

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
December 19, 2013
Sacramento, California

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 10:04 a.m., December 19, 2013, in the Auditorium of the State Resources Building, Sacramento, California.

ATTENDANCE**Board Members Present**

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

Board Member Absent**Board Staff**

Marley Hart, Executive Officer
Mike Manieri,
Principal Safety Engineer
David Beales, Legal Counsel
David Kernazitskas,
Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health
Amalia Neidhardt, Senior Safety Engineer**Others Present**

David Shiraishi, Fed OSHA	Kate Smiley Crawford, AGC
Patrick Corcoran, DOSH	Elizabeth Treanor, PRR
Gary McIver, DOSH	Michael Musser, CA Teachers Assoc.
Michael Strunk, IUOE Local Union No. 3	Jon Wroten, DIR Office of Self Insurance Plans
Kevin Thompson, Cal/OSHA Reporter	Steve Johnson, Associated Roofing Contractors

B. OPENING COMMENTS

Mr. Thomas indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

Elizabeth Treanor, Phylmar Regulatory Roundtable, and Kate Smiley Crawford, Association of General Contractors, thanked the Board for their hard work this year.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:07 a.m.

II. PUBLIC HEARING

A. PUBLIC HEARING ITEMS

Mr. Thomas called the Public Hearing of the Board to order at 10:07 a.m., December 19, 2013, in the Auditorium of the State Resources Building, Sacramento, California.

Mr. Thomas opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 61, Section 4355
Operating Rules for Compaction Equipment

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is ready for the Board's consideration and the public's comment. There were no public comments on this proposal.

B. ADJOURNMENT

Mr. Thomas adjourned the Public Hearing at 10:13 a.m.

III. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 10:13 a.m., December 19, 2013, in the Auditorium of the State Resources Building, Sacramento, California.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales recommended granting all of the decisions listed in the Board packet.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Quinlan to grant all of the variances sought and adopt the consent calendar.

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

B. OTHER

1. Legislative Update

Mr. Beales had nothing further to add to the written copy in the Board packet.

2. Executive Officer's Report

Ms. Hart stated that the 2014 Proposed Rulemaking Projects List in the Board packet encompasses projects the Board staff may initiate in 2014. She said that there will be more advisory committees taking place in 2014 than there were this year.

Ms. Hart also reported on the progress of updating of the crane and derrick standards and the consolidation of the GISO and CSO crane and derrick standards. She said that Conrad Tolson has completed about 35% of the new language. She asked the Division to provide written feedback on this as soon as possible. She also stated that there will be advisory committee meetings. **Mr. Harrison** asked when these advisory committee meetings will be held. **Ms. Hart** stated that they will probably take place late in the summer of 2014.

Ms. Stock asked Ms. Hart how the decision is made to do staff-initiated rulemakings and how priorities are established for projects. **Ms. Hart** stated that issues might surface through conversations Board staff has with others. When an issue comes up, it is given to Mr. Manieri, and Mr. Manieri does a cursory review of the safety orders associated with it. Mr. Manieri then writes a briefing sheet stating what the safety order is and what the Board staff intends to do. It is then evaluated and prioritized using an evaluation system. She stated that there are several factors that go into determining a project's priority.

Mr. Manieri expanded on Ms. Hart's comments. He stated that there are several factors that go into determining a project's priority, including:

- Accident data and experience.
- Relevance of the standard to industrial operations and processes.
- Anecdotal and corroborative data from labor and management to suggest that the priority should be adjusted.

- New consensus standards or operations and industrial processes.

The briefing sheet for each project is assigned a rating (high, moderate, low, or less significant) to indicate its priority level. He said that the issues that bring a project into being come up in many different ways, including:

- The Board staff's own inspection and analysis of the standard.
- Reports of problems in the past.
- Collaboration with the Division.
- Review of Appeals Board DAR's.
- Spin-offs from larger rulemakings.

Ms. Hart added that while the engineers are cross-checking parts of Title 8 during their in-depth review for rulemaking projects, they may also find issues that need to be addressed.

Ms. Quinlan asked about the progress of updating the Elevator Safety Orders. **Ms. Hart** stated that this is a Division rulemaking where the Division is responsible for developing the language. She said that the Division has indicated that there are meetings taking place regarding this, and that a proposal is coming in 2014.

Ms. Smisko asked about the progress of the Safe Patient Handling rulemaking. **Ms. Hart** stated that she will ask the Division to provide an update on all of its rulemakings at the January meeting. She stated that the 15-day notice documents for the recently-noticed GHS Health rulemaking came in yesterday evening, and the Board staff will begin working on that very soon. She said that Ms. Gold outlined the Division's priorities, and the next priority is Safe Patient Handling, followed by Bloodborne Pathogen Protection in the Adult Film Industry.

Ms. Quinlan asked when the GHS Health rulemaking will be on the Business Meeting agenda. **Ms. Hart** stated that it has to go through a 15-day notice before it will be on the Business Meeting agenda because the Division is making regulatory changes to it.

Ms. Stock asked about the status of the Hotel Housekeeping rulemaking. **Ms. Hart** stated that the Division was going to hold another advisory committee before the end of 2013, but that appears to have been pushed to 2014. **Ms. Neidhardt** stated that the Division is considering holding another advisory committee, but she did not know when.

Ms. Hart stated that yesterday was the first meeting for the rewrite of the Mining Safety Orders. She said that Mr. Manieri attended for the whole day and that there were about 30 attendees. There was a lot of discussion regarding terminology used and they got through the first 10 pages. There are 5 more meetings scheduled. **Mr. Manieri** stated that many of the attendees agreed that the Crane Safety Orders need to be consolidated.

Ms. Hart stated that there is a glitch in the Cal/ATERS system that affects travel expense

claims for Board Members, and TEC's that are affected by the glitch will be filed on paper until the glitch is fixed.

3. Future Agenda Items

No future agenda items were discussed.

C. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:35 a.m.