

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
August 21, 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 10:16 a.m., August 21, 2014, in the Auditorium of the State Resources Building, Sacramento, California.

ATTENDANCE

Board Members Present

Dave Thomas
Bill Jackson
David Harrison
Barbara Smisko
Patty Quinlan

Board Member Absent

Laura Stock
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

Michael Strunk, IUOE Local Union 3
Michael Musser, CA Teachers Association
Kevin Bland, Esq., Ogletree, Deakins, Nash,
Smoak & Stewart
John L. Bobis, Gen Corp.
Jack Kastorff, ASSE
Kevin Thompson, Cal/OSHA Reporter
Adam Cohen, AIDS Healthcare Foundation
Elizabeth Treanor, PRR
Matt Antonucci, CSATF

Amalia Neidhardt, DOSH
Dan Leacox, Greenberg Traurig
Diane Duke, Free Speech Coalition
Marti Fisher, CalChamber
Bruce Wick, CALPASC
Larry McCune, DOSH
Mike Donlon, DWR
David Shiraishi, Fed OSHA
Alex Miller, The Leavitt Group
Eric Berg, DOSH

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.

Adam Cohen, AIDS Healthcare Foundation, stated that it has been almost 5 years since the AIDS Healthcare Foundation filed petition 513 to change the bloodborne pathogen standard regarding the adult film industry. He said that the Division has received all the information that it needs from internationally-recognized healthcare leaders to develop a standard that addresses this, but the Division has continued to delay the process from moving forward. He urged the Board and Division staff to move forward on the proposal.

Kevin Bland, representing the Free Speech Coalition, stated that the Division continues to enforce the current bloodborne pathogen standard on all employers in the adult film industry and issues citations when they do not follow the law.

Diane Duke, Free Speech Coalition, read a written statement into the record [Please see the Board's file copy to view the written statement]. She stated that her organization supports the development of industry-specific regulations, and that in 2012 and 2013, her organization participated in several meetings and provided extensive documentation to help move the process forward. She said that AB 1576, which is sponsored by the AIDS Healthcare Foundation, is attempting to circumvent the rulemaking process and should be abandoned, and the rulemaking process should move forward.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:29 a.m.

II. **PUBLIC HEARING**

A. PUBLIC HEARING ITEMS

Mr. Thomas called the Public Hearing of the Board to order at 10:29 a.m., August 21, 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: **GENERAL INDUSTRY SAFETY ORDERS**
 Sections 5620, 6165, 6180, 6181, 6182, 6183, and 6184
 Update of Title 8 General Industry National Fire Protection
 Association (NFPA) Fire Protection Standards

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.

MOTION

A motion was made by Mr. Harrison and seconded by Mr. Jackson that the Board adopt the proposed decision to deny the petition request.

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

C. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales stated that the recommendation is to grant all of the variances in accordance with the proposed decisions that have been provided to the Board Members. With that clarification, he asked that the consent calendar be adopted.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Quinlan 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 a coding error on the written legislative update regarding AB 1576. He said that AB 1576 is stuck in the appropriations committee and has not advanced. He also stated that SB 1087 passed the assembly, and both SB 1299 and SB 1300 passed the assembly appropriations committee.

2. Executive Officer’s Report

Ms. Hart stated that the Board staff is going to hold two advisory committee meetings in September, and that information on these meetings is available on the Board’s website:

- Conrad Tolson is going to chair an advisory committee in Sacramento on September 9-10 regarding the revision of the CDAC and incorporating the CSO crane safety standards into the General Industry Safety Orders.
- Martin Tamayo is going to chair an advisory committee on September 23 regarding construction personnel hoists.

Ms. Hart also stated that the Board staff will be participating in two of the Division’s advisory committee meetings in Oakland in September: one on September 10 regarding workplace violence in healthcare, and one on September 16-17 regarding process safety management.

Ms. Quinlan asked who will be representing the Division at each of the Division's advisory committee meetings. **Mr. Smith** stated that Bob Nakamura will be representing the Division at the advisory committee meeting regarding workplace violence, and **Mr. Manieri** stated that Mike Wilson will be representing the Division at the advisory committee regarding process safety management. **Ms. Hart** stated that the advisory committee meeting for process safety management is a joint meeting that is being held with Cal EPA and other agencies. Ms. Hart also stated that the monthly notice has undergone a format change and will look different beginning next month. She stated that it will have the same content, but for regulations that will have an economic or fiscal impact, there will be expanded economic and fiscal information listed in the notice.

Ms. Hart stated that David Beales will be retiring in November, and George Hauptman will be retiring in December. She said that the Board staff is working to find people to replace them so that there will be no gaps. She stated that a recruitment posting for David's position will be going out tomorrow, and a posting for George's position will probably go out next week.

Mr. Thomas thanked Mr. Beales for his years of service with the Board and reminded everyone that the September meeting is taking place on September 25, instead of September 18, in San Diego. **Ms. Hart** thanked the Board Members for being willing to change the date. **Ms. Smisko** also thanked Mr. Beales and Mr. Hauptman for their service.

3. Future Agenda Items

No future agenda items were mentioned.

E. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 11:05 a.m.