

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Oakland, CA 95833
(916) 274-5721
FAX (916) 274-5743
Website address www.dir.ca.gov/oshsb



SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
June 16, 2011
Oakland, California

I. PUBLIC MEETING**A. CALL TO ORDER AND INTRODUCTIONS**

Acting Chairman Bill Jackson called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., June 16, 2011, in the Auditorium of the Harris State Building, Oakland, California.

ATTENDANCE**Board Members Present**

Bill Jackson
Jack Kastorff
Dave Thomas
Hank McDermott
Guy Prescott
Willie Washington

Board Members Absent

John MacLeod

Board Staff

Marley Hart, Executive Officer
Mike Manieri, Principal Safety Engineer
Tom Mitchell, Senior Safety Engineer
David Beales, Legal Counsel
Chris Witte, Executive Secretary

Division of Occupational Safety and Health

Joel Foss, Acting Principal Safety Engineer
Deborah Gold, Senior Safety Engineer

Others present

Wendy Holt, CSATF/AMPTP
Kevin Thompson, Cal/OSHA Reporter
Steve Johnson, ARC-BAC
Kate Smiley, AGC-CA
Mark Stone, Epic Insurance Brokers
Van Howell, OSHA
Deborah Gold, DOSH
David Hornung, DOSH

Jay Weir, AT&T
Bruce Wick, CalPASC
Ken Clark, Willis Insurance Services
Ellen Widess, DOSH
Helena Lengel, DOSH
Elizabeth Treanor, PRR
Patrick Bell, DOSH

B. OPENING COMMENTS

Mr. Jackson 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

Mr. Jackson introduced Christine Baker, Acting Chief of the Department of Industrial Relations, and Ellen Widess, Chief of the Division of Occupational Safety and Health.

Ms. Baker expressed her support of the Board's work and her desire to assist the Board with any resources that it may need.

Ms. Widess expressed her appreciation for and her desire and commitment to continuing the good working relationship between the Division and the Board. She also expressed appreciation for the importance and need for both labor and management input in the standards to make them practical and feasible.

Mr. Jackson then announced the retirement of Tom Mitchell, Senior Safety Engineer, from the Board staff and thanked him for his many years of service to the Board.

C. ADJOURNMENT

Mr. Jackson adjourned the public meeting at 10:11 a.m.

II. **PUBLIC HEARING**

A. PUBLIC HEARING ITEM

Mr. Jackson called the Public Hearing of the Board to order at 10:11 a.m., June 16, 2011, in The Auditorium of the Harris State Building, Oakland, California.

Mr. Jackson 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 7
 Sections 3302 and 3308
 Hazardous Liquids

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 or Board comments on this proposal.

Mr. Jackson then introduced the next item noticed for Public Hearing:

2. TITLE 8: **TELECOMMUNICATION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 21, Article 1
Section 8608
**Fixed Ladders and Steps for Telecommunication Towers
and Poles**

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

Jay Weir, Senior Manager of Employee Health and Safety for AT&T, thanked Board staff for the opportunity to participate in the advisory committee for this rulemaking proposal.

There were no Board comments or questions.

B. ADJOURNMENT

Mr. Jackson adjourned the Public Hearing at 10:22 a.m.

III. BUSINESS MEETING

Mr. Jackson called the Business Meeting of the Board to order at 10:22 a.m., June 16, 2011, in The Auditorium of the Harris State Building, Oakland, California.

A. PROPOSED SAFETY ORDER FOR ADOPTION

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4
Article 2, Section 1504
Article 12, Section 1600
Article 13, Sections 1602-1603.1
Work Over or Near Water
(Heard at the May 19, 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. Kastorff 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.

2. TITLE 8: **PETROLEUM SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 15
Article 2, Section 6755
Article 8, New Section 6799.1
Chain or Wire Rope Access Equipment (Jacob’s Ladders)
(Heard at the April 21, 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. Thomas and seconded by Mr. Kastorff 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 requested that the Board adopt the consent calendar as proposed.

MOTION

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

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

C. OTHER

1. Update on Diesel Retrofit Rulemaking proposal

Ms. Hart stated that the originally noticed proposal was modified to remove the visibility testing procedure and to provide for no masking by the installed retrofits. Comments received during the 15-day comment period both supported and opposed these amendments. Staff is developing further amendments and a second

15-day notice may be forthcoming. Staff is also working with Federal OSHA to ensure that the amended proposal will be equivalent to the safety provided by the Federal regulations. Consideration is given to all of the comments received, and revised language, when complete, will be noticed at the second 15-day notice. The official rulemaking record will support any and all actions taken. The deadline to bring this proposal to the Board for adoption is December 15, 2011.

2. Legislative Update

Mr. Beales stated that some of the bills being tracked have had some significant milestones since the written legislative update was prepared.

AB 338 regarding the effective dates of regulations passed the Assembly.

AB 1136 regarding hospital lifting has also passed the Assembly.

SB 353 has not had any major milestones, but it needs further explanation than is provided in the current update. Next month's update will contain a more detailed explanation.

SB 357 will apply only to the Air Resources Board and therefore, would have no impact on the Standards Board.

SB 432 regarding work practices in the lodging industry has passed the State Senate.

SB 575 regarding smoking in the workplace has passed the State Senate.

SB 829 has passed the State Senate.

3. Executive Officer's Report

Ms. Hart indicated that the Senate joined the Assembly in rejecting the proposal to eliminate the Standards Board. Language eliminating the Standards Board is not included in the trailer bill.

She reminded the Board that travel expenses for the fiscal year ending June 30, 2011, must be submitted to accounting no later than July 1, and she asked them to submit any expenses to Ms. Witte as soon as possible in order to ensure they are reimbursed.

4. Future Agenda Items

None identified.

D. CLOSED SESSSION

Pursuant to Government Code Sections 11126(e)(1) and (e)(2)(A), the Board met in closed session to discuss the following pending litigation: Bautista, et al. v. State of California, et al., Los Angeles Superior Court Case No. BC418871 and Second District Court of Appeal No. B226102.

The Board discussed only the matter described, and no action was taken.

E. ADJOURNMENT

Mr. Jackson adjourned the Business Meeting at 10:46 a.m.