

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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www.dir.ca.gov/oshsb

**MISSION STATEMENT**

The mission of the Occupational Safety and Health Standards Board is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthy workplace for California workers.

AGENDA**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
BOARD MEETING**

PLEASE NOTE: In accordance with section 11123 of the Government Code, Board members as well as members of the public may elect to participate via videoconference.

**SEPTEMBER 19, 2024
10:00 a.m.**

In-person:

Rancho Cordova City Hall – American River Rooms
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Videoconference:

1. Go to www.webex.com
2. Select “Join a Meeting”
3. Enter the meeting number: **1469 63 6425**
4. Join the meeting through the WebEx application **OR** web browser
5. Videoconference will be opened to the public at 9:50 a.m.

Teleconference:

1. Dial (844) 992-4726
2. Enter the meeting number **1469 63 6425** and follow the prompts
3. Teleconference will be opened to the public at 9:50 a.m.
Note: Please mute your phone by pressing *6 when not speaking.
If you are to provide a comment, press *6 to unmute.

Live video stream and audio stream (English and Spanish):

1. Go to <https://videobookcase.com/california/oshsb/>
2. Video stream and audio stream will launch as the meeting starts at 10:00 a.m.

Public Comment Queue:

If attending the Occupational Safety and Health Standards Board (Board) meeting in-person, you will be added to the public comment queue upon completing a comment card on the day of the meeting.

If attending the meeting remotely and wish to comment on agenda items, you may submit a request to be added to the public comment queue either in advance of or during the meeting through one of the following methods:

ONLINE: Provide your information through the online comment queue portal at <https://videobookcase.org/oshsb/public-comment-queue-form/>

PHONE: Call **(510) 868-2730** to access the automated comment queue voicemail and provide†: 1) your name as you would like it listed; 2) your affiliation or organization; and 3) the topic you would like to comment on.

† Information requested is voluntary and not required to address the Board.

I. CALL TO ORDER AND INTRODUCTIONS

A. Spanish translation instructions

II. REMARKS FROM THE CHAIR**III. PRESENTATIONS**

1. Glenn Farrell – GF Advocacy, Silica Safety Coalition

- Public comment
- Board discussion

2. DPR's Approach to Emerging Technologies

Emily Bryson – Senior Environmental Scientist, California Department of Pesticide

- Public comment
- Board discussion

IV. BUSINESS MEETING

Note: The purpose of the Business Meeting is for the Board to conduct its monthly business. All matters on this agenda are subject to discussion and action as determine to be appropriate by the Board Chair.

For item A below, Public comment will be limited to two minutes per speaker or four minutes for speakers requiring concurrent English translation.

A. PROPOSED PETITION DECISION FOR ADOPTION

1. Landon Dees

[Petition File No. 604](#)

Petitioner requests to amend Title 8 section 3395 Heat Illness Prevention in Outdoor Places of Employment, to require the provision of adequate drink holders securely attached to an aerial device, allow convenient access to potable drinking water and mitigate potential hazards associated with improvised storage methods inside aerial devices.

The Petitioner states that the lack of safe access to portable drinking water for outdoor workers, particularly those utilizing aerial devices, can pose significant dangers to their health and well-being. Access to safe and clean water is essential for maintaining hydration and preventing heat-related illnesses. Most workers utilizing aerial devices resort to carrying water bottles, which are either put in the control box (equivalent to having a water bottle under your brake pedal in your car), laid on the floor of the aerial device (posing a fall hazard), or left on the ground, rendering them inaccessible during critical moments of work. The petitioner contends that having adequate drink holders securely attached to the aerial devices will keep bottles out of the control box, off the floor and will provide employees with critical lifesaving potable drinking water.

- Public comment on Petition 604
- Board discussion and vote

2. Joseph M. Alioto Jr., Board Member

[Petition File No. 605](#)

Petitioner requests to amend Title 8, General Industry Safety Orders (GISO), section 3324, Horizontal Sliding Gates, and to consider a new regulation to govern Swinging Gates. The Petition states that Eric and Dayna Quanbeck's seven-year old son Alex was fatally injured when a horizontal sliding gate at his school's playground failed and fell as he tried to close it. The gate weighed some 300 pounds. In addition, three California workers have died from failing horizontal sliding gates in the past three years. Serious injuries can occur when a sliding gate fails, it comes off its track and falls away from the fence plane. However, existing section 3324 does not prevent the most significant types of sliding gate failures that have cost Californians their lives.

Therefore, Petitioners respectfully request that in addition to any amendments deemed necessary; the Board amend the regulation to include a list of new requirements (requiring the installation of a post stop or similar device; that a gate be properly balanced; that wheels be covered; and that a mechanism be provided to ensure the proper functioning of positive stops) as well as incorporate by reference the following standards: ASTM 1184-16, ASTM F2200-20 and UL 325. Furthermore, the Petitioners

request the Board consider adopting a new regulation concerning swinging gates.

- Public comment on Petition 605
- Board discussion and vote

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

- [Consent Calendar](#)
- Vote on consent calendar

C. REPORTS

- Executive Officer's Report
- Legislative Report
- Cal/OSHA Report
- Subcommittee Report

D. PUBLIC COMMENT ON NON-AGENDA ITEMS OR TO PROPOSE NEW OR REVISED STANDARDS

This portion of the meeting is open to any interested person proposing new or revised standards to the Board or commenting on occupational safety and health issues (Labor Code section 142.2). The Board is prohibited to act on items that are not on the noticed agenda but may refer items to staff for future consideration.

Public comment will be limited to two minutes per speaker or four minutes for speakers requiring concurrent English translation.

Any individual or group wishing to make a presentation during the Public Meeting is requested to contact Sarah Money, Executive Assistant, at (916) 274-5721 at least three weeks prior to the meeting to address any logistical concerns.

E. COMMENTS BY BOARD MEMBERS

Although any Board Member may identify a topic of interest, the Board may not substantially discuss or act on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (GC sections 11125 & 11125.7(a).).

F. CLOSED SESSION

- Public Comment on Closed Session Agenda Items

Pending Decisions

- Permanent Variance No. 20-V-096 (Tutor Perini/O&G JV)

Matters Pending Litigation

- Western States Petroleum Association (WSPA) v. California Occupational Safety and Health Standards Board (OSHSB), et al. United States District Court (Eastern District of California) Case No. 2:19-CV-01270
- WSPA v. OSHSB, et al., County of Sacramento, CA Superior Court Case No. 34-2019-00260210

Personnel

G. **RETURN TO OPEN SESSION**

- Report from closed session

H. **ADJOURNMENT OF THE MEETING**

Next Meeting: October 17, 2024
City of Watsonville
City Council Chambers
275 Main Street, Top Floor
Watsonville, CA 95076
10:00 a.m.

CLOSED SESSION

- If necessary, consideration of personnel matters. (GC section 11126(a)(1)).
- If necessary, consideration of pending litigation pursuant to GC section 11126(e)(1).
- If necessary, to deliberate on a pending decision. (GC section 11126(c)(3)).

PUBLIC COMMENT

Public Hearing

During public hearings, members of the public may provide comments regarding standards that have been noticed to the public for a 45-day comment period. An individual wishing to comment must complete a speaker comment card. Efforts will be made to accommodate everyone who signs up to speak. However, given time constraints, there is no guarantee that all who have signed up will be able to address the Board.

Each individual who submits a comment card will get up to two minutes to speak. The Board Chair may extend the speaking time allotted when practical. The total time for public comment is 120 minutes unless extended by the Board Chair.

Business Meeting Non-Agendized

During the Public Meeting, members of the public can address the Board on items of interest that are either on the Business Meeting agenda or within the Board's jurisdiction

but are not on the noticed agenda. The Board is not permitted to take action on items that are not on the noticed agenda but may refer items to staff for future consideration. The Board reserves the right to limit the time for speakers.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735-2929 (TTY) or 1 (800) 855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the meeting.

TRANSLATION

Requests for translation services should be made no later than five (5) days before the meeting. Request may be made to by email to oshsb@dir.ca.gov.

