

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
Website address www.dir.ca.gov/oshsb



**SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
January 15, 2015
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., January 15, 2015, in the Council Chambers of the Costa Mesa City Hall, Costa Mesa, California.

ATTENDANCE

Board Members Present

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

Board Member Absent

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

Kevin Graulich, Senior Safety Engineer
Jason Denning, Senior Safety Engineer

Others Present

Christopher So, Dept. of Water Resources
Jay Weir, AT&T
Michael Musser, CA Teachers Association
Sarah Springer, SEIU 121 RN
Mark Stone, EPIC Insurance Brokers
Adam Cohen, AIDS Healthcare Foundation
Bruce Wick, CALPASC
Michael Strunk, IUOE Local Union No. 3
Cristy Holstege, CRLA

Steven Johnson, Condon, Johnson, and Associates
Elizabeth Treanor, Phylmar Regulatory Roundtable
Terry Thedell, San Diego Gas and Electric
Melissa Medich
Virginia Anders-Ellmore, Harbor UCLA
Cesar Yuriar, Center for Public Interest Law
Ava Aguado, AIDS Healthcare Foundation

B. OPENING COMMENTS

Adam Cohen, AIDS Healthcare Foundation, stated that since Petition 513 was filed, the Division has cited multiple adult film studios for not following the current bloodborne pathogen standard. He said that the adult film industry is a legal industry that must follow the law like all other industries. He stated that it is time for regulations to come forth that will make adult film producers use condoms on their sets and protect their workers from bloodborne pathogens.

Dr. Melissa Medich, Center for HIV Identification, Prevention, and Treatment at UCLA, stated that adult film performers deserve to be protected in their workplaces just like all other workers, and condoms are the most effective way to protect them from sexually transmitted infections. She said that sexually transmitted diseases are like star constellations because one person can infect many others. She also stated that these infections are now able to be mapped as they spread from one person to another. She asked the Board to support regulations that protect all workers, including those in the adult film industry.

The following individuals echoed Dr. Medich's comments:

- **Sharon Wilson, AIDS Healthcare Foundation**
- **Ava Waddow, AIDS Healthcare Foundation**
- **Javaro Martinez, AIDS Healthcare Foundation**

Mark McGrath, AIDS Healthcare Foundation, stated that he was present when Petition 513 was adopted unanimously by the Board. He said that since then, workers in the adult film industry continue to become infected with sexually transmitted infections and the adult film industry has held numerous moratoriums. He submitted a copy of the latest alert that was issued by the California Department of Public Health, as well as communications from the Chief of the CDPH, for the Board to review. [Please see the Board's file copy to view these documents] He said that he hopes the proposal for bloodborne pathogen protection in the adult film industry will move forward soon.

Ms. Hart stated that it is looking very likely that the Sexually Transmitted Infections proposal will be moved to the April meeting instead of the March meeting because the Division has not completed some of the documents that are needed for noticing it for public hearing. She said that once the Board staff receives those documents from the Division, the notice for the proposal will be submitted to the Office of Administrative Law for noticing, hopefully in time to be heard at the April meeting.

Mr. Thomas stated that he is disappointed that the bloodborne pathogen protection standard keeps getting delayed and drawn out further. He stated that this proposal has the potential to protect people outside the adult film industry as well as those who work in the industry. He stated that if this proposal concerned any other industry, it would've been done a long time ago. He said that he is not sure why this proposal keeps getting delayed, and he will do whatever he can to make sure that there are no more delays.

Jay Weir, AT&T, stated that his organization supports the proposal because it allows employees in his organization to continue to do their work. He said without these batteries, cell phones will not work. He stated that his organization has sent a letter to the Board containing questions about using the term “qualified”, but other than that, they support the proposal.

B. ADJOURNMENT

Mr. Thomas adjourned the Public Hearing at 10:35 a.m.

III. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 10:35 a.m., January 15, 2015, in the Council Chambers of the Costa Mesa City Hall, Costa Mesa, California.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated that two corrected proposed decisions were provided to the Board before today’s meeting. The corrections that were made are as follows:

- In Group A regarding Otis Skyrise Elevators, on page 6, the term “certified qualified conveyance mechanic” was replaced with “certified competent conveyance mechanic” so that it reflects what is defined in the Labor Code.
- In 14-V-195, some typographical errors were corrected, some F’s and C’s were added to symbolize Fahrenheit and Centigrade, and the phrase “low level sensor” on page 3 was modified to say “low liquid level sensor” to further clarify it.

With those changes, Mr. Healy said that he sees no further issues that could prevent the Board from possibly adopting the consent calendar.

MOTION

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

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

B. OTHER

1. Executive Officer’s Report

Ms. Hart stated that the 2014 Year in Review and 2015 Board Staff Proposed Rulemaking Projects list are in the Board packet. She said that there was a very high number of variances in 2014, approximately 97% of which were elevator-related. She said that the Division is

working on revising the elevator standards and will hopefully get them done in 2015. She also stated that there were a lot more advisory committee meetings held in 2014.

Ms. Stock stated that she did not see the hotel housekeeping rulemaking on the list of projects for 2015. **Ms. Hart** stated that the hotel housekeeping rulemaking is one of the Division's projects, and the Board staff does not have a list of the Division's proposed rulemaking projects for 2015, but Juliann Sum is going to provide one to the Board staff and the Office of Administrative Law sometime next week. **Mr. Thomas** asked Ms. Hart if there will be any more advisory committees for hotel housekeeping. **Ms. Hart** stated that she believes the Division does anticipate more advisory committees regarding the hotel housekeeping proposal, but the dates and times have not been specified. She said that the health side of the Research and Standards Unit at the Division is handling that project, but they are currently working on the proposals regarding bloodborne pathogen protection in the adult film industry and heat illness prevention. **Ms. Stock** encouraged the Division to keep these projects moving forward.

Ms. Hart stated that Hank McDermott resigned from the Board earlier this month due to family obligations. She said that his term formally ended on June 1, 2014, but he continued to serve on the Board. She stated that she hopes he will attend a Board meeting in the future so that everyone can thank him for his knowledge and professionalism while he served on the Board.

Ms. Hart stated that there is currently one vacant position on the Board staff, which is that of the Variance Secretary. She said that the personnel office is going to send her applications next week so that interviews can be scheduled. She also stated that Steve Jablonsky, who was the Executive Officer of the Standards Board from May of 1983 to December of 1995, passed away on December 31.

2. Future Agenda Items

No future agenda items were mentioned.

Mr. Thomas stated that he is concerned about the proposal regarding heat illness prevention. He said that all of the comments he has received thus far regarding it have been negative. He stated that it is too heavy of a burden for him to support at this point, he doesn't think it's ready, and more work needs to be done to come together with industry. He said that the terminology in the standard needs to be changed so that some of the items that commenters have mentioned are more understandable.

C. ADJOURNMENT

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