

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
April 17, 2014
Sacramento, 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., April 17, 2014, in the Auditorium of the State Resources Building, Sacramento, California.

ATTENDANCE**Board Members Present**

Dave Thomas
Laura Stock
Bill Jackson
David Harrison
Barbara Smisko
Patty Quinlan

Board Member Absent

Hank McDermott

Board Staff

Marley Hart, Executive Officer
Mike Manieri,
Principal Safety Engineer
David Beales, Legal Counsel
David Kernazitskas,
Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Steve Smith, Principal Safety Engineer

Others Present

Terry Thedell, SDG&E
Michael Musser, CA Teachers Association
Bruce Wick, CALPASC
Sarah Springer, SEIU 121 RN
Marti Fisher, Cal Chamber
Christopher Lee, United Contractors
Ken Smith, Univ. of CA
Matt Antonucci, CSATF
Dan Leacox, Greenberg Traurig

Michael Strunk, IUOE Local Union No. 3
Elizabeth Treanor, Phylmar Reg. Roundtable
Joshua Caudill, Hensel Phelps
Richard Negri, SEIU 121 RN
Mark Stone, EPIC Insurance Brokers
Alex Miller, InterWest
Tina Kulinovich, USDOL OSHA
Katherine Hughes, SEIU 121 RN
Jessie Mejit, CSEC

Kevin Thompson, Cal/OSHA Reporter
Jay Weir, AT&T
Bob Hornauer, NCCCO

David Murillo, CALPASC
Kim Rosenberger, SEIU
Morena Tumiami, CalTrans

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.

Bruce Wick, CALPASC, stated that while stakeholders are working on a rulemaking with the Board staff, there are times where information is brought up during the process that should have been provided to them at the beginning. He stated that he would like to see the procedures and protocols revised to require that information such as a Decision After Reconsideration be provided to stakeholders prior to asking for comments so that they know what needs to be fixed. **Ms. Hart** stated that the Board staff does post some of the Documents Relied Upon on its website along with the rulemaking being considered. She said that they are always a part of the rulemaking file and are available for review. She said that she will pass Mr. Wick's comments on to the engineers when they are soliciting comments.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:05 a.m.

II. **PUBLIC HEARING**

A. PUBLIC HEARING ITEMS

Mr. Thomas called the Public Hearing of the Board to order at 10:05 a.m., April 17, 2014, in the Auditorium of the State Resources Building, Sacramento, California.

Mr. Thomas opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
 Section 1514
 GENERAL INDUSTRY SAFETY ORDERS
 Section 3380
 Personal Protective Devices and Safeguards

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 comments on this proposal.

Mr. Jackson recommended that the Board staff review all of the places in each of the safety orders where personal protective equipment is mentioned and make them more uniform unless

there is a reason that the standard for personal protective equipment in one of the safety orders must be different from the others. He said that doing this will create less confusion for the public.

B. ADJOURNMENT

Mr. Thomas adjourned the Public Hearing at 10:12 a.m.

III. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 10:12 a.m., April 17, 2014, in the Auditorium of the State Resources Building, Sacramento, California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
 Sections 1598 and 1599
 **Update of Reference to California Manual on Uniform Traffic
 Control Devices for Streets and Highways (CA MUTCD)**

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. Harrison that the Board adopt the proposal.

Mr. Jackson stated that he is not opposed to adopting this proposal, but this proposal is adopting the whole manual, and the manual contains many other things that do not apply to the exposure in question. He stated that this proposal will need to be narrowed down and fine-tuned in the future to only include things that apply to the exposure in question.

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

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7, Article 145, Section 5605
 CONSTRUCTION SAFETY ORDERS
 Division 1, Chapter 4, Subchapter 4, Article 7, New Section 1550
 Tank Storage Subject to Flooding, Precautionary Measures

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. Harrison 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.

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales stated that item E regarding Annheuser Busch needs to be removed from the consent calendar because it is not ready yet. He recommended adopting all of the other proposed decisions listed in the Board packet.

MOTION

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

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

C. OTHER

1. Legislative Update

Mr. Beales stated that the only information he had to add to the written materials in the Board packet concerned AB 2674, which requires the Board to adopt a standard to protect healthcare workers and patients from the toxic effects of disinfectants.

2. Division Update on Possible Rulemakings and Advisory Committees

Mr. Smith stated that Deputy Chief Deborah Gold provided a written update to the Board. [Please see the Board’s filed copy to view this written report] He wanted to highlight some of the items mentioned in that report:

- Safe Patient Handling: A 15-day notice was sent to the Board staff and is being sent out to stakeholders right now.
- Bloodborne Pathogens in the Adult Film Industry: The Division received additional medical feedback and is working on the draft rulemaking documents. The draft will hopefully be submitted to the Board by the end of next month.
- Elevator Safety Orders: The Division is holding an advisory committee on April 22 and has posted the drafts for the meeting on their website.
- Lead: The Division is developing the documents for an advisory committee and plan to hold the advisory committee meeting sometime in June.

- Hotel Housekeeping: The Division held an advisory committee meeting on February 27 and accepted comments until the end of March. The Division is reviewing the comments and feedback and will decide if another advisory committee meeting is needed.
- Mining Safety Orders: The Division recently held an advisory committee meeting on this. The Division has listed three more advisory committee meetings on their website that will be occurring in May and June.
- First Aid Kit Contents: This project was placed on hold while the Division worked on the GHS revisions. This project is now going through some final reviews and will be sent to the Board staff in the next few days.

Ms. Quinlan asked Mr. Smith what the scope of the lead advisory committee meeting will be. **Mr. Smith** stated that the advisory committee meeting will be looking at both blood lead standards that have been through earlier advisory committees, the new recommendations from CDPH for lowering the PEL, and how both standards might be affected by the lower PEL.

Ms. Quinlan asked Mr. Smith if the heat standard applies to both indoor and outdoor heat. **Mr. Smith** stated that it only applies to outdoor heat and there is currently no standard for indoor heat.

Ms. Quinlan also asked Mr. Smith about the timetable for the Division's work on the workplace violence proposal. **Mr. Smith** stated that two petitions were submitted regarding that. He said that the Division submitted their evaluation to the Board staff for one of those petitions, and the Division is working on their evaluation for the other petition. **Ms. Hart** stated that the statute requires the Board to take action on a petition within six months of when it was received. She said that the Board staff is waiting on the Division's evaluation of the second petition, and once the evaluation is received and everything is reviewed, a proposed decision will be developed from there. **Ms. Stock** asked Ms. Hart if she anticipates that it will take the entire six month time limit to bring a proposed decision before the Board. **Ms. Hart** stated that the Division has 60 days to respond to the petition, and then the Board staff does its evaluation. After that, a final decision is prepared. She said that most of the petition decisions come to the Board within five months or sooner.

3. Executive Officer's Report

Ms. Hart stated that the 15-day notice for Safe Patient Handling was mailed out yesterday, and the deadline to submit comments is May 5. She also asked the public to please provide contact information when commenting on proposals at any stage so that the Board staff may include them in mail-outs regarding the proposal.

4. Future Agenda Items

No future agenda items were discussed.

D. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:36 a.m.