

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY & HEALTH STANDARDS BOARD

PUBLIC MEETING AND BUSINESS MEETING

In the Matter of:)
September 21, 2023 OSH)
Standards Board Meeting)
_____)

IN-PERSON & TELECONFERENCE

Attend the meeting in person:

Monterey One Water Building

RTP Conference Room A/B

14811 Del Monte Boulevard

Marina, CA 93933

Attend the meeting via Video Conference

THURSDAY, SEPTEMBER 21, 2023

10:00 A.M.

Reported by:
M. Nelson

APPEARANCES

BOARD MEMBERS PRESENT AT CAL/EPA BUILDING:

Dave Thomas, Chairman
Kathleen Crawford, Management Representative
Dave Harrison, Labor Representative
Nola J. Kennedy, Occupational Health Representative
Laura Stock, Occupational Safety Representative
Chris Laszcz-Davis, Management Representative
Joseph Alioto, Public Member

BOARD STAFF PRESENT AT MONTEREY ONE WATER BUILDING:

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

BOARD STAFF ATTENDING VIA TELECONFERENCE AND/OR WEBEX:

Jesi Mowry, Administration & Personnel Support Analyst
Jennifer White, Regulatory Analyst

ALSO PRESENT IN MONTEREY:

Katie Hagen, DIR Director
Carl Paganelli, Deputy Chief for Cal/OSHA

ALSO PRESENT VIA TELECONFERENCE AND/OR WEBEX:

Kevin Graulich, Principal Safety Engineer, Cal/OSHA
Research and Standards Occupational Health Unit

TKO STAFF:

Sean Acrea
John Roensch
Maya Morsi
Tony Gonzales

PUBLIC MEETING COMMENTERS: (*Online testimony)

Kim Stemler, Monterey County Vintners and Growers

Bruce Wick, Housing Contractors Of California

Dave Smith, Dave Smith & Co.

Michael Donlan, MD Safety Service

Steve Johnson, Associated Roofing Contractors of the Bay
Area Counties

Matt Kuzemchak, Federal OSHA

Michael Miiller, California Association of Winegrape
Growers

Kevin Bland, Ogletree Deakins

I N D E X

	Page
I. CALL TO ORDER AND INTRODUCTIONS	5
II. PUBLIC MEETING (Open for Public Comment)	8
A. PUBLIC COMMENT - 11	
B. ADJOURNMENT OF THE PUBLIC MEETING - 17	
III. BUSINESS MEETING - All matters on this Business Meeting agenda are subject to such discussion and action as the Board determines to be appropriate.	17
<p>The purpose of the Business Meeting is for the Board to conduct its monthly business.</p>	
A. VARIANCE DECISIONS FOR ADOPTION	17
1. Consent Calendar	
B. REPORTS	19
1. Division Update - 19	
2. Legislative Update - 22	
3. Executive Officer's Report - 23	
D. NEW BUSINESS	---
1. Future Agenda Items	
<p>Although any Board Member may identify a topic of interest, the Board may not substantially discuss or take action on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125 & 11125.7(a)).</p>	

I N D E X

III. BUSINESS MEETING (Cont.)	Page
E. CLOSED SESSION	27
<u>Matters Pending Litigation</u>	
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	
<u>Personnel</u>	
E. RETURN TO OPEN SESSION	28
1. Report from Closed Session	
F. ADJOURNMENT OF THE BUSINESS MEETING	49
October 19, 2023 Walnut Creek City Hall Council Chambers 1666 N. Main Street Walnut Creek, CA 94596 10:00 a.m.	
Reporter's Certificate	50
Transcriber's Certificate	51

1 P R O C E E D I N G

2 SEPTEMBER 21, 2023

10:01 A.M.

3 CHAIR THOMAS: Good morning. The meeting of the
4 Occupational Safety and Health Standards Board is now
5 called to order. I'm Dave Thomas, Chairman. And the other
6 Board Members are Joseph Alioto, Public Member. He's new.
7 Let's give him a hand.

8 BOARD MEMBER ALIOTO: Thank you, Dave.

9 CHAIR THOMAS: We have Kathleen Crawford,
10 Management Representative; Dave Harrison, Labor
11 Representative; Nola Kennedy, Occupational Health
12 Representative; Chris Laszcz-Davis, Management
13 Representative; Laura Stock, Occupational Safety
14 Representative.

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

22 Also present today are Carl Paganelli, Deputy
23 Chief for Cal/OSHA. Kevin, what is it? Graulich. I got it
24 right. Principal Safety Engineer Cal/OSHA Research

1 Standards Occupational Health Unit who was attending via
2 WebEx and Director of Department of Industrial Relations,
3 Katie Hagen. Supporting the meeting remotely is Jesi Mowry,
4 Administrative and Personnel Support Analyst. Jennifer
5 White, Regulatory Analyst.

6 On August 12th, 2023, Governor Newsom appointed
7 one new member to the Standards Board and reappointed three
8 existing members. Before proceeding with today's meeting,
9 Director Hagen, will you administer the Oath of Office for
10 our new Board Member, Joseph Alioto, who is attending the
11 Public Member seat, assuming the Public Member seat, and
12 for the reappointment members of Dave Thomas, Labor
13 Representative and Board Chair, Nola Kennedy, who is
14 assuming the Occupational Health Representative seat and
15 Ms. Chris Laszcz-Davis Management Representative. Katie, do
16 you have the (indiscernible)?

17 DIRECTOR HAGEN: Yes, I do. Thank you. Good
18 morning.

19 CHAIR THOMAS: Alright, so let's stand up and
20 raise our right hand.

21 DIRECTOR HAGEN: Great, thanks. Good morning,
22 everybody. Katie Hagen. Thank you, Chair Thomas.

23 Joseph Alioto, Dave Harrison, Chris Laszcz-Davis,
24 and Dave Thomas. Please raise your right hand and repeat
25 after me. I do solemnly swear.

1 IN UNISON: I do solemnly swear.

2 DIRECTOR HAGEN: That I will support and defend
3 the Constitution of the United States and the Constitution
4 - I'm sorry.

5 IN UNISON: That I will support and defend the
6 Constitution of the United States.

7 DIRECTOR HAGEN: There you go.

8 Against all enemies, foreign and domestic.

9 IN UNISON: Against all enemies, foreign and
10 domestic.

11 DIRECTOR HAGEN: That I will bear truth, faith,
12 and allegiance to the Constitution of the United States and
13 the Constitution of California.

14 IN UNISON: That I will bear truth, faith, and
15 allegiance to the Constitution of the United States and the
16 Constitution of California.

17 DIRECTOR HAGEN: That I take this obligation
18 freely without any mental reservation.

19 IN UNISON: That I take this obligation freely
20 without any mental reservations.

21 DIRECTOR HAGEN: Or purpose of evasion.

22 CHAIR THOMAS: Or purpose of evasion.

23 DIRECTOR HAGEN: And that I will faithfully
24 discharge the duties upon which I'm about to enter.

25 IN UNISON: And I will faithfully discharge the

1 duties I'm about to enter.

2 DIRECTOR HAGEN: Congratulations. Thank you.

3 CHAIR THOMAS: So at this time we usually do
4 this. Let's stand and do the pledge allegiance before we
5 get into the meeting.

6 (Whereupon the Pledge of Allegiance was recited.)

7 Thank you. So we did that. Okay.

8 As many are aware, this will be Ms. Shupe's final
9 meeting as the Board's Executive Officer. For those who
10 would like to acknowledge her service and commitment to the
11 Board, there'll be an opportunity at the end of the meeting
12 to do that. So save all your well wishes and farewells to
13 the end of the meeting.

14 Anyway, now we'll continue with the public
15 meeting. Copies of the agenda and other materials related
16 to today's proceedings are available on the table near the
17 entrance of the room and are posted on the OSHSB website.
18 This meeting is also being live broadcast via video and
19 audio stream in both English and Spanish. Links to these
20 non-interactive live broadcasts can be accessed via the
21 meeting's notices and petitions section on the main page of
22 the OSHSB website. If you're participating in today's
23 meeting via teleconference or video conference, we're
24 asking everyone to place their phones or computers on mute
25 and wait to unmute until they are called to speak. Those

1 who aren't able to do so will be removed from the meeting
2 to avoid disruption as reflected on the agenda.

3 Today's meeting consists of two parts. First, we
4 will hold a public meeting to receive public comments or
5 proposals on occupational safety and health matters.

6 Anyone who would like to address any occupational
7 safety and health issue, including any of the items on the
8 business meeting agenda may do so when I invite public
9 comment. If you're participating via teleconference or
10 video conference, these instructions for joining public
11 comment queue can be found on the agenda. You may join by
12 clicking the public comment queue. Link in the meeting's
13 notices and petition section of the OSHSB website or by
14 calling 510-868-2730 to access the automated public comment
15 queue voicemail. When the public meeting begins, we're
16 going to alternate between three in-person speakers and
17 then we'll have three remote commenters. When I ask for
18 public testimony in-person commenters should provide a
19 completed speakers list to the staff person there, the
20 podium, and announce themselves to the Board prior to
21 commenting. For commenters, attending via teleconference or
22 video conference, please listen to your name and an
23 invitation to speak when it's your tuned to address the
24 Board.

25 Unmute yourself and if you're using WebEx or dial

1 star six if you want to unmute yourself. If you're using
2 the teleconference line, we will ask all commenters to
3 speak slowly and clearly when addressing the Board. And if
4 you are commenting via teleconference or video conference,
5 remember to mute your phone or computer after commenting.
6 Today's public comment will be limited to two minutes per
7 speaker, more or less, and the public comment portion of
8 the meeting will extend for up to two hours so that the
9 Board may hear from as many members of the public as it's
10 feasible individual speakers and total, total public
11 comment. Time limits may be extended by the Board Chair.
12 After the public meeting is concluded, we will hold a
13 business meeting to act on those items listed on the
14 business meeting agenda. We'll now proceed with the public
15 meeting. Anyone who wishes to address the Board regarding
16 matters pertaining to occupational safety and health is
17 invited to comment.

18 Except however, the Board does not entertain
19 comments regarding variance matters. The Board's variance
20 hearings or administrative hearings where procedural due
21 process rights are carefully preserved. Therefore, we will
22 not grant requests to address the Board on variance matters
23 for our commenters who are native Spanish speakers. We are
24 working with Ms. Amalia Neidhardt to provide a translation
25 of their statements into English for the, looks like I

1 missed a page here. Oh, for the Board. At this time, Amalia
2 Neidhardt will provide instructions to the Spanish speaking
3 commenter so that we are aware of the public comment
4 process - so they're aware of the public comment process
5 for today's meeting. So, Amalia.

6 MS. NEIDHARDT: [READS THE FOLLOWING IN SPANISH]:

7 Good morning, and thank you for participating in
8 today's Occupational Safety and Health Standards Board
9 public meeting. The Board Members present today are Dave
10 Thomas, Labor Representative and Chairman; Joseph Alioto,
11 Public Member; Kathleen Crawford, Management
12 Representative; Dave Harrison, Labor Representative; Nola
13 Kennedy, Occupational Health Representative; Chris Laszcz-
14 Davis, Management Representative; and Laura Stock,
15 Occupational Safety Representative.

16 This meeting is also being live broadcast via
17 video and audio stream in both English and Spanish. Links
18 to these non-interactive live broadcasts can be accessed
19 via the "meetings, notices and petitions" section on the
20 oshsb website.

21 If you are participating in today's meeting via
22 teleconference or videoconference, please note that we have
23 limited capabilities for managing participation during
24 public comment periods. We are asking everyone who is not
25 speaking to place their phones or computers on mute and

1 wait to unmute until they are called to speak. Those who
2 are unable to do so will be removed from the meeting to
3 avoid disruption.

4 As reflected on the agenda, today's meeting
5 consists of two parts. First, we will hold a public meeting
6 to receive public comments or proposals on occupational
7 safety and health matters. Anyone who would like to address
8 any occupational safety and health issue, including any of
9 the items on our business meeting agenda, may do so when I
10 invite public comment.

11 If you are participating via teleconference or
12 videoconference, the instructions for joining the public
13 comment queue can be found on the agenda. You may join by
14 clicking the public comment queue link in the "meetings,
15 notices and petitions" section on the oshsb website, or by
16 calling 510-868-2730 to access the automated public comment
17 queue voicemail.

18 When public comment begins, we are going to be
19 alternating between three in-person and three remote
20 commenters. When the Chair asks for public testimony, in-
21 person commenters should provide a speaker slip to the
22 staff member near the podium and announce themselves to the
23 board prior to delivering a comment.

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

1 to speak. When it is your turn to address the Board, please
2 be sure to unmute yourself if you're using webex or dial *6
3 on your phone to unmute yourself if you're using the
4 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. Please allow natural
9 breaks after every two sentences so that a translation of
10 your statement may be provided to the Board and meeting
11 participants.

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

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

22 Thank you.

23 CHAIR THOMAS: Thank you, Amalia.

24 If there are any in-person participants who would
25 like to comment on any matters concerning occupational

1 safety and health, you may begin lining up at this time or
2 sitting however you want to do it. We'll start with the
3 first three in-person speakers and then we'll go to the
4 telephone. So if there's anybody who would like to speak,
5 please introduce yourself to the Board and your
6 affiliation.

7 MS. STEMLER: Hi. Welcome to Monterey County. My
8 name is Kim Stemler. I'm the Director of the Monterey
9 County Vintners and Growers. That's wine. So if you need
10 any recommendations while you're here, let me know. So
11 first of all, thank you for going to the FIRA Ag. For those
12 of you that went, thank you for coming and thank you for
13 attending that and recognizing the need of precision ag
14 technology in not only the wine industry but also the
15 entire ag industry. Just less than a half a mile away from
16 here one of our winery and grower owners bought a very
17 expensive piece of equipment from Germany, spent millions
18 of dollars on it. It's a biochar production machine. So he
19 puts all of the green waste from our vineyards, turns it
20 into what looks like charcoal that has the potential when
21 in the soil to sequester between 9 to 20 tons of CO2 for
22 every ton of biochar.

23 In addition to that, it really produces healthy
24 soil. So that gives you an example of what Ag Tech can do
25 to help our environment.

1 The other thing I just want to mention is thank
2 you for your partnership during covid and continued
3 partnership during COVID. Monterey County - Our ag industry
4 was one of the leaders actually. We got the first
5 parameters around how to treat your employees, how to take
6 care of your employees during COVID before government was
7 able to get it out. We got it out in April 2020, whatever
8 that first year was. And then since then, very early on I
9 was able to develop a relationship with CDPH and we started
10 this wonderful octopus of a system around here, including
11 our government partners, our nonprofits, the ag trade
12 businesses, the Community Foundation of Monterey County. We
13 set up systems for vaccination, for testing, for protocol,
14 for businesses. And we were so successful in keeping
15 vulnerable populations in ag and hospitality really
16 healthy, much better than other areas of the state. So I
17 appreciate your support, I appreciate CDPH - yay - and I
18 encourage you to continue to work with us in outreach more
19 because we know what - how businesses operate. The wine
20 industry is very unique. It's different than row crops. So
21 the more relationship we have, the better the policies can
22 be that you create. So thank you again for being here.
23 Enjoy.

24 CHAIR THOMAS: Thank you.

25 Go ahead.

1 MR. WICK: Chair Thomas, Bruce Wick, Housing
2 Contractors of California. Just want to say on behalf of
3 all stakeholders, welcome to Mr. Alioto.

4 BOARD MEMBER ALIOTO: Thank you.

5 MR. WICK: This is not a sleepy Board. You will
6 have a good ride.

7 BOARD MEMBER ALIOTO: Excellent.

8 MR. WICK: This will be fun.

9 BOARD MEMBER ALIOTO: I appreciate that. Thank
10 you.

11 CHAIR THOMAS: Thank you. Any other in-person
12 commenters? Seeing that we have none, do we have any people
13 calling in Maya?

14 MS. MORSI: Online we have Dave Smith. With Dave
15 Smith & Co.

16 CHAIR THOMAS: Dave, can you hear us?

17 MR. SMITH: I can. Can you hear me?

18 CHAIR THOMAS: I think you're muted, Dave. There
19 you go.

20 MR. SMITH: I am.

21 CHAIR THOMAS: You just muted yourself again.

22 MR. SMITH: How about now?

23 CHAIR THOMAS: You got it. You got it. Okay, do
24 that.

25 MR. SMITH: Thank you very much.

1 Good morning, Members of the Board, staff, the
2 attendees and the public. I'm Dave Smith, safety consultant
3 in California.

4 As noted in several prior meetings, there's a
5 backlog of standards development, including my petitions
6 originally submitted in 2006, now 17 years ago. The reason
7 stated has been the lack of resources to effectively
8 address the many standards that are in the pipeline. A
9 couple of Board meetings ago, Board Member Stock, and I
10 appreciate her for bringing this up, is let's take a look
11 at why is this lack of resources happening, where's the
12 money and how can we be more effective at allocation of
13 resources so that we can make some progress on getting the
14 backlog of standards development taken care of? I'm looking
15 forward to hearing about what the results of that effort
16 might be as far as the regulated as I'm sure the regulated
17 community would be too. Why does it take an act of the
18 legislature to get any standards done? Where are the
19 roadblocks? What can be done to help develop these
20 standards? These are not parking regulations. They may have
21 significant impact on the health and safety of workers and
22 employers in California. Thank you.

23 CHAIR THOMAS: Thank you. Who else do we have,
24 Maya?

25 MS. MORSI: Up next is Michael with MD Safety

1 Service.

2 CHAIR THOMAS: Michael, can you hear us? I'm
3 hearing something. Can you hear me Michael? Yeah, you might
4 want to turn your volume up.

5 MR. DONLAN: Okay.

6 CHAIR THOMAS: A little more.

7 MR. DONLAN: Can you hear me now?

8 CHAIR THOMAS: There you go. Go right ahead.

9 Okay,

10 MR. DONLAN: So I just want to make a general
11 comment on actually what the legislature intended when they
12 revamped the rulemaking process some years ago. And this is
13 from Government Code 11340. The legislature finds and
14 declares as follows. There has been an unprecedented growth
15 in the number of administrative regulations in recent
16 years. The language of many regulations is frequently
17 unclear and unnecessarily complex. Even when the
18 complicated and technical nature of the subject matter is
19 taken into account, the language is often confusing to the
20 persons who must comply with the regulation, the complexity
21 and lack of clarity in many regulations put small
22 businesses which do not have the resources to hire experts
23 to assist them at a distinct disadvantage. It is the intent
24 of the legislature that agencies shall actively seek to
25 reduce the unnecessary regulatory burden on private

1 individuals and entities. And you notice it says burden.

2 It doesn't say reduce the regulations, but make
3 them easier to follow. Every week I'm in the field talking
4 to employers and employees and there is one commonality. It
5 is easier to get them to comply with regulations when they
6 are clear, concise and make sense. During my career, safety
7 has evolved from implementing rules to changing attitudes.
8 When you can clearly explain to employees and employers why
9 a safe work practice is to their benefit, they understand
10 and it is much easier to get them to comply when you just
11 can say it's because Cal/OSHA says so. You lose them and
12 you don't just lose them on that one issue. You chip away
13 at that attitude towards safety you're trying to build.
14 Thank you.

15 CHAIR THOMAS: Thank you.

16 Who do we have next, Maya?

17 MS. MORSI: That is all for online commenters.

18 CHAIR THOMAS: All right.

19 Do we have any other in-person commenters? All
20 right. Seeing that we do not have any of the other
21 commenters, the Board appreciates your testimony and the
22 public meeting is adjourned and the record is closed.

23 We'll now proceed with the business meeting. The
24 purpose of the business meeting is to allow the Board to
25 vote on matters before it, to receive briefings from staff

1 regarding the issues listed on the business meeting agenda.
2 Public comment is not accepted during the business meeting
3 unless a Member of the Board specifically requests public
4 input. The proposed variance decisions for adoption are
5 listed on the consent calendar. Ms. Gonzalez, will you
6 please brief the Board?

7 MS. GONZALEZ: Thank you, Chair Thomas. Variance
8 decisions 1 through 67 are ready for the Board's
9 consideration and possible adoption.

10 CHAIR THOMAS: All right, do I have a motion to
11 adopt the variance decisions?

12 BOARD MEMBER LASZCZ-DAVIS: I so move.

13 CHAIR THOMAS: And I have a second.

14 MS. STOCK: Second.

15 CHAIR THOMAS: So I have a motion to second. Is
16 there anything on the question or is there any questions
17 for Autumn? Hearing none, Ms. Money, will you please call
18 the roll?

19 MS. MONEY: Okay, so I have the motion as Ms.
20 Laszcz-Davis and second is Laura Stock, correct?

21 Kathleen Crawford.

22 Dave Harrison.

23 BOARD MEMBER HARRISON: Aye.

24 MS. MONEY: Pardon me. My pen just ran out. Thank
25 you.

1 Dave Harrison.

2 BOARD MEMBER HARRISON: Aye.

3 MS. MONEY: Kennedy.

4 BOARD MEMBER KENNEDY: Aye.

5 MS. MONEY: Chris Laszcz-Davis.

6 BOARD MEMBER LASZCZ-DAVIS: Aye.

7 MS. MONEY: Laura Stock?

8 BOARD MEMBER STOCK: Aye.

9 MS. MONEY: Joseph Alioto.

10 BOARD MEMBER ALIOTO: Aye.

11 MS. MONEY: Chairman Dave Thomas.

12 CHAIR THOMAS: Aye.

13 And the motion passes.

14 So at this time we'll have a Division Update.

15 Kevin Graulich, is that right? All right. Yes, will you

16 please brief the Board?

17 MR. GRAULICH: Good morning, Chairman Thomas and

18 Board Members.

19 CHAIR THOMAS: Can you turn up your volume a

20 little bit?

21 MR. GRAULICH: I will do my best. There you go.

22 Is that better?

23 CHAIR THOMAS: Yes. Okay.

24 MR. GRAULICH: Just to keep brief updates we have

25 today is we are kind of on track with both our lead and

1 indoor heat packages. The lead standard. We have a second
2 15-day notice that is with the Board staff for review now.
3 And we anticipate that being published in early October.

4 Indoor heat, we're finalizing review of the
5 comments that received on October 22nd. So we also
6 anticipate some more changes. A second 15-day notice is
7 being prepared and that should be put out in early November
8 with both of those. That should put us on track for coming
9 to vote in first quarter of next year.

10 And on our silica emergency temporary standard,
11 we have been working, we had the advisory meeting on August
12 9th. We have posted a revised draft on September 7th,
13 that's on our website. And we have the emergency rulemaking
14 documents in submittal and under review. And we do
15 anticipate meeting the deadlines that were discussed or
16 laid out to have this ready to go to the Board in
17 December's Board meeting. So we've been holding numerous
18 stakeholder meetings and the advisory committee meeting and
19 I'm trying to incorporate as many of those comments as we
20 can into that project right now. And that's about all we
21 have for today.

22 CHAIR THOMAS: Thank you. Are there any questions
23 from the Board for Kevin?

24 BOARD MEMBER STOCK: Yes, I do.

25 CHAIR THOMAS: Go ahead.

1 BOARD MEMBER STOCK: Thank you, Kevin, for that
2 report. I had a question about the workplace violence
3 regulation and where that stands. And I also know that
4 there's a bill making its way to the Governor's desk or
5 it's in the legislature now and that differs in certain
6 ways. So I wonder if you could comment on where the
7 Standards Board draft is and how you see it differing from
8 the bill that's going to be considered in the legislature.

9 MR. GRAULICH: As usual, we can't really comment
10 on pending legislation. I have seen the draft so I'm aware
11 and familiar with it, but as far as where that will fall, I
12 can't really comment on that right now. I do know that the
13 draft we have been preparing is fairly ready to go. We were
14 hoping to have another advisory meeting by the end of the
15 year, but with some of these other high priority projects
16 that came in, it got pushed back a little bit, but we were
17 still anticipating having that advisory meeting as soon as
18 possible. But as far as the interaction between the
19 legislation and I can't really comment on that right now.

20 BOARD MEMBER STOCK: And in advance of the
21 advisory meeting, are you anticipating that there'll be a
22 new discussion draft released?

23 MR. GRAULICH: Yes. Yeah, we have -

24 BOARD MEMBER STOCK: - When that might be.

25 MR. GRAULICH: I am waiting on that approval

1 right now, but we're very close to getting that ready to
2 go.

3 BOARD MEMBER STOCK: And then just one last thing
4 and obviously as always I can hear the workload that's on
5 your plate from all the things that you've already
6 described. So that's a challenge we've been discussing. I
7 was wondering about the general industry infectious disease
8 regulation. And I also just know that there's sort of a
9 timeframe involved that it's for several years and there's
10 an attempt to try to get - the current is going to expire
11 and there was definitely the plan that the regular
12 infectious disease would be in place at that point. So
13 that's why that deadline is important. So I'm wondering if
14 you have any comments on that?

15 MR. GRAULICH: Other than, as you mentioned, our
16 staff is very short. We have had some progress. I've been
17 able to put a couple of new staff members on and one of
18 them is going to be working primarily on our ATD, both
19 revisions to the existing ATD and on the general industry
20 standard. So it is progressing, it's been pushed a little
21 bit with these other projects that have taken a lot of
22 bandwidth, but we are working to get that through and hope
23 to get that done on time.

24 BOARD MEMBER STOCK: Okay, thank you.

25 CHAIR THOMAS: Any other questions for Kevin?

1 All right, hearing none. We'll - legislative
2 update, Autumn?

3 MS. GONZALEZ: Thank you, Chair Thomas. So we're
4 at the end of the legislative session right now. A good
5 number of bills are on the Governor's desk and we're
6 waiting to see what he decides to sign and not. So we'll
7 have a more comprehensive update for you next month.

8 But I just did want to briefly let you know about
9 AB 521. This is a bill waiting for the Governor's signature
10 that would require the Board to draft a rulemaking proposal
11 for construction site single use toilet facilities for non-
12 binary and women to use on construction sites. As Laura
13 mentioned, we have SB 553, that's the occupational safety
14 workplace violence bill. We'll see if the Governor signs
15 that one. AB 1007 is the medical plume bill that's going to
16 require the Division to submit regulations by 2026. And
17 then the Governor has signed SB 143. That's a budget
18 trailer bill. And the news for us is that in that trailer
19 bill they're allowing, they're extending the modifications
20 to Bagley-Keene that allow everyone to meet via
21 teleconference without having to notice your location. So
22 the rules that we had during COVID, so that's going to
23 extend through the end of this year. And then there's a
24 bill on the Governor's desk that we're going to see if he
25 decides to sign, which will extend that privilege even

1 further. So keeping an eye on that one.

2 CHAIR THOMAS: Any the questions for Autumn?

3 Hearing none, Executive Officer's Report.

4 Christina.

5 EXECUTIVE OFFICER SHUPE: Thank you, Chair

6 Thomas.

7 So we have been really focusing on our
8 priorities, especially over the last month. The number one
9 priority has been staffing. And so I'd like to extend a
10 warm welcome to our newest staff member, Kevin Goddard, who
11 joined our team as senior safety engineer. And we're also
12 actively looking to fill our attorney three vacancy and we
13 have a tentative acceptance. So I look forward to you
14 hearing a report on that next month, but I think we'll all
15 be very, very pleased with that position being filled for
16 regulations.

17 We have lead the second 15-day notice. We expect
18 that to go out on October 6th. So you may receive public
19 comments on that during the October Board meeting.

20 And then of course I have tendered my
21 resignation, as the Board is aware. I'll be joining the
22 Central Valley Regional Water Quality Control Board,
23 heading up their Fresno office.

24 And I just want to say I have loved being a part
25 of your staff. You have an amazing team here. You really

1 do. And this Board in particular has just been my favorite
2 Board to work with in my career. I've worked with Boards in
3 the private sector and in the public sector. And you are
4 all very dedicated and pay attention to the really thorny
5 issues across your desk. And always bring your best selves
6 to the table. And I just very, very much appreciate that. I
7 appreciate your service and it has been a privilege to work
8 with you. With all of you.

9 I will have some more information for you in
10 closed session on personnel matters that will feed into
11 your decisions regarding the transition. I can tell you
12 that we have been working actively to put an acting EO
13 assignment together for you and also to advance the
14 permanent EO recruitment. But details, will have to wait
15 for closed session.

16 CHAIR THOMAS: Thank you.

17 I think I'll just go to new business. We're going
18 to - go ahead.

19 BOARD MEMBER STOCK: And I guess we're going to
20 have an opportunity to appreciate you a little later so I
21 have things to say, but I'll defer them till a little
22 later.

23 So I had a question about your report.

24 EXECUTIVE OFFICER SHUPE: Yes.

25 BOARD MEMBER STOCK: But thank you for your kind

1 words and we're going to miss you. I know this issue, last
2 meeting, we had this discussion about how can we address,
3 as one of the commenters alluded to, how can we address
4 this issue of how long it takes to pass regulations. As he
5 said, it takes an active legislature sometimes to move
6 things forward and there was a discussion of a subcommittee
7 and figuring out a way to kind of delve into that issue
8 more. And so I just was curious whether that is still, and
9 I know now we've got your transition, so I just wondered if
10 you had any comments on whether that effort is still going
11 to occur.

12 And I know when it comes to new business, I think
13 putting that on the agenda in some way, and specifically
14 looking to ask for any information that we might need that
15 would help illuminate for us about why things take so long.
16 But I think we all have a range of reasons why it takes so
17 long. I think what we're looking for is strategies that
18 might address that, whether it's resources, staffing,
19 procedural or whatever. So I would like to kind of put that
20 on our agenda, but I just wondered if you could comment on
21 the plan that was potentially outlined at a past Board
22 meeting.

23 EXECUTIVE OFFICER SHUPE: Yeah, so the
24 subcommittee that you mentioned was created by the Board.
25 It is staffed by yourself and by Kathleen Crawford. And I

1 apologize that I have not been able to provide you with the
2 staff resources to move that forward over the last month.

3 BOARD MEMBER STOCK: No apology needed.
4 Understandable.

5 EXECUTIVE OFFICER SHUPE: But it will go on the
6 assignment list for your transition team and for your
7 permanent EO. I would say that your involvement in really
8 seeing where the Board has a need, where your staffing is
9 insufficient to reach the goals that you have set for you,
10 not only internally but by your stakeholders and by the
11 legislature. I think that subcommittee is a valuable tool
12 towards that end and it will continue to exist.

13 BOARD MEMBER STOCK: So at this point it will
14 just be, once the transition is in place, someone will let
15 us know what the next steps associated with that.

16 Is there any - so it seems like as I was
17 transitioning into the new business, I'm just trying to -
18 I'm not exactly sure what the agenda item should be. So
19 it's not, I don't know yet. So maybe we could defer that.
20 But I do sort of have the goal that we would begin to
21 tackle it as part of our discussions in future Board
22 meetings. So maybe the first step is trying to have some
23 conversation about what is needed and what kind of reports
24 we need to be able to understand the situation more fully.

25 EXECUTIVE OFFICER SHUPE: My recommendation is

1 that the subcommittee set a meeting and meet with your
2 either acting EO or permanent EO to talk about next steps.
3 Because that can happen outside open session. And then the
4 agenda item would be a report from the subcommittee to the
5 full Board.

6 BOARD MEMBER STOCK: So we can have that can have
7 kind of just a preliminary conversation just with - Okay.
8 Good to know.

9 EXECUTIVE OFFICER SHUPE: Yes.

10 BOARD MEMBER STOCK: Okay.

11 CHAIR THOMAS: Any other future agenda items
12 anybody wants to discuss at this point?

13 Alright, are we going into closed session,
14 Autumn?

15 MS. GONZALEZ: Yes.

16 CHAIR THOMAS: Alright. So - yes.

17 BOARD MEMBER HARRISON: So should we have closed
18 session first or -

19 CHAIR THOMAS: I think we should have close. Well
20 -

21 EXECUTIVE OFFICER SHUPE: I recommend we go into
22 closed session.

23 CHAIR THOMAS: Yeah, we need to do that first.

24 EXECUTIVE OFFICER SHUPE: Okay, so we're going to
25 recess. How long do you think we'll be? 25 minutes, 20

1 minutes?

2 I'd say maybe 20 minutes.

3 CHAIR THOMAS: Okay.

4 So we'll just reconvene back at 11 o'clock. Give
5 us a little time.

6 And so at this time, we're going to recess and
7 we'll go back and go into closed session. So we are in
8 recess. Thank you.

9 (OFF THE RECORD AT 10:30 a.m.)

10 (ON THE RECORD AT 11:15 a.m.)

11 CHAIR THOMAS: All right, we are back in session
12 from our Closed Session. So I'm going to have Autumn
13 Gonzalez report out what took place. Autumn.

14 MS. GONZALEZ: Thank you. The Board delegated its
15 authority to appoint an acting executive officer to
16 Chairman Dave Thomas and it appointed its hiring panel for
17 the executive officer recruitment. And that panel is going
18 to be made up of Chair Thomas, Member Chris Laszcz-Davis
19 and Laura Stock. And that's it.

20 CHAIR THOMAS: Thank you. Thank you so much. So
21 at this time, let's see if we have any other - what I'd
22 like to do at this time is before we adjourn.

23 As all of you know, Christina Shupe is leaving.
24 She's going to be missed very much. She's going to a better
25 place. That doesn't sound right. It's like you didn't die.

1 But I just want to say, and I want the Board to chime in
2 too, is it's been unusual. We've had such a great
3 relationship and I'm going to miss Christina so much. I was
4 - when Marley was here, she told me that this was the lady
5 that should take her place when she retires. And Christina
6 would show up at meetings that - while she was still
7 working another job, but she would find her way to our
8 meetings in Southern California, wherever she and she
9 showed up. And I got to know her a little bit, but I tell
10 you what, I had absolutely no idea how she was just going
11 to take over this machinery and have her way wielding it,
12 bending it to what she needed and how quickly she picked up
13 everything and she was politically knowledgeable from your
14 years on the - what Board was that?

15 EXECUTIVE OFFICER SHUPE: The Redistricting.

16 CHAIR THOMAS: Redistricting Board. So she had a
17 lot of friends that she knew out there that helped her work
18 her way through it. But I'm telling you, I am the lucky
19 one. Hey, I admit it, I'm the lucky one because I had
20 Marley. And she just told me what to do and directed me.
21 And then when Christina came on, I still needed somebody to
22 tell me what to do and direct me. And she did. And this is
23 not my everyday job, this is my once a month job. But I'll
24 tell you what, it's been one of the best relationships that
25 I will cherish for a very long time and I really hate to

1 see you go. I mean, it just breaks my heart.

2 But I wanted to give you something from the Board
3 and I think Lara has it. You can bring this up to me. And
4 you know what? I'm not great with words. I don't know how
5 this is going to sound out loud. I did read it, but I just
6 wanted to read this. Hopefully I don't cry.

7 Given an appreciation to Christina Shupe,
8 Executive Officer, of the California OSHA Standards Board
9 for your years of dedication and service, we the
10 undersigned, wish you the best of luck and your new
11 endeavors, will always hold you in the highest esteem.
12 Chairman Dave Thomas, Member Laura Stock, Member Chris
13 Laszcz-Davis, Member Dave Harrison, Member Nola Kennedy,
14 Member Kathleen Crawford and Member Joseph Alioto. And on
15 this day, September 21st, 2023.

16 And it's my honor to give you this and I hope it
17 means something to you.

18 EXECUTIVE OFFICER SHUPE: Oh wow.

19 CHAIR THOMAS: Go ahead, Christina.

20 EXECUTIVE OFFICER SHUPE: I really, really
21 appreciate this. Thank you. I've said this before and I'll
22 say it again. The five years I've been with this Board have
23 just been phenomenal and they've been tough. When I first
24 took this position, it was sold to me as a - how did Marley
25 put it? This is a great job. This is a great job. It's

1 easy. You get to take lots of lunches and everything's very
2 routine. And within three months we had an administrative
3 challenge that we needed to get through with DIR and that
4 involved resources from the entire labor agency. And then
5 just as we were coming out of that, the pandemic hit and
6 suddenly this Board was at the forefront of California's
7 response and how should we respond? And your staff were
8 working crazy hours to make sure that it happened and doing
9 things like running cable and setting up remote meetings in
10 three days when that had never ever happened before.

11 And I got to see people just bring their passion
12 and I saw this Board do it too. And it wasn't always
13 smooth, right? Because there were a lot of emotions around
14 what we were trying to accomplish, but everybody was trying
15 to get to the same place, which was safety for our workers.

16 And I've loved this job, I just love it and I
17 will stay in touch. Dave alluded to the fact that I brought
18 all of my contacts with me from the Redistricting
19 Commission and I am taking all of you with me over to the
20 Water Board, so you will be hearing from me. Thank you.

21 CHAIR THOMAS: To the Board members or anybody
22 who wants to say goodbye to Christina, anybody.

23 MEMBER HARRISON: So I would like to if I could.
24 So I've been working with government for a long time. I
25 work with a lot of folks from the governor's office to

1 agencies to you name it, within government. And I got to
2 say, Christina is one of, if not the hardest working I've
3 ever worked with, from the late night meetings to the
4 weekend phone calls on issues, you name it. She never
5 turned her clock off and I can't tell you how much I
6 appreciated the work that she's done with us and the Board
7 and the workers and labor in the state of California.

8 The most important I think, though, is getting us
9 through the pandemic and the work that you did to save
10 lives. And I'm not kidding you, and we all took bullets
11 over that and you led the way. And I can't thank you enough
12 for the work you've done for that.

13 And then in my mind, the most important
14 rulemaking was cranes. Thank you. Sorry, a little biased.
15 Thank you for all the work you've done. You are truly going
16 to be missed and I'm looking forward to still having a
17 friendship with you in your new role. And I want to say
18 that the Board members all came together and got a little
19 something for you as a going away gift. You don't have to
20 open it now, but that is for you.

21 EXECUTIVE OFFICER SHUPE: Oh, thank you so much.
22 I'm not going to open it right now.

23 CHAIR THOMAS: Go ahead, Chris.

24 MEMBER LASZCZ-DAVIS: Okay. Just a few thoughts.
25 I've had the pleasure, or I'll call it pleasure, of having

1 worked in government and industry in some really tough
2 roles and I've always valued and admired those who had a
3 good handle on both the strategic and the tactical. You are
4 a master. If there is one phrase I could ascribe to you,
5 it's grace under pressure. And you do it respectfully and
6 generously.

7 Even when we said stupid things during these
8 meetings, you would bring us back in line and most people
9 wouldn't realize that that's what you were doing. But you
10 helped us through a number of situations that were pretty
11 controversial. But you're absolutely right. The pandemic is
12 something, I don't know that that's the last time we'll see
13 something like that, but it took a real master to work us
14 through it.

15 We're pretty strongly opinionated here. So
16 anyways, thank you.

17 CHAIR THOMAS: Nobody would've guessed.

18 (LAUGHTER)

19 MEMBER LASZCZ-DAVIS: Nobody, but you know what,
20 thank you so much. I mean, I grew and I learned from you
21 and I'm sure it's not the last time we'll have an
22 opportunity to work together.

23 MEMBER STOCK: Ditto to everything that's been
24 said. And in addition, just speaking the pandemic, just to
25 say there, I feel like the other thing that I know I

1 personally benefited from is that whole - the period of
2 time where we were taking controversial positions often had
3 to be the only person voting in one way or the other and
4 just dealing with the stress of how to manage that. And I
5 know I remember particularly a number of conversations I
6 had with you sort of navigating, just learning from your
7 experience of how you navigate that kind of situation, when
8 there's controversy, when you're on one side and
9 everybody's on others. And there was just a number of
10 conversations that I don't know if you remember, but you
11 and I had about that and hearing some about the experiences
12 that you've had and I really valued that.

13 So I just wanted to say that that was helpful to
14 me on a personal level. And I also just second the
15 appreciation from the Board in general about the amazing
16 work that you did. I'm sorry that it couldn't work out for
17 you to be able to remain and we completely understand why
18 you made the decision that you did and wish you all the
19 best in the future and hope we'll continue to be in touch.

20 CHAIR THOMAS: Thank you.

21 EXECUTIVE OFFICER SHUPE: I do remember those
22 conversations, justice victim.

23 MEMBER CRAWFORD: I already told you this morning
24 at breakfast how I felt, and you would like to say
25 publicly, I believe that you are a remarkable woman. I am

1 so pleased I had the opportunity to be here under your
2 guiding hand and it's been amazing to watch the imprint
3 that you have made on California and for the future of
4 state for what Dave was fine. I'll be trying if I continue.
5 So just ditto to what everyone said, plus thank you. Thank
6 you.

7 CHAIR THOMAS: Nola?

8 MEMBER KENNEDY: I am always brief in my comments,
9 so I will. Again, everybody has said what feel.

10 Other things I wanted to acknowledge is I really
11 think that you've worked very hard to bring new people into
12 the Board staff, which does nothing but strengthen us. And
13 I appreciate that effort. I know it's not easy and you've
14 hired some wonderful people and directed some wonderful
15 people on your staff, and what we see is really a
16 reflection of your management style. I appreciate that. And
17 then I think something Christina and I came on at about
18 same time, she hit me by a little bit, but we came on the
19 Board at about the same time or came on at the same time.
20 And one of the things I have appreciated personally about
21 Christina and has led a lot of our conversations is I think
22 we're both learners and we've enjoyed conversations around
23 learning and what we learn from each other and from the
24 people around us, and that's a trait of yours. I also
25 really appreciate, I'm not going to tell you I'm going to

1 miss you because I plan on staying in touch. I will miss
2 your presence on the Board staff, but I'm not going to miss
3 you. I'll see you.

4 CHAIR THOMAS: Thank you. I want to open it up.
5 Yeah, please. Anybody who would like to speak. Go ahead,
6 Joseph. Go ahead.

7 BOARD MEMBER ALIOTO: Was it something that I
8 said?

9 (LAUGHTER)

10 The moment I get here and you're leaving.

11 And I want you to know that I have not had the
12 opportunity to be able to work with you, but your
13 reputation precedes you, not just through my observation of
14 comments on this Board, but comments that I have heard
15 elsewhere as well. I know that you will do extremely well
16 in your next endeavors. I wish you the best. This is my
17 loss for not having had an opportunity to be able to work
18 with you, but I know that your impact on this Board and on
19 this organization has been tremendous and congratulations
20 for that. Thank you.

21 CHAIR THOMAS: Please go right ahead.

22 MR. JOHNSON: I'm Steve Johnson, Associated
23 Roofing contractors of the Bay Area counties. So for the -
24 I'd like to welcome the newest Board Member. Joe, welcome.
25 Thank you. It is the hardest volunteer job I can think of

1 to be a part of this Board and for those continuing the
2 punishment way to hang in there and stay with it. So I
3 respect that and appreciate that.

4 And Christina, you're going to have some very
5 hard shoes to fill. Whoever is going to come into this role
6 is going to, I think probably have to look at lot of
7 detailed notes to figure things out, but the Central Valley
8 Water Board is lucky to have you and your organization
9 skills. It's just from every meeting. It's obvious that you
10 have command and control of your job and you'll be missed
11 by the regulated public. So thank you.

12 CHAIR THOMAS: Thank you.

13 MR. WICK: It's a really sad day. I'm happy for
14 you, Christina, to go to a better opportunity and I hope
15 that works out really great. But we're really sad on behalf
16 of stakeholders. We have seen all stakeholders. You have
17 listened to all of us with empathy, with respect. You've
18 responded with thoughtfulness, transparency. The good news
19 is there's so much passion in this Board and in all across
20 the community for keeping our workers safe. The downside is
21 we have so many different perspectives we bring here and
22 you have managed navigated, I think as Laura said, all of
23 us in an exemplary way and with grace. That's amazing. For
24 the committee who's going to be looking at this, we are
25 very grateful to have had Marley Hart and now Christina, no

1 Board has had better leadership, and it would be
2 unrealistic to expect we're going to get the next person
3 starting at your level and Marley's. But I hope we give
4 that person the expectation. We expect them to get there.
5 What Californians deserve, and I think I can say this on
6 behalf of the fact that all employees are somebody's mother
7 or father or sister or brother or daughter or son and your
8 dedication, protecting those people on behalf of us all I
9 say, thank you.

10 CHAIR THOMAS: Go ahead. Go ahead, Lara. Yeah,
11 and then

12 DIRECTOR HAGEN: Thanks. Congratulations again,
13 Christina. I have to say it's a banner day to get the
14 emotion from Dave Thomas and our gentlemen from the
15 audience as well. It's really demonstrative of your impact
16 on your team and your constituents, stakeholders in
17 California.

18 I just want to thank you on behalf of DIR and
19 Cal/OSHA and the administration for all your dedication.
20 It's been an honor to work with you the last three years. I
21 feel like we really rolled up our sleeves together on a
22 number of occasions to try to figure very difficult
23 challenges out as well as with the cal OSHA team on a
24 regular basis. And we're really going to miss that
25 dedication and passion to do the right thing. So just want

1 to thank you again and I wish you all the luck in your new
2 role. Congratulations.

3 CHAIR THOMAS: Thank you.

4 MS. PASKINS: I'm going to be short and sweet,
5 but Christina, it's been amazing working with you and
6 learning from you and becoming your friend, and I'm going
7 to miss you so much appreciate everything you've done for
8 the Board, for our staff. There's just going to be a hole
9 and I hope you stay in touch and you've got so much
10 intelligence and insights to share with us, so we please
11 keep it coming our way. We really appreciate everything
12 you've done, so excited for your new opportunity, but we'll
13 miss you very, very much. Thank you.

14 CHAIR THOMAS: Thank you.

15 MR. KUZEMCHAK: Matt Kuzemchak, with federal
16 OSHA.

17 Christina, I just want to say thank you first of
18 all for all that you've done for the workers of California,
19 for all you've done for the relationship between the state
20 of California and the federal government. And then on a
21 personal note for all you've done for me, I started this
22 position a little over 18 months ago. Christina has
23 multiple times, had to set me in the right direction on a
24 couple of things, but she always does so in a very
25 respectful way, in a very friendly way, and she's been

1 wonderful to work with. I will miss you very much. It's
2 been really, really great work with you over these past 18
3 months, and I do hope you stay in touch. Thanks again.

4 CHAIR THOMAS: Before I let Christina say her
5 final words - oh yeah. Oh,

6 MS. MORSI: We actually have

7 CHAIR THOMAS: Quite a few. Oh, well then let's
8 go to whoever we have.

9 MS. MORSI: We have a few on WebEx as well. So
10 the first person that would like to comment is Mike Miller.

11 CHAIR THOMAS: Mike, can you hear us?

12 MR. MILLER: Hi. Good afternoon. I guess just
13 good morning. Good morning everyone. Sorry I couldn't be
14 there today. I was there yesterday and had to get back to
15 take care of my daughter last night, so I'm sorry I
16 couldn't be there. But I just want to say a couple of
17 things real quickly about Christina and I promise not to
18 cry.

19 (LAUGHTER)

20 The one thing about Christina is that she's
21 always incredible about putting aside bias or opinion and
22 trying to focus on fact and data and try to make good
23 decisions. And we all have opinions. We all have bias as
24 part of being human, but part of public service is to put
25 our opinions aside and focus on doing the job in a way that

1 best serves everybody. And my experience with Christina is
2 incredibly loyal to this Board and loyal to the public, and
3 she's a good person who does good things and does those for
4 good reasons and I'll miss her.

5 But on a lighter note, I do have to say I'm very
6 suspicious about where you're going, Christina. I mean, you
7 went from Redistricting, which is not controversial at all.
8 I mean, everybody agrees on exactly how the line should be
9 drawn. There's no controversy there. You go over here to
10 this Board where we all agree on exactly what every
11 workplace regulation should say in depth and labor and
12 management hold hands all the time and come together. Now
13 you're going to work in the water industry where you have
14 issues of subsidence in the valley. You've got water
15 quality issues, you have very invested community. So I'm
16 not sure what the Board gave you for a gift, but I hope it
17 comes with something related to stress management because
18 you're going into some tough spots over there. And for the
19 Board, I highly recommend that in looking for a
20 replacement, look for somebody that has the qualities of
21 Buddha because that's what you're losing.

22 CHAIR THOMAS: Yep.

23 MS. MORSI: Thank you. Up next is Mike Donlin.

24 CHAIR THOMAS: Mike Donlan, are you there?

25 MR. DONLAN: Christina, I was very fortunate

1 because I got to meet you at Leslie's Retirement. I believe
2 it was just before you started and got to know you a little
3 bit. And actually I was working for the Board when Marley
4 first got hired as an SSM and working with her over the
5 years, I thought, oh, there's no way you're going to be
6 able to live up to that challenge. And you've stepped up
7 under fire and you've done a great job.

8 And I really appreciate what you've done for the
9 Board, for all of us that are interested in the Board's
10 workings. And I used to work at Department of Water
11 Resources, so I've had a lot of interactions with the
12 Central Valley Board. And I can say despite what the other
13 Mike told, you're going to a good place or a good group of
14 people. It's hard work, but it's good work. So
15 congratulations to you. Good luck and I wish the best for
16 you.

17 CHAIR THOMAS: Thank you.

18 EXECUTIVE OFFICER SHUPE: Thank you.

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

20 MS. MORSI: And last but not least, Kevin Bland.

21 CHAIR THOMAS: Kevin.

22 EXECUTIVE OFFICER SHUPE: Kevin, I think that
23 might be your official title. Last but not least.

24 MR. BLAND: Well, yeah, this is the first time
25 I'm going last, but it wasn't strategic. It was just the

1 way it worked. I don't want to give our strategies away
2 completely.

3 But Christina, I tell you, it's been a pleasure
4 to work with you and we've been through, I think I've been
5 in front of this Board now for over 20 years, and you have
6 impressed me every step of the way. I mean, you had to go
7 through, and I think you've heard other folks talk about
8 this, probably some of the most difficult things to
9 navigate that this Board's seen, at least in my career and
10 probably maybe ever with the pandemic and the issues that
11 you dealt with when you first got here in the first few
12 months. So as a stakeholder, you were always available,
13 always listened, was always fair and thoughtful, and I
14 appreciate that. I know I probably drove you nuts a few
15 times during your tenure here in not being as timely on
16 things as I should.

17 And I appreciate your patience with me and
18 understanding, and I want to wish you the best in your new
19 endeavor. I know you're going to hit it out of the park. I
20 get the sense that you always do and you're very highly
21 intelligent and motivated and have all the great qualities
22 of a leader and really appreciate that.

23 Last quickly, wanted to welcome newest Board
24 member also Joseph Alioto, if I pronounce that right. And
25 I'm sorry I'm not there in person. I just couldn't make it

1 up there given my schedule. So I'll see you guys or see you
2 in person, Mr. Alioto at the next Board meeting. Thank you.

3 CHAIR THOMAS: Thank you, Kevin.

4 BOARD MEMBER ALIOTO: Thank you, Kevin.

5 CHAIR THOMAS: Any other comments? Yes.

6 MR. PAGANELLI: This is Carl Paganelli with
7 Cal/OSHA, and I just didn't want to let Kevin Bland have
8 the last word.

9 (LAUGHTER)

10 EXECUTIVE OFFICER SHUPE: Carl, that's why we
11 like you.

12 BOARD MEMBER ALIOTO: On behalf of Cal/OSHA, I
13 would just like to thank you so much for all your
14 leadership at the Board, especially leading the staff
15 through the enormous challenges of the pandemic. We had to
16 work very closely together and we would not have made it
17 through without your leadership. So thank you very much.

18 CHAIR THOMAS: Thank you.

19 Anybody else? Anybody?

20 I just have one more thing to say. One more thing
21 to say. And I think we became very close when we went
22 through this pandemic because we were in a bunker and it
23 was me and Christina and Mike Nelmidia. And Mike had a lot
24 of hair one day and the next time he had no hair. And it
25 was a crazy time. And we had, I don't know how many

1 meetings in a two or three month period where we just felt
2 like we were getting the crap kicked out of us every time
3 we met by the public, the Board, some of the Board members,
4 it was everybody for a while. And we were trying to figure
5 out how to get through this. And I remember at one certain
6 time there was an issue that was voted on and we went back
7 and we knew it had to change because it couldn't be left
8 like that.

9 We were going to have no regulation. And we went
10 back there and we sat down and we looked at each other for
11 a minute and we said - well, she goes, well, you just have
12 to re-vote it. And I'm just like, can we do that? And she
13 looked, she goes, we have to do that. We can't not have a
14 regulation, and I think the time we got back and sat down
15 and we told the Board, guys, we have to have regulation. We
16 have to have something for COVID. And then I think
17 everybody kind of got back to their senses and it was voted
18 through. It was begrudgingly, but it was. And then from
19 that point we moved on.

20 But I just remember that those meetings, that's
21 when I got to know Christina. And I mean there was a couple
22 times after meetings we went and got hammered because it
23 was stressful. I'm just telling you, it was like, we got
24 don't. We're like, shit, let's go have a drink, man.

25 (LAUGHTER)

1 But it was really something. And I'd tell you
2 what you talk about. People have said grace under pressure,
3 Christina does not crack. I do. I say shit, I'm sorry. I
4 say things sometimes that I shouldn't say. Christina may be
5 thinking a lot of different things, but it never escapes
6 and she just holds herself together. And somehow I think
7 that's what really got us through all that because I was
8 ready to fight. And it was that kind of an atmosphere, even
9 though you're in a booth talking to people in there and a
10 technician, Mike, you felt like you were just totally under
11 fire. And a lot of you guys have heard all the comments
12 that come from people and it was really a tough situation.
13 But I think we got each other through it and we had a few
14 good drinks and a few good laughs. And Christina's always
15 going to be my friend. It doesn't matter. I don't care if
16 she doesn't like me or not. We're always going to be
17 friends. So with that, is there anything else to be said
18 that Christina, you need to take the floor and say a few
19 things?

20 EXECUTIVE OFFICER SHUPE: Yeah, I have to say
21 that I am really overwhelmed by how kind everyone has been
22 in their remarks. But I also feel like I am in a room full
23 of friends and we don't always agree, but we're always
24 trying to get to the same place. And I have just worked
25 with amazing people and I'm looking at Maya and John and

1 our folks over at TKO who have just come in and backed us
2 up time and again and Amalia, who has been just absolutely
3 key to getting our engineering unit together and helping us
4 out with translations. And Autumn who came in and we had no
5 attorney for nine months and I was the Board's Hearing
6 Officer and she stepped in and we don't even remember what
7 it was like to not have her in that role anymore. She's
8 amazing. I call her my sleeper agent.

9 I always say, watch out for Autumn. She's quiet,
10 she's smart. And Sarah, Sarah who is always, always focused
11 on making sure that the Board's meetings take place, that
12 you have the support that you need, that you're getting
13 your resources in order to be effective Board members. And
14 the stakeholders. Dave alluded to it where I was showing up
15 to a lot of Board meetings before I became the Executive
16 Officer, and I like to say I was stalking you during that
17 time. I did. I flew to about six different meetings because
18 I wanted to make sure that the group I was joining had the
19 same values and they did. When you talk about transparency,
20 when you talk about engagement, about making sure that
21 everybody has a voice at the table that was here before me.
22 It was just a really good fit. And it - the team that's
23 here now are going to continue that.

24 Carl, I love the interaction that we have and I
25 hope you'll share this with Eric if I don't have a chance

1 to, I hope he knows how much I have valued our interactions
2 and our arguments and our healthy discussions on the best
3 way to move things forward. He's just been a tremendous
4 person to work with. And Dan Barker over at the elevator
5 unit and his team and Bobby over at Tramways. You with our
6 variance program prior to this current role. Thank you. We
7 have tremendous resources. And Matt and your predecessor,
8 Amber, I have loved working with Fed OSHA. You guys we're
9 always just focused on doing the job and doing it right and
10 our stakeholders on every side of the issue. I'm so glad
11 you're here and I'm so glad you're participating. It really
12 does help us turn out the best work.

13 And I'm saving my final thank you for Lara,
14 because I would not have been able to do this job without
15 you. Just, Lara started with the Board a little before I
16 did, and we had very different communication styles in the
17 beginning because we are very different people, but we have
18 complimentary skills. And she was the missing piece that
19 helped me be the leader that I needed to be for this Board.

20 And I know that you are all in good hands. I know
21 you have an amazing team at the Board that will continue
22 that. I know that you've got amazing support at the
23 Department with Katie and also at Cal/OSHA. And I know I'm
24 leaving you in a good place, but you all have my number and
25 I will be in touch.

1 CHAIR THOMAS: Thank you. All right, so the time
2 has come.

3 The next Standards Board regular meeting is
4 scheduled for October 19th, 2023 in Walnut Creek,
5 California via teleconference and video conference. Please
6 visit our website and join our mailing list to receive the
7 latest updates. We thank you for your attendance today.
8 There being no further business to attend to this business
9 meeting is adjourned. Thank you so much. Thank you
10 everybody.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1

2

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 6th day of February, 2024.



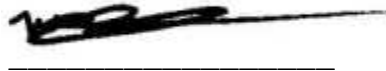
MARTHA L. NELSON, CERT**367

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 6th day of February, 2024.



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