

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY & HEALTH STANDARDS BOARD

PUBLIC MEETING AND BUSINESS MEETING

In the Matter of:                    )  
May 19, 2022 OSH                    )  
Standards Board Meeting            )  
\_\_\_\_\_ )

IN-PERSON & TELECONFERENCE

Attend the meeting in person:

Rancho Cordova City Hall  
Council Chambers  
2729 Prospect Park Drive  
Rancho Cordova, CA 95670

Teleconference Location:

Hensel Phelps  
12050 Pecos, Suite 100  
BUILD Conference Room  
Westminster, CO 80234

THURSDAY, May 19, 2022

10:00 A.M.

Reported by:  
E. Hicks

APPEARANCES

BOARD MEMBERS PRESENT AT RANCHO CORDOVA CITY HALL:

Nola Kennedy, Acting Chair, Public Member  
Barbara Burgel, Occupational Health Representative  
Laura Stock, Occupational Safety Representative

BOARD MEMBERS PRESENT AT HENSEL PHELPS:

Kathleen Crawford, Management Representative

BOARD STAFF PRESENT AT RANCHO CORDOVA CITY HALL:

Christina Shupe, Executive Officer  
Steve Smith, Principal Safety Engineer  
Autumn Gonzalez, Chief Counsel  
Lara Paskins, Staff Services Manager  
David Kernazitskas, Senior Safety Engineer  
Sarah Money, Executive Assistant  
Amalia Neidhardt, Senior Safety Engineer

BOARD STAFF ATTENDING VIA TELECONFERENCE AND/OR WEBEX:

Jennifer White, Regulatory Analyst

TKO STAFF:

Maya Morsi  
John E. Roensch  
John M. Roensch

ALSO PRESENT VIA TELECONFERENCE AND/OR WEBEX:

Eric Berg, Deputy Chief of Health, Cal/OSHA

SPANISH INTERPRETERS:

Patricia Hyatt  
Estela Moll

APPEARANCES (Cont.)

PUBLIC MEETING COMMENTERS: (\*Online testimony)

Bruce Wick, Housing Contractors of California

Michael Miiller, California Association of Winegrape  
Growers

\*AnaStacia Nicol Wright, Worksafe

\*Michael Strunk, Operating Engineers Local Union No. 3

Helen Cleary, Phylmar Regulatory Roundtable (PRR, OSH  
Forum)

I N D E X

	Page
I. CALL TO ORDER AND INTRODUCTIONS	7
II. PUBLIC MEETING (Open for Public Comment)	11
A. PUBLIC COMMENT	
B. ADJOURNMENT OF THE PUBLIC MEETING	
III. BUSINESS MEETING - All matters on this Business Meeting agenda are subject to such discussion and action as the Board determines to be appropriate.	28
<p>The purpose of the Business Meeting is for the Board to conduct its monthly business.</p>	
A. PROPOSED PETITION DECISION FOR ADOPTION	28
1. Matthew Cross Petition File No. 595	
<p>Petitioner requests to add a new standard to General Industry Safety Orders to require manual material handling (MMH) carts include a built-in or self-contained means of securing the handholds. The handholds must be secured prior to transporting the load and capable of withstanding the expected forces based on the cart capacity and ground conditions. The proposal would also require MMH cart manufacturers to notify employers who have purchased non-conforming MMH carts to replace or phase-out their non-conforming carts.</p>	
B. PROPOSED VARIANCE DECISIONS FOR ADOPTION	31
1. Consent Calendar	
C. REPORTS	32
1. Division Update - 32	
2. Legislative Update - 42	
3. Executive Officer's Report - 43	

I N D E X (Cont.)

	Page
III. BUSINESS MEETING (Cont.)	45
D. NEW BUSINESS	45

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).).

E. CLOSED SESSION	---
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Matters on Appeal

1. 22-V-023T Building Zone Industries, Inc. (BZI)
2. 22-V-054T Operating Engineers Local 3, District 80

Matters Pending Litigation

1. Western States Petroleum Association (WSPA) v. California Occupational Safety and Health Standards Board (OSHSB), et al. United States District Court (Eastern District of California) Case No. 2:19-CV-01270
2. WSPA v. OSHSB, et al., County of Sacramento, CA Superior Court Case No. 34-2019-00260210

Personnel

I N D E X (Cont.)

	Page
III. BUSINESS MEETING (Cont.)	
F. RETURN TO OPEN SESSION	--
1. Report from Closed Session	
G. ADJOURNMENT OF THE BUSINESS MEETING	46
Next Meeting: June 16, 2022 Cal/EPA Building Byron Sher Auditorium 1001 I Street Sacramento, CA 95814 10:00 a.m.	
Reporter's Certificate	47
Transcriber's Certificate	48

1 P R O C E E D I N G S

2 May 19, 2022

10:01 A.M.

3 A/CHAIR KENNEDY: Good morning. This meeting of  
4 the Occupational Safety and Health Standards Board is now  
5 called to order. I'm Nola Kennedy, Acting Chair for  
6 today's meeting. And the other Board Members present here  
7 in Rancho Cordova are Ms. Barbara Burgel, Occupational  
8 Health Representative; Ms. Laura Stock, Occupational Safety  
9 Representative. The Board Member attending via  
10 teleconference from Westminster, Colorado, is Kate  
11 Crawford, Management Representative.

12 Also present here in Rancho Cordova from our  
13 staff are Ms. Christina Shupe, Executive Officer; Mr. Steve  
14 Smith, Principal Safety Engineer; Ms. Autumn Gonzalez,  
15 Chief Counsel; Ms. Lara Paskins, Staff Services Manager;  
16 Mr. David Kernazitskas, Senior Safety Engineer; Ms. Sarah  
17 Money, Executive Assistant; and Ms. Amalia Neidhardt,  
18 Senior Safety Engineer who is providing translation  
19 services for our commenters who are native Spanish  
20 speakers.

21 Joining us via Webex from Cal/OSHA is Mr. Eric  
22 Berg, Deputy Chief of Health.

23 Supporting the meeting remotely is Ms. Jennifer  
24 White, Regulatory Analyst.

25 Copies of the agenda and other materials related

1 to today's proceeding are available on the table near the  
2 entrance to the room and are posted on the OSHSB website.

3 After two years of remote meetings we are pleased  
4 be able to meet in person again while maintaining a  
5 teleconference and videoconference attendance option. We  
6 are asking for everyone's patience as we coordinate both  
7 methods of attendance so that all guests are able to  
8 participate.

9 This meeting is also being live broadcast via  
10 video and audio stream in both English and Spanish. Links  
11 to these non-interactive live broadcasts can be accessed  
12 via the Standards Board Updates section at the top of the  
13 main page of the OSHSB website.

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

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



1 like to address any occupational safety and health issue,  
2 including any of the items on our business meeting agenda,  
3 may do so when I invite public comments.

4           If you are participating via teleconference or  
5 videoconference, the instructions for joining the public  
6 comment queue can be found on the agenda. You may join by  
7 clicking the public comment queue link in the "Standards  
8 Board Updates" section at the top of the main page of the  
9 OSHSB website, or by calling 510-868-2730 to access the  
10 automated public comment queue voicemail.

11           When public comment begins, we are going to  
12 alternate between three in-person and three remote  
13 commenters. We ask for your patience as we navigate this  
14 new process.

15           When the Board Chair asks for public testimony  
16 in-person commenters number one through three should line  
17 up near the podium. When it is your turn to speak announce  
18 yourself to the Board prior to delivering your comment.  
19 Any in-person commenters who have not yet been added to the  
20 comment list and received a number should see Lara Paskins  
21 when public comment begins.

22           For commenters attending the teleconference or  
23 videoconference please listen for your name and an  
24 invitation to speak. When it is your turn to address the  
25 Board, please unmute yourself if you're using WebEx or dial

1 \*6 on your phone to unmute yourself if you're using the  
2 teleconference line.

3           We ask all commenters to speak slowly and clearly  
4 when addressing the Board, and if you are commenting via  
5 teleconference or videoconference, remember to mute your  
6 phone or your computer after commenting. Today's public  
7 comment will be limited to two minutes per speaker, and the  
8 public comment portion of the meeting will extend for up to  
9 two hours, so that the Board may hear from many members of  
10 the public as is feasible. Individual speaker and total  
11 public comment time limits may be extended by the Board  
12 Chair, if practicable.

13           After the public meeting is concluded we will  
14 hold a business meeting to act on those items listed on the  
15 business meeting agenda.

16           Oh, is that it?

17           MS. SHUPE: (Indiscernible.) Just one moment.

18           A/CHAIR KENNEDY: Do we need Amalia?

19           MS. SHUPE: Yeah. So at this time, Amalia, will  
20 you please translate? Oh no, I'm sorry.

21           A/CHAIR KENNEDY: We're just finished with this  
22 part.

23           (Overlapping colloquy.)

24           MS. SHUPE: You'll want to go ahead and continue  
25 with the public meeting.

1 A/CHAIR KENNEDY: Announce the public meeting?

2 MS. SHUPE: Yes.

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

12 At this time anyone who would like to comment on  
13 any matters concerning occupational safety and health will  
14 have the opportunity to speak.

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

22 MS. NEIDHARDT: [READS THE FOLLOWING IN SPANISH]  
23 Public Comment Instructions.

24 "Good morning and thank you for participating in  
25 today's Occupational Safety and Health Standards Board

1 public meeting. Board Members present in Rancho Cordova  
2 are Ms. Nola Kennedy, Public Member and Acting Chair for  
3 today's meeting; Ms. Barbara Burgel, Occupational Health  
4 Representative; and Ms. Laura Stock, Occupational Safety  
5 Representative. The Board Member attending via  
6 teleconference from Westminster, Colorado is Ms. Kate  
7 Crawford, Management Representative.

8 "After two years of remote meetings, we are  
9 pleased to be able to meet in person again while  
10 maintaining a teleconference and videoconference attendance  
11 option. We are asking for everyone's patience as we  
12 coordinate both methods of attendance, so that all guests  
13 are able to participate.

14 "This meeting is also being live broadcast via  
15 video and audio stream in both English and Spanish. Links  
16 to these non-interactive live broadcasts can be accessed  
17 via the "Standards Board Updates" section at the top of the  
18 main page of the OSHSB website.

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

1 avoid disruption.

2 "As reflected on the agenda, today's meeting  
3 consists of three parts. First, we will hold a public  
4 meeting to receive public comments or proposals on  
5 occupational safety and health matters.

6 "If you are participating via teleconference or  
7 videoconference, the instructions for joining the public  
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10 Board Updates" section at the top of the main page of the  
11 OSHSB website, or by calling 510-868-2730 to access the  
12 automated public comment queue voicemail.

13 "When public comment begins, we are going to be  
14 alternating between three in-person and three remote  
15 commenters. We ask you for your patience as we navigate  
16 this new process.

17 "When the Board Chair asks for public testimony,  
18 in-person commenters number one through three should line  
19 up near the podium. When it is your turn to speak,  
20 announce yourself to the Board prior to delivering your  
21 comment. Any in-person commenters who have not yet been  
22 added to the comment list and received a number should see  
23 Lara Paskins when public comment begins.

24 "For our commenters attending via teleconference  
25 or videoconference, please listen for your name and an

1 invitation to speak. When it is your turn to address the  
2 Board, please be sure to unmute yourself if you're using  
3 Webex or dial \*6 on your phone to unmute yourself if you're  
4 using the teleconference line.

5 "Please be sure to speak slowly and clearly when  
6 addressing the Board, and if you are commenting via  
7 teleconference or videoconference, remember to mute your  
8 phone or computer after commenting. If you have not  
9 provided a written statement before today's meeting, please  
10 allow natural breaks after every two sentences, so that an  
11 English translation of your statement may be provided to  
12 the Board.

13 "Today's public comment will be limited to four  
14 minutes for speakers utilizing translation, and the public  
15 comment portion of the meeting will extend for up to two  
16 hours, so that the Board may hear from as many members of  
17 the public as is feasible. The individual speaker and  
18 total public comment time limits may be extended by the  
19 Board Chair, if practicable.

20 "After the public meeting is concluded, we will  
21 hold a business meeting to act on those items listed on the  
22 business meeting agenda.

23 "Thank you."

24 A/CHAIR KENNEDY: Thank you, Ms. Neidhardt.

25 If there are in-person participants who would

1 like to comment on any matters concerning occupational  
2 safety and health, please line up at this time. We will  
3 start with the first three-in person speakers, and then we  
4 will go to the first three speakers in the teleconference  
5 and videoconference queue.

6 MR. WICK: Okay. Thank you. Acting Chair  
7 Kennedy, Board Members and remote Board Member Crawford --  
8 is that how we talk to you -- thank you for the  
9 opportunity. Bruce Wick with the Housing Contractors of  
10 California. Very nice to be in-person again and this is  
11 much better.

12 I would like to comment on the SRIA that was just  
13 posted on the extension apparently, or the permanent COVID  
14 reg. We have seen from this Board and its staff,  
15 transparency. We have consistently also seen from the  
16 Cal/OSHA Appeals Board, transparency. That's a hallmark of  
17 good governance.

18 We continue to see its lack, I'm sorry to say,  
19 from the Division. That makes your job harder, our jobs  
20 harder, your staff's jobs harder. And the problem when  
21 there's not transparency, you send messages that aren't  
22 good. Some people will interpret the lack of transparency  
23 as this reg is not important enough to get engaged with all  
24 the stakeholders. Others will say you are hiding  
25 something. Those are not good outcomes of a lack of

15

1 transparency.

2           The first item of it was that here is a  
3 regulation that will affect 1.6 million establishments, as  
4 it says, 60.5 million employees. And there is no  
5 announcement of it, it's just posted on the major  
6 regulatory website. Wouldn't you want stakeholders to  
7 know? Why wouldn't DIR say, "We've posted this SRIA.  
8 Check it out, read it."

9           The SRIA does not identify who prepared it.  
10 Wouldn't that be important for all of us to know who  
11 actually prepared this thing? It does not identify the  
12 regulation that they are basing this SRIA on. They  
13 reference 3203, they reference 3205, and down the line.  
14 But is that the current reg? The previous? The third  
15 readoption, or what? That should be apparent.

16           And on page 7 it says, "Data from the number of  
17 cases hospitalizations and deaths is not currently  
18 available. However, the numbers are likely substantial,  
19 particularly among essential workers." "The numbers are  
20 likely substantial," 85 pages and that's the best they can  
21 do on what is the occupational influence.

22           And we've talked about this, but that they would  
23 make 111 different references to data and reports, and not  
24 one of them talk about the Workers' Comp data. That is  
25 usually the first data you look at: how many Workers' Comp



1 claims, how many, what's the severity? And the numbers are  
2 significant. And I understand you may want to temper the  
3 number reported claims when there is COVID exclusion pay  
4 and paid sick leave, those kinds of things. But of 8.5  
5 million cases 45 percent of our population is in the  
6 working population. So if the occupation was the same as  
7 public health or worse, it would be 45 percent or more, the  
8 number of cases is 3 percent of that 8.5 million. Even if  
9 you double that amount it's still hugely below any average.  
10 And that should have been calculated in the SRIA, some  
11 number relevant to that. We should know those numbers.

12           And sadly, and it's horrible, that in America  
13 we've lost over a million people to COVID, and we've lost  
14 89,000 Californians. But of those, and I don't think  
15 deaths in Workers' Comp are underreported, because  
16 certainly it is a tragic, horrible event and somebody is  
17 going to seek Workers' Comp. Those are 1.6 percent of the  
18 fatalities in this state. And we know a huge number of  
19 that is our very incredibly heroic first responders,  
20 healthcare workers, and a couple of industries that needed  
21 to be really dealt with early on in this pandemic. So the  
22 fact that the SRIA references none of that information,  
23 what kind of message is the Division sending?

24           So I would hope you as a Board, I'm sure not sure  
25 what word I would use, I would implore you to tell the

1 Division they're not doing -- if they're serious about a  
2 COVID reg they need to up their game on transparency,  
3 information, and engagement of all the stakeholders. That  
4 way your job when this regulation comes before you will be  
5 -- will go much better and clearer. And the stakeholder  
6 community can be really engaged with the information they  
7 need to conduct that engagement. Thank you.

8 A/CHAIR KENNEDY: Thank you.

9 MR. MIILLER: Good morning, Chair, Members, and  
10 staff. It's great seeing you in person and remotely as  
11 well. And I appreciate your time and your efforts and  
12 thank you for your time in allowing me to speak today. My  
13 name is Michael Miiller, I'm with the California  
14 Association of Winegrape Growers. I'd like to speak  
15 briefly about two issues today.

16 First, I'd like to talk about the petition before  
17 the Board relative to autonomous tractors. And also, I'd  
18 like to talk about the proposed permanent regulation for  
19 COVID, which was just discussed.

20 First, on autonomous tractors, Petition 596 was  
21 filed by Monarch Tractors on December 30, and I believe it  
22 will likely be on the Board's agenda coming up in the June  
23 meeting. I won't restate my previous support for the  
24 petition in our letter that was submitted as well as  
25 previous testimony. Suffice it to say we feel that this

1 equipment is safe, our employees want it, they look forward  
2 to using it. And we know that it will create higher paying  
3 jobs with transferable skills.

4 I appreciate that at this time this Board may not  
5 be willing to approve the petition as is, but I do ask that  
6 if it is rejected that the Board consider putting together  
7 an advisory committee to look further into the issue and to  
8 get more information.

9 And just more frequently adopt -- this Board and  
10 other boards frankly adopt and change regulations. I  
11 always advise our members the one true constant in the  
12 world of regulations is change. There is always going to  
13 be change except for this regulation. This regulation has  
14 been here for 50 years and has not been changed. Our  
15 founders 250 years ago stated a very guiding principle of  
16 this nation, that institutions must advance to keep pace  
17 with the times.

18 So if it is rejected, please consider putting  
19 together the advisory committee. That committee could  
20 include stakeholders representing employees, employers,  
21 manufacturers, workplace safety experts. They can have  
22 meetings, come back to this committee with -- potentially  
23 come back with a recommendation that the Board could  
24 consider in how to adopt this regulation to reflect the  
25 science and technology that is available today.

1           And I would appreciate your consideration. If  
2 you do that, I would be happy to volunteer to serve on that  
3 committee representing the winegrape growers who look  
4 forward to using this equipment one day.

5           I also want to comment on the proposed regulation  
6 for COVID-19 prevention in the workplace. Last month the  
7 Division released the Standardized Regulatory Impact  
8 Assessment of the proposed regulation. I'd like to comment  
9 specifically on the SRIA. The SRIA provides only a summary  
10 of the proposed regulation, it does not include the actual  
11 language of the regulation. We believe it would be  
12 advantageous for the Board and for the public to see that  
13 language as soon as possible.

14           If the Division has concluded that the pandemic  
15 is here to stay and would need a pandemic regulation, then  
16 we need to see that regulation as soon as possible so that  
17 we can be prepared to implement that regulation if it is  
18 approved.

19           The SRIA makes several alarming statements that  
20 deserves serious consideration and evaluation. On page 7  
21 the SRIA states, "Data from the number of cases for COVID-  
22 19 infection and the number of hospitalizations and deaths  
23 attributable to workplace exposure to COVID-19 is not  
24 currently available." One might think that over the last  
25 two years someone would have collected data on such an

1 important issue.

2 I want to piggyback a little bit on what Bruce  
3 said, and I want to remind everybody here that when you  
4 created a subcommittee almost a year ago members of this  
5 Board and the public asked for that data over and over and  
6 over again. And now we have an April SRIA document the  
7 Division says no data is available.

8 Additionally, on the same page the SRIA  
9 acknowledges that COVID is a community-spread virus and is  
10 not unique to the workplace. The SRIA states, "Employees  
11 infected with COVID-19 at work can transmit the infection  
12 to persons in their homes and communities resulting in an  
13 increase in infection rates." This is without regard to  
14 whether the employee contracted COVID at work.

15 On page 8 the SRIA concludes "This proposed  
16 regulation would significantly reduce the number of COVID-  
17 19 related illnesses, disabilities, and deaths in  
18 California's workforce. I want to repeat that,  
19 "significantly reduce the number of COVID-19 related  
20 illnesses, disabilities, and deaths." This statement is  
21 absent any data, which is acknowledged in the SRIA of the  
22 original data and ignores the acknowledgement in the SRIA  
23 that the virus is community-spread.

24 Now I took an economics course in college,  
25 economic statistics. If any student in that class came up

1 with such an unsupportable conclusion like that, that  
2 person would have gotten an F. That's not how these things  
3 are supposed to work. And I respect that we live in a  
4 world where you have hyperbolic statements that are found  
5 on talk shows on both sides of the spectrum or whatever,  
6 but such a hyperbolic statement should not be in a public  
7 document like this. We need data. We need conclusions  
8 based on data and science.

9           The SRIA ignores the Governor's SMARTER Plan and  
10 epidemiology that now approach COVID as an endemic.  
11 Meaning, yes, COVID may be here for awhile, but vaccines  
12 work, and we can save lives without the pandemic-based  
13 restrictions anymore. Just yesterday Governor Newsom got  
14 his second booster shot and publicly encouraged everybody  
15 to get vaccines and boosted, because it works. Our  
16 employers are continually encouraging our employees to get  
17 vaccinations and boosted, because they work. We help  
18 facilitate those with our community groups, with local  
19 health officials, with clinics and all of that. That is  
20 what we need going forward.

21           I have a lot more to say about the SRIA, but I  
22 will save those comments for our future meetings. The one  
23 thing that I know is that the more we all read the SRIA the  
24 more we'll all understand what it says. And that when you  
25 look at the whole thing together one has to conclude that a

1 permanent regulation is not the way to go. Thank you for  
2 your time.

3 A/CHAIR KENNEDY: Thank you.

4 Ms. Morsi, who are our first three remote  
5 commenters in the queue?

6 MS. MORSI: First up is AnaStacia Nicol Wright  
7 followed by Michael Strunk and Bruce Wick. So first up is  
8 AnaStacia with Worksafe.

9 A/CHAIR KENNEDY: AnaStacia, are you there?

10 MS. NICOL WRIGHT: Can you guys hear me?

11 A/CHAIR KENNEDY: Yes.

12 MS. NICOL WRIGHT: Do you want me to speak?

13 A/CHAIR KENNEDY: Yes, go ahead AnaStacia.

14 MS. NICOL WRIGHT: Okay. Thank you all for  
15 inviting me to speak today. So good morning to the Board  
16 Chair, the Board Members, and everybody in attendance. I  
17 wanted to use my time today to talk about, or rather bring  
18 to the Board's attention to some of Cal/OSHA's recent COVID  
19 citations. We often hear here that health and safety  
20 regulations need to just target these small number of bad  
21 actor employers and the few lawbreakers without burdening  
22 the mainstream majority of businesses who are in  
23 compliance. And the goal here is not to vilify, but just  
24 to paint a picture that's a factual picture for the Board,  
25 on the range of violations that exists and to underscore

1 the vital need for continued effective worker protections  
2 across California.

3           So on May -- oh I'm sorry, not May -- on March  
4 21st Cal/OSHA cited Alameda County Probation Department,  
5 the Juvenile Justice Center in San Leandro, for a fatality.  
6 It was \$1,025.00. And Walsh Vineyards in Napa for an  
7 accident, they were cited for \$5,400.00.

8           On March 18th Cal/OSHA cited Aero-Electric  
9 Connectors in Torrance for a fatality. They were cited for  
10 \$1,200.00. And on March 16th Cal/OSHA cited Dixon Unified  
11 School District for a fatality and they didn't have to pay  
12 anything. Jack in the Box in Santa Clara was also cited  
13 the same day for a complaint, and they had to pay  
14 \$1,200.00.

15           On March 15th Cal/OSHA cited Lockheed Martin  
16 Aeronautics Company for an accident and they had to pay  
17 \$13,435.00. Saugus Union School District was also cited  
18 for an accident, and they had to pay \$8,775.00.

19           On March 10th Cal/OSHA cited Bay Area Sports  
20 Catering Oakland A for a fatality and they were cited for  
21 \$1,020.00. The California Department of Public Health,  
22 Licensing and Verification District Office in Fresno, they  
23 were cited for a complaint for \$8,435.00. Calvary  
24 Christian Academy in San Jose, they were cited for a  
25 complaint for \$63,000.00.



1           On March 9th Cal/OSHA cited Friendly Wash Coin  
2 Laundry in Hayward for \$4,725.00.

3           On March 8th Cal/OSHA cited Frazier Farms Market  
4 in Vista for a complaint of \$6,075.00.

5           On March 3rd Cal/OSHA cited Computer Integrated  
6 Machining in Santee for an accident, \$9000.00. Butler  
7 Amusements in Fresno for an accident, \$14,000.00. And CB  
8 Manufacturing/Pepsi Beverages Company in Fresno for a  
9 fatality for \$24,000.00.

10           So one thing that jumps out for me from all of  
11 these, this citation data, is how many mainstream  
12 employers, including public agencies, were present.  
13 Despite our best efforts as advocates what the pandemic  
14 conditions have actually looked like for workers at these  
15 mainstream bad actor employers like warehouses, retail,  
16 agriculture, it's still not even largely visible to us,  
17 Cal/OSHA or the Board. The citations I list just give us a  
18 small window and so what workers are facing.

19           Additionally, I'll say a bad actor is not a bad  
20 actor until they do something bad. So because of this the  
21 idea that health and safety regulations need to only target  
22 them is, respectfully, backwards. We need strong health  
23 and safety regulations so that workplaces are implementing  
24 conditions to prevent bad acts from occurring. So I hope  
25 the citation data was insightful to everybody. Thank you

25

1 all for your time.

2 A/CHAIR KENNEDY: Thank you, AnaStacia.

3 MS. MORSI: Next up is Michael Strunk with  
4 International Union of Operating Engineers.

5 MR. STRUNK: Hi. Good morning, Standards Board  
6 and Acting Chair. I'm Michael Strunk, the Director of  
7 Safety for the International Union of Operating Engineers,  
8 Local Unit No. 3. Thank you for the opportunity to address  
9 you last month regarding the experimental temporary  
10 variance for Petition 596 for autonomous tractors.

11 Since our last meeting we've been approached by  
12 the petitioner, its lobbyists and the media. While we  
13 remain opposed to the use of automated machinery without an  
14 operator, particularly given the spike in semiautomated  
15 passenger car fatalities, we appreciate the dialogue and  
16 the opportunity for an ongoing discussion. Thank you for  
17 your time.

18 A/CHAIR KENNEDY: Thank you.

19 Are there commenters in the queue after Bruce  
20 Wick?

21 MS. MORSI: We do not have any more commenters.  
22 Actually, you know what -- yeah no, we're done. We're  
23 good.

24 A/CHAIR KENNEDY: All right I can skip that.

25 If anyone participating remotely was unable to

1 join the comment queue and would like to comment, please  
2 unmute yourself and state your name and affiliation as you  
3 would like it to be listed in the record.

4 MS. SHUPE: We have more in-person commenters.

5 A/CHAIR KENNEDY: Yeah? All right looks like we  
6 have another in-person commenter.

7 MS. CLEARY: Thank you, thank you. My name is  
8 Helen Cleary, I am the Director of the Phylmar Regulatory  
9 Roundtable Occupational Safety and Health Forum. I wasn't  
10 planning to speak today, so thank you for letting me in  
11 last minute.

12 I just wanted to kind of dovetail on what Michael  
13 Miiller and Bruce Wick were saying about the SRIA and ask  
14 for some clarification on just what is the process?

15 The SRIA was built off of a regulation. It's  
16 been posted, and so there is a draft that's out there.  
17 From the language in the SRIA it looks like it's based off  
18 of the discussion draft from September. But we assume that  
19 there have been changes since that advisory committee  
20 meeting in September, so if we could request some clarity  
21 on where is it? When can we expect to see it? What is  
22 that process? And when will it get released, so we can try  
23 to get ahead of it? I've reached out to the Division. I  
24 haven't heard anything so maybe the Board can facilitate  
25 some discussion today with the Division on that.

27

1           And that's it. Thank you very much, it's nice to  
2 see everybody.

3           A/CHAIR KENNEDY: Thank you.

4           Christina, can we respond to that now or later?

5           MS. SHUPE: (Indiscernible) during public  
6 comment.

7           A/CHAIR KENNEDY: Okay. Are there any other  
8 commenters, either in person or in the queue? No? Okay.  
9 Thank you.

10           Thank you, the Board appreciates your testimony.  
11 The public meeting is adjourned, and the record is closed.

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

19           First up is a proposed petition decision for  
20 adoption, Matthew Cross, Petition File Number 595. The  
21 petition requests to add a new standard to General Industry  
22 Safety Orders to require manual material handling carts  
23 include a built-in or self-contained means of securing the  
24 handholds. The handholds must be secured prior to  
25 transporting the load and capable of withstanding the

1 expected forces based on the cart capacity and ground  
2 conditions.

3 The proposal would also require MMH cart  
4 manufacturers to notify employers who have purchased non-  
5 conforming MMH carts to replace or phase out their non-  
6 conforming carts.

7 Ms. Shupe, will you please brief the Board.

8 MS. SHUPE: Thank you, Chair Kennedy.

9 Petition 595 before you today has been evaluated  
10 by both Board staff and the Division staff. You'll find  
11 that both evaluations were included in your Board packets,  
12 and that the proposed decision before you today concurs  
13 with both the staff evaluation and the Division evaluation  
14 that existing Title 8 protections address the concerns  
15 raised in the petition. Therefore, the proposed decision  
16 before you today recommends denial. It's now ready for  
17 your consideration and discussions.

18 A/CHAIR KENNEDY: All right. Do I have a motion  
19 to adopt the petition decision?

20 BOARD MEMBER STOCK: So moved.

21 BOARD MEMBER BURGEL: Second.

22 A/CHAIR KENNEDY: All right. Did you get that  
23 Sarah? Okay. It has been moved and seconded that the  
24 Board adopt the petition decision. Does the Board have any  
25 points for discussion?

1 BOARD MEMBER BURGEL: I would like to just add a  
2 thank-you to the Petitioner. I was impressed with the  
3 facts that the Petitioner had conducted a survey within his  
4 employer. And presented that data of injuries and concerns  
5 around the non-permanent removable handles of these  
6 material manual carts. So I just wanted to thank the  
7 Petitioner for his concerns and data.

8 A/CHAIR KENNEDY: Any other comment or  
9 discussion?

10 All right, Ms. Money, will you please call the roll?

11 MS. MONEY: So I have Ms. Stock as the motion and  
12 Ms. Burgel is second; is that correct?

13 A/CHAIR KENNEDY: Yeah, that is correct.

14 MS. MONEY: Ms. Burgel?

15 BOARD MEMBER BURGEL: And so I am voting yes to  
16 deny the petition.

17 MS. MONEY: Ms. Crawford?

18 BOARD MEMBER CRAWFORD: Can we just make that  
19 clarification that I am also voting yes to deny the  
20 petition?

21 MS. MONEY: Ms. Stock?

22 BOARD MEMBER STOCK: Aye.

23 MS. MONEY: Acting Chair Kennedy?

24 A/CHAIR KENNEDY: Aye.

25 The motion passes. The motion to deny passes.

1 All right, next we have proposed variance  
2 decisions for adoption, and they are listed on the Consent  
3 Calendar. Ms. Gonzalez, will you please brief the Board?

4 MS. GONZALEZ: Good morning, Board Members.

5 A/CHAIR KENNEDY: We can't hear you.

6 (Audio difficulties.)

7 MS. GONZALEZ: I think it's on now.

8 A/CHAIR KENNEDY: Yeah.

9 MS. GONZALEZ: Good morning, Board Members. For  
10 your consideration today in your vote we have Decisions 1  
11 through 53, but with the exception of number 3 did not  
12 actually go to hearing this month. So with the exception  
13 of 3, 1 through 53.

14 BOARD MEMBER BURGEL: (Indiscernible.) I just  
15 wanted to -- the first variance is a deny, correct? And  
16 everything else is a grant.

17 MS. GONZALEZ: That's correct. Thanks for  
18 pointing that one out.

19 A/CHAIR KENNEDY: Are there any other questions  
20 from the Board for Ms. Gonzalez? All right do I have a  
21 motion to adopt the Consent Calendar?

22 BOARD MEMBER STOCK: So moved.

23 A/CHAIR KENNEDY: Second?

24 BOARD MEMBER BURGEL: Second.

25 A/CHAIR KENNEDY: It has been moved and seconded

1 that the Board adopt the Consent Calendar as proposed. Ms.  
2 Money will you please call the roll?

3 MS. MONEY: So I have Ms. Stock as the motion and  
4 who is second? Ms. Burgel, okay.

5 Ms. Burgel?

6 BOARD MEMBER BURGEL: Aye.

7 MS. MONEY: Ms. Crawford?

8 BOARD MEMBER CRAWFORD: Aye.

9 MS. MONEY: Ms. Stock?

10 BOARD MEMBER STOCK: Aye.

11 MS. MONEY: Acting Chair Kennedy?

12 A/CHAIR KENNEDY: Aye.

13 The motion passes. The motion passes.

14 We're moving on to updates, the Division Update.

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

16 MR. BERG: All right. Thank you very much. So  
17 the Board's in previous meetings requested information on  
18 workplace violence in general industry. So we did update  
19 the proposed draft or discussion draft language and it's  
20 available for everyone to view and it's now emailed. So we  
21 expect people to look at that and provide us some comments  
22 on what they think of the language or any changes they'd  
23 like to the language, so that's now posted. This is the, I  
24 believe it's the third version discussion draft language  
25 for workplace violence. And so that was posted yesterday,

32



1 the new language.

2           And as commenters mentioned today, the Division  
3 submitted the Standardized Regulatory Impact Assessment for  
4 the non-emergency COVID regulation. The Department of  
5 Finance posted that on their website. And so we're also  
6 working on getting the draft language posted, but it will  
7 go through the normal rulemaking. Regardless, it will go  
8 through the normal rulemaking with a 45-day comment period  
9 and a normal rulemaking and public availability and  
10 discussion.

11           That's all I have. Thank you.

12           A/CHAIR KENNEDY: Are there any questions from  
13 the Board for Mr. Berg?

14           BOARD MEMBER BURGEL: Hi, I have a question.  
15 Eric, just to follow up on the SRIA on the comments that  
16 were made today, when you say there's a 25-day comment  
17 period when does that -- I mean, could you just explicate  
18 exactly the timeline going forward? Is it --

19           MR. BERG: I'm sorry, it's 45. It's not 25, it's  
20 45.

21           BOARD MEMBER BURGEL: -- oh 45, okay. And that  
22 has started when it was initially posted or no? This is a  
23 draft (Overlapping colloquy.) --

24           MR. BERG: No, no, it hasn't started. When the  
25 rulemaking begins that will start at the Standards Board.

1 Staff will (indiscernible) the normal process like we do  
2 for any regulation where it gets sent to the OAL and gets  
3 posted and there's a 45-day comment period. And they have  
4 a public hearing at the Standards Board meeting at the end  
5 of the 45-day period just like we do for every other  
6 regulation, no difference here. It's exactly the same.

7 BOARD MEMBER BURGEL: Okay, I'm a little  
8 confused.

9 MS. SHUPE: Eric, I might be able to help here.

10 BOARD MEMBER BURGEL: All right, thank you.

11 MS. SHUPE: So the draft language, the SRIA is  
12 part of pre-rulemaking activities. We haven't actually  
13 engaged in official rulemaking on the COVID-19 permanent  
14 standard yet. And so once we receive that draft language  
15 from the Division, we will go through our review process.  
16 We'll submit it for our SAR (phonetic) approval. And then  
17 once we have that we'll then notice it for the public.  
18 It'll be a 45-day public comment period. We'll have a  
19 public hearing at a Board meeting. And then the Division  
20 will take those comments and provide responses to comments.  
21 And if they decide to amend in any way the draft, then  
22 we'll have a 15-day follow-up public comment period.

23 BOARD MEMBER BURGEL: Okay. So when is the  
24 timeline for the proposed permanent language? Have we seen  
25 that?

1 MS. SHUPE: So our expectation -- (Overlapping  
2 colloquy.) Well, we don't have a timeline for the proposed  
3 draft yet. As Eric stated they're still finalizing that.

4 BOARD MEMBER BURGEL: Okay.

5 MS. SHUPE: But my understanding is that they  
6 hope to have that posted in the near future. Our timeline  
7 for the regulation adoption would be by our December Board  
8 meeting.

9 BOARD MEMBER BURGEL: Okay. And so just to  
10 clarify the SRIA language or the SRIA document, which I  
11 have not looked at, has been posted. That's not a draft.  
12 That's the final SRIA based on which version? Do we know  
13 which version it was based on of the temporary --

14 MS. SHUPE: Eric, do you want to address that?

15 BOARD MEMBER BURGEL: -- COVID reg? Wasn't that  
16 the question I think that was brought up today.

17 MR. BERG: Yeah, we're working on getting it - it  
18 was initially posted, I think, in the September of last  
19 year. And there has been some changes, so we're working on  
20 getting them posted. But it's based on updated language  
21 from that last September when that was posted.

22 And then the SRIA, the Department of Finance just  
23 received the initial SRIA. And so they have 30 days to  
24 review and make comments, so there might be changes from  
25 some of the comments. That depends on the Department of

35

1 Finance. They're still doing their review. So the  
2 Department of Finance is the agency that posted the SRIA  
3 and it's the agency that's reviewing it now.

4 BOARD MEMBER BURGEL: Okay. Thank you.

5 A/CHAIR KENNEDY: Laura, did you have a question?

6 BOARD MEMBER STOCK: Yes, I have a question.  
7 It's not about the SRIA, but I just -- and maybe this is  
8 overlapping with future agenda items. But it would be good  
9 in the next month or maybe two, depending on  
10 (indiscernible) or when this data would be available to get  
11 some reports from the Division if possible, on enforcement  
12 of the COVID reg? We recently changed it. We recently  
13 have a new approach in terms of including reference to  
14 CDPH. And it would be helpful to hear a report from the  
15 Division at some point in the next couple of months on  
16 enforcement activity. And any data you have about how that  
17 may have been impacted or changed as a result of this, the  
18 latest version. Would it be possible to get some  
19 information on that?

20 I mean, I know it's just been recently put into  
21 place, so next month perhaps would be too early. But I  
22 don't know whether we might be able to have a report like  
23 that in the month after. And, Eric, do you think would  
24 that data be available to report back to us?

25 MR. BERG: In two months? I don't think there's

1 that much enforcement data on the May 6th version, but I'll  
2 ask the enforcement branch to report what data they even  
3 have. (Overlapping colloquy.) But I don't think there  
4 will be that much. Sorry, go ahead.

5 BOARD MEMBER STOCK: No.

6 MR. BERG: All right, I don't think there's be  
7 that much enforcement data in two months based on the May  
8 6th version. But like I said I can ask them. I mean, it  
9 takes some time for investigations to be conducted and then  
10 citations to be issued, if any. And so that just takes  
11 some time to get done.

12 BOARD MEMBER STOCK: And is it possible to get  
13 reports even before citations are issued on complaints  
14 filed?

15 MR. BERG: On what type of reports?

16 BOARD MEMBER STOCK: Well, what you're saying is  
17 that it takes -- I know it takes quite a while when there's  
18 been a complaint and then until an actual citation is  
19 issued it can be several months. Is there any earlier data  
20 that would be available related to how whether there has  
21 been more, or fewer complaints related to COVID over these  
22 couple of months?

23 MR. BERG: Yeah, we should have data on number of  
24 complaints. So I can ask the enforcement branch.

25 BOARD MEMBER STOCK: Yes. That would be great.

1           That would be great, and then just sort of on the  
2 data question, because I know a number of people have  
3 mentioned it and, of course, as we all know it's community-  
4 spread. But when somebody from the community goes into the  
5 workplace it becomes a workplace exposure, so very  
6 integrated. And so I guess at the same time, it is good  
7 for us to be following case information and being able to  
8 get sort of updates as we can. And maybe at some point  
9 going forward we would be able to invite -- I don't know  
10 how possible this is -- to just try to get any kind of  
11 information from CDPH. I know we had that information when  
12 we had the COVID subcommittee to have reports on case  
13 rates. And so I just want to put out that I think  
14 continuing to collect data on what's happening in the  
15 workplace would be really helpful over the next few months.  
16 Thank you.

17           A/CHAIR KENNEDY: Ms. Crawford?

18           BOARD MEMBER CRAWFORD: Okay, Eric, this is Kate.  
19 Yeah, I just have a basic question and it's kind of an  
20 education question. So one of the stakeholders, I think it  
21 was Mr. Wick, brought up that there wasn't an author  
22 referenced on the SRIA. Is that something that is  
23 typically referenced, is the person that put it together?

24           MR. BERG: I've only done a couple of SRIAs, so  
25 I'd have to look at them. So I don't know the answer off

1 the top of my head, sorry.

2 BOARD MEMBER CRAWFORD: So can you tell us who  
3 authored this SRIA?

4 MR. BERG: All I know is a lot of people were  
5 involved, so I just don't know all the names off the top of  
6 my head.

7 BOARD MEMBER CRAWFORD: Well, okay. So the  
8 message was about transparency and I'm just trying to prove  
9 a point on that as well. (Overlapping colloquy.) I think  
10 that there is a piece of it that is imperative for all of  
11 the stakeholders and the reputations of the Division and  
12 the Board that it is a completely transparent through this  
13 whole process.

14 MR. BERG: I mean, it's the Division of  
15 Occupational Safety and Health and the Cal/OSHA is the  
16 ultimately author. There's many people from the Division.  
17 And then contractors, because DIR has the contractors as  
18 well that help. So do you want a list of all the names; is  
19 that what you would like? I can ask for that.

20 MS. SHUPE: I think it might be helpful to  
21 understand perhaps the scope of the work that goes into  
22 SRIAs. These aren't drafted by an individual person.  
23 We're talking about regulations that have potential fiscal  
24 impacts in the billions of dollars. And so when Eric says  
25 the Division of Occupational Safety and Health is the

1 author, what he really means is that there's been an entire  
2 team working on this. It's not just one person that you  
3 would point to and say, "This is the person."

4 BOARD MEMBER CRAWFORD: Understood, understood.  
5 I was trying to put a point on this message that we heard  
6 so loud and clear about transparency. So I do understand  
7 that all of these things are the participation of many  
8 people. (Overlapping colloquy.) But again, this is part of  
9 that public trust piece.

10 MR. BERG: If you would like a list of every  
11 single person that worked on it, I can ask for that.

12 BOARD MEMBER CRAWFORD: Well that doesn't seem  
13 like it's a perfect use of your time, Eric. But I think I  
14 would prefer that you worked on the data ask.

15 MR. BERG: Oh, okay.

16 BOARD MEMBER CRAWFORD: Thank you.

17 BOARD MEMBER BURGEL: I also would be -- I'm  
18 going to look at the SRIA -- but I'm sort of surprised that  
19 there was no data around what we do go around occupational  
20 transmission, specific around the outbreak data that was  
21 presented to the committee.

22 And then also Mr. Wick's comments around Workers'  
23 Compensation data, I mean death data I think is pretty  
24 accurate in the occupational fatality perspective. Again,  
25 COVID, determining whether something is a work-related



1 COVID transmission takes time. I did that for 11 months  
2 for a large employer and gathering data from someone who's  
3 sick with COVID isn't often available immediately.

4           When I was working in COVID response the employer  
5 would notify everyone of the opportunity to file a Workers'  
6 Compensation claim, they gave a 24-hour notice in the event  
7 that the individual thought their case was transmitted or  
8 caused from their work activities. And then we got a  
9 little bit more refined. But at that point in time, I  
10 mean, we had 30-40,000 -- no, 30,000 employees, and  
11 probably a third of our cases, which included healthcare,  
12 were identified to be most likely occupationally related,  
13 but that was early on in the pandemic.

14           And so I would hazard to say that currently we  
15 would hope workplace protections are better and we should  
16 see fewer workplace transmissions. But again, we've  
17 released the mask mandates, and so we might see a -- so  
18 again, I would think that we would have some better data of  
19 now thing did early on the pandemic. So I know it's tough  
20 though. It's tough to get our hands on that. But I do  
21 believe there's lots of research to support there is  
22 underreported of work-related injuries and illnesses.

23           BOARD MEMBER STOCK: Yeah, and just to second  
24 what Barbara said about Workers' Comp. And I know we have  
25 contact with many people and both employers and workers.

1 And know that Workers' Comp is always an under-report.  
2 Many, many people don't know their rights or are afraid to  
3 file Workers' Comp because of fear of retaliation; many,  
4 many barriers. That doesn't mean that that data is not  
5 valuable to look at. It seems like there's no reason not  
6 to include what is there. But in my mind, it would have to  
7 come with a caveat that it's under-reported. But I have  
8 also not seen the SRIA yet, but I agree.

9 And there has been a lot of data around workplace  
10 outbreaks. We've looked at this on the Board. We've had  
11 testimony about it. And I would be expecting that that  
12 would be in there. Again, I have not seen it, but it does  
13 feel like there should and could be data available to  
14 document the impact of COVID in the workplace. So I look  
15 forward to reading it myself. I will be surprised if that  
16 data isn't in there. But if not, that may be something  
17 that we can also supplement in some way. Or just relying  
18 on data and testimony that's already been provided over the  
19 last two years to this Board about outbreaks and other  
20 experiences in the workplace. So thanks.

21 A/CHAIR KENNEDY: Any other questions from the  
22 Board? All right let's move on to the -- thank you, Mr.  
23 Berg -- let's move on to the Legislative Update.

24 Ms. Gonzalez, will you please brief the Board?

25 MS. GONZALEZ: Thank you. We continue to monitor

1 a number of bills. We're in an active legislative session  
2 right now, so a lot of the bills that are on your list are  
3 being heard by a committee. If you're interested in a  
4 particular bill and want me to pull up the next hearing  
5 date or something like that for you, I'd be happy to do it.  
6 Let me know. But nothing in particular to report. All of  
7 these bills are just moving along in the process.

8 A/CHAIR KENNEDY: Are there any questions for Ms.  
9 Gonzalez? (No audible response.) Thank you, Ms. Gonzalez.

10 Now for the Executive Officer's Report. Ms.  
11 Shupe, will you please brief the Board?

12 MS. SHUPE: Thank you, Chair Kennedy.

13 So first and foremost, I'd like to thank  
14 everybody for your patience with us today. As you see, we  
15 have a few kinks to work out in our hybrid meetings with  
16 the start and juggling different pieces as we try to make  
17 them as smooth as possible. I want to thank, again, TKO  
18 for all of their efforts. And again, all of the Standards  
19 Board staff, but especially our stakeholders and our  
20 participants for being so flexible and patient. So thank  
21 you for that.

22 Looking forward to June, OSHSB staff will be  
23 holding an advisory committee meeting on June 9th. They'll  
24 be reviewing the latest editions of NFPA standards that  
25 relate to sections 3401 through 3407, and 3410 and 3411 for

1 Firefighter Personal Protective Equipment. The Board may  
2 recall that you just recently passed regulations to update  
3 Firefighter Personal Protective Equipment. This is the  
4 very beginning of the next round to keep those in line with  
5 NFPA standards.

6 And then at next month's Board meeting you'll  
7 consider Petition 596, which seeks amendments to section  
8 3441(b), to allow the use of driver-optional tractors  
9 without a human operator stationed at the vehicle controls.

10 Are there any questions?

11 BOARD MEMBER BURGEL: I have a question. Is the  
12 advisory board for the NFPA, is that specific to wildland  
13 firefighters or is it open?

14 MS. SHUPE: No, it's open. It's for all  
15 firefighter protective equipment.

16 BOARD MEMBER BURGEL: Okay. So it will include  
17 the whole issue of respiratory protection for wildland  
18 firefighters?

19 MS. SHUPE: Actually, the Division will be doing  
20 a separate rulemaking specific to the respiratory  
21 protection piece.

22 BOARD MEMBER BURGEL: So there'll be two advisory  
23 processes.

24 MS. SHUPE: There will indeed.

25 BOARD MEMBER BURGEL: Thank you.

1 MS. SHUPE: And I believe that the Division's  
2 respiratory protection advisory committee meeting is  
3 happening very soon, perhaps even before June 9th. So  
4 we've worked together to try to move these packages along  
5 quite quickly.

6 Oh, Eric.

7 MR. BERG: Oh, I just (indiscernible) May 25th is  
8 our advisory committee on respiratory protection for  
9 wildfire smoke.

10 A/CHAIR KENNEDY: Thank you Ms. Shupe and Mr.  
11 Berg. Are there any other questions?

12 All right, New Business. Do any of the Board  
13 Members have questions for staff or items that they would  
14 like to propose for future Board agenda?

15 BOARD MEMBER STOCK: I made some suggestions in  
16 my previous comments to Eric, which I think I saw you note  
17 Christina, so.

18 MS. SHUPE: I did indeed. Thank you.

19 A/CHAIR KENNEDY: All right. Ms. Gonzalez and  
20 Ms. Shupe, does the Board need to go into closed session  
21 today?

22 MS. SHUPE: At this time there has not arisen a  
23 need for closed session.

24 A/CHAIR KENNEDY: Thank you.

25 I think the meeting is adjourned, correct?

1 (Overlapping colloquy, laughter.) Thank you.

2 MS. SHUPE: You'll want to go ahead and read the  
3 --

4 A/CHAIR KENNEDY: Yeah. We're not really  
5 adjourned, sorry.

6 The next Standards Board regular meeting is  
7 scheduled for June 16th, 2022, in Sacramento and via  
8 teleconference and videoconference. Please visit the OSHSB  
9 website and join our mailing list to receive the latest  
10 updates.

11 We thank you for your attendance today. There  
12 being no further business -- oh, I'm getting a tap on the  
13 table. Yes?

14 MS. SHUPE: I just wanted to note for all of our  
15 stakeholders normally we only notice our meetings a month  
16 in advance. But we will be meeting in San Diego in July.  
17 And I know that for those of our stakeholders who plan to  
18 travel, sometimes that's a difficult travel destination.  
19 So I wanted to note that for everybody now.

20 A/CHAIR KENNEDY: Yeah. I think there's a big  
21 convention that month.

22 All right, there being no further business to  
23 attend to now we're adjourned.

24 (The Business Meeting adjourned at 11:00 a.m.)

25

CERTIFICATE OF REPORTER

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

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of June, 2022.



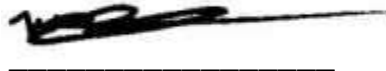
ELISE HICKS, IAPRT CERT\*\*2176

**TRANSCRIBER'S CERTIFICATE**

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

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of June, 2022.



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Myra Severtson  
Certified Transcriber  
AAERT No. CET\*\*D-852