

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**SUMMARY**  
**PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING**  
**February 16, 2012**  
**Sacramento, California**

**I. PUBLIC MEETING**

**A. CALL TO ORDER AND INTRODUCTIONS**

Chairman John MacLeod called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., February 16, 2012, in the Auditorium of the State Resources Building, Sacramento, California.

**ATTENDANCE**

**Board Members Present**

John MacLeod  
Bill Jackson  
Jack Kastorff  
Hank McDermott  
Guy Prescott

**Board Members Absent**

Dave Thomas  
Willie Washington

**Board Staff**

Marley Hart, Executive Officer  
Mike Manieri, Principal Safety Engineer  
David Beales, Legal Counsel  
Bernie Osburn, Staff Services Analyst  
Rebecca Estrella, Variance Secretary

**Division of Occupational Safety and Health**  
Steve Smith, Principal Safety Engineer

**Others Present**

Justin Manganiello, University of San Diego, School of Law  
Bob Hornauer, NCCCO  
Paul Meyers, County of Sacramento  
Steve Hooper, Unger Construction  
Jim Hall, CALPRO  
Bill Berham, DPR  
Dennis Syfer

Wendy Holt, CSATF/AMPTP  
Mark Stone, Epic Insurance Brokers  
John Shook, Safety Certified  
Steve Johnson, ARC-BAC  
Betty Fracisco, Garrett and Jensen  
Cindy Sato, CEA  
Steve Phetteplace, Safety Training Seminars  
Lisa Treanln, Federal OSHA

John L. Bobis, Aeroject-The Bobis Group	Robert Downey, Construction Employer Association
Elizabeth Treanor, PRR	
Kevin Bland, CFCA, RCA	Bruce Wick, CalPASC
Judi Freyman, Mercer	Dan Leacox, Greenberg Traurig
Kate Smiley, AGC-CA	Marti Fisher, Cal Chamber
Bobbie Singh-Allen, CLIA	Harvey Peelle, BT Mancini Company
Kevin Thompson, Cal-OSHA Reporter	Jodi Blom, CFCA

B. OPENING COMMENTS

Chair MacLeod 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

**Bob Hornauer, Manager of the National Commission for the Certification of Crane Operators (NCCCO)**, announced that they had received certification for the Articulating Crane Operators program from the American National Standards Institute.

**Betty Fracisco, Garrett and Jensen**, commented on OSHSB Petition Number 520, regarding certified inspectors and inspections of portable amusement rides. The Board granted this petition on May 19, 2011, to the extent that this request be referred to the Division for the formulation of a rulemaking proposal as the Division deems appropriate.

Ms. Fracisco, outlined the steps that have been taken to pursue the development of the rulemaking proposal with the Division. Ms. Fracisco further stated that portable ride inspectors who have been certified are not being allowed by the Division to conduct inspections of portable rides.

**Jim Hall, CALPRO**, echoed Ms. Fracisco comments, and stated his frustration regarding the fees associated with keeping certifications current and what he believes to be a lack of cooperation from the Division in allowing independent inspectors to conduct portable ride inspections.

**John Shook, Safety Certified**, supported the comments of Ms. Fracisco and Mr. Hall. Mr. Shook stated that he had contacted the Amusement Ride unit requesting an update on the progress of allowing independent inspectors to conduct portable ride inspections, and he received no response.

C. ADJOURNMENT

Chair MacLeod adjourned the public meeting at 10:37 a.m.

## II. PUBLIC HEARING

### A. PUBLIC HEARING ITEM

Mr. MacLeod called the Public Hearing of the Board to order at 10:37 a.m., February 16, 2012, in the Auditorium of the State Resources Building, Sacramento, California.

Chair MacLeod opened the Public Hearing and introduced the item noticed for public hearing.

1. TITLE 8:        **CONSTRUCTION SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 4, Article 16  
Section 1621  
**Ladderway Openings**

Mr. Manieri summarized the history and purpose of the proposal, and he indicated that it was ready for the Board's consideration and the public's comment.

The following speakers oppose the proposal, primarily for the following reasons: (1) overly broad scope, (2) need for greater clarification and specificity, (3) no definition of ladderways, and (4) need to convene advisory committee:

- **Robert Downey**, representing the Construction Employer Association
- **Steve Phetteplace**, of Safety Training Seminars (also submitted a written packet)
- **Kevin Bland**, representing CFCA, RCA
- **John L. Bobis**, representing Aerojet-The Bobis Group
- **Steve Johnson**, of ARC-BAC
- **Bruce Wick**, of CalPASC

Mr. Prescott, Mr. Kastroff and Mr. Jackson all agreed that the scope of this proposal is too broad, that the language needs clarification and that an advisory committee should be convened.

### B. ADJOURNMENT

Chair MacLeod adjourned the Public Hearing at 11:07 a.m.

## III. BUSINESS MEETING

Mr. MacLeod called the Business Meeting of the Board to order at 11:07 a.m., February 16, 2012, in The Auditorium of the State Resources Building, Sacramento, California.

A. PROPOSED PETITION DECISION FOR ADOPTION

1. Andras Uhlyarik  
California Pulse, Inc  
**Petition File No. 525**

Petitioner requests that the Board update Title 8, California Code of Regulations, General Industry Safety Orders, to the 2011 edition of the National Fire Protection Association 33, Standard for Spray Application Using Flammable or Combustible Materials.

Ms. Hart summarized the history and purpose of the petition and recommended that the Board deny this petition at this time. She stated that the petitioner submitted a revised petition with a narrower scope, which will be docketed and reviewed.

MOTION

A motion was made by Mr. Prescott and seconded by Mr. Jackson that the Board adopt the proposed decision denying the petition.

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

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

Mr. Beales stated that some of the proposed decision would be modified to reflect the fact that Board Member Thomas was unable to serve on today’s variances hearing panel. Mr. Beales asked the Board to adopt the consent calendar, subject to that modification.

MOTION

A motion was made by Mr. Jackson and seconded by Mr. Kastroff to adopt the consent calendar as modified.

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

C. OTHER

1. Legislative Update

Mr. Beales stated that there were no additions to the information provided in the Board packet.

2. Executive Officer’s Report

Ms. Hart stated that an advisory committee regarding the Employer duty to pay for personal safety devices and safeguards is scheduled to meet on March 22, 2012, in Sacramento.

Ms. Hart further stated that Deborah Gold of the Division staff would provide an update on Petition 513 pertaining to the adult film industry at the March meeting.

3. Future Agenda Items

Mr. Jackson requested a Division update on the status of Petition 519 regarding required first aid supplies.

Mr. Prescott requested a Division update on the status of Petition 520 regarding certified inspectors and inspections of portable amusement rides.

Chairman MacLeod requested an update on how the IIPP regulation is working.

D. CLOSED SESSION

The Board discussed only the closed session item listed on the Agenda, and no action was taken during the closed session.

E. ADJOURNMENT

Chairman MacLeod adjourned the Business Meeting at 11:25 a.m.