

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
October 19, 2017
Costa Mesa, 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 10:00 a.m., October 19, 2017, in the Council Chambers of the Costa Mesa City Hall, Costa Mesa, California.

ATTENDANCE

Board Members Present

Dave Thomas
David Harrison
Chris Laszcz-Davis
Barbara Smisko
Laura Stock

Board Member Absent

Patty Quinlan

Board Staff

Mike Manieri, Principal Safety Engineer
Peter Healy, Legal Counsel
David Kernazitskas, Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Jason Denning, Principal Safety Engineer,
Research and Standards Safety Unit
Kevin Graulich, Senior Safety Engineer,
Research and Standards Occupational
Health Unit

Others Present

Barbara Farrell, Clue
Veronica Chavez, Unite Here
Jamie Carlile, SCE
Francisca Torres, Unite Here Local 11
Tim Shadix, Worksafe
James Mackenzie, Southern CA Edison
AJ Reid, USDOL/OSHA San Diego
Jay Weir, AT&T
Paul Dimeo, Aquarium of the Pacific

Austin Lynch, Unite Here
Jorge Iniestra, Unite Here
Isabel Barrera, Unite Here Local 11
Elizabeth Treanor, PRR
Michael Musser, CA Teachers Association
Larry Wong, UC Office of the President
Dan Leacox, Leacox & Associates
Ian O'Brien, Free Speech Coalition

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.

Austin Lynch, Unite Here Local 11 Garden Grove, thanked the Board and Division staff for their work on the hotel housekeeping proposal. He asked that the Division make no changes that may weaken the protections in the proposal. He said that more than 25 commenters commented in support of the hotel housekeeping proposal, as it is written, during the public hearing on May 18. The Board received 16 comment letters that supported the proposal, 1 comment letter in opposition, and 3 groups who spoke in opposition of the proposal at the public hearing. He stated that in light of this, he hopes that the Division will make swift progress in moving this proposal forward to a vote by the Board. He wanted to know when the Division will release its response to the comments that were received during the public comment period and the public hearing, and what changes, if any, the Division is planning to propose. He asked that the proposal be moved forward so that it can be voted on by November 2017 and can become law by April 2018. He also stated that the Disneyland Grand California hotel is a prime example of why this proposal is necessary. He said that massive changes were recently made to the hotel rooms at the Disneyland Grand California hotel in order to raise their rates, but these changes were made with no study on how these changes would impact the hotel's housekeepers, and no adjustments were made in the housekeepers' workload or room quotas. He stated that this has resulted in injury and pain to the hotel's housekeepers. He said that through their union, the housekeepers demanded that the Disneyland Grand California hotel conduct a study to determine the impact that these changes will have on the hotel's housekeepers, but the hotel refused to do it until the housekeepers and their union paid out of pocket for their own study to be conducted by experts from Cal Berkeley. At that time, the hotel performed its own study, but their study was far less rigorous than the one that the hotel housekeepers and their union had conducted by Cal Berkeley. He stated that hotel housekeepers should not have to pay out of their own pocket for these studies.

Veronica Chavez, Hotel Housekeeper, Disneyland Grand CA Hotel, stated that the hotel housekeeping proposal needs to include provisions that require hotels to do worksite evaluations every time renovations are made, workplace hazards are found, or at least on an annual basis. She said that the changes that her hotel has made to the guest rooms, as well as the heavy housekeeping carts that they recently introduced, have taken a toll on her health and her family, as well as the health and families of her coworkers. She stated that the ergonomic study that the hotel conducted was overly simple because it only used a heart monitor, and the housekeepers moved like robots, instead of how they really move while doing their jobs. She said that the hotel wants to upgrade again so that it can have a 5-star status, but that will mean more work and detail on the housekeeper's part, and the hotel will not adjust the housekeeper's workload or pay them a higher wage to compensate for that. She said that there are 20 housekeepers who are currently off work because they were injured on the job, and as a result, she is often pulled from her supervisor duties to do room cleaning because there are not enough housekeepers to do the job. She asked the Division to move forward quickly on the hotel housekeeping proposal.

Francisca Torres, Hotel Housekeeper, Disneyland Grand CA Hotel, stated that she and her coworkers are very worried about the changes that the hotel is making to the guest rooms, and how those changes will impact them and their jobs. She said that the hotel is holding off on implementing the use of the new, heavier housekeeping carts for now, but they may not hold off for long. She stated that these carts are very heavy and hard to push. She said that most hotel housekeeping carts weigh 300 lbs. or more, but the one that her hotel is looking to implement seems even worse. She asked the Division to move forward quickly on the hotel housekeeping proposal.

The following individual also commented in support of the hotel housekeeping proposal:

- **Barbara Farrell, Clue**
- **Tim Shadix, Worksafe**

Tim Shadix, Worksafe, stated that his organization supports the proposal regarding beryllium that is scheduled for a vote today. He said that lowering the PEL from 1 ppm to 0.3 ppm will reduce workers' risk of cancer, eye injury, and respiratory illness associated with beryllium exposure.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:21 a.m.

II. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 10:21 a.m., October 19, 2017, in the Council Chambers of the Costa Mesa City Hall, Costa Mesa, California.

Mr. Thomas asked the Division and Board staff to provide a brief update on the status of the hotel housekeeping proposal. **Mr. Manieri** stated that, as of the Division's last briefing to the Board, the Division is reviewing and responding to comments that were received during the 45-day comment period and at the public hearing on May 18. He said that it is unknown at this time if those comments will result in changes being made to the proposal, but if they do, a 15-day notice will need to be issued, and the public will have 15 days to comment on the proposed changes. He stated that it is highly unlikely that the proposal will be ready for adoption in November, and the better goal to shoot for regarding adoption of this proposal is sometime in the first quarter of 2018.

Ms. Stock asked the Division if they had anything further to add regarding the status of the hotel housekeeping proposal. **Mr. Denning** stated that the Division completed its review and response to comments, and submitted its summary and response to comments back to the Board staff for their review, during the first week of October. **Ms. Stock** asked Mr. Manieri what the next step will be now that the Board staff has received the Division's summary and response to comments. **Mr. Manieri** stated that the Board staff will review the Division's comments and work with the Division to resolve any issues that the Board staff has with those comments. He said that if the Division has thoroughly reviewed and responded to the comments properly, the proposal will be prepared for adoption. **Ms. Stock** stated that if the proposal will be voted on sometime in the first quarter of 2018, she would prefer for it to be voted on in January.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Section 5155
 Airborne Contaminants - Benzyl Chloride

Mr. Graulich 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 Ms. Laszcz-Davis and seconded by Ms. Stock that the Board adopt the proposal.

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

2. TITLE 8 **GENERAL INDUSTRY SAFETY ORDERS**
 Sections 6052, 6056, 6056.1 (New), 6057, 6060, and 6062
 Commercial Diving Operations (HORCHER)

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

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Laszcz-Davis 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. Healy stated that he is aware of no unresolved legal issues regarding items A-P on the consent calendar, and he believes that these items are ready for the Board's decision on the question of adoption.

MOTION

A motion was made by Ms. Stock and seconded by Mr. Harrison to adopt the consent calendar.

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

C. OTHER

1. Division Update on Rulemakings and Advisory Committees

In addition to the written update provided in the Board packet, Mr. Denning provided the following updates:

First Aid Kits: The Department of Industrial Relations has asked the Division to make some changes. The Division has made those changes and is reviewing them before sending the package to the Board staff.

Indoor Heat: The Division is hoping to be done soon with preparing the draft text.

Lead in Construction: The standardized regulatory impact analysis (SRIA) has been done, and the Division anticipates sending draft text to the Board staff sometime in 2018.

Medical Marijuana: The Division has not identified a need for regulation regarding this, at this time.

Recreational Marijuana: The Division has scheduled an advisory committee for March 1, 2018.

Trichloroethylene: The Division is reviewing the comments it received from the Board staff.

Trimelitic anhydride: The Division is planning to send a draft rulemaking proposal to the Board staff sometime in 2018.

Process Safety Management: This rulemaking has been adopted by the Board, approved by the Office of Administrative Law, and became effective on October 1.

Sexually Transmitted Infections: The Division is continuing to collaborate with the petitioners from Petitions 557 and 560, and providing ongoing education, outreach, and enforcement of the current rule regarding the use of barrier protection in the adult film industry.

Workplace Violence in General Industry: The Division is preparing a draft proposal for an advisory committee to consider. The advisory committee meeting will be held sometime in early 2018.

2. Legislative Update

Mr. Healy provided updates on the following bills:

- AB 402 pertains to medical plume. This bill has been vetoed by the Governor. He said that the Governor feels that it is better to handle this issue through the Board's regulatory process instead of the legislative process.
- AB 978 pertains to employees' right to access their workplace's injury and illness prevention program upon request. This bill has been vetoed by the Governor. He said

that the Governor indicated support for in access and transparency regarding this, but that this bill is unnecessary and duplicative, and the advisory committee process is the best way to determine how to properly implement requirements of this type.

- SB 258 requires manufacturers of designated cleaning products to disclose information about the chemicals contained in those products on product labels and product-specific internet sites. The Governor did not take any action on this bill by the deadline, and as a result, it has become law.
 - SB 772 exempts any occupational safety and health standard and order from the standardized regulatory impact analysis (SRIA) requirement of the Administrative Procedures Act that has the \$50 million threshold for extensive economic analysis. This bill did not move forward from its current position in this legislative session, so it is dormant between sessions. He said that it could come up again during the second half of the 2-year legislative session.
3. Executive Officer's Report

Mr. Manieri stated that Ms. Hart is recovering well from her surgery and plans to be back to work in a few weeks. He said that she is planning to attend next month's Board Meeting.

Mr. Manieri stated that since the last Board Meeting, the Board staff has done 2 presentations. He said that he did the first presentation, which was to the Association of General Contractors (AGC) Workshop Group. At this presentation, he spoke about the Board's 2018-19 work plan, adopted standards, the rulemaking process, and how attendees can get involved with the Board and staff. He said that the second presentation was done by Mr. Kernazitskas, which was to the AGC Labor Group in San Ramon.

Mr. Manieri stated that he is beginning the process of identifying and planning rulemaking projects for the Board staff to undertake in 2018. He said that he is waiting for the Division to send some additional Form 9's for various subjects to add to the list. He stated that this list includes updating the standards for safety showers and eye wash stations because the current standard is from the early 1980's and needs to be updated. He said that he would like to see the Z358 2014 standard considered for adoption in California because it is the latest version of the safety shower and eye wash standard.

Mr. Harrison asked Mr. Manieri about the status of the crane and CDAC standard. **Mr. Manieri** stated that the package has been going back and forth between Cathy Dietrich (the analyst) and Conrad Tolson (the engineer), but he believes that they have resolved all of the issues that have arisen during the process, tied up all the loose ends, and Ms. Hart has begun reviewing it. He said that it is a large package because it reunifies some of the standards back into the General Industry Safety Orders. He stated that he is hopeful that it will come before the Board for public hearing in the first quarter of 2018.

4. Future Agenda Items

No future agenda items were mentioned.

D. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:47 a.m.