

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
February 18, 2010
Oakland, California

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Chairman MacLeod called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., February 18, 2010, in the Auditorium of the Harris State Building, Oakland, California.

ATTENDANCE

Board Members Present
Chairman John MacLeod
Bill Jackson
Jack Kastorff
Guy Prescott

Board Members Absent
Jonathan Frisch, Ph.D.
Willie Washington

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

Division of Occupational Safety and Health
Joel Foss, Principal Safety Engineer
Steve Smith, Principal Safety Engineer

Others present
Wendy Holt, AMPTP/CSATF
Jay A. Weir, AT&T
Kevin Thompson, Cal OSHA Reporter
Ken Clark, ASSE/Willis Insurance Svcs.
Elizabeth Treanor, Phylmar Regulatory
Roundtable

Perry Churchill, Bragg Crane
Nina S. Duren, Pacific Coast Producers
Steve Johnson, ARC-BAC
Dave Harrison, Operating Engineers Local 3

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

Nina Duren spoke in opposition to the proposed denial of her petition, OSHSB Petition File No. 511, regarding seat belts in industrial trucks.

C. ADJOURNMENT

Chair MacLeod adjourned the public meeting at 10:09 a.m.

II. PUBLIC HEARING

A. PUBLIC HEARING ITEM

Chair MacLeod called the Public hearing of the Board to order at 10:09 a.m., February 18, 2010, in the Auditorium of the Harris State Building, Oakland, California.

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

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 7
Section 3308
Hot Pipes and Hot Surfaces

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.

There was no public comment on this matter.

B. ADJOURNMENT

Chair MacLeod adjourned the Public Hearing at 10:14 a.m.

III. BUSINESS MEETING

Chair MacLeod called the Business Meeting of the Board to order at 10:14 a.m., February 18, 2010, in the Auditorium of the Harris State Building, Oakland, California.

MOTION

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

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

C. PROPOSED VARIANCE DECISIONS FOR ADOPTION

Mr. Beales stated that three of the proposed variance decisions are noted on the consent calendar to grant or deny. They were heard by the hearing panel just prior to the Board meeting, and the recommendation is that the variances be granted in accordance with the proposed decision drafts that have been provided to the Board. He requested that the Board adopt the consent calendar with that modification.

MOTION

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

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

D. OTHER

1. Legislative Update

Mr. Beales stated that there is one bill that does not appear on the written update in the Board packet. AB 1833 by Members Logue and Garrick was introduced on February 12, 2010, and it would require three parts of the state government—Cal EPA, the Air Resources Board, and the Division of Occupational Safety and Health—to perform an economic impact analysis before adopting, amending, or repealing regulations. As part of that analysis, the Division would have to describe all alternatives to a regulatory proposal and do a cost benefit analysis for each of those alternatives. Friday, February 19, 2010, is the deadline for submitting new bills for the legislature’s consideration. The bill just mentioned and the one in the written update are the only two active bills yet found that pertain to the Standards Board.

2. Executive Officer’s Report

Ms. Hart stated that in January, Mike Manieri and Hans Boersma were invited to speak at a meeting of the American Society of Safety Engineers in San Francisco. They attended that meeting, the primary focus of which was to discuss the Title 8 index project on which Mr. Boersma has been working. Mr. Boersma demonstrated the index for the group and distributed CDs so that the attendees could test the index themselves. She suggested that Mr. Boersma provide the same demonstration for the Board members at a

future meeting. Staff is working with the Department's IT unit to prepare the index for beta testing.

3. Future Agenda Items

Mr. Jackson suggested that Mr. Boersma demonstrate the Title 8 index at the April 15, 2010, meeting, which will be held in Sacramento. The Board agreed to this suggestion.

E. CLOSED SESSION

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 County Superior Court Case No. BC418871.

F. ADJOURNMENT

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