

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**SUMMARY
PUBLIC MEETING/ BUSINESS MEETING
January 19, 2012
Oakland, 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 10:02 a.m., January 19, 2011, in the Auditorium of the Harris State Building, Oakland California.

ATTENDANCE**Board Members Present**

John MacLeod
Bill Jackson
Jack Kastorff
Dave Thomas
Hank McDermott
Guy Prescott

Board Members Absent

Willie Washington

Board Staff

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

Division of Occupational Safety and Health

Deborah Gold, Deputy Chief
Steve Smith, Principal Safety Engineer

Others present

Wendy Holt, CSATF/AMPTP
Kate Smiley, AGC-CA
Mark Roy McGrath, Aids Healthcare
Foundation
Steve Johnson, ARC-BAC
Aline Robinson, Operating Engineers #29
Nancy Olson, DOSH
Kevin Thompson, Cal-OSHA Reporter
Pat Bell, DOSH

Dave Harrison, Operating Engineers #3
Dan Leacox, Greenberg Traurig
Elizabeth Treanor, PRR
G. Snyder, BRS
Mark Stone, Epic Insurance Brokers
Kevin Bland, CFCA/WSC
Amber Jadosz, OSHA
Rebecca Butler
Joan Grant, CTA

B. OPENING COMMENTS

Mr. 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

Mark Roy McGrath, a public health policy consultant with AIDS Healthcare Foundation, spoke in favor of providing barrier protection (notably, condoms) for use by performers in the adult film industry.

Mr. McGrath stated that providing a safe environment for adult film performers is a multijurisdictional issue. He further stated that the City of Los Angeles has adopted an ordinance protecting adult film workers, and he said that a Los Angeles county ballot measure was being pursued.

C. ADJOURNMENT

Mr. MacLeod adjourned the public meeting at 10:15 a.m.

II. **BUSINESS MEETING**

Chairman MacLeod called the Business Meeting of the Board to order at 10:15a.m., January 19, 2012, in The Auditorium of the Harris State Building, Oakland California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 25
Section 1675
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 4
Sections 3276 and 3278
Single-Rail Ladders
(Heard at the December 15, 2011, Public Hearing)

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board's adoption.

MOTION

A motion was made by Mr. Jackson and seconded by Mr. Thomas to adopt the proposal.

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

2. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 35
Section 1905
Helicopter Fueling
(Heard at the December 15, 2011, Public Hearing)

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board's adoption.

MOTION

A motion was made by Mr. Prescott and seconded by Mr. Kastorff to adopt the proposal.

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

3. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 107
Section 5155
Airborne Contaminants
(Heard at the April 21, 2011, Public Hearing)

Mr. Smith summarized the history and purpose of the proposal. As a result of comments received the Short Term Exposure Level (STEL) for sulfuric acid is being retained (the proposal initially deleted that STEL).

Mr. Smith further stated that all of the changes to Section 5155 proposed in this rulemaking are considered to be at least as effective as the counterpart federal OSHA requirements for these substances found in 29 CFR 1910.1000 for Airborne Contaminants.

Mr. Smith indicated that the proposal is now ready for the Board's adoption.

MOTION

A motion was made by Mr. McDermott and seconded by Mr. Thomas that the Board adopt the proposal.

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

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales asked that Chevron U.S.A.—Solar to Steam 19C, OSHSB File No. 11-V-058, be removed from the consent calendar, as the proposed decision is still being prepared. He stated

that the recommendation regarding all the other matters on the consent calendar was that the variances be granted.

Mr. Beales requested the Board to adopt all of the proposed decisions on the consent calendar as modified.

MOTION

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

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

C. OTHER

1. Legislative Update

Mr. Beales stated that there are two bills to note. One is AB 1439, introduced by Assembly Member Alejo on January 4, 2012. That bill proposes a non-substantive one-word change in Labor Code Section 7153 (scaffolding). The bill might be a placeholder for future proposals.

The other bill is AB 1504, introduced by Assembly Member Morrell on January 10, 2012. That bill's principal provision changes the threshold for a major regulation. A bill enacted last year stated that the threshold is a California business impact in excess of \$50,000,000; AB 1504 lowers the \$50,000,000 to \$25,000,000.

2. Executive Officer's Report

Ms. Hart stated that an overview of the 2011 rulemakings, petitions and variances is in the Board packets. The board packets also included board staff's 2012 proposed rulemaking projects. She further stated that Duty to Pay for Personal Protective Equipment may be added to the list once the advisory committee proceedings are complete.

Ms Hart stated that the Division of Occupational Safety and Health (DOSH) have provided their list of rulemaking projects that they intend to submit to the Board in 2012. The list includes first aid, lead, passenger tramway safety orders update, tunnel safety order update, adult film industry disease prevention, airborne contaminants, hazard communication GHS update, respirators for emergency medical personnel and hotel housekeeping safety.

Ms Hart has asked Deborah Gold for an update on several pending rulemaking proposals (these include proposals previously reviewed by the Board staff but now awaiting action from DOSH, elevator standard updates) and also several petition decisions where DOSH was charged with convening advisory committees.

Ms. Hart stated that the Governor's 2012-2013 budget proposes to eliminate the Standards Board and transfer the functions to DOSH.

Additionally, Ms Hart told the Board that we have been trying to fill the vacancies created by Tom Mitchell's retirement and Chris Witte's move to San Diego. Unfortunately, there has been a hold placed on this hiring process pending the outcome of the budget issue impacting the board.

3. Future Agenda Items

Mr. MacLeod requested that DOSH provide an update on the Adult Film advisory committee meetings.

D. CLOSED SESSSION

Mr. Beales stated that there was no need for the closed session.

E. ADJOURNMENT

Mr. MacLeod adjourned the Business Meeting at 10:30 a.m.