

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**SUMMARY  
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING  
April 16, 2015  
Walnut Creek, California  
(CORRECTED COPY)**

**I. PUBLIC MEETING**

**A. CALL TO ORDER AND INTRODUCTIONS**

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:02 a.m., April 16, 2015, in the Council Chambers of the Walnut Creek City Hall, Walnut Creek, California.

ATTENDANCE

Board Members Present

Dave Thomas  
David Harrison  
Bill Jackson  
Patty Quinlan  
Barbara Smisko  
Laura Stock

Board Member Absent

Board Staff

Mike Manieri,  
Principal Safety Engineer  
Peter Healy, Legal Counsel  
David Kernazitskas,  
Senior Safety Engineer  
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Steve Smith, Principal Safety Engineer

Others Present

Jay A. Weir, AT&T  
Ben Jauregui, Duncan Family Farms  
Larry D. Williams, Hall Management Corp.  
Mike Meuter, CRLA  
David Shiraishi, Fed OSHA  
Pat Gajdot, OSHA  
Marti Fisher, CalChamber  
Dan Leacox, Greenberg Traurig  
Ken Clark, BB&T/ASSE-SF

Norm Groot, Monterey County Farm Bureau  
Jose Jaramillo, Duncan Family Farms  
Michael Musser, CA Teachers Association  
Elizabeth Treanor, Phylmar Regulatory  
Roundtable  
Joel Sherman, Grimmway Farms  
Will Creger, Sagui Law Group  
Matt Antonucci, CSATF



He stated that this is a mistake that is counterproductive and could jeopardize employee safety. He said that having additional vehicles on farm roads to transport employees creates a greater potential for collisions, and other forms of transportation that are used on private farm roads, such as ATV's and riding in the back of pickup trucks, are less safe and protective than personnel transport carriers. He asked the Board to amend the proposal to allow personnel transport carriers to be used on private farm roads, in addition to the fields, or to open up additional rulemaking proposals to address this issue. **Joel Sherman, Grimmway Farms,** echoed Mr. Resnick's comments.

**Joel Sherman, Grimmway Farms,** stated that because his organization has used personnel transport carriers, their irrigation crews have never had a heat illness episode. He said that his organization was granted an experimental variance in 2012, and over the last 3 years that they have had that variance, they have developed and implemented a program to regulate the use of personnel transport carriers that has the proper engineering, administrative controls, training, and enforcement to ensure employee safety. He said that with this program in place, there have been no injuries, accidents, incidents, or near misses when using personnel transport carriers in the fields or on farm roads.

**Michael Meuter, California Rural Legal Assistance Foundation,** stated that his organization supports the proposal because it only allows personnel transport carriers to be used on level, furrowed fields. His organization agrees with the Board staff's decision noted in the Grimmway variance that equivalent safety for use of personnel transport carriers on farm roads has not been achieved and that prohibiting their use in places other than level, furrowed fields protects employees from rollover accidents and collisions. He also stated that his organization supports all of the conditions noted in paragraph I because they are necessary to protect workers.

**Mr. Harrison** stated that in 2011, the Division prohibited using personnel transport carriers until the Grimmway variance process is complete. He said that he would like to receive information from the Division and Board staff at next month's meeting regarding the number of injuries, such as heat illness and injuries that have occurred due to increased traffic and collisions on farm roads, that have occurred at farms such as Grimmway since they were prohibited in 2011.

**Ms. Stock** stated that she was on the hearing panel for the Grimmway variance, and she is pleased to see that this proposal fits well with the conditions noted in the variance. She said that one important item from the variance conditions that is not included in this proposal is the requirement that the field be laser leveled. She asked the Board staff to explain why that item is not included in the proposal. She said that there are a lot of conditions in this proposal, and because of that, the level of enforcement is critical to ensure that all of the conditions are being met. She stated that large farms such as Grimmway may have the resources to ensure that all of the conditions are being met, but other farms may not. She also stated that she is pleased to see that this proposal does not allow personnel transport carriers to be used on farm roads. She said that the variance hearing panel had extensive discussion about this and determined that equivalent safety has not been established. She said that farm roads have more unpredictable conditions that create a significant risk, and personnel transport carriers do not have rollover protection, so it is not safe to allow them to be used on farm roads.

B. ADJOURNMENT

Mr. Thomas adjourned the Public Hearing at 10:35 a.m.

**III. BUSINESS MEETING**

Mr. Thomas called the Business Meeting of the Board to order at 10:35 a.m., April 16, 2015, in the Council Chambers of the Walnut Creek City Hall, Walnut Creek, California.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated that the following file numbers should be removed from the consent calendar and voted on separately because some Board Members may wish to recuse themselves from voting on those cases:

- 14-V-245M1, Santa Clara University
- 15-V-020 and 15-V-021, Kaiser Foundation Hospital
- 14-V-348, Par Electrical Contractors

With proposed decisions concerning those four variance applications voted apart from the rest, Mr. Healy saw no issues to prevent the Board from taking up the consent calendar for possible adoption.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Stock to separate file numbers 14-V-245M1, 15-V-020, 15-V-021, and 14-V-348 from the rest of the consent calendar and for adoption of the remainder of the consent calendar.

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

MOTION

A motion was made by Mr. Jackson and seconded by Mr. Harrison to adopt the proposed decision for file number 14-V-245M1.

A roll call was taken, Ms. Stock and Ms. Quinlan abstained, and all other members present voted “aye.” The motion passed.

MOTION

A motion was made by Mr. Harrison and seconded by Mr. Jackson to adopt the proposed

decisions for file numbers 15-V-020 and 15-V-021.

A roll call was taken, Ms. Smisko abstained, and all other members present voted “aye.” The motion passed.

### MOTION

A motion was made by Mr. Jackson and seconded by Ms. Stock to adopt the proposed decision for file number 14-V-348.

A roll call was taken, Mr. Harrison abstained, and all other members present voted “aye.” The motion passed.

### B. OTHER

#### 1. Executive Officer’s Report

Ms. Hart stated that the proposal for heat illness prevention has been approved by the Office of Administrative Law, filed with the Secretary of State, and will become effective on May 1, 2015. She said that the Division has posted its guidance documents for heat illness prevention online.

Ms. Hart also stated that there will be an advisory committee meeting in Sacramento on June 2 to address the topic of working alone and in isolation in construction that Mr. Harrison brought to the Board’s attention a few months ago. She said that the meeting will be led by Michael Nelmida, and the notice for the meeting will be sent out next week.

Ms. Hart stated that the proposal for sexually transmitted infections will be up for public hearing next month. She said that the notice and other related documents have been sent out and are posted online.

**Mr. Thomas** stated that he is glad that the proposal for sexually transmitted infections will finally be heard at next month’s meeting. He said that 5 years is way too long for a proposal like that to be delayed before it is heard.

#### 2. Future Agenda Items

No future agenda items were mentioned.

### C. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:44 a.m.