

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

CERTIFIED COPY

In the Matter of:)
Occupational Safety and Health)
Standards Board Meeting,)
Public Hearing, Agenda Item III)
_____)

PUBLIC HEARING AND BUSINESS MEETING OF THE OCCUPATIONAL
SAFETY AND HEALTH STANDARDS BOARD

HYBRID MEETING VIA WEBEX AND IN-PERSON

City of Redding City Council Chambers
777 Cypress Avenue
Redding, California 96001

Thursday, May 15, 2025

Reported by:

MARCENA M. MUNGUIA,
CSR No. 10420

Job No.:
54223DIR-OSHSB REV

1 STATE OF CALIFORNIA

2 DEPARTMENT OF INDUSTRIAL RELATIONS

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6 In the Matter of:)
Occupational Safety and Health)
7 Standards Board Meeting,)
Public Hearing, Agenda Item III)
8 _____)

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11 TRANSCRIPT OF PROCEEDINGS, PUBLIC HEARING,
12 Agenda Item III, reported via WebEx Videoconference,
13 commencing at 10:00 a.m. on Thursday, May 15,
14 2025, heard before the State of California Department
15 of Industrial Relations Occupational Safety and
16 Health Standards Board, reported by Marcena M.
17 Munguia, CSR No. 10420, a Certified Shorthand
18 Reporter in and for the State of California.
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25

1 APPEARANCES

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3 BOARD MEMBERS PRESENT IN REDDING:

4 Kathleen Crawford, Acting Chair, Management
5 Representative

6 Dave Harrison, Labor Representative

7 Chris Laszcz-Davis, Management Representative

8 Dave Thomas, Labor Representative
9

10 BOARD MEMBERS PRESENT VIA WEBEX:

11 Derek Urwin, Occupational Safety Representative
12

13 BOARD STAFF PRESENT IN REDDING:

14 Millicent Barajas, Executive Officer

15 Autumn Gonzalez, Chief Counsel

16 Amalia Neidhardt, Principal Safety Engineer

17 Steve Smith, Principal Safety Engineer -
18 Special Consultant

19 Ruth Ibarra, Staff Services Manager,
20
21
22

23 CAL/OSHA STAFF PRESENT IN REDDING:

24 Eric Berg, Deputy Chief of Health
25

1 APPEARANCES

2
3 TKO STAFF:

4 Sean Acrea

5 John Roensch

6
7 SPANISH INTERPRETERS:

8 Gabriella Carmona

9 Aaron Vargas Rivas

10 PUBLIC COMMENTERS:

11
12 PUBLIC HEARING RE: TITLE 8: CONSTRUCTION SAFETY ORDERS
13 Section 1514
Proper Fit of Personal Protective Equipment -
Horcher

14 Steve Johnson, Association of Roofing Contractors of
15 the Bay Area Counties

16 Michael Wissig
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1 Redding, California, Thursday, May 15, 2025

2 10:00 a.m.

3
4
5 ACTING CHAIR CRAWFORD: Good morning. This meeting
6 of the Occupational and Health Standards Board is now
7 called to order. I ask that all of you stand and join me
8 in reciting the Pledge of Allegiance.

9 (Pledge of Allegiance)

10 ACTING CHAIR CRAWFORD: I am Kathleen Crawford,
11 Acting Chair for today's meeting, and the other Board
12 Members present in Redding are: Dave Harrison, Labor
13 Representative; Chris Laszcz-Davis, Management
14 Representative; Dave Thomas, Labor Representative.

15 The Board meeting -- the Board Member attending
16 via teleconference is Derek Urwin, Occupational Safety
17 Representative.

18 Derek, can you please let us know whom, if
19 anyone, 18 years of age or older, is present with you and
20 their relationship to you?

21 BOARD MEMBER URWIN: There is nobody present with me.

22 ACTING CHAIR CRAWFORD: Thank you. I need to remind
23 you please keep your camera on and if it goes off, please
24 let us know the reason for that.

25 Present from Board staff for today's meeting

1 are: Millicent Barajas, Executive Officer; Autumn
2 Gonzalez, Chief Counsel; Amalia Neidhardt, Principal
3 Safety Engineer; Steve Smith, Principal Safety Engineer,
4 Special Consultant; and Ruth Ibarra, Staff Services
5 Manager.

6 Eric Berg, Deputy Chief of Health for Cal/OSHA,
7 is joining us in person today.

8 Copies of the agenda and other materials related
9 to today's proceedings are available on the table near
10 the entrance to the room and are posted on the OSHSB
11 website.

12 This meeting is also being live broadcast via
13 video and audio stream in both English and Spanish.
14 Links to these non-interactive live broadcasts can be
15 accessed via the "Board Meeting Schedule, Notice of
16 Proposals and Agendas" section on the main page of the
17 OSHSB website.

18 If you are participating in today's meeting via
19 live teleconference or videoconference, I would like to
20 ask that everyone place their phones or computers on mute
21 and wait to unmute until you are called to speak. Those
22 who are unable to do so will be removed from the meeting
23 to avoid disruption. To optimize your livestream
24 experience, please turn off your camera if you are not
25 actively speaking.

1 If you are participating via teleconference or
2 videoconference, the instructions for joining the public
3 comment queue can be found on the agenda. You may join
4 by clicking the public comment queue link in the "Board
5 Meetings" section of the OSHSB website or by calling
6 (510) 868-2730 to access the automated public comment
7 queue voicemail. If you experience any technical issues
8 with the teleconference or videoconference, please email
9 oshsb@dir.ca.gov.

10 Our non-agenda comment period will take place
11 towards the end of the meeting. For those participants
12 who are not able to attend or have to leave early and
13 would like to make a non-agenda comment, please send your
14 written comment to OSHSB_NAComments@dir.ca.gov. One more
15 time, that's OSHSB_NAComments@dir.ca.gov. We will do our
16 best to read any comments that are timestamped by 10:45
17 had this morning. Going forward, it is always our
18 preference to receive the comments by 5:00 p.m. the day
19 prior to the meeting. Please limit your comments to 500
20 words and an OSHSB staff member will read them into the
21 record.

22 When the public comment begins, we are going to
23 alternate between three in-person and three remote
24 commenters.

25 For our participants who are native Spanish

1 speakers, we are working with Ruth Ibarra to provide
2 interpretation into English for the Board.

3 At this time, Ruth Ibarra will provide
4 introductions to the Spanish-speaking commenters.

5 (Spanish introductions and comment instructions)

6 ACTING CHAIR CRAWFORD: Thank you, Ruth.

7 Welcome to Redding. For those of you online,
8 you're missing out. Redding is a beautiful place, so
9 thank you for those who attended in person.

10 Best regards to Joe Alioto, who is away, and we
11 will do our best to maintain without him.

12 So one more reminder: Mute your phones before
13 we go forward.

14 So we're going to move on.

15 Before we open the public hearing, Steve Smith
16 will brief the Board on the rulemaking proposal. The
17 Board Members will then have the opportunity to make
18 comments and ask questions. The Board hearing will be
19 open after the Board has finished its discussion.

20 Today's public hearing item scheduled is:
21 Title 8: Construction Safety Orders, Section 1514,
22 Proper Fit of Personal Protective Equipment, Horcher.

23 Steve, will you please brief the Board?

24 MR. SMITH: Chair Crawford, Board Members, the
25 proposal before you today is developed in response to a

1 federal final rule and is intended to ensure that
2 personal protective equipment, or PPE, that is provided
3 to construction employees is of proper design and proper
4 fit so that it affords adequate protection for those
5 employees when they are wearing them.

6 A little background on the proposal is that
7 in December the 12th, Federal OSHA printed in the Federal
8 Register their final rule amending their construction
9 safety order for personal protective equipment and on
10 the -- January the 13th, that proposal went into effect
11 at the federal level.

12 In response to that final rule, state plans such
13 as California are obligated to adopt regulations that are
14 at least as effective as the final rule within six months
15 of promulgation.

16 So we proposed the -- the change to Section 1514
17 in response to that final rule and the public hearing was
18 noticed in March 28th of this year, and of course, we are
19 here today to receive any public comments on that
20 proposal.

21 The proposed change to the standard applies to
22 all personal protective equipment being used by
23 construction employees. The reason for the change is
24 that PPE must be properly fit to provide appropriate
25 protection to employees from workplace hazards. Of

1 course, improperly fitting PPE may fail to protect any --
2 to provide any protection to an employee, reduce the
3 effectiveness of the protection, and present additional
4 hazards or discourage employees from using such equipment
5 in the workplace.

6 Subsection E of our section is revised to also
7 require that PPE be "of safe design and construction" and
8 new subsection F was added to essentially have verbatim
9 language from the Federal OSHA standard that says that
10 PPE shall be selected to ensure that it properly fits all
11 affected employees.

12 In the rulemaking for this proposal, it goes
13 under what we call our Horcher rulemaking requirements
14 that is exempt from the Administrative Procedure Act
15 requirements. So it's an accelerated rulemaking process
16 and the purpose of the rulemaking process is to -- to
17 make sure that we are at least as effective and that
18 there's nothing unique in California that we may want to
19 change.

20 So Section 142.3 of the Labor Code requires that
21 all our Title 8 regulations be at least as effective as
22 Federal standards. Subsection (a)(3) exempts the Board
23 from the APA, as I was saying, when adopting these rules
24 that are substantially the same as Federal standards and
25 though -- although we're not required to hold a public

1 hearing under this subsection, we do that, as the Board
2 elects to do a public hearing and consider comments that
3 are limited to two areas: First, identify any clear and
4 compelling reasons for California to deviate from the
5 Federal standard and, second, to identify any issues
6 unique to California related to this proposal should --
7 which should be addressed in this rulemaking and/or a
8 subsequent rulemaking.

9 To date, although at the time of this writing
10 there were no written comments, we did receive one
11 comment on Tuesday from Federal OSHA and their comment
12 was that they consider our proposal at least as
13 effective. So we are appreciative of Federal OSHA
14 reviewing our proposal and considering it to be at least
15 as effective.

16 So with that, the proposal is now ready for
17 Board and public comment and if there's any questions,
18 I'll be happy to ask them -- answer them.

19 ACTING CHAIR CRAWFORD: Thank you, Steve.

20 Does the Board have any questions or comments?

21 BOARD MEMBER THOMAS: I'll just make a comment. I'm
22 glad to see this, but I was just reminiscing a little bit
23 about when I first started working construction. PPE was
24 considered optional. You just wore it if you wanted to
25 and, you know, over the years, that's changed

1 tremendously for -- much for the better because people
2 didn't use eyewear if they didn't really have to. They
3 wouldn't wear a mask, earplugs, gloves, all those things
4 that are just considered you have to have with you now.
5 But I started back far enough where all that stuff was
6 optional and a lot of people, including myself, would get
7 hurt over stuff that they shouldn't have gotten hurt
8 over. So I just wanted to make that comment.

9 ACTING CHAIR CRAWFORD: Thank you. That's a great
10 comment.

11 All right. We will now proceed with the public
12 hearing. During the hearing, we will consider the
13 proposed changes to occupational safety and health
14 standards that were noticed for review today. The
15 Standards Board adopts standards that in our judgment are
16 enforceable, reasonable, understandable, and contribute
17 directly to the safety and health of California
18 employees. The Board is interested in your testimony on
19 the matters before us. Your recommendations are
20 appreciated and will be considered before a final
21 decision is made.

22 If you have written comments, you may read them
23 into the record, but it is not necessary to do so. You
24 may hand OSHSB staff your written comments or submit via
25 email to oshsbrulemaking@dir.ca.gov by 5:00 p.m. today.

1 Staff will ensure that they are included in the record
2 and forward copies of your comments to each Board Member,
3 and I assure you that your comments will be given every
4 consideration. Please include your name and address on
5 any written materials you submit.

6 I would also like to remind the audience that
7 the public hearing is a forum for receiving comments on
8 the proposed regulations, not to hold public debate.
9 While rebuttal comments may be appropriate to clarify a
10 point, it is not appropriate to engage in arguments.

11 If you would like to comment orally today,
12 please line up at the podium when I ask for public
13 testimony. Please state your name and affiliation, if
14 any, and identify what portion of the regulation you
15 intend to address each time you speak.

16 If you are participating remotely and would like
17 to comment, you may join the comment queue by clicking
18 the public comment queue link in the "Board Meetings"
19 section on the main page of the OSHSB website or by
20 calling (510) 868-2730 to access the automated public
21 comment queue voicemail.

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

1 and if you're using WebEx or dial star 6 on your phone to
2 unmute yourself if you're using the teleconference line.

3 Public hearing comments will be limited to two
4 minutes per speaker so that the Board may hear from as
5 many members of the public as is feasible. Individual
6 speaker and comment time limits may be extended by the
7 Board Chair.

8 After all testimony has been received and the
9 record is closed, staff will prepare a recommendation for
10 the Board to consider at a future business meeting.

11 At this time, Ruth will provide instructions to
12 the Spanish-speaking commenters so they are aware of the
13 public hearing comment process for today's public
14 hearing.

15 (Spanish translation and instructions given)

16 ACTING CHAIR CRAWFORD: Thank you, Ruth.

17 At this time, we will accept public testimony.
18 If there are in-person participants who would like to
19 comment, you may begin lining up at the speaker's podium
20 at this time. When it is your turn to speak, please
21 provide a completed request-to-speak slip to the
22 attendant near the podium and announce yourself to the
23 Board prior to delivering a comment.

24 John, are you ready with the timer?

25 MR. ROENSCH: Yes, we are.

1 MR. JOHNSON: So given the amount of overwhelming
2 demand for time, I'd better get going.

3 My name is Steve Johnson and I am with
4 Association of Roofing Contractors of the Bay Area
5 Counties and good morning, members of the Board, Board
6 staff, and members of the Division.

7 I wanted to direct my comments today on the
8 upcoming heat elements prevention for indoor and outdoor
9 heat, just talk a little bit about the proposed language.

10 So the current version with the
11 acclimatization --

12 ACTING CHAIR CRAWFORD: Excuse me just for a moment.
13 I don't think we're taking comments on heat today.

14 MR. JOHNSON: Oh. Is this for --

15 ACTING CHAIR CRAWFORD: Not right now.

16 MR. JOHNSON: -- PPE?

17 ACTING CHAIR CRAWFORD: This is PPE only.

18 MR. JOHNSON: Okay. I'll make a brief comment on
19 PPE. Just that one of the challenges that I hope the
20 Division keeps in mind is that sometimes with women in
21 construction, it's difficult to find the right size and
22 the right fit and is something that employers struggle
23 with. I know women struggle with it who work in
24 construction and it seems that most of the PPE -- I think
25 things are changing and evolving a little bit with

1 manufacturers, but just in, you know, the transition
2 period, it's just something that I hope that Cal/OSHA
3 Enforcement keeps in mind when they're doing inspections,
4 and sometimes the PPE just isn't available for certain
5 sizes and types, body types. So thanks. I'll be back.

6 ACTING CHAIR CRAWFORD: Thank you.

7 Is there anyone else that's going to speak on
8 this topic in the building?

9 John, would you go to anyone online.

10 MR. ROENSCH: Thank you, Madam Chair.

11 At this time, we have no preregistered
12 commenters for this topic. However, our online WebEx
13 audience is at number 76 and so we'd like to invite
14 anyone that would like to make a comment from our WebEx
15 community of attendees today to raise their hand using
16 the tool at the bottom of your WebEx screen to be able to
17 alert us to your desire to make a comment.

18 If you'd like to make a comment on this topic,
19 please raise your hand now.

20 We do have a comment, a hand raised, from
21 Michael Wissig.

22 Mr. Wissig, please unmute your microphone and
23 you can address the board.

24 MR. WISSIG: Hi, Board. Just a couple of quick
25 comments.

1 Traditional personal protective equipment
2 associated with working at height and working at
3 elevation comes in a couple of formats and I just want to
4 make sure that there is due consideration to where the
5 limitations of that PPE lie and that the standard comes
6 into effect to acknowledge that persons existing outside
7 of that parameter -- for example, a person that is over
8 the weight capacities of the equipment -- that we have
9 wording in there that allows for the parameters of the
10 equipment currently available to be considered rather
11 than that it's exclusion-based.

12 Obviously we have a lot of science surrounding
13 the impacts and injuries associated with falls from
14 heights even wearing the appropriate personal protective
15 equipment and that if it is designed incorrectly or if we
16 start with every person is allowed to complete these
17 tasks and that we have to provide PPE to them but rather
18 than exclusion and making sure that, you know, we're
19 walking on the appropriate line there.

20 MR. ROENSCH: Does that conclude your remarks,
21 Mr. Wissig?

22 MR. WISSIG: Yes, sir.

23 MR. ROENSCH: Very good. Thank you.

24 ACTING CHAIR CRAWFORD: Thank you, Mr. Wissig.

25 MR. ROENSCH: Madam Chair, at this time, we have no

1 further hands raised and no preregistered commenters for
2 this topic.

3 ACTING CHAIR CRAWFORD: Thank you.

4 There being no other persons coming forward to
5 testify on the matter, this public hearing is closed.
6 Written comments will be received until 5:00 p.m. today.

7 (Public hearing concluded at 10:31 a.m.)

8 (End of partial transcript)

1 REPORTER'S CERTIFICATION

2
3 I, the undersigned, a Certified Shorthand
4 Reporter of the State of California, do hereby certify:


5 That the foregoing proceedings were taken before
6 me at the time and place herein set forth; that any
7 witnesses in the foregoing proceedings, prior to
8 testifying, were duly sworn; that a record of the
9 proceedings was made by me using machine shorthand, which
10 was thereafter transcribed under my direction; that the
11 foregoing transcript is a true record of the testimony
12 given.

13 Further, that if the foregoing pertains to the
14 original transcript of a deposition in a federal case,
15 before completion of the proceedings, review of the
16 transcript was not requested.

17 I further certify I am neither financially
18 interested in the action nor a relative or employee of any
19 attorney or party to this action.

20 IN WITNESS WHEREOF, I have this date subscribed
21 my name.

22 Dated: May 15, 2025

23
24 
25 Marcena M. Munguia, CSR No. 10420
Certified Shorthand Reporter
For The State Of California