

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**SUMMARY  
PUBLIC MEETING AND BUSINESS MEETING  
June 18, 2020  
Teleconference in 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., June 18, 2020, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726 and via Webex at [www.webex.com](http://www.webex.com).

**ATTENDANCE**

**Board Members Present at OSHSB Office**

Dave Thomas

**Board Members Absent**

NONE

**Board Members Present via Teleconference  
and/or Webex**

Barbara Burgel  
Dave Harrison  
Nola Kennedy  
Chris Laszcz-Davis  
Laura Stock

**Board Staff Present at OSHSB Office**

Christina Shupe, Executive Officer  
Michael Nelmida, Senior Safety Engineer  
Sarah Money, Executive Assistant

**Division of Occupational Safety and Health**

**Staff Present via Teleconference and/or Webex**  
Eric Berg, Deputy Chief of Health

**Board Staff Present via Teleconference  
and/or Webex**

Mike Manieri, Principal Safety Engineer  
Lara Paskins, Staff Services Manager  
David Kernazitskas, Senior Safety Engineer  
Cathy Dietrich, Associate Government  
Program Analyst

**Others Present via Teleconference and/or Webex**

Elizabeth Treanor, Phylmar Regulatory  
Roundtable

Robert Moutrie, CA Chamber of Commerce  
Maggie Robbins, Worksafe

Megan Shaked, Conn Maciel Carey  
Michael Donlon, MD Safety Service

Stephen Knight, Worksafe

Aydin Akbarut, SoLA Impact

Ramón Castellblanch, San Francisco State  
University

Eric McClaskey, Elevator Industry Work  
Preservation Fund

Frances Schreiber, Kazan, McClain,  
Satterley and Greenwood  
Anne Katten, CA Rural Legal Assistance  
Foundation  
Len Welsh, Iron Workers and the Western  
Steel Council  
Kevin Bland, Ogletree Deakins

Frank Belio, International Union of Elevator  
Constructors (IUEC) Local #18  
Bruce Wick, CA Professional Association of  
Specialty Contractors (CalPASC)  
Cassie Hilaski, Nibbi Brothers General  
Contractors

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.

**Elizabeth Treanor, Phylmar Regulatory Roundtable**, asked the Board to deny the petition submitted last month by Worksafe and the National Lawyers Guild – Labor and Employment Committee (NLG L&EC) to address COVID-19 because undertaking rulemaking would be unwarranted and unwise. Employers are required to follow the ATD and IIPP standards, and for those who don't, issuing additional rulemaking will not make them comply. It is better for the Division and Board staff to focus on creating, modifying, and communicating guidance to employers and vigorously enforcing the current standards, as well as assisting county authorities who may not have workplace expertise. **Cassie Hilaski, Nibbi Brothers**, echoed these comments. Ms. Treanor stated that the Board should also request a report from the Division regarding the complaints received, and investigations that have been done, regarding COVID-19 exposure in the workplace so that it can be understood what the risk is and then take the appropriate measures to control it.

**Stephen Knight, Worksafe**, commented in support of the petition that his organization and the NLG L&EC submitted regarding COVID-19. His organization feels that having the IIPP standard is not enough to protect workers.

Mr. Knight also commented on workplace violence prevention in general industry. He said that this proposal needs to move forward with a broad scope because workers need protection now, especially with COVID-19 going on. Many workers have been threatened and assaulted while implementing and enforcing rules to prevent exposure to COVID-19, and the stress and anxiety that our society has been going through with COVID-19 increases the likelihood that violent incidents will occur on the job.

Mr. Knight also commented in support of the proposal for indoor heat and moving it forward. The standard should cover all industries, account for all risk factors, and require control measures to be implemented at a lower temperature than the 90 degree temperature that was originally proposed.

The following individuals also commented in support of the petition submitted by Worksafe and the National Lawyers Guild Labor and Employment Committee:

- **Anne Katten, CA Rural Legal Assistance Foundation**
- **Ramón Castellblanch, San Francisco State University, also representing the CA Alliance for Retired Americans**

**Len Welsh, Iron Workers and the Western Steel Council**, commented in support of the proposal for Elevators for Hoisting Workers. It will be a much needed return to the status quo and will provide safety for all workers.

The following individuals also commented in support of the proposal for Elevators for Hoisting Workers:

- **Bruce Wick, CALPASC**
- **Kevin Bland, representing the Western Steel Council**

**Robert Moutrie, CA Chamber of Commerce**, stated that the items listed in the petition to address COVID-19 are already required by the injury and illness prevention program (IIPP) standard, they can be quickly enforced, and guidance documents from the Division can be quickly updated. He also said that it is difficult for employers to comply with the wildfire smoke emergency regulation during the shortage of N95 masks. Employers need guidance from the Division with a short term solution on how to comply when N95 masks are not available.

**Bruce Wick, CALPASC**, asked the Board to deny the petition for COVID-19 exposure because there are already some great rules and guidance in place that address this, and a majority of employers are following it. It is best to use targeted enforcement on the employers who are not complying because more regulation will not make them comply.

**Aydin Akbarut, SoLA Impact**, stated that his organization is concerned about the way the regulation for Elevators for Hoisting Workers calculates the height of the building. The calculation includes any accessory structure that is on top of the building, which is very constrictive and inconsistent with other codes. He said that there are other more cost effective measures that could be used to evacuate sick or injured workers from the building. He also stated that there is no data available showing that this regulation is necessary, and this regulation will have a significant impact on the current housing crisis, especially on affordable housing projects.

**Cassie Hilaski, Nibbi Brothers**, asked the Board to deny the petition for COVID-19 exposure because the requirements in the petition do not follow the current CDC guidelines for notification, disinfection, quarantine, and return to work for positive cases. It could also subject workers to identity theft because it requires employers to report the employee's social security number, and that information could be retrieved through a Freedom of Information Act request. It also specifically requires employees to use N95 masks, which is irresponsible during a global shortage, especially when there are other options available.

**Kevin Bland, representing the Western Steel Council, the Residential Contractors Association, and the CA Framing Contractors Association**, asked the Board to deny the petition for COVID-19 exposure because there are already tools and guidance available that address COVID-19 exposure. He also advised the Division to be careful about how much of its resources it allocates to COVID-19 so that it does not run out of resources to address other important things, such as heat illness.

B. ADJOURNMENT

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

## II. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 10:47 a.m., June 18, 2020, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726, and via WebEx at [www.webex.com](http://www.webex.com).

### A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: CONSTRUCTION SAFETY ORDERS  
Section 1630(a)  
**Elevators for Hoisting Workers**

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board's consideration and vote.

#### 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

Ms. Shupe stated that she is aware of no unresolved procedural issues regarding the items on the consent calendar, and she believes that those items are ready for the Board's decision on the question of adoption.

#### MOTION

A motion was made by Ms. Laszcz-Davis 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. DOSH Update

*Due to technical difficulties, Mr. Berg was unable to provide an update.*

2. Legislative Update

Ms. Shupe provided updates on the following bills:

- AB 2043
- AB 2092
- AB 2028

- AB 2537
- AB 3056

### 3. Executive Officer's Report

Ms. Shupe stated that it appears that Board Meetings will continue to be held via teleconference and Webex for much longer than originally planned, so the Board staff is looking into a more permanent solution with better technical support to address the ongoing audio issues that have occurred.

### 4. Board Member Comments and Future Agenda Items

**Ms. Stock** asked the Division to report on the following things at next month's meeting:

- The complaints received, and citations issued, pertaining to COVID-19 exposure in the workplace, under what regulations the Division is issuing these citations, and feedback from the Division on how things are working when they cite under the existing regulations.
- Clarify the requirements for reporting COVID-19 exposures in the workplace and logging it on the 300 form, as well as the requirements for notifying employees of a positive test for COVID-19 in the workplace.
- Update on the status of the proposals for indoor heat and workplace violence prevention in general industry.
- Update on the status of the COVID-19 petition submitted last month by Worksafe and the NLG L&EC. **Ms. Burgel echoed this comment.**

### D. CLOSED SESSION

The need did not develop for the Board to hold a closed session at this time.

### E. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 11:04 a.m.