
14 not following your aerial lifts things, which is another
15 area that doesn't have a lot of safety material that we're
16 doing. And that's really where we want to keep our focus
17 at, if at all possible.

18 So just to give you a little bit -- there's one
19 concern, and I actually shared this recently with Mr. Berg.
20 It comes down to one word, and it's what is "feasible."
21 Because I think common sense would tell you that putting
22 air conditioning in a 36,000 square-foot building if it's
23 open and it's provides that shade that it's not as --
24 probably doesn't make sense or maybe it isn't feasible, but
25 it's not defined in the regulation. And that's our concern

1 is what might seem infeasible to me might not seem
2 infeasible to you or to someone else.

3 And we understand why it's vague and are not
4 necessarily defined.

5 (Brief colloquy re: slowing down speech for
6 interpreters.)

7 MS. ISOM: So the biggest concern is that
8 definition. What is feasible and I don't necessarily have
9 a recommendation today. But I think that's -- we just want
10 to draw your attention to that's where we're most
11 concerned.

12 This is a picture looking down a cotton gin, on
13 the left the equipment there are the gin stands. But you
14 can see it's a very large open building. And so -- and you
15 can see light down at the end there, that's because we have
16 -- the ends are open. We have -- we move large volumes of
17 air up to in some cases 300,000 CFM of air in a gin.
18 That's actually how the cotton moves through the equipment
19 is air is pushing it and the fans are inside. If you close
20 all that up to put air conditioning in it's going to suck
21 the sides of the building in.

22 But with that air, or with those openings, that
23 air flows through the building. So it's we actually use,
24 we have workers on the outside. We have the outdoor heat
25 illness plans. We actually bring them into the gin when

1 there's an issue if they're experiencing heat illness. And
2 we haven't had an issue with that. So we that's how we
3 look at it.

4 Here's another picture of a gin. This is a
5 little bit larger one. But again, you can see just trying
6 to emphasize here the vastness, the size of what we're
7 talking about. Again you can see light down on the end.
8 It's where the sides like our big garage doors are open and
9 air flows through that building.

10 So we've actually looked into costs. What would
11 it cost to get air conditioning to bring that temperature
12 down to 87 degrees, which is what the regulation calls for.
13 And for us it's a million to a million-and-a-half. And
14 these facilities just to give you a little explanation is
15 we tend to operate for two or three months out of the year.
16 There are year time people that do the repairs and
17 equipment, but it's only a couple of people per facility.
18 We, during the late fall and into the winter is when we
19 typically operate. So it wouldn't be as an issue at that
20 time of the year. But again, when we have done our repairs
21 and our two or three guys during the summer would be the
22 area or the time that we would be concerned.

23 We do have facilities that have multiple
24 buildings. And when we added those up that had multiple it
25 was 3.5 million to nine million. The 9 million is we have

1 a large walnut processor up in the Sacramento Valley that
2 has ten huge buildings. And that's what it would cost to
3 do that facility if we had to get it down to 87 degrees.

4 But what do we do today? You know, how are we
5 trying to make sure we're protecting our employees? Number
6 one, especially during the summer we start much earlier in
7 the day. Between 5:00 or 6:00 depending on where you're
8 at. One of the things, and I'll show some pictures on here
9 to explain it, in the morning we work on the high areas of
10 the facility. You'll see some of the pictures, the
11 equipment is stacked. So when you tend to work up towards
12 the top of the building you do that in the morning, and
13 then you work downstairs. Or in some cases where we have
14 pits or basements you work on that during the heat of the
15 day, or when it's warmer.

16 We utilize fans and portable coolers. That we
17 move them around so that wherever a person is working on a
18 piece of equipment, we can move those around and direct
19 that air to where they're at. We have water throughout our
20 facilities, typically five gallon jugs that are there. But
21 we do have smaller water coolers and things that they can
22 carry around as well.

23 If we did have an issue, we do have break rooms
24 very much like what the regulation calls for. Or the
25 office is air conditioned, it's much smaller. Or even our

1 electrical motor control centers have to be air conditioned
2 to keep that equipment cooler. They're much smaller. We
3 can bring them into those areas if we have an issue that we
4 experience in there.

5 So again just to try to show this picture, it
6 might be a little bit difficult to see, but if you look up
7 towards the top where the skylight is there that's the type
8 of equipment when we're doing repairs. We'll do that early
9 morning. And then we'll work down here on the lower
10 equipment as it warms up during the day.

11 Here's just an example of one of the larger
12 portable coolers. Water flows through that, you can't see
13 it, there's a big huge fan on the backside that blows
14 through it just like you would think of a swamp cooler.

15 Okay. We do have one of our things on walnuts we
16 use, it's a dehydrator. You have to dry the walnuts,
17 because it's a wet process. And I'll show you a picture on
18 that. Typically, there's only one person in those
19 operations. And maybe I can just go to the picture and
20 make it make sense.

21 So this is from the end view of a walnut hauler.
22 Those bins, we call this a stadium dryer because it looks
23 like a stadium. The walnuts are dropped into those bins,
24 there's air blown up through the bottom. And it's not
25 huge, it's like 100 degrees just to try to bring those

1 down, you don't want to heat them too quickly. And the
2 individual, the employee, will walk back and forth, opening
3 and closing vents or gates to allow the walnuts to go in.
4 And then when they're dry, to go out the bottom and down a
5 conveyor. It doesn't happen all the time. So most of the
6 time he is outside or over at the hauler, making sure
7 everything's going there. But then when they do need to
8 load another, a different bin because those are sectioned
9 off, they'll come in there, open that gate, drop the
10 walnuts in there and then let it fill and walk away.

11 This is meant to be warmed up. And again, the
12 time of the year that this is done is typically October
13 through late November. Again, we have not seen an issue
14 here we don't see the typical things that we might see
15 outside. And again, these are all inside buildings shaded
16 with doors open on opposite ends.

17 So just in closing, for us in this particular
18 instance, it comes down to that word "feasible" or
19 "infeasible." It's a lot of cost that we don't see a
20 tremendous amount of benefit for in terms of worker safety
21 in our operations. I want to emphasize that. That this
22 isn't a very enclosed warehouse or an enclosed container,
23 things like that. We're talking very large open buildings
24 with air flowing through them. And again, we use these and
25 have been for the last several years as our shade for

1 outdoor heat illness issues.

2 So that's what it boils down to. Again, I just
3 want to thank you and apologize. I was going through that
4 quickly. If there's any questions, I'd be happy to answer
5 any questions.

6 CHAIR THOMAS: Thank you.

7 Go ahead, Barbara.

8 BOARD MEMBER BURGEL: Thank you for your
9 presentation, very helpful. What are the current heat
10 index temperatures in some of the large indoor open ended
11 buildings?

12 MR. ISOM: I wish I could answer that. I
13 honestly don't know. We were actually taking measurements
14 starting last month through the summer. We've never
15 actually taken those measurements. Our focus has always
16 been on the outside. So I should know that or I wish I
17 knew that, but I do not.

18 BOARD MEMBER BURGEL: And the type of material
19 that is on the roof, does that translate to a higher heat
20 index inside or a lower heat index inside? I'm just
21 looking at other engineering controls that might not be air
22 conditioning.

23 MR. ISOM: Sure. So typically these are sheet
24 metal, the majority. There are some that are concrete tilt
25 up buildings that are ones that are newer or have other

1 equipment in them. But typically these are sheet metal.
2 If I could -- well, anyway one of the pictures there you
3 can see the roof on several of them. They're not
4 insulated, because again, these are huge buildings.

5 BOARD MEMBER BURGEL: All right, thank you.

6 MR. ISOM: Yes.

7 BOARD MEMBER STOCK: Hi. Thank you. Yeah, I
8 have a couple of questions. First of all, I appreciate all
9 the things that you described that you're doing. And the
10 purpose of the regulation, of course, is to ensure that
11 other employers are doing that as well.

12 I had the question about what the temperature was
13 inside, and that seems pretty critical. Because you know,
14 that's what would trigger whether you're subject to these
15 requirements. And of course, if the temperature is high,
16 then that would actually mean that you were in the category
17 of workplaces that could potentially be problematic.

18 But my question is, one of the things you
19 mentioned is that you haven't had a lot of problems related
20 to heat illness inside. And as I said I have two
21 questions. But my first one is do you have a system to
22 capture reports from workers in those work settings? I
23 mean we've heard a lot about how workers are often fearful
24 of reporting, etcetera. So if part of your assessment is
25 that you haven't had those problems, I wonder if you could

1 describe to me what systems you have in place to encourage
2 workers who are concerned about the heat to report to you?

3 MR. ISOM: So good question. I can't speak to
4 every one of my 200 plus members. One of the things that
5 we do is, we do an injury survey every year and we break
6 down literally, there's 30 questions. And so it's to break
7 down what time of the shift did it happen? Was it somebody
8 who's assigned to work on the lint cleaner, but got injured
9 on the bail press? Did they -- are they night shift or day
10 shift? How many years of experience do they have? And we
11 break all that down. So we analyze every single accident
12 that's reported.

13 Does that guarantee that they're reported, which
14 I think that's what you're getting at? No, but we've
15 haven't seen that be an issue, per se, whereas on outdoor,
16 we have. And so we tend to believe that if there was an
17 issue they would report it because we've -- again, we've
18 seen on the outdoor where people or employees have reported
19 that.

20 I've surveyed all of my members asking that,
21 because when we -- back a couple of years ago when this
22 started we just hadn't heard this. And so is there is a
23 set procedure for that? No. But in all the reporting or
24 the accident surveys we've done, and we've done it since
25 1994, we have not seen that be an issue. We've had again

1 everything from spider bites to you name it, twisted
2 ankles, backs, things like that, but not indoor heat
3 illness.

4 BOARD MEMBER STOCK: And do you have -- and it
5 sounds like you have training. I assume you're training
6 people about the symptoms of heat illness?

7 MR. ISOM: Yeah, absolutely. Because so for
8 example, and again I know you're not -- you don't know the
9 gin or the hauler, but these guys tend to go outside and
10 work outside sometimes. So that's why we write a plan for
11 every one of our members, just in case that employee may go
12 out there. And so yes, it's part of the training. We do
13 the training. I mentioned Amalia earlier. We do training
14 up and down the Valley with other ag organizations
15 specifically on heat illness, because it's such a serious
16 issue.

17 But yes, we -- and that's included in here as
18 well.

19 BOARD MEMBER STOCK: Okay, perfect. And then my
20 last question is you talked about the costs that it would
21 take to implement that. I wonder whether you've assessed
22 the savings that might come. I mean, there's been a lot of
23 studies that show that exposure to heat can decrease
24 productivity, Workers' Comp costs, etcetera. So I wonder
25 if you've captured some of the benefits that would be --

1 you might get a crew with better protections for workers?

2 MR. ISOM: It's a good question. We have not.

3 Again during the summer when we do have those temperature

4 things we're not typically operating, so we don't have

5 anything to gauge like the productivity. Like did we do

6 more bales or did we do more tons of product?

7 Unfortunately, we have not looked at that aspect of it.

8 BOARD MEMBER STOCK: Okay, thank you.

9 CHAIR THOMAS: Any other, go ahead.

10 BOARD MEMBER HARRISON: Yeah, I just want -- I

11 have a follow up question to the cost that Laura asked.

12 You said 1 to 1.5 million to comply for each building. How

13 was that assessment reached? What were the key components

14 there? Maybe you could touch on some of those.

15 MR. ISOM: Basically bringing in air conditioning

16 and what it would take to seal up the building and then put

17 air conditioning units on to bring that temperature down to

18 87 degrees.

19 BOARD MEMBER HARRISON: Okay, and you just purely

20 look at that aspect of sealing the building up and using

21 pure air conditioning as a -- okay.

22 MR. ISOM: Yeah, now we have a couple that are

23 looking at -- and most of the time we have some of these,

24 are these they're big fans. They go by another name, but

25 they're big fans that are 12-foot diameter and move air

1 around. In some cases we have those, but again it's not
2 going to bring it down to 87 degrees. It does pull the
3 heat up. And but it does -- does it get to 87? We don't
4 think so, or below 87, sorry.

5 BOARD MEMBER HARRISON: Thank you.

6 MR. ISOM: Uh-huh.

7 BOARD MEMBER BURGEL: Are swamp coolers cheaper
8 than traditional air conditioning? I'm just wondering
9 about all the swamp coolers I see in the south.

10 MR. ISOM: So we think they would be. Again,
11 that portable one that I showed you, that makes it easy to
12 move around directly. We just don't have anybody or the
13 commercial people that we talk to that are members that
14 went out and got the quotes for, didn't offer that as a
15 solution necessarily. And I don't know how many of those
16 it would take to get the size that we're talking about.

17 BOARD MEMBER BURGEL: Right. Thank you.

18 CHAIR THOMAS: Any other questions?

19 (No audible response.)

20 Any questions from the public?

21 (No audible response.)

22 CHAIR THOMAS: John, do we have anybody online
23 with questions? Hello, John?

24 MR. ROENSCH: We have some commenters, but at
25 this moment we don't have questions.

1 CHAIR THOMAS: Okay, so that would be -- okay.

2 MR. ROENSCH: So there are commenters for the
3 public section.

4 MR. JOHNSON: I do have one question that's kind
5 of --

6 CHAIR THOMAS: You might want to go up to the
7 mic.

8 MR. JOHNSON: Thanks. I'm Steve Johnson with
9 Associated Roofing Contractors, not directly related to nut
10 growers, but we do have buildings. And the portable fan
11 issue is you already have noise in the building, now you're
12 bringing in a portable fan that is pretty noisy. I've been
13 around them before when we've tried to cool warehouses
14 down, and you can't have a conversation in front of it. So
15 it just adds to cumulative noise.

16 That would be another issue with hearing
17 protection. So you're kind of -- you know, when you try to
18 solve one problem sometimes you can bring in another
19 problem. That was the only point I wanted to make.

20 BOARD MEMBER BURGEL: That's a good point.

21 CHAIR THOMAS: Any other comments? All right,
22 seeing that we have none, thank you very much.

23 MR. JOHNSON: Thank you.

24 CHAIR THOMAS: Awesome. And we will go -- we
25 will move on to the public meeting.

1 MS. SHUPE: Let's make sure we don't have any
2 public comment regarding the presentation.

3 CHAIR THOMAS: He said we didn't.

4 MS. SHUPE: No? Okay, thank you.

5 CHAIR THOMAS: Okay, we will now proceed with the
6 public meeting. Anyone who wishes to address the Board
7 regarding matters pertaining to occupational safety and
8 health is invited to comment. Except, however, the Board
9 does not entertain comments regarding variance matters.
10 The Board's variance hearings are administrative hearings
11 where procedural due process rights are carefully
12 preserved. Therefore, we will not grant requests to
13 address the Board on variance matters.

14 For our commenters who are native Spanish
15 speakers we are working with Amalia Neidhardt to provide a
16 translation of their statements into English for the Board.
17 At this time, Ms. Neidhardt, will you provide instructions
18 to Spanish speaking commenters, so that they are aware of
19 the public comment process for today's meeting?

20 MS. NEIDHARDT: [READS THE FOLLOWING IN SPANISH]
21 Public Comment Instructions.

22 "Good morning and thank you for participating in
23 today's Occupational Safety and Health Standards Board
24 public meeting. Board Members present in Walnut Creek are
25 Mr. Dave Thomas, Labor Representative and Chairman; Ms.

1 Barbara Burgel, Occupational Health Representative; Mr.
2 David Harrison, Labor Representative; Ms. Chris Laszcz-
3 Davis, Management Representative; and Ms. Laura Stock,
4 Occupational Safety Representative. The Board Members
5 attending via teleconference are Ms. Kathleen Crawford,
6 Management Representative; and Ms. Nola Kennedy, Public
7 Member.

8 "This meeting is also being live broadcast via
9 video and audio stream in both English and Spanish. Links
10 to these non-interactive live broadcasts can be accessed
11 via the "Meetings, Notices and Petitions" section on the
12 OSHSB website.

13 "If you are participating in today's meeting via
14 teleconference or videoconference, please note that we have
15 limited capabilities for managing participation during
16 public comment periods. We are asking everyone who is not
17 speaking to place their phones or computers on mute and
18 wait to unmute until they are called to speak. Those who
19 are unable to do so will be removed from the meeting to
20 avoid disruption.

21 "As reflected on the agenda, today's meeting
22 consists of two parts. First, we will hold a public
23 meeting to receive public comments or proposals on
24 occupational safety and health matters.

25 "If you are participating via teleconference or

1 videoconference, the instructions for joining the public
2 comment queue can be found on the agenda. You may join by
3 clicking the public comment queue link in the "meetings,
4 notices and petitions" section on the OSHSB website, or by
5 calling 510-868-2730 to access the automated public comment
6 queue voicemail.

7 "When public comment begins, we are going to be
8 alternating between three in-person and three remote
9 commenters. When the Chair asks for public testimony, in-
10 person commenters should provide a speaker slip to the
11 staff member near the podium and announce themselves to the
12 board prior to delivering a comment.

13 "For our commenters attending via teleconference
14 or videoconference, listen for your name and an invitation
15 to speak. When it is your turn to address the board,
16 please be sure to unmute yourself if you're using Webex or
17 dial *6 on your phone to unmute yourself if you're using
18 the teleconference line.

19 "Please be sure to speak slowly and clearly when
20 addressing the Board, and if you are commenting via
21 teleconference or videoconference, remember to mute your
22 phone or computer after commenting. Please allow natural
23 breaks after every two sentences so that an English
24 translation of your statement may be provided to the Board.

25 "Today's public comment will be limited to four

1 minutes for speakers utilizing translation, and the public
2 comment portion of the meeting will extend for up to two
3 hours, so that the Board may hear from as many members of
4 the public as is feasible. The individual speaker and
5 total public comment time limits may be extended by the
6 Board Chair.

7 "After the public meeting is concluded, we will
8 hold a business meeting to act on those items listed on the
9 business meeting agenda.

10 "Thank you."

11 CHAIR THOMAS: Thank you, Amalia.

12 If there are any in-person participants who would
13 like to comment on any matters concerning occupational
14 safety and health you may begin lining up at this time. Or
15 just go up to the microphone. And we'll start with three
16 in-person speakers, and then we'll alternate over to the
17 speakers on the phone. So do we have any commenters?

18 MR. BLAND: Just real quick, I know I think today
19 is your last meeting, Ms. Burgel?

20 BOARD MEMBER BURGEL: Yes.

21 MR. BLAND: So I wanted to take this opportunity
22 to thank you for all of your service. You probably served
23 during -- well everybody here served during a very
24 difficult, probably the most difficult time period in at
25 least my career in front of this Board, going through the

1 COVID and all the things we've had. So I just wanted to
2 say thanks.

3 CHAIR THOMAS: Can you go ahead and introduce
4 yourself?

5 MR. BLAND: Oh, I'm sorry. I mean, I didn't know
6 an introduction was still necessary.

7 CHAIR THOMAS: For the record, it's for the
8 record.

9 MR. BLAND: Kevin Bland, representing the Western
10 Steel Council, California Framing Contractors Association,
11 and the Residential Contractors Association. So thank you.

12 CHAIR THOMAS: Thank you.

13 MR. WICK: Bruce Wick, Housing Contractors of
14 California. I have a couple of things to say. But to
15 start with, for Barbara Burgel, thank you. This is not a
16 lucrative career as I understand it, but it's a vital one.
17 We're glad, we're proud to have our own OSHA program in
18 California. And it takes a lot of people to make that
19 work. And we need volunteers like all of you, and Nola and
20 Kate on the screen there.

21 It's a noble service for the state, for the
22 workers and for employers. And you have to sort through a
23 lot of information and a lot of public commentary that
24 doesn't always agree with each other. So thank you for
25 taking the time and effort in sorting through that. You've

1 done a great service to your state and the people of it, so
2 thank you.

3 I do want to just make a couple of comments. We
4 have a construction coalition that has been sorting through
5 -- trying to work through the lead proposal. There are
6 enormous logistic issues, there's a lot of preliminary
7 issues on costs that are kind of mind boggling. We're
8 working through it. So we're going to try and get a
9 meeting with the Division soon to express those issues,
10 concerns, and try and figure out how we work through those
11 and navigate this. Because it's -- lead is a serious
12 issue. This proposal is massive, and it's taken us a lot
13 of time to get through that.

14 But also indoor heat on top of that for some of
15 us who have some members at some points exposed to some
16 part of that. There's a lot there, too. And we're trying
17 to get to that as we work our way through this, so that we
18 have a coherent set of thoughts about that. And trying to
19 work through again, how do we make this work the best we
20 can and sort through that.

21 So that's one of the, you know -- we're glad to
22 have our own OSHA program, but we get to work through all
23 these things. And it's too bad that the heat and indoor
24 heat and lead are at the same time, because it's just with
25 our full time day jobs we're trying to work through all

1 those things. So be patient with us. And we're working
2 through, and we'll present our thoughts as we get a chance
3 to meet with the Division and work through those things.
4 So thank you.

5 CHAIR THOMAS: Thank you.

6 MR. JOHNSON: Good morning Board Members, Steve
7 Johnson, Associated Roofing Contractors.

8 Barbara, I want to add thanks as well for your
9 service. And it's incredible to think that, you know, this
10 is a volunteer, one of the hardest volunteer jobs I can
11 think of and you have to fill out an application to do it.
12 (Laughter.) It's like a job interview. But you know, it's
13 kind of not. But thanks everybody for -- and people out in
14 cyberspace as well. Don't want to forget about you. But
15 the Board Members, it's a very thankless job, and it
16 doesn't go unnoticed. So thank you.

17 I want to focus -- I also would just want to echo
18 what Bruce was talking about with the Lead Coalition. I'm
19 an active member of that coalition, and we are looking at
20 different issues we see from the employer side, feasibility
21 side. And I look forward to talking with the Division
22 about that and trying to work through some issues that we
23 have.

24 So I wanted to -- I know that the time for public
25 comment for the indoor heat has passed. But I do want to,

1 as we kind of move through the process of making this a
2 permanent regulation, I want to focus on three different
3 things that I am concerned about. One of them is
4 feasibility. Feasibility and infeasibility. And if you
5 ask three different Cal/OSHA inspectors what they think is
6 feasible from the language in the standard, you'll get
7 three different answers about what is feasible, what is
8 reasonable, what is practical.

9 And that's a concern, because you don't want to
10 be that employer that has to work their way through the
11 first citation and spend \$50 to \$75,000 fighting the appeal
12 to go through the process using up the employers resources,
13 using up the Division's resources, when the language wasn't
14 clear in the standard. So that's a concern. I've
15 personally witnessed one of our contractor members get
16 cited and see them go through a very expensive appeal
17 process, because of language that wasn't clear in the
18 regulation. So that's what we're trying to avoid.

19 The acclimatization, the model the Division has
20 for the acclimatization I think is unrealistic, new
21 employees acclimatization during a heatwave. I can't think
22 of any employees that want to start a new job and maybe get
23 20 hours the first week and 30 hours the second week of
24 their employment with a new job if it happens to be during
25 the summertime. So that needs to be sorted out and worked

1 through with the acclimatization part.

2 Infrequent use of buildings. We have -- our
3 contractors have storage buildings that are used
4 infrequently that they're not normally have people working
5 in them. And they might just need to go to retrieve some
6 materials, they'll be in there for less than 15 minutes.
7 And so I think that's something that really needs to be
8 thought about a lot more, and some -- either an exception
9 in the standard or some accommodation in the standard for
10 short term. Where you are just going to grab something, a
11 tool, materials, whatever it is for buildings that aren't
12 normally in use that are just essentially warehouses or
13 storage facilities. But they are considered indoor space
14 in the standard.

15 So those are some of the things that have been
16 bouncing around my head, and I appreciate your time today.
17 Thank you.

18 CHAIR THOMAS: Thank you.

19 Maya, do we have any callers on the line?

20 MS. MORSI: Yes, we do. The first three are
21 Helen Cleary, AnaStacia Nicol Wright and Mitch Steiger. So
22 the first one is Helen Cleary with PRR, Occupational Safety
23 and Health Forum.

24 CHAIR THOMAS: Helen, can you hear us?

25 MS. CLEARY: I can. Good morning, everybody.

1 CHAIR THOMAS: Good morning.

2 MS. CLEARY: Welcome back, Chair Thomas. It's
3 ice to see you again.

4 CHAIR THOMAS: Well, thank you.

5 MS. CLEARY: Hello to Board Members, staff. I'm
6 Helen Cleary, I'm the Director of the PRR OSH Forum. We
7 just want to address requests that were made at the public
8 hearing for indoor heat last month.

9 We support the Division's decision to increase
10 the temperature from 80 to 82. The rulemaking's Statement
11 of Reasons notes that the increase was in response to
12 stakeholder concerns and PRR's written comments. So we
13 think it's appropriate to quickly share the reasoning that
14 we gave in 2018 and 2019 with the Board today.

15 So PRR advocated for actually 85 degrees, because
16 a temperature trigger of 80 and 82 would run contrary to
17 recommended summer temperature settings to conserve energy.
18 For example, flex alerts recommend adjusting indoor
19 temperatures to 78 degrees, plus turning off your lights
20 and unplugging electronics. CDC and NIOSH recommends 75 to
21 80.5 and ASHRAE recommends 72 to 80.

22 It's also important to note that lowering the
23 temperature will not change the required protections of the
24 employees who attended the hearing and shared the horrible
25 stories of working in spaces that reach over 100 or even 90

1 degrees. The proposed triggers are 82 and 87. The high
2 heat conditions they described will be subject to the
3 requirements regardless of a lower temperature. Going any
4 lower will expand the scope further away from the workers
5 in high heat environments it's intended to protect.

6 Not considering duration of exposure or the lack
7 of an exemption for administrative buildings, and this rule
8 not being industry specific, creates the risk that every
9 indoor space in the state will maintain an unnecessary
10 temperature around the clock in order to be in compliance.
11 We're concerned this will be a challenge for California's
12 energy grid and it's not a sustainable energy practice.

13 So for all of these reasons, that we continue to
14 believe that a temperature even of 82 is inappropriate for
15 regulatory threshold. We urge the Board and the Division
16 to consider the additional consequences an even lower
17 temperature will have, especially when temperature is the
18 standalone factor in the rule. It's the employer's
19 response that's important, not the actual temperature.

20 Finally, we think it's important to remind the
21 Board of what happened during the First Aid Rulemaking.
22 The text was revised twice after the initial proposal.
23 Stakeholders on both sides and Board Members supported the
24 originally proposed text and did not expect or believe
25 significant changes were necessary. However, after the

1 hearing, consequential additions were proposed that would
2 have had a major economic impact with what we believed were
3 no benefit to health and safety. Then that significant
4 addition was removed, and a second 15-day notice was
5 published.

6 We don't know what happened behind the scenes.
7 But we don't believe that this experience is representative
8 or a reason to deter the necessary revisions to the
9 proposed lead and indoor heat standards. It's part of the
10 official rulemaking process to listen to stakeholders make
11 changes that improve the proposed regulation. Considering
12 this legal framework is especially important for these two
13 rules that have been shelved for so many years due to the
14 attention given to the COVID-19 Standard.

15 Regarding the presentation today we just want to
16 say that PRR members share similar issues regarding
17 feasibility and the requirement to install engineering
18 controls like air conditioners. We believe that returning
19 the exception to allow administrative controls before
20 engineering as we've previously recommended would help. We
21 also share the issue of using indoor areas for cool-down
22 areas for outdoor workers, and see this is a conflict that
23 needs to be addressed.

24 So thank you. That's it for me today for your
25 time. Best of luck to you, Barbara. It's been a pleasure

1 meeting you and working with you for the short time I've
2 had that experience. Thank you for your input, your
3 support, and your service to the Board. And your
4 experience and perspective as an occupational health nurse
5 been a benefit to all of us.

6 So thank you for the time today and I hope to see
7 you all in person next month.

8 CHAIR THOMAS: Thank you.

9 BOARD MEMBER BURGEL: Thank you.

10 CHAIR THOMAS: Who do we have next, Maya?

11 MS. MORSI: Up next is AnaStacia Nicol Wright
12 with Worksafe.

13 MS. WRIGHT: Hi, everybody. Can you hear me?

14 CHAIR THOMAS: Sure. And can you make sure you
15 kind of slow it down? It just gets fast and it's hard for
16 them to transcribe. Go ahead.

17 MS. NICOL WRIGHT: I always talk slow, you know.
18 This is me.

19 CHAIR THOMAS: (Laughter.) I'll take your word
20 for it.

21 MS. NICOL WRIGHT: Good morning, everybody, Board
22 Chair, Board Members. My name is AnaStacia. I'm a staff
23 attorney with Worksafe.

24 And I'd like to comment on the indoor heat
25 standard and draw attention to how the standard not only

1 protects workers, prevents worker death and serious injury,
2 but how it also actually results in increased productivity
3 for employers according to the Division Standard Regulatory
4 Impact Analysis.

5 June 21st will officially begin summer in
6 California this year. I know it's felt like it's already
7 started. But technically it's on June 21st, that it will
8 begin. And with that will come the incredibly high
9 temperatures with which we're becoming all too familiar
10 with here in Cali. And while many of us work from home, or
11 we go to offices that are filled with fans and air
12 conditioners, thousands of California workers will be
13 exposed to indoor work environments with little to no
14 protection from dangerous heat.

15 Workers' Compensation records show that each
16 year, approximately 1,000 Californians, California workers,
17 submit claims for heat-related illnesses from occupational
18 heat exposure. Indoor workers account for approximately
19 185 of these heat-related illnesses each year. And these
20 numbers don't reflect those who suffer work-related heat
21 illness exposure without filing a workers compensation
22 claim.

23 While that number might not seem significant in
24 terms of the amount don't forget that we're talking about
25 1,000 people, human beings, suffering from a completely

1 preventable and potentially fatal illness. Don't forget
2 all the stories we heard last meeting from several actual
3 workers who recounted their experiences with heat exposure
4 at work. Every single one of these instances of neglect is
5 heart wrenching, because no one should have to work for an
6 employer who cares so little about their wellbeing.

7 And while many California employers already take
8 steps to protect their workers from extreme heat, adoption
9 of indoor heat mitigation activities is not universal for
10 all employers, as evidenced by the Workers' Comp data and
11 worker testimony.

12 And in any case, the employers who are already
13 looking out for their employees in this way shouldn't have
14 anything or not as much to fear from the new regulations.
15 The largest concern for employers seems to be the cost
16 associated with protecting their workers from heat illness.
17 And while business costs is not a legitimate reason to
18 neglect the health of workers, businesses are actually
19 anticipated to benefit from increased labor output by using
20 heat mitigation measures.

21 Since worker productivity tends to decline in hot
22 indoor environments, because not only do employed employees
23 work fewer hours the hours that they work become less
24 productive. In fact, engineering controls such as air
25 conditioning units would be expected to improve

1 productivity and prevent several million dollars in
2 productivity losses by reducing the number of days
3 employees are exposed to extreme heat. And again, all this
4 data I mentioned here that I'm sure it's titillating
5 information is in the Division SRIA, our Standard
6 Regulatory Impact Assessment Report.

7 I'd also suggest that -- although I do work from
8 home -- but people in the Boardroom or in the meeting where
9 you all are today, put the temperatures at the numbers that
10 we're saying, or some people are saying aren't that high.
11 We should all have to work in those temperatures and see if
12 we think that that's extreme, or indoor heat that needs to
13 be addressed for people.

14 Lastly, I'd like to urge the Division to provide
15 a draft of the general ATD standard earlier than later. So
16 as to avoid the predicament we all found ourselves in last
17 time, where the Standards Board Chair demanded that changes
18 be incorporated into the two-year permanent COVID standard,
19 which were never implemented for lack of sufficient time.
20 Thank you all.

21 CHAIR THOMAS: Thank you.

22 Who do we have next, Maya?

23 MS. MORSI: Up next is Mitch Steiger with
24 California Labor Federation.

25 CHAIR THOMAS: Mitch, can you hear us?

1 MR. STEIGER: Yes, I can. It looks like I'm
2 having some video issues, so I'll just go ahead and turn
3 that off. Thank you, Mr. Chair, members and Staff for the
4 opportunity to testify. Mitch Steiger with the California
5 Labor Federation.

6 First, I would like to echo the comments of a few
7 previous witnesses honoring Board Member Barbara Burgel for
8 her years of service. A lot of very helpful, very
9 insightful wisdom has been offered by Board Member Burgel
10 over the years. And definitely the workers of California
11 have benefited from that perspective and we definitely
12 thank you for all of your work.

13 Regarding the issue of indoor heat. The
14 presentation I think is helpful in illuminating both the
15 need for the standard, and one of the benefits of the way
16 that the standard is written. As far as the need for the
17 standard, there were a few mentions through the
18 presentation along the lines of there has never been an
19 issue, we don't have an issue indoors.

20 And while it may be true that there hasn't been a
21 Cal/OSHA complaint related to indoor heat among any members
22 that that may be known about, I guarantee that there has
23 been an issue. I guarantee if we talk to the workers, if
24 we were able to get them at an offsite location and have an
25 honest conversation with them about their working

1 environment, they would have a lot to say about what it's
2 like to work in that kind of heat.

3 I took the cotton ginning NAICS code and put it
4 into the IMA system to see what sort of citations were on
5 the record. And there weren't -- there weren't many
6 details in what was listed. But I did see one that talked
7 about a worker who lost a finger, had a finger pulled off
8 in one of the machines. And it made me think of pulp and
9 paper workers that I used to work with in Washington State,
10 and I've never met one who had 10 of their fingers. And
11 it's very common in facilities like that with a lot of very
12 big, very dangerous machinery that generate a lot of heat
13 for workers to suffer those injuries. And those pulp and
14 paper workers used to talk about the heat all the time, and
15 all the different ways that working in that extreme heat,
16 you're not at 100 percent, it slows you down.

17 And that's one of the main reasons for this
18 standard is not just reducing the number of illnesses and
19 Workers' Comp complaints, and Cal/OSHA complaints directly
20 related to heat illness, but also the effect that exposure
21 to extreme heat has on all of these other hazards. And
22 that it just -- it harms a worker's ability to be
23 productive, as was mentioned in the excellent testimony
24 from Worksafe. But also their ability to stay safe and pay
25 the kind of attention that they need to do to in this case,

1 keep all of your fingers.

2 And so it's one of the reasons that we really
3 need to take this issue seriously. And why we think the
4 way that the standard is written is so helpful, because as
5 much as we would like it to say, sorry, you have to do the
6 \$9 million HVAC system assuming that's what it actually
7 costs, that it doesn't say that. And it doesn't say it's
8 encouraged. It finds this middle ground of here are some
9 engineering controls. Here some administrative controls.
10 You have to do these to bring the temperature down unless
11 you can demonstrate that it's not feasible.

12 And yes, not everyone is going to agree on
13 exactly what that means, but it does give the employer the
14 opportunity to show that it wasn't feasible. And in the
15 case of these employers who are doing all sorts of other
16 administrative controls, as was mentioned in the
17 presentation, that's going to drastically reduce the
18 likelihood of there ever being an issue. So hats off to
19 those employers who are doing the right thing. It's going
20 to make it a whole lot less likely that the question of
21 whether or not an HVAC system is feasible ever comes up.

22 And so, we appreciate the presentation. But we
23 do think it really does help make the case for not just the
24 need for the indoor heat standard, but also the way that
25 it's written and that middle ground that it finds between

1 what the worker side would like to see in the standard and
2 what the employer side would like to see. We think what
3 we've got here would be a great start in helping workers
4 stay more safe on the job. So thank you for the
5 opportunity to speak.

6 CHAIR THOMAS: Thank you, Mitch.

7 Do we have any more public members who would like
8 to -- people that are here that would like to speak? It
9 looks like that's a no. So Maya, we'll continue with
10 callers.

11 MS. MORSI: Okay, the next speaker is Judith
12 Neidorff.

13 CHAIR THOMAS: Judith, can you hear us?

14 MS. NEIDORFF: Yes, I can. Can you hear me?

15 CHAIR THOMAS: Yeah. Go right ahead.

16 MS. NEIDORFF: Okay. This was actually a comment
17 for the previous presentation. I apologize, I think I put
18 it in the wrong area when I was submitting it. It was just
19 in response to the question about swamp coolers. I just
20 wanted to share a little information that swamp coolers are
21 only effective in areas without a lot of humidity. So in a
22 lot of the industrial environments that would be indoors
23 they wouldn't be an effective solution. So that was
24 probably why they weren't proposed as a solution to the
25 gentleman who had researched how much it would cost to air

1 condition indoors.

2 CHAIR THOMAS: Is that your comment?

3 MS. NEIDORFF: (Overlapping colloquy.) And that
4 was it. Yep, that was it.

5 CHAIR THOMAS: Thank you, Judith.

6 Who do we have next, Maya?

7 MS. MORSI: Up next is Anne Katten with CRLA
8 Foundation.

9 MS. KATTEN: Hi. Good morning.

10 CHAIR THOMAS: Anne, hi. Can you hear us, Anne?
11 Go ahead.

12 MS. KATTEN: Yes, I'm here. This is Anne Katten
13 with California Rural Legal Assistance Foundation. And
14 first, I would like to echo the thanks to Barbara Burgel
15 for all your hard work and your commitment to work health
16 and safety. And I hope all your travels and the other
17 things you're planning go really well.

18 I also support the comments regarding the need
19 for the indoor heat standard provided by Worksafe and the
20 Labor Federation. And I appreciate the information
21 provided in the presentation. And I just wanted to point
22 out, to supplement, that many of the controls that Mr. Isom
23 described in place in cotton and nut facilities are not in
24 place in many indoor egg packing operations. And this
25 demonstrates the need for the proposed regulation.

1 And while I appreciate it, and agree with the
2 comment of the previous commenter that there are
3 limitations to how to -- use of swamp coolers. We have
4 talked with many workers in various packing operations and
5 where they've had fans near the workers and swamp coolers
6 in processes that don't generate a lot of humidity, and
7 also the readily available cooled drinking water, that
8 these have been really critically important for preventing
9 heat illness. And keeping the workers more comfortable and
10 therefore more productive. But even these controls are not
11 provided currently in many facilities.

12 I also wanted to echo the conclusion of the SRIA,
13 that health and safety benefits of heat control required in
14 the proposed regulation according to their analysis exceed
15 the cost. And thank you for the opportunity to comment.

16 CHAIR THOMAS: Thank you, Anne.

17 Go ahead, Christina, you had a comment?

18 MS. SHUPE: Thank you, Chair Thomas.

19 Staff have just brought it to my attention that
20 there are some members of the public who are using the
21 comment queue request form in order to leave comments for
22 the Board. And I want to clarify for everyone that that is
23 not a venue for providing comments to the Board. If you'd
24 like to speak with the Board, please enter our queue and we
25 will address you in open session. Thank you.

1 CHAIR THOMAS: Thank you.

2 Who do we have next, Maya?

3 MS. MORSI: Up next is Michael Miiller with
4 California Association of Winegrape Growers.

5 CHAIR THOMAS: Michael, can you hear us?

6 MR. MIILLER: Yes, I can. Thank you very much.
7 Good morning, everybody. I wish I could be with you. I'm
8 in Walnut Creek, but I could not make the trip today. Too
9 tied up with legislation activities here in Sacramento.

10 I too want to thank Ms. Burgel. This is the
11 ultimate thankless job, where it's almost impossible to
12 please all sides and decisions will always be challenged
13 and criticized. And I appreciate your work. Public
14 service is to be honored. And your service is greatly
15 appreciated both personally and professionally. I want to
16 thank you, and I salute your service.

17 I've been monitoring some congressional hearings
18 lately. And noticed two issues that have come up that are
19 relevant to the Board. The first issue is the COVID-19
20 standard. This standard was raised at a House
21 Representative's hearing last week. Not surprisingly, most
22 people including Californians had no clue that we still
23 have a COVID-19 standard in place.

24 So I again urge the Board to do some outreach and
25 remind the public that the requirements for masking, social

1 distancing, testing, etcetera is they're all still in place
2 in the workplace. Now this will help employers gain
3 cooperation from employees in complying with the
4 regulation.

5 But the second issue is much broader. A few
6 Republicans in Congress recently told Republican leadership
7 that they would not support any legislation that was a
8 product of cooperation with Democrats. It's as though they
9 have a Messiah Complex where they believe they are saving
10 the free world and everyone else is evil.

11 I bring this up here, because I've noticed that
12 workplace safety regulations sometimes appear to take that
13 same approach. I believe that approach is unintended, and
14 we all try to avoid it. But some people firmly believe
15 that employers aren't doing enough and people will die
16 unless regulations are adopted. And others have pushed for
17 a more collaborative approach. Perhaps it's time to take a
18 look back to see what the regulations are actually
19 accomplishing in the real world.

20 Maybe just start with the COVID-19 regulation, as
21 an example. Do a study that asks three basic questions.
22 What would employers be doing without the regulation,
23 because of requirements elsewhere in law? What additional
24 requirements does the regulation create? And third what is
25 the outcome directly achieved, because of those additional

1 regulations? Obviously if any industry association or
2 labor union did the study people would say that the
3 findings of the study were biased. So it would be better
4 if a public agency could do that kind of a study on its
5 own.

6 When I worked for Jackie Spear when she was the
7 Chair of the Assembly Consumer Protection, Governmental
8 Efficiency, and Economic Development Committee -- it's a
9 long name -- she pushed for a top to bottom review of all
10 reports from state agencies to the Legislature. She wanted
11 to be sure that the reports actually accomplished a valid
12 public policy purpose. Otherwise those reports just amount
13 to a bunch of needless paperwork.

14 I think when we look carefully at some of the
15 regulations, we may find the same thing here. Some of the
16 regulations result in employers keeping mounds of
17 paperwork, but for minimal public benefit. In short, I
18 believe we can all achieve better outcomes when we come
19 together and collaborate. And again I thank you, Board,
20 and I especially want to thank Ms. Burgel for her service.
21 And I wish you well. Thank you.

22 CHAIR THOMAS: Thank you.

23 Who do we have next, Maya?

24 MS. MORSI: Up next is Robert Moutrie with
25 California Chamber of Commerce.

1 CHAIR THOMAS: Robert, can you hear us? I can
2 see you.

3 MR. MOUTRIE: Yes, I can. Good morning, Chair
4 Thomas and members. Can you hear me?

5 CHAIR THOMAS: You might want to turn up your mic
6 a little bit.

7 MR. MOUTRIE: Let's try that. Is that better?

8 CHAIR THOMAS: Much better. Thank you.

9 MR. MOUTRIE: Okay. I'm not good at technology
10 yet, you would think the pandemic would have taught me. So
11 anyway, good morning to everyone. And I'll echo the thanks
12 to Board Member Burgel for your thoughtful questions and
13 your years of service on what -- I think it was said -- is
14 maybe the worst part time job. But it was appreciated, and
15 it was always nice to have your thoughtful comments here.

16 So that said, I'd like to turn briefly to indoor
17 heat. Many of my colleagues have made the points that I
18 would make regarding the temporal threshold of having it
19 click in after a number of minutes or some other threshold.
20 Similarly, I echo Helen Cleary's comments from the 82
21 degree threshold and how that is appropriate as a place.
22 And --

23 CHAIR THOMAS: If you could slow down just a
24 little, little bit.

25 MR. MOUTRIE: Yes. Thank you.

1 CHAIR THOMAS: Yeah. A lot of little bit. Thank
2 you.

3 MR. MOUTRIE: And as to the feasibility concerns
4 about lowering the temperatures, I thank Mr. Isom for what
5 I thought was a very hopeful presentation in bringing those
6 concerns from the theoretical to an application. Obviously
7 he did not speak for restaurant kitchens, but I will
8 reiterate that a number of my members who do food
9 processing or cooking remain concerned about that.

10 I would just like to comment about the response
11 to one piece that was said. There was an assertion that
12 employers who are already doing things shouldn't worry
13 about that or shouldn't be concerned about citations and
14 costs. And I think that's -- I think the example of why
15 that is untrue was in the presentation you heard today.
16 Where you have an employee there who is doing that work and
17 has not had issues, but still remains concerned that the
18 details of the regulation are going to create cost and
19 citations and not necessarily improve outcomes.

20 So I think that assertion is one that's commonly
21 thrown, which is well if you're doing everything right,
22 there's nothing that's going to happen. And I don't think
23 that is correct from the experience on the employer side.
24 I just had to respond briefly there.

25 I'd like to touch two other pieces briefly.

1 First, I'd like to say that we on the Chamber side at least
2 are looking forward to seeing the next draft from the
3 Division on the workplace violence standard, which I know
4 Kevin is working hard on. I've been looking forward to
5 seeing that next draft and participating in that advisory
6 committee process.

7 And I'd also like to flag a piece of legislation,
8 which I know Autumn Gonzalez is aware of and is in your
9 Board packet. But I'm not convinced that the members may
10 have seen, which is there's legislation moving through the
11 Legislature presently that would create a workplace
12 violence standard that is very different than what your
13 staff has proposed and worked on. That is SB 553. So you
14 may want to take a look at that in your in your board
15 packet. It is effectively using the hospital standard
16 which your staff has -- your staff's draft is very
17 different from on the Division side.

18 So that is my time. Thank you, and I hope it
19 wasn't too quick by the end.

20 CHAIR THOMAS: You did good at the end. Thank
21 you.

22 Amalia -- or I'm sorry, Maya, who do we have
23 next?

24 MS. MORSI: Up next is Robert Sarnoff with the
25 State of California. To unmute yourself, please press *6.

1 CHAIR THOMAS: Robert, can you hear us?

2 MR. SARNOFF: I can hear you. Can you hear me?

3 CHAIR THOMAS: Yeah, you might want to turn your
4 mic up or get a little closer. But yeah, go ahead.

5 MR. SARNOFF: Okay, I'll put it up to my head. I
6 have a comment about teleworking and standards for COVID.
7 It seems like the standard that exists does -- I'm not sure
8 (indiscernible) but doesn't clearly address the question of
9 telecommuting as an option.

10 The state for -- at least I work for the
11 Department of Transportation, I don't speak for it, but has
12 invested in making sure that everybody has remote access by
13 VPN and then phone authentication to computer networks.
14 And for people who usually work in the office, for computer
15 network work there's also encrypted phone network in
16 meetings. Online meetings are most of the ways we
17 communicate in the office.

18 Yet the state, the same agencies that have
19 implemented this teleworking process and equipment, have
20 not implemented full time teleworking after COVID. And the
21 Pandemic, which is now Endemic, has ceased to exist and
22 that kind of threat has ceased to exist. So the state has
23 already spent the money to provide a way of relieving
24 people from exposure pretty much permanently. But it's
25 really insistent on having people report to work at least

1 two days a week and to the workplace at least two days a
2 week, and also in some cases everybody to the office on the
3 same day.

4 This increases traffic and increases the
5 opportunity for exposure. There's no guarantee that
6 similar serious pandemics won't continue to exist or a
7 strain of COVID doesn't or won't exist. So it's almost
8 like they never really accepted telecommuting even though
9 they had to implement the equipment.

10 So I'm looking for the possibility of the Board
11 making some standard that recognizing for teleworking
12 alternative exists, that the full time teleworking option
13 is encouraged. Because it's really clear to me that my
14 supervisors all the way up the chain really, really don't
15 accept teleworking as an alternative. They've embraced
16 something they call partial teleworking. But the act of
17 being in and out of the office is itself a waste of time,
18 because you have to take your laptop into the office, plug
19 it into a different network, and then maintain office
20 space, which the state would not have to maintain if they
21 accepted telework as a way of working.

22 That's the end of my comment.

23 CHAIR THOMAS: Thank you.

24 Who do we have next, Maya.

25 MS. MORSI: And the last speaker is Gabriel.

1 CHAIR THOMAS: Gabriel, can you hear us?
2 Gabriel? I think I heard a click, so he might have hung
3 up. So let's go to the next, Maya.

4 MS. MORSI: At this time, we don't have any more
5 speakers.

6 CHAIR THOMAS: All right. All right, one more
7 chance for public speakers. Anybody here? (No audible
8 response.)

9 All right, let's see. All right. The Board
10 appreciate your testimony. This public meeting is
11 adjourned, and the record is closed. We'll now proceed
12 with the business meeting.

13 The purpose of the business meeting is to allow
14 the Board to vote on matters before it and to receive
15 briefings from staff regarding the issues listed in the
16 business meeting agenda. Public comment is not accepted,
17 however, during the business meeting unless a member of the
18 Board specifically requests public input.

19 And so we have proposed variance decisions for
20 adoption. Autumn, can you brief, please brief the Board?

21 MS. GONZALEZ: Thank you, Chair Thomas. I'd like
22 to draw your attention to number 24 on your list. That
23 variance, we are recommending a grant. So we have variance
24 decisions number 1 through 24 ready for your consideration
25 and possible adoption.

1 CHAIR THOMAS: All right, do I have a motion to
2 adopt 1 through 24?

3 BOARD MEMBER LASZCZ-DAVIS: I so move.

4 BOARD MEMBER STOCK: Second.

5 CHAIR THOMAS: I have a motion. I have a second.
6 Is there anything on the question? Hearing none, all in
7 favor signify by saying aye.

8 BOARD MEMBERS: Aye.

9 CHAIR THOMAS: Those opposed?

10 (No audible response.)

11 CHAIR THOMAS: So carried.

12 (Off-mic colloquy.)

13 MS. MONEY: I was just going to say, don't take
14 my job away from me, Dave.

15 CHAIR THOMAS: See that's the way it should be
16 though.

17 Sarah, can you please call the roll?

18 MS. MONEY: I have the motion as Chris Laszcz-
19 Davis, and the second as Laura Stock; is that correct?

20 BOARD MEMBER STOCK: Yes.

21 MS. MONEY: Okay. Barbara Burgel.

22 BOARD MEMBER BURGEL: Aye.

23 MS. MONEY: Kathleen Crawford.

24 BOARD MEMBER CRAWFORD: Aye.

25 MS. MONEY: I'm sorry?

1 BOARD MEMBER CRAWFORD: Aye.

2 MS. MONEY: Okay. Dave Harrison.

3 BOARD MEMBER HARRISON: Aye.

4 MS. MONEY: Nola Kennedy.

5 BOARD MEMBER KENNEDY: Aye.

6 MS. MONEY: Chris Laszcz-Davis.

7 BOARD MEMBER LASZCZ-DAVIS: Aye.

8 MS. MONEY: Laura Stock.

9 BOARD MEMBER STOCK: Aye.

10 MS. MONEY: Chairman Thomas.

11 CHAIR THOMAS: Aye. And the motion passes.

12 I liked my way better, but I guess we have to do

13 this way. (Laughter.) Anyway so we'll go to reports.

14 Division Update, Eric, Division Update.

15 MR. BERG: Okay. Can you hear me? All right,

16 thank you very much, Chairman Thomas and all Board Members.

17 We continue to work on the comments for indoor

18 heat and lead, so I'm going through all those comments that

19 are mentioned before. There's close to 600 pages on lead

20 and close to 400 pages on indoor heat. So we're going

21 through all those.

22 Some of the issues raised today weren't in the

23 official comment period, but they're very similar to

24 comments we received during the comment period. So we are

25 working on addressing everything that was raised today

1 specifically for indoor heat.

2 And we also are continuing to work on workplace
3 violence draft and silica. Obviously we know is a serious
4 problem; or silicosis that is and we did our evaluation
5 last month. So we look forward to your discussion on that
6 hopefully in the next meeting or August. That's about it.
7 Any questions?

8 CHAIR THOMAS: Any questions for Eric?

9 Go ahead. Go ahead, Barbara.

10 BOARD MEMBER BURGEL: Could you comment on the
11 legislation that passed through the Senate? I don't know
12 if it's been signed by the Governor, but the workplace
13 violence standard being so different than the draft of the
14 general workplace violence proposed language?

15 MR. BERG: I don't have any comments on it, per
16 se. I mean, I -- sorry, I don't have anything.

17 CHAIR THOMAS: Yeah, go ahead, Laura.

18 BOARD MEMBER STOCK: Well, just to follow up on
19 the workplace violence, and just to make a comment on it.
20 I mean, I think what we're going to be seeing more and more
21 is a result of how extremely long it takes to promulgate
22 standards measured in years and years. And so the
23 frustration with that timeframe is going to be resulting in
24 stakeholders trying to find a route that's going to be
25 faster.

1 And I think that's really behind why we're seeing
2 legislation like the workplace violence. And it's a very
3 critical, urgent issue, particularly for people in retail
4 and others. And it's just impossible to really, you know,
5 wait for the timeframe that is necessitated by this process
6 which is extremely slow.

7 And so I just want to make that comment that I
8 feel like it really points to the need to figure out what
9 can be done to accelerate the timeframes, whether it's more
10 staffing, more resources. I think we've -- numbers of us
11 have often tried to figure out how can we support greater
12 resources and staffing in order to accelerate these
13 processes. And I think we're just going to see more and
14 more efforts by the stakeholders to bypass the Standards
15 Board in order to get things done. So I just want to
16 comment that that's what we're seeing.

17 And with that in mind, I know we ask this every
18 time and I know the answers are often like difficult to be
19 very precise. But I do think that two regulations that
20 people are concerned about is one, the General Industry
21 Infectious Disease Regulation. And the concern that was
22 raised by the comments by Worksafe, about being sure that
23 we don't get it so far at the end, that we're coming up
24 into a deadline and don't really have time to give it the
25 attention it deserves. So I'm just curious if you can give

1 any more specificity on when that will be ready for a draft
2 and discussion.

3 And also with the workplace violence, which I
4 know you're continuing to work on. But if you could give
5 any more information about the timeframe on those two regs.

6 MR. BERG: For workplace violence, I can't
7 provide a date at this time. Hopefully in the next meeting
8 or two, I'll have more information, but right now I don't
9 have any information that will now be posted. And I don't
10 have it for the General Industry Health Infectious Disease
11 -- Aerosol Infectious Disease standard either. So sorry
12 about that. I don't have any specific dates.

13 BOARD MEMBER STOCK: Yeah, I understand the
14 challenges that you face and the many things that you're
15 working on now. So and I just hope that you'll keep in
16 mind that concern that's been raised by the public,
17 particularly about regulations that have deadlines in
18 place. And to avoid sort of, you know, as somebody pointed
19 out what we saw with the COVID Reg where there were changes
20 that were being requested. But by instituting the process
21 to have those changes, we would have missed the deadline.
22 So we just want to be very mindful that we don't face that
23 kind of situation again.

24 MR. BERG: Yeah and I know the process is taking
25 longer than people want. And we are working very hard to

1 get additional staffing and more resources. It's just
2 taken a long time to get more resources, but we're working
3 on that.

4 And then, of course, with silicosis we know of 70
5 cases just at one hospital with a 20 percent fatality rate.
6 So that really alarmed us, so we put a lot of work into
7 that. And so we can't -- and we're also doing indoor heat
8 and lead, so we're doing those three pretty much full time
9 now.

10 BOARD MEMBER STOCK: Yeah, I mean, as I said I
11 completely understand the workload that you're under, and
12 just provide support for the urgent need for more staffing
13 and resources for the standard setting divisions, both in
14 this -- in the Board and in the Division to address this,
15 because they're critical issues. Thank you.

16 CHAIR THOMAS: Yeah, Chris, go ahead.

17 BOARD MEMBER LASZCZ-DAVIS: I'm going to put you
18 on the spot, Eric, here. You know, in response to
19 Barbara's question about SB 553 you indicated you had no
20 comment. Is that because you were not aware of it, or you
21 just haven't reviewed it in light of what the Division's
22 already been working on?

23 MR. BERG: I'm aware of it and I have reviewed
24 it, and I have no comment on it.

25 BOARD MEMBER LASZCZ-DAVIS: Can we expect some

1 comment perhaps at the next meeting?

2 MR. BERG: Probably not.

3 MS. SHUPE: I can probably clarify for the Board.

4 BOARD MEMBER LASZCZ-DAVIS: Okay.

5 MS. SHUPE: State agencies generally do not
6 comment on pending legislation.

7 BOARD MEMBER LASZCZ-DAVIS: Okay.

8 CHAIR THOMAS: Yeah.

9 BOARD MEMBER LASZCZ-DAVIS: Well, you know, and
10 forgive me, but the reason I asked is just a quick read
11 might suggest that it doesn't align with the work that's
12 being done within the Division. So I mean at some point
13 that juncture is going to be an awkward one, just raising
14 it as an issue.

15 MR. BERG: Okay, thank you.

16 CHAIR THOMAS: Any other questions for Eric? I
17 did want to make one comment. I know there's always a rush
18 to get certain things, regulations, done in a shorter than
19 what we normally do. But really the beauty of it is that
20 everybody has plenty of time to vet everything. Because
21 once we pass it, it's passed and it is what it is. And
22 there is a trying to rush things through. I think we've
23 seen that doesn't work. It's not a good standard to go by
24 is to rush, rush, rush and get it through and then figure
25 out what's wrong with it later, right? And we find that

1 out. We get complaints about that a lot, especially on the
2 emergency ones, right?

3 Right, Chris?

4 BOARD MEMBER LASZCZ-DAVIS: Yes.

5 CHAIR THOMAS: Yes. And so it does take time I
6 get it. And sometimes it's just as painful to watch the
7 process, but in all likelihood it's the best way to do it.
8 Because that way everything is vetted before it's put in
9 place and it's never going to be perfect. Everybody's not
10 going to agree with it. We know that. But rather than
11 rush it through or kind of put it on a quicker timetable is
12 really not the answer. It just takes time.

13 And as we see with the lead there was a lot of
14 questions, a lot of questions. And the back and forth,
15 that's the time consuming part. Because questions are
16 asked, they have to be answered and then that takes time.
17 And then through the Division, us, and the Division.

18 So even though we don't like it, even though we'd
19 like to get things done quicker there is a -- I have
20 respect for the process, because it seems to work the best.
21 That it takes a little bit longer to get things done I
22 agree with Laura, it's probably a little too long. But you
23 know, sometimes that's the cost of it. And that's how you
24 get down to where everybody can agree and be happy with it,
25 is that it takes time to get there. I mean, Dave and I

1 know, we negotiate. And sometimes it just takes a long
2 time to get to the end. And if everybody is not completely
3 happy at the end, success, right? Well, maybe. We don't
4 think that, but that's what usually happens.

5 So any other questions? Go ahead.

6 MR. BERG: Oh yes. So for indoor heat we have
7 nine different versions, because each version we get lots
8 of comments and change and try to address all the comments
9 so it's slowly changed. As Jeff said at the last one,
10 when he was at the public hearing, how we changed
11 drastically based on comments.

12 So the first version is much, much different than
13 we have now as we've tried to make it a lot simpler and
14 easier to comply with in trying to address all these
15 concerns. It took a long time to get indoor heat from its
16 initial stage to where it is now. And we're making more
17 changes to try to --

18 CHAIR THOMAS: That's what we have to do. That's
19 what has to happen. That's the way the sausage gets made
20 in this case. So anyway. Any other questions for Eric?

21 (No audible response.)

22 All right, we will move onto Legislative Update.
23 Autumn.

24 MS. GONZALEZ: Thank you, Chair Thomas.

25 So bills are moving through both houses. We've

1 got SB 553, which we've been talking about this morning,
2 has passed through the Senate. It is now in the Assembly.
3 That bill just very briefly, requires employers to
4 establish a Workplace Violence Prevention Plan, either as a
5 separate document or as part of their IIPP. And it would
6 require recording of information on violent incidents, a
7 review of the program annually with their employees, and
8 other requirements.

9 SB 686, the domestic workers bill we've been
10 watching, and SB 735, the motion picture production bill,
11 also moved out of the Senate and are now in the assembly.

12 CHAIR THOMAS: Thank you. Any questions for
13 Autumn? (No audible response.)

14 All right then, we will go to the Executive
15 Officer's Report. Christina.

16 MS. SHUPE: Thank you, Chair Thomas.

17 I was going to make a very brief segue. But I
18 need to take a moment to really address the resource issue,
19 for not just the Standards Board but for the Cal/OSHA
20 program as a whole. We are dealing with a problem that has
21 been over 30 years in the making. The Standards Board
22 staff was flat for over 30 years while our economy doubled
23 in size, and our workforce nearly doubled.

24 The workforce that we now are responsible for
25 regulating, the workplaces, are so much more complex than

1 they were 30, 40 years ago. When we look at issues for
2 emerging technology, when we look at the lag time for
3 workplace violence, we're talking about snow avalanche
4 blasting. We have no resources to address a backlog of
5 over 30 regulations, petitions that the public from both
6 the labor and management side have asked the Board to
7 address, have asked Cal/OSHA to address. And we have
8 agreed they should be addressed, but we have no resources
9 to address them.

10 Our regulations shouldn't be short-cutted to make
11 things move faster. Chair Thomas is absolutely right, that
12 the process is important, that debate, that investigation,
13 that public engagement, is why we have such successful
14 regulations in California. But without the resources we're
15 finding unintended consequences. We're finding an
16 increasing pressure to shortcut a responsible regulatory
17 process. We're seeing stakeholders forced to seek other
18 amendments through either the legislative branch, or
19 through administrative controls or I'm sorry,
20 administrative resources.

21 And it is not what California intended when they
22 formed this Board. It's not what they intended when they
23 created our Cal/ OSHA State Plan and our agreement with
24 federal OSHA. And so without resources we will continue to
25 have these problems. So the Board is absolutely right to

1 advocate for more resources as are our stakeholders.

2 Now, that said I'm going to move on to something
3 a little bit more pleasant. The resources that we do have
4 are incredibly dedicated and wonderful people. Today is a
5 day foremost for appreciation. And before we go on to what
6 everybody's expecting, I would like to acknowledge and
7 celebrate three of the Board's Staff members.

8 Maryrose Chan, she is a Senior Safety Engineer
9 for us. She recently was awarded an Individual Superior
10 Achievement Award for her work to update the Firefighter
11 Personal Protective Equipment Requirements. And she
12 received that from DIR and the State of California. It was
13 a competitive award. And it was well, well deserved. This
14 Board voted to approve those regulations. It was a project
15 that she worked on for a significant amount of time, and it
16 updated our personal protective equipment standards for
17 firefighters for the first time in over 30 years. So
18 deeply appreciative to her for that.

19 Also, Senior Safety Engineer Michael Nelmda, and
20 Program Analyst Jennifer White, were recognized used with
21 the Team Superior Achievement Award for their exceptional
22 efforts to support and even improve Board meetings.
23 Especially public access to the Board during the COVID
24 Pandemic.

25 Most people don't know this, but Mr. Nelmda

1 brought in equipment from home in order to make sure that
2 our Board meetings could still take place during the stay
3 at home orders.

4 Jen white worked not only to bring on TKO, but
5 before we had TKO, our vendors who provide all of our
6 hybrid meeting support, she was the one doing that. She
7 created many of the forms and procedures that allowed us to
8 move from what was a 30-year tradition of in-person only
9 meetings to the hybrid environment we enjoy now. And as a
10 result our stakeholder engagement has jumped from at some
11 points up to 2,000 percent.

12 So I just wanted to take a moment to acknowledge
13 all three of them. They're fantastic. They're very
14 dedicated to the mission, and they are a part of why the
15 Board is as successful as it is today. (Applause.)

16 Well, as we all know our Board Members are
17 exceptional too. Every month, you take time away from your
18 jobs, your family, your personal lives and you volunteer
19 your expertise in service of California, our workers and
20 our employers. And today, we're recognizing the service of
21 Board Member Barbara Burgel who is stepping down from her
22 service to go do things more exciting. Like, I understand
23 there's some travel in your future?

24 BOARD MEMBER BURGEL: Yes.

25 MS. SHUPE: Chair Thomas, would you like to say a

1 few words?

2 CHAIR THOMAS: Yeah, I can't think of anything
3 more exciting than this. But anyway, Barbara joined the
4 Board in August of 2018. And she served us for just shy of
5 five years. And in that time the Board has adopted many
6 regulations, wildfire exposure and COVID 19 Pandemic.
7 Which you came in at the perfect time if you really wanted
8 to see how angry and crazy people can get over regulations
9 that were meant to help save lives. And we went through
10 quite an ordeal.

11 But she was also instrumental in the cranes and
12 derricks and construction applications for permanent
13 variances. Which she worked with single user toilet
14 facilities, consolidated construction safety orders,
15 elevators for hoisting workers, electrical power
16 generators, employee access to IIPP, personal floatation
17 devices, among many other things. And I want to thank you
18 personally, because we have a really good -- well we have a
19 great Board. We've had a really good Board for a long time
20 and I'm sorry to see you go. But I know that you can't do
21 this forever even though I feel like I've been doing it
22 forever. But at some point you have to decide to do other
23 things.

24 But we want to thank you for your service. And
25 I'd like to present you with this plaque. So why don't you

1 come over here? Anybody got a camera? We should get this
2 on film. All right, anyway. In appreciation for your
3 services to the Occupational Safety and Health Standards
4 Board, Barbara Burgel, thank you so much, appreciate it.

5 (Whereupon, Barbara Burgel was presented with a
6 plaque.)

7 BOARD MEMBER BURGEL: Thank you so much.

8 (Applause.)

9 CHAIR THOMAS: Thank you. Great, thank you very
10 much.

11 BOARD MEMBER BURGEL: Thank you.

12 CHAIR THOMAS: Do you want to say anything?

13 BOARD MEMBER BURGEL: Yes, I would like to say
14 thank you, really. I've learned so much. I just wanted to
15 thank everyone. I've learned quite a bit so much over
16 these past almost five years. I wish to thank, of course,
17 Christina and the wonderful staff of the Standards Board.
18 I also wish to thank Eric Berg and Cal/OSHA. Oh my
19 goodness, I've learned so much. And the affiliation has
20 been wonderful.

21 I really learned a lot about the notice and
22 comment rulemaking process of California. And I agree it
23 needs more resources for sure and would highly support more
24 resources, because it's important. What I've learned and I
25 remember when I thought about coming on the Board and

1 applied. It's a Governor's appointment, as you know. One
2 of the things that I remember talking with you, Laura, you
3 had mentioned how important hearing from stakeholders is.
4 And that has been what is most remarkable about this
5 rulemaking process, is hearing from employers and all the
6 workers across the whole state of California.

7 And I've worked in occupational health and safety
8 for my whole career. And I still get chills when I go
9 down, or drive through small communities and think all of
10 these workers are protected by the Cal/OSHA rulemaking
11 process. And regulation does save lives, it does. I know
12 it's expensive. But it's very important, the primary
13 prevention aspect of our work. It reduces injuries.

14 And it's important for workers to be fully
15 engaged in participatory processes with management to
16 safeguard work because work is important. Work is
17 therapeutic. Work is -- I mean in fact, I should read a
18 wonderful poem. I didn't bring my phone -- my favorite
19 poem about work. But I'll send it to you. And it's really
20 so important.

21 And so when I reflect on these past five years,
22 the Wildfire Smoke Prevention Standard was by far -- I mean
23 oh my goodness, such important work especially as we saw
24 the air quality issues in the Northeast. I mean, it just
25 sort of made me proud that we were prepared. We are

1 prepared as a state and many states are not prepared.

2 COVID, I agree with you, it's been tough. I did
3 not like receiving those nasty emails. Let me tell you, I
4 was fearful hoping my home address wasn't public. It was a
5 rough time during COVID receiving those nasty-ass emails,
6 excuse me. (Laughter.)

7 CHAIR THOMAS: I like that, thank you.

8 BOARD MEMBER BURGEL: You know, and it crossed my
9 mind that public policymaking positions are so important,
10 but they're vulnerable positions. And there are health and
11 safety issues related to this role. That's for sure. So
12 that was not pleasant, I have to say. But I do think the
13 work and the effort.

14 And I would agree with Michael Miiller's comment
15 today, employers need to know that our COVID standard is
16 still in effect, I mean, very, very important. And so
17 every effort Cal/OSHA can make to get the reminder out
18 there. And certainly all those prevention activities
19 needed around indoor heat issues coming forward, and
20 workplace violence, critically. We'd have to continue to
21 do that outreach while we make the rules to protect
22 workers.

23 But I also want to say that I'm very proud of
24 this Standards Board's efforts in tele-zooming our
25 meetings. And the Spanish translation, so critically

1 important. And I think that needs to be continued and
2 resourced. And I hope it is going forward.

3 So I wish to thank all the Cal/OSHA collaboration
4 and all the Standards Board Staff, Sarah and Amalia and
5 Autumn and Dave, and obviously Michael and other people who
6 aren't here. And Christina, thank you so much.

7 And I respect my Board Members. What fun, it's
8 been great. We all agree, and sometimes we disagree, and
9 we agree to disagree. And it's just been a very iterative
10 important process. So thank you so much. (Applause.)

11 CHAIR THOMAS: All right. Any more -- anything
12 else, Christina?

13 MS. SHUPE: I have nothing else for the Executive
14 Officer's Report.

15 CHAIR THOMAS: All right. New business, future
16 agenda items, any Board Members have any questions of
17 Christina or Eric?

18 Go ahead, Dave.

19 BOARD MEMBER HARRISON: I'd just like to make a
20 comment --

21 CHAIR THOMAS: Go ahead, yeah.

22 BOARD MEMBER HARRISON: -- if I could and
23 recognize my neighbor. So I just want to say, from being a
24 great neighbor here on the Board, prior to you there was a
25 bit of a revolving door here. And I've got to say over the

1 last five years you've been an absolute asset to the
2 workers in California from your expertise, your
3 professionalism, your knowledge, and most importantly, your
4 passion for worker safety. So I just -- I want to thank
5 you for all your work and wish you well and in your real
6 retirement.

7 BOARD MEMBER BURGEL: Thank you.

8 BOARD MEMBER HARRISON: Thank you.

9 CHAIR THOMAS: Any other comments from Board
10 Members?

11 BOARD MEMBER STOCK: I guess you've inspired me
12 to do the same. Barbara, it's been a joy to work with you.
13 And I've so respected your ideas, your questions. Bringing
14 your expertise as an occupational health nurse has been so
15 critical. And I've enjoyed our traveling and commuting
16 together has been -- really made the whole process so much
17 more fun. And I look forward to connecting with you in
18 this next phase. But thank you for all your work.

19 CHAIR THOMAS: Chris.

20 BOARD MEMBER LASZCZ-DAVIS: One final one here.
21 You know, I've told you several times already you will be
22 missed. Your perspective, your personality, your
23 compassion, and your caring. And I hope that whoever plans
24 to replace you comes to the table with as much as you've
25 been able to offer us. But we will be in touch after this.

1 CHAIR THOMAS: And then, Kate or Nola, do you
2 guys have anything?

3 BOARD MEMBER CRAWFORD: Can you hear me, okay?

4 CHAIR THOMAS: Go ahead.

5 BOARD MEMBER CRAWFORD: I just number one,
6 Barbara, thank you. Number two, you were as eloquent in
7 your closing comments as you have been in the meetings.
8 I've been inspired by you many, many, many times whether we
9 agreed or disagreed. I really appreciated listening to you
10 and your eloquence in a way that you analyzed and then
11 communicated your thoughts. You've been tremendous to work
12 with. I've really appreciated -- I've said many times
13 after the fact, Barbara's comments were beautiful. So
14 thank you very much, and I wish you all the very best.

15 CHAIR THOMAS: Nola.

16 BOARD MEMBER KENNEDY: Yeah, I'll just -- I agree
17 with everything that's been said. Barbara, I'm really
18 going to miss having you on the Board with us. Your soup
19 to nuts approach to analyzing everything that comes before
20 you has been really inspirational. I've enjoyed everything
21 you've said and the comments you've made. Thank you for
22 your service.

23 CHAIR THOMAS: Thank you, Nola. Any other
24 comments? (Off-mic colloquy.) All right, group hug.
25 (Laughter.) There it is.

1 So we will move -- oh, so I think we're going to
2 move into closed session right now. So we're going to
3 recess the meeting. How long do we think?

4 MS. SHUPE: Probably only 15 or 20 minutes.

5 CHAIR THOMAS: Okay, so we'll hopefully reconvene
6 by around noon. So don't leave, stay. We need an
7 audience. Anyway, we're going to recess and we'll see you
8 around noon, thanks.

9 (Off the record at 11:37 a.m.)

10 (Off the record at 12:06 p.m.)

11 CHAIR THOMAS: All right, we're back in session
12 and there was no action taken during our closed session.
13 So I think the next Standards Board regular meeting is
14 scheduled for July 20, 2023 in Sacramento and via
15 videoconference and teleconference. Please visit our
16 website and join our mailing list to receive the latest
17 updates. We thank you for your attendance today.

18 There being no further business to attend to,
19 this business meeting is now adjourned. Thank you.

20 (The Business Meeting adjourned at 12:07 p.m.)

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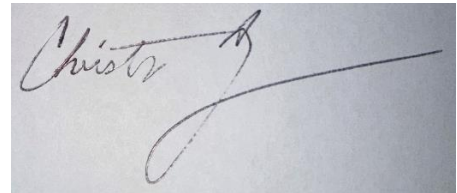
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I have hereunto set my hand this 30th day of November, 2023.

A photograph of a handwritten signature in cursive script, which appears to read "Chris Caplan". The signature is written in dark ink on a light-colored surface.

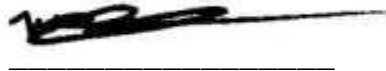
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IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of November, 2023.



Myra Severtson
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