

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS

OCCUPATIONAL SAFETY & HEALTH STANDARDS BOARD

PUBLIC MEETING AND BUSINESS MEETING

In the Matter of:            )  
August 19, 2021 OSH        )  
Standards Board Meeting    )  
\_\_\_\_\_                          )

TELECONFERENCE

*PLEASE NOTE: In accordance with Executive Order N-29-20, and  
Executive Order N-33-20, the  
August Board Meeting will be conducted via teleconference*

THURSDAY, AUGUST 19, 2021

10:00 A.M.

Reported by:  
E. Hicks

## APPEARANCES

### BOARD MEMBERS:

David Thomas, Chair  
Barbara Burgel, Occupational Health Representative  
Kathleen Crawford, Management Representative  
Dave Harrison, Labor Representative  
Nola Kennedy, Public Member  
Chris Laszcz-Davis, Management Representative  
Laura Stock, Occupational Safety Representative

### BOARD STAFF PRESENT AT OSHSB OFFICE IN SACRAMENTO:

Christina Shupe, Executive Officer  
Autumn Gonzalez, Chief Counsel  
Sarah Money, Executive Assistant  
Jennifer Bailey, Sr. Safety Engineer

### BOARD STAFF ATTENDING VIA TELECONFERENCE AND/OR WEBEX:

Michael Manieri, Principal Safety Engineer  
Lara Paskins, Staff Services Manager  
David Kernazitskas, Sr. Safety Engineer  
Jennifer White, Regulatory Analyst  
Amalia Neidhardt, Senior Safety Engineer

### TKO STAFF:

Erik Kuether  
John Gotcher  
Brian Monroe  
Rey Ursery  
Maya Morsi

### ALSO PRESENT:

Eric Berg, Deputy Chief of Health, Division of Occupational Safety and Health (Cal/OSHA)

### SPANISH INTERPRETERS:

Patricia M. Hyatt

APPEARANCES (Cont.)

PUBLIC COMMENT:

Stephen Knight, Worksafe  
Nerissa Black, California Nurses Association  
Anne Katten, California Rural Legal Assistance Foundation  
Pamela Murcell, California Industrial Hygiene Council  
Bruce Wick, Housing Contractors of California  
Cassie Hilaski, Nibbi Brothers General Contractors  
Bethany Miner, HR professional  
Rob Moutrie, California Chamber of Commerce  
Eddie Sanchez, SoCalCOSH  
Michael Miiller, California Association of Winegrape Growers  
Helen Cleary, Phylmar Regulatory Roundtable

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1 PROCEEDINGS

2 AUGUST 19, 2021

10:00 a.m.

3 CHAIR THOMAS: Thank you and good morning. This meeting of the  
4 Occupational Safety and Health Standards Board is now called to order. I'm Dave  
5 Thomas, Chairman. The other Board Members present today are Ms. Barbara Burgel,  
6 Occupational Health Representative; Ms. Kathleen Crawford, Management  
7 Representative; Mr. Dave Harrison, Labor Representative; Ms. Nola Kennedy, Public  
8 Member; Ms. Chris Laszcz-Davis, Management Representative; and Ms. Laura Stock,  
9 Occupational Safety Representative.

10 Also present from our staff for today's meeting is Ms. Christina Shupe,  
11 Executive Officer; Ms. Autumn Gonzalez, Chief Counsel; Ms. Sarah Money, Executive  
12 Assistant; and Ms. Jennifer Bailey, Senior Safety Engineer, who is providing technical  
13 support.

14 Supporting the meeting remotely are Mr. Michael Manieri, Principal  
15 Safety Engineer; Ms. Lara Paskins, Staff Services Manager; Mr. David Kernazitkas, Senior  
16 Safety Engineer; Ms. Jennifer White, Regulatory Analyst, and Ms. Amalia Neidhardt,  
17 Senior Safety Engineer who is providing translation services for our commenters who  
18 are native Spanish speakers.

19 Via teleconference, we are joined today by Mr. Eric Berg, Deputy Chief of  
20 Health representing Cal/OSHA.

21 Today's agenda and other materials related to today's proceedings are  
22 posted on the OSHSB website.

23 In accordance with Executive Orders N-29-20 and N-33-20 today's Board  
24 Meeting is being conducted via teleconference, with an optional video component.

25 This meeting is also being broadcast live via video and audio stream in

1 both English and Spanish. Links to these non-interactive live broadcasts can be  
2 accessed via the “what’s new” section at the top of the main page of the OSHSB  
3 website.

4 We have limited capabilities for managing participation during the public  
5 comment period, so we’re asking everyone who is not speaking to place their phones on  
6 mute and wait to unmute until they are called to speak. Those who are unable to do so  
7 will be removed from the meeting to avoid disrupting the proceedings.

8 As reflected on today’s agenda, today’s meeting consists of two parts.  
9 First, we will hold a public meeting to receive public comments or proposals on  
10 occupational safety and health matters. Anyone who would like to address any  
11 occupational safety and health issues including any of the items on our Business  
12 Meeting agenda may do so at this time. Members of the public who have contacted  
13 staff either by email or phone and asked to be placed in the public comment queue will  
14 be called on in turn.

15 Please listen for your name and an invitation to speak. When it is your  
16 turn to address the Board, please be sure to unmute yourself if you are using WebEx, or  
17 dial \*6 on your phone to unmute yourself if you are using the teleconference line.  
18 Please be sure to speak slowly and clearly when addressing the Board and please  
19 remember to mute your phone or computer after commenting.

20 Today’s public hearing will be limited to two minutes per speaker. And  
21 the public comment portion of the meeting will extend for up to two hours, so that the  
22 Board may hear from as many members of the public as is feasible.

23 And just to add we are not going to put a timer on anybody today to  
24 speak, because we know that some people may be ceding time to other persons, so I  
25 wouldn't worry about that. The individual speaker and total public comment time limits

1 may be extended by the Board Chair is practicable.

2 Board staff can be contacted by email at oshsb@dir.ca.gov or via phone  
3 at 916-274-5721 to be placed in the comment queue. If you experience a busy signal or  
4 are routed to voicemail, please hang up and call back again.

5 After the public meeting has concluded, we will conduct the second part  
6 of the meeting, which is the business meeting to act on those items listed on the  
7 business meeting agenda. The Board does not accept public comment during its  
8 business meeting unless a member of the Board specifically requests public input.

9 We will now proceed with the public meeting. Anyone who wishes to  
10 address the Board regarding the matters pertaining to occupational safety and health is  
11 invited to comment, except however, the Board does not accept comments regarding  
12 variance decisions. The Board's variance hearings are administrative hearings where  
13 procedural due process rights are carefully preserved. Therefore, we will not grant  
14 requests to address the Board on variance matters.

15 At this time, anyone who would like to comment on any matters  
16 concerning occupational safety and health will have an opportunity to speak.

17 For our commenters who are native Spanish speakers we are working  
18 with Ms. Amalia Neidhardt to provide a translation of their statements into English for  
19 the Board.

20 At this time, Ms. Neidhardt, will you provide instructions to the Spanish-  
21 speaking commenters, so they are aware of the public comment process for today's  
22 meeting?

23 MS. NEIDHARDT: [READS THE FOLLOWING IN SPANISH] Public Comment  
24 Instructions.

25 "Good morning, and thank you for participating in today's Occupational



1 Safety and Health Standards Board public meeting. Board Members present are Mr.  
2 Dave Thomas, Labor Representative and Chairman; Ms. Barbara Burgel, Occupational  
3 Health Representative; Ms. Kathleen Crawford, Management Representative; Ms. Nola  
4 Kennedy, Public Member; Ms. Chris Laszcz-Davis, Management Representative and Ms.  
5 Laura Stock, Occupational Safety Representative.

6 "As reflected on the agenda, today's meeting consists of two parts. First,  
7 we will hold a public meeting to receive public comments or proposals on occupational  
8 safety and health matters. Second, after the public meeting has concluded, we will  
9 conduct a business meeting to act on those items listed on the business meeting  
10 agenda.

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12 comment period. We are asking everyone to keep their phones and WebEx audio on  
13 mute until your name is called to address the Board. Please remember to mute again  
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19 turn to address the Board, please be sure to unmute yourself if you're using WebEx or  
20 dial \*6 on your phone to unmute yourself if you're using the teleconference line. Please  
21 be sure to speak slowly and clearly when addressing the Board and please remember to  
22 mute your phone or computer after commenting. If you have not provided a written  
23 statement, please allow natural breaks after every two sentences so that we may follow  
24 each statement with an English translation.

25 Today's public comment will be limited to two minutes per speaker, and

1 the public comment portion of the meeting will extend for up to two hours, so that the  
2 Board may hear from as many members of the public as is feasible. The individual  
3 speaker and total public comment time limits may be extended by the Board Chair if  
4 practicable."

5 CHAIR THOMAS: Thank you, Ms. Neidhardt.

6 Rey, do we have any commenters in the queue?

7 MR. URSERY: Yes. Our first three commenters are Jassy Grewal, Stephen  
8 Knight and Nerissa Black with first up Jassy Grewal with the UFCW Western States  
9 Council.

10 CHAIR THOMAS: Jassy, can you hear us?

11 (No audible response.)

12 MR. URSERY: And so I don't see her name in the list. Jassy, if you joined  
13 by phone please press \*6 to unmute yourself.

14 CHAIR THOMAS: Let's move on to the next commenter.

15 MR. URSERY: Yes, our next commenter is Stephen White, no Stephen  
16 Knight that is, with Worksafe.

17 CHAIR THOMAS: Stephen, can you hear us?

18 MR. KNIGHT: Yes. Hi, good morning, Chair Thomas, staff and Board  
19 Members. Thank you for the opportunity. My name is Stephen Knight. I'm the  
20 Executive Director of Worksafe and I guess just briefly a few comments this morning.  
21 We need a standard for COVID-19 that can be responsive to the real conditions on the  
22 ground in our workplaces.

23 We're still recovering from the undue optimism shown by too many in  
24 the public and before this Board around the June 15th deadline, optimism that turned  
25 into pressure on this Board to reject Cal/OSHA's science-based recommendation

10

1 including indoor masking irregardless of vaccination status, a recommendation that  
2 today we now know was correct.

3 We need data on what's happening in our workplaces including  
4 complaints filed by workers with Cal/OSHA and the results of investigations.

5 And the Board needs to hear from workers. Private industry is always  
6 well-represented in these hearings. The Board should not simply expect to gather vital  
7 testimony about the impact of COVID in the ETS on essential workers, on the front lines  
8 across California, simply through these public hearings. The Board should consider  
9 affirmative steps to ensure that it has the evidence, information, and testimony that it  
10 needs in order to make fully informed decisions in advancing the ETS. Thank you.

11 CHAIR THOMAS: Thank you.

12 Rey, who do we have up next in the queue?

13 MR. URSERY: Yes, our next three commenters are Nerissa Black, Anne  
14 Katten and Pamela Murcell, with next being Nerissa Black with the California Nurses  
15 Association.

16 MS. BLACK: Hello, good morning everybody.

17 CHAIR THOMAS: Good morning.

18 MS. BLACK: My name is Nerissa Black. I am a registered nurse at Henry  
19 Mayo Hospital in Southern California. I'm also a member of the California Nurses  
20 Association. And I thank you for the opportunity to comment on a petition that will  
21 come before you this fall.

22 I wanted to talk about Petition 590, which proposes to modify the ATD  
23 standard's annual TB test requirements for occupationally exposed healthcare workers  
24 such as myself. As we explained last month in last month's meeting the California  
25 Nurses Association opposes the petition, because it threatens public health. Instead,

11

1 the California Nurses Association believes that annual testing of healthcare workers  
2 such as myself is an important and protected element of TB control.

3 The risk for developing active TB is highest during the two-year period  
4 after infection, so early TB detection allows for effective treatment that reduces the risk  
5 of developing active TB disease. Early detection also allows for an accurate exposure  
6 investigation and identifying the source patient and the TB strain, including any drug  
7 resistance. So as my most recent TB test was several years ago, then it becomes much  
8 harder to determine if an infection is linked to an exposure. And of course detection  
9 prevents further spread of the disease.

10 TB continues to be affecting me and my fellow healthcare workers. The  
11 most recent reported data shows that the TB rate in California is almost twice the  
12 national average. And 23 percent, that's almost a quarter of the more than 8,000 TB  
13 cases reported in the U.S. and California in 2019, were reported in California. So this is  
14 actually an increase since the last time a similar petition was placed before the Board in  
15 2017. So among U.S. born individuals California's TB rate is almost two-and-a-half times  
16 the national target rate.

17 Annual TB testing is also important for me to access Workers' Comp for  
18 work-related TB. Annual testing establishes a window during which infection may have  
19 occurred and that means an investigation can either confirm or deny that an exposure  
20 occurred. As a result, because annual testing can help identify the timeframe of  
21 infection and source of the disease, it can reduce Workers' Compensation litigation.

22 So in 2020 research demonstrated that TB patients experienced an  
23 average of almost four healthcare visits prior to receiving a TB diagnosis, so it takes a  
24 while to get diagnosed with TB. This means that RNs like myself may be exposed during  
25 those visits where the patient with TB has not yet been diagnosed.

1                   The California Nurses Association supports maintaining protections in  
2 the form of annual TB testing for occupationally exposed healthcare workers and  
3 respectfully requests the Board Members to deny Petition 590 when it comes before  
4 you. And thank you for so much for listening today.

5                   CHAIR THOMAS: Thank you.

6                   Rey, who do we have?

7                   MR. URSERY: Our next commenter is Anne Katten with the California  
8 Rural Legal Assistance Foundation.

9                   MS. KATTEN: Hi, good morning. This is Anne Katten from California Rural  
10 Legal Assistance Foundation. And I support the comments of Mr. Knight and Ms. Black  
11 very much. With the surge in COVID cases due to the spread of the Delta variant the  
12 ETS now as we know lags behind revised CDC and state guidelines. And this is putting  
13 workers and especially their unvaccinated children at risk.

14                   Going forward we should consider a revised responsive standard that  
15 uses tiers based on infection levels, possibly localized, to trigger increased and then  
16 hopefully later relaxed layers of protections. These need to be designed to be  
17 adequately protective of workers who are the most vulnerable due to health conditions,  
18 crowded work conditions, or contact with the public. And I think that's one of the  
19 pitfalls we fell into this the last time we were looking more at average than at the most  
20 exposed and vulnerable.

21                   We also think that baseline revised requirements need to include that the  
22 definition of fully vaccinated needs to be updated to include needed booster shots.  
23 Face coverings should be available and offered to all workers, not just upon request, to  
24 vaccinated. Vaccine status verification should be required, not self-attestation. And  
25 violence-prevention protections for those working with the public are needed.

13

1                   We also need to be mindful that employer-provided transportation can  
2 include commutes lasting many, many hours. And that residents in employer-provided  
3 housing coming from other countries are very isolated.

4                   And we also need to consider lower triggers for masking and at least  
5 some physical distancing in outdoor assembly-type operations like field packing and  
6 quasi-indoor work such as picking raspberries in hoop houses and other work in partial  
7 structures.

8                   Thank you very much for your hard work in these difficult times.

9                   CHAIR THOMAS: Thank you, Anne.

10                  Rey, who do we have up next?

11                  MR. URSERY: Our next three commenters are Pamela Murcell, Bruce  
12 Wick and Cassie Hilaski, with the next being Pamela Murcell with the California  
13 Industrial Hygiene Council.

14                  CHAIR THOMAS: Welcome, can you hear us?

15                  MS. MURCELL: I can. And hopefully you can hear me as well

16                  CHAIR THOMAS: I can, go right ahead.

17                  MS. MURCELL: Thank you, Chair Thomas, and thank you to the Board  
18 Members, Board staff and the Division staff. The California Industrial Hygiene Council of  
19 whom I am the current President, Pamela Murcell, we really do appreciate all of the  
20 hard work and we understand how challenging this has been over the last many  
21 months.

22                  We do want to though, reiterate we have been participating with the  
23 subcommittee meetings, and provided comments at the previous meeting last week.  
24 But we do want to reiterate a couple of positions that we would encourage the Board to  
25 consider. The first is that the ETS version that is in the books now as of June 17th, 2021,

1 we feel it should be allowed to expire at the end of what is presumably going to be a  
2 second readoption period. I know that that is pending, but given the history so far  
3 we're assuming that, again, a second readoption will go forward.

4 What we would like to request is that there be a redirection of Board and  
5 Division staff to work on permanent infectious disease standard for the general working  
6 groups, and working environments, and changes to the ATD standard that may be  
7 needed to assure that it is in force for the workplaces that the ATD standard does apply  
8 to currently.

9 We would like to see that an advisory committee is quickly and then  
10 promptly organized and convened to work on the infectious disease regulations and any  
11 changes to the ATD standard. We do feel that this would be a better use of resources  
12 and would be certainly something that we need going forward into the future. And  
13 would be useful for all of the various stakeholders in this issue.

14 The ETS version that we currently have, we understand may be lacking in  
15 terms of stated requirements and specific items that employers need to do. However,  
16 we also want to emphasize that employers can also set policies and implement  
17 additional requirements based on local and state guidance and mandates. That they do  
18 not necessarily have to simply follow the Cal/OSHA regulations. They can be over and  
19 above and address additional needs for their work environments.

20 I also have a question that really did not get answered at the  
21 subcommittee meeting last week. And that question has to do with again, assuming a  
22 second readoption, what would be the actual expiration date of the ETS assuming that  
23 there are no further changes to the ETS. And no further action on the ETS aside from a  
24 second readoption. We heard all about the process. That there is a readoption and  
25 there is a 90-day timeframe. A second readoption, there's a 90-day timeframe to

1 expiration, but we actually did not hear what the specific dates attached to those  
2 actions would be. And I believe that the actual dates, or at least as close approximation  
3 as we can get at this point, would be incredibly helpful for everyone.

4 So that's my comments for today. I appreciate everyone's time and your  
5 consideration, and hope everyone is doing well. Thank you.

6 MS. SHUPE: So with the Chair's leave I'll go ahead and --

7 CHAIR THOMAS: Go ahead.

8 MS. SHUPE: -- answer Ms. Purcell's questions. The current ETS is set to  
9 expire on January 14th of 2022. And an approximate expiration date for the second  
10 readoption would be approximately April 14th, 2022.

11 CHAIR THOMAS: All right, thank you, Pam.

12 Who do we have up next, Rey?

13 MR. URSERY: Our next commenter is Bruce Wick with the Housing  
14 Contractors of California.

15 CHAIR THOMAS: Bruce.

16 MR. WICK: Thank you. Let me get my video on, hopefully that can  
17 happen.

18 Thanks for the opportunity and I do want to thank especially the  
19 subcommittee, Laura, Chris, but especially Nola for Nola's time spent with trying to get  
20 information and data and so forth. They're spending a great deal of time and we  
21 appreciate that extra work. All of you give tremendous amounts of time, but wow,  
22 they're really going overboard and we appreciate the extra work.

23 I do want to make a plea again for data and information. You know, we  
24 have about it looks like based on the outbreak in Workers' Comp data about 50 percent  
25 of exposures under COVID are covered by the ATD. That's the number of outbreak

16



1 claims. That's the number of Workers' Comp claims from employees covered by that.  
2 So the ETS does cover about 17 or 18 million employees who are not covered by the  
3 ATD, maybe a million-and-a-half workplaces.

4 This Board issues regs covering that many people. And I understand we  
5 say the Standards Board staff is stretched, the Research and Standards Unit and Health  
6 Unit in DOSH are stretched. But that we can't have relevant data on a monthly basis,  
7 both to you the Board, the subcommittee, Labor, and Management who are so  
8 interested in doing the right thing here is mindboggling. That somewhere in DIR,  
9 somewhere in DOSH, somewhere in DPH, somebody can't put together the basic  
10 information that's really there for you.

11 There is the DPH information and we understand the outbreaks, it's a  
12 little slow and so forth. But if you could see it trending every month we'd know what  
13 kind of impact Delta has on workplaces. You should have that every month. We should  
14 have the trends every month where we are.

15 The Workers' Comp data, cwci.org puts it right out there. That should be  
16 trended every month on what's changing with that, we know.

17 And then the Appeals Board, they are updating every month all the  
18 appeals under COVID. What's happening with that? And we can see that under the IIPP  
19 36 employers have settled. They didn't go to hearing trying to say, "You can't cite me  
20 under the IIPP." Fifteen of those employers had representation and they said, "Yep,  
21 that the IIPP effectively enforces COVID on my workplace." That's information we  
22 should have.

23 And Stephen Knight brought up, and I've been in many Cal/OSHA  
24 advisory committees where someone has presented, "This is our Division's enforcement  
25 information. These are the citations we've issued, these are the inspections we've

1 done, and this is what's happened from there.”

2 Those are four sources of information that it's there, somebody just  
3 needs to take a little time to put it together. And I really suggest this Board mandate  
4 somebody in DOSH, somebody in DIR, somebody in DPH put that information together  
5 and give it to you and to us on a monthly basis. We really need it as things continue to  
6 unfold on this issue. So I will continue to make that plea, I think it's really important  
7 information to have. Thank you.

8 CHAIR THOMAS: Thank you, Bruce.

9 Who do we have up next, Rey?

10 MR. URSERY: Our next three commenters are Cassie Hilaski, Bethany  
11 Miner and Rob Moutrie with next up being Cassie Hilaski with the Nibbi Brothers.

12 CHAIR THOMAS: Hi, Cassie.

13 MS. HILASKI: Hello, can you hear me?

14 CHAIR THOMAS: Yes, we can.

15 MS. HILASKI: Excellent, first of all thank you for your service. I had the  
16 pleasure of attending the advisory committee meeting last week and was very happy to  
17 hear that the Division plans to hold an interactive advisory committee with industry  
18 stakeholders in order to procure feedback for potential updates to the COVID ETS,  
19 which would ultimately most likely be part of a permanent regulation.

20 In following the timeline presented last week, any changes proposed  
21 would need to be presented to the Board at December's meeting. And when we  
22 convened the advisory committee with stakeholders last February it took until May for  
23 those changes to be ready to be put before all of you. Therefore, it would seem that  
24 such a meeting really needs to happen in September or October at the latest in order to  
25 allow enough time to be prepared to present the proposed changes in December.

18

1 Therefore I just wanted to like lay out that timeline and make it clear that time is of the  
2 essence. And urge the Division to be swift in scheduling this meeting. But again, I  
3 greatly appreciate that the Division has even taken that step and effort, so thank you  
4 very much. And I just wanted to put time in and on the radar.

5 Furthermore, in anticipating a permanent regulation or simply another  
6 renewal I urge the Board to come up with a tiered system that can move with the  
7 dynamic conditions of an active pandemic. This tiered system should provide direction,  
8 such that employers and communities can react appropriately to actual conditions on  
9 the ground. Something to the effect that when testing and hospitalization rates are high  
10 more strict protocols would be required and vice versa, when rates come down so do  
11 the protocols. I believe this is the only way that the ETS can responsibly keep pace with  
12 the changing conditions of the pandemic.

13 Thank you very much for your time today.

14 CHAIR THOMAS: Thank you, Cassie.

15 Mr. Ursery, who do we have up next?

16 MR. URSERY: Our next commenter is Bethany Miner who is an HR  
17 professional.

18 CHAIR THOMAS: Stephanie, can you hear us?

19 MS. MINER: Good morning, my name is Bethany Miner.

20 CHAIR THOMAS: Oh, sorry.

21 MS. MINER: I'm an HR professional, with over —

22 CHAIR THOMAS: Hi, Bethany.

23 MS. MINER: No problem.

24 CHAIR THOMAS: Go ahead.

25 MS. MINER: -- with over 400 retail employees. I want to thank you for

19

1 giving me the opportunity to comment. Looking forward to next steps on the ETS, both  
2 of the current version of the ETS as well as the original version lack a critical component  
3 of flexibility and ability to pivot quickly as the situation changes, which has already been  
4 commented on.

5 It does seem critical to shift the focus on adding to the IIPP, either  
6 creating very clear triggers for enacting mandates and restrictions or defaulting to  
7 follow mandates given by CDPH or local health departments. It has become clear that  
8 the three different versions, and I'm including the version that didn't pass, all three  
9 versions have failed to provide the appropriate ability to pivot as the pandemic changes  
10 as it does change very quickly. If we have clear triggers to turn on and turn off  
11 restrictions through the IIPP we will be able to keep our employees and our  
12 communities safer through the long haul. Thank you for the time.

13 CHAIR THOMAS: Thank you.

14 Rey, who do we have up next?

15 MR. URSERY: Our next three commenters are Rob Moutrie, Eddie  
16 Sanchez and Michael Miller. And next up is Rob Moutrie with California Chamber of  
17 Commerce

18 MR. MOUTRIE: Good morning, everyone.

19 CHAIR THOMAS: Good morning.

20 MR. MOUTRIE: Well, I've got a lot to go through so here we go. Rob  
21 Moutrie, California Chamber of Commerce --

22 MS. SHUPE: Rob, we don't have a timeframe for today's speaking, so you  
23 can speak slowly.

24 MR. MOUTRIE: That is the nicest thing --

25 CHAIR THOMAS: You mean (indiscernible) said a word.

1 MR. MOUTRIE: That is the nicest thing anyone has said to me, thank  
2 you so much.

3 MR. BLAND: They'll never say that when I'm talking, Rob, so.

4 MR. MOUTRIE: Yeah, well --

5 MS. SHUPE: We (indiscernible) institute right before Kevin.

6 MR. MOUTRIE: Yeah, I won't abuse the privilege.

7 So looking forward to the COVID-19 ETS and what's coming in the coming  
8 months I want to make a few comments. First, I'd like to echo everyone else's calls for  
9 measures of flexibility in the ETS. Obviously regulations can only be so flexible, right?  
10 By their nature they cannot change quickly and have to be relatively precise. But I do  
11 think that we need to keep in mind the timeframe we're looking forward to. And that is  
12 that if we are talking about a readoption in December, and then potentially a  
13 permanent reg or not in March or April, we need to not talk now as we look forward,  
14 about the present circumstance or what will be the circumstance in those times.

15 And I think that the projections that I have seen are that the Delta variant  
16 is expected to rise for the next two, three months. And then is expected to begin to fall  
17 off if, God willing, vaccinations will rise and that will improve. But in any event we need  
18 to have a regulation, which can meet that flexibility in the coming months and not just  
19 think about the present moment. So I do think that flexibility is key.

20 I also think that something that we need to be clear on that has been a  
21 little mistaken in comments, there has been a lot of comments about how the ETS has  
22 "fallen behind" county public health and other orders. I think that's a profound  
23 misunderstanding of the balance in our system. County public health orders can change  
24 on a day-to-day basis. They can issue one today, they can leave it for a month, they can  
25 drop it in a month depending on circumstance and the county.

1 Regulations cannot do that. So to some degree I think we have to be  
2 realistic that the regulations — excuse me, the county public health orders should in  
3 times of urgency rise past any regulation we have. And then when situations normalize  
4 we'll drop back to the ETS. But the idea that the ETS will be as aggressive as emergency  
5 orders from county public health officials I think misunderstands the balance in our  
6 system and the ability of regulations to change. And I think it's important we keep that  
7 in mind, that we will not be able to keep up with and nor should we, that's why they can  
8 issue emergency orders quickly.

9 Last I'd like to return to the call for that -- I think Cassie Hilaski laid out  
10 the timeline and urgency well -- for an advisory committee, because crafting a flexible  
11 reg is much more difficult and will need a lot of the time and input, so I look forward to  
12 taking part in that process

13 And I'd like to close by thanking truly the Board and the Division and staff  
14 for what I would say is an ongoing, unsustainable workload that you all have been going  
15 through. And it is appreciated by us, though we still arrive every month and ask you to  
16 do more. So thank you for that.

17 CHAIR THOMAS: Thank you, Rob.

18 Rey, who do we have up next?

19 MR. URSERY: Our next commenter is Eddie Sanchez, with the Southern  
20 California Coalition for Occupational Safety and Health.

21 MR. SANCHEZ: Hi, everyone.

22 CHAIR THOMAS: Good morning.

23 MR. SANCHEZ: Good morning. My name is Eddie Sanchez, with the  
24 Southern California Coalition for Occupational Safety and Health, SoCalCOSH.

25 We're here in continued support of strengthening the COVID-19

1 Emergency Temporary Standard and eventually achieving a permanent standard to  
2 address COVID.

3 I want to thank the Board and staff for your work on this process and for  
4 considering our comments today. We know that you all have done a tremendous  
5 amount of work on it. It's not an easy task that you have before you.

6 Before I share my thoughts I'll mention I support the comments on Mr.  
7 Knight and Ms. Katten. I also want to thank Cassie for asking for a tiered system to  
8 better address this pandemic.

9 I would ask this body to possibly present or review state-by-state  
10 comparisons for ETS-like models and regulations, so we can identify best practices all  
11 across the nation.

12 For the current ETS we need figures for additional protections ASAP,  
13 including those working outside or outdoors in close proximity to each other.

14 We need language to address vaccination self-attestation, language to  
15 address the increasing workplace violence related to COVID-19 and mask mandates. We  
16 are hearing more and more cases of folks being attacked at workplaces trying to enforce  
17 the COVID mandates or mask mandates.

18 We need data transparency on outbreaks by location and not just  
19 industry. Industry is great information, but folks need to know if the COVID outbreaks  
20 are happening in their own neighborhoods and in their own communities.

21 And ultimately we need a permanent standard to address COVID.

22 I want to once again thank the Board and staff for your time and  
23 consideration and work on this effort. We know you will make the best decision to  
24 protect workers and working-class families. Thank you.

25 CHAIR THOMAS: Thank you. Rey, who do we have up next?

1 MR. URSERY: Our next two commenters are Michael Miiller and Helen  
2 Cleary. So next up is Michael Miiller with the California Association of Winegrape  
3 Growers.

4 CHAIR THOMAS: Michael, can you hear us?

5 MR. MIILLER: I can, thank you very much.

6 CHAIR THOMAS: Good.

7 MR. MIILLER: There you go. Good morning everybody. I'm Michael  
8 Miiller with the California Association of Winegrape Growers and I will try to be brief on  
9 my comments even though I understand I could talk for days, but I won't do that. You  
10 have a lot on your agenda and I want to be very respectful of your time. Thank you so  
11 much.

12 I want to comment briefly on the ETS and ask before the Board takes any  
13 further action that the Board take two important steps. One is look at the history of the  
14 last 19 months of this pandemic and focus on what worked and avoid repeating the  
15 mistakes that did not work. The second thing, and for staff, is to get data and base  
16 decisions on that data.

17 In looking at the history we all agree that the ETS had substantial  
18 problems due to inflexibility. This is in cases where the spread of the virus was on the  
19 decline and where it was on the rise. In both cases, the ETS has been well behind the  
20 science. It is simply the wrong approach to take and we need to recognize that before  
21 we go further down that road.

22 We also need to look at the history of the tiered system; somebody  
23 suggested that today. Governor Newsom already tried this and abandoned that  
24 approach, because it created confusion and was so different from county to county.

25 The Color Tier System that Governor Newsom in place became the butt of jokes of late-



1 night comedians. We need to avoid repeating that mistake as well and go with  
2 something that is actually consistent and works.

3           So if we look at what did work, we know that the guidance documents  
4 that came out of CDPH were flexible and they adjusted with the science. They were  
5 enforced through the IIPP, workers were protected, and that approach was successful.

6           Relative to data I appreciate that the subcommittee is getting a lot of  
7 data about the community-spread virus. This is very helpful in recognizing the  
8 seriousness of the problem. We all appreciate that. But what we still don't have is data  
9 on COVID being spread at work, workplace exposure to COVID. This is a Board that  
10 focuses on the workplace, not on communities and community health issues. That is  
11 somebody different. That is a whole different approach. But when you're making  
12 decisions about how to protect people at work you need to look at data about  
13 workplaces.

14           We are, like I said, 19 months into this pandemic. The fact that we don't  
15 have data on this is a little bit embarrassing and then I would ask that the Board please  
16 demand that data. Before you make any decisions on this issue, you need to look at  
17 where people are exposed to COVID at work. How they are exposed to COVID at work.  
18 And then make decisions to protect those workers. And I think that approach would be  
19 very, very helpful in decision-making in the future.

20           Again, I thank you for your time. You guys have a lot on your plate and  
21 you're doing yeoman's work and I sincerely appreciate all you're doing. Thank you very  
22 much.

23           CHAIR THOMAS: Thank you.

24           Rey, who do we have next?

25           MR. URSERY: Our next commenter is Helen Cleary with the Phylmar

1 Regulatory Roundtable.

2 CHAIR THOMAS: Helen, are you there?

3 MS. CLEARY: I am here, good morning.

4 CHAIR THOMAS: Good morning.

5 MS. CLEARY: Nice to see you all again. Thank you for the opportunity to  
6 speak. My name is Helen Cleary with the Phylmar Regulatory Roundtable, Occupational  
7 Safety and Health Forum.

8 I just want to reiterate some of the things that had already been said.  
9 Since May of 2020, PRR has supported COVID-19 mitigation measures in the workplace.  
10 And we even proposed language for a performance-based standard back in September.  
11 And we continue to support mitigation measures and we continue to believe that this  
12 can be done under the IIPP.

13 As we have previously said, the emergency rulemaking process does not  
14 allow the flexibility needed to support this pandemic or future pandemics. We're seeing  
15 this play out right now. The Division does not intend to make revisions to the ETS until  
16 December, but the guidance continues to change. This makes the Division, workers and  
17 employers, dependent on the local health mandates and CDPH orders to dial up or dial  
18 down provisions. We're not relying on the ETS and it's actually working, because those  
19 decisions are being made on real-time situations.

20 We urge the Board and the Division to consider a simple change, simple  
21 changes to the IIPP that will allow all of us the flexibility, including the local health  
22 departments, to effectively manage this pandemic.

23 We also urge, as has been said before, that the advisory committee  
24 meeting is scheduled sooner than later to allow stakeholders the opportunity to share  
25 their experiences and feedback on an effective approach in what's happening on the

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1 ground.

2 So thank you all for your continued work on these challenges and we look  
3 forward to the next steps. Thank you.

4 CHAIR THOMAS: Thank you.

5 Rey, who do we have next in the queue?

6 MR. URSERY: There are no additional commenters at this time.

7 CHAIR THOMAS: If there aren't any other commenters, the Board  
8 appreciates the testimony we have heard today. The public meeting is adjourned and  
9 the record is closed.

10 We will now proceed with the business meeting. The purpose of the  
11 business meeting is to allow the Board to vote on the matters before it, to receive  
12 briefings from staff regarding issues listed on the business meeting agenda. Public  
13 comment is not accepted during the business meeting unless a member of the Board  
14 specifically requests public input.

15 The Proposed Variance Decisions for Adoption are listed on the Consent  
16 Calendar.

17 Ms. Gonzalez, will you please brief the Board?

18 MS. GONZALEZ: Good morning, Chair Thomas and Board Members.  
19 Today on the Consent Calendar, we have letters A through N ready for your  
20 consideration. I just want to note that there's a typo in A, that number should be 20-V-  
21 002M1.

22 CHAIR THOMAS: All right. Are there any questions for Ms. Gonzalez from  
23 the Board?

24 BOARD MEMBER HARRISON: Motion to approve.

25 CHAIR THOMAS: I have a motion to approve. Do I have a second?

1 BOARD MEMBER BURGEL: Yes, second.

2 CHAIR THOMAS: I have a second. It's been moved and seconded  
3 that the Board adopt the Consent Calendar as proposed. Ms. Money, will you please  
4 call the roll?

5 MS. MONEY: I just want to make sure I got this right, Harrison motioned  
6 and Burgel seconded, correct?

7 BOARD MEMBER BURGEL: Yes.

8 MS. MONEY: Okay, Ms. Burgel?

9 BOARD MEMBER BURGEL: Aye.

10 MS. MONEY: Ms. Crawford?

11 BOARD MEMBER CRAWFORD: Aye.

12 MS. MONEY: Mr. Harrison?

13 BOARD MEMBER HARRISON: Aye.

14 MS. MONEY: Ms. Kennedy?

15 BOARD MEMBER KENNEDY: Aye.

16 MS. MONEY: Ms. Laszcz-Davis?

17 BOARD MEMBER LASZCZ-DAVIS: Aye.

18 MS. MONEY: Ms. Stock?

19 BOARD MEMBER STOCK: Aye.

20 MS. MONEY: Chairman Thomas?

21 CHAIR THOMAS: Aye. The motion passes.

22 Now we will move on to a Division Update. Mr. Berg, will you please  
23 brief the Board? Are you there Mr. Berg? I see you.

24 MR. BERG: Sorry. Sorry, I was on mute, I apologize.

25 CHAIR THOMAS: There we go.

1 MR. BERG: Thank you very much. Cal/OSHA will hold an advisory  
2 committee meeting to get stakeholder inputs on reauthorization of the COVID-19  
3 Emergency Temporary Standard, or as we call it the ETS, prior to its expiration on  
4 January 14th, 2022. At this time, Cal/OSHA does not have an exact date for the  
5 meeting, but we'll let the Board Members and stakeholders know when there is an  
6 estimated date. The meeting will be similar in structure to the ETS advisory committee  
7 meeting held last February.

8 Cal/OSHA will also hold an advisory committee meeting to consider small  
9 changes to Title 8, section 5199 Aerosol Transmissible Diseases, to clarify requirements  
10 regarding COVID-19. Suggested changes will include listing COVID-19 as an airborne  
11 infectious disease and making COVID-19 vaccinations available to employees covered by  
12 section 5199. Cal/OSHA anticipates holding this advisory committee meeting in early  
13 fall. Prior to the meeting Cal/OSHA will post suggested changes to section 5199 on its  
14 website.

15 Thank you. That is all I have.

16 CHAIR THOMAS: Thank you, Eric.

17 Are there any questions from the Board for Mr. Berg? All right, seeing  
18 that there are none, COVID-19 Prevention --

19 BOARD MEMBER STOCK: Barb -- Barbara -- Dave, Barbara had her hand  
20 up.

21 BOARD MEMBER BURGEL: Yeah, sorry Dave, I was muted. I wanted to  
22 ask Eric, do we have a status report on the Indoor Heat Standard?

23 MR. BERG: Yeah, I can provide information on that. The SRIA has been  
24 completed, so that will be sent to the Department of Finance. And we're working on  
25 putting the finishing touches on all the other rulemaking documents: the 399, the 399

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1 attachment, the notice, the Initial Statement of Reasons, the side-by-side comparison  
2 chart, and several other rulemaking documents. So those should be finished at the end  
3 of this month or early next month. And those will be reviewed and when all that  
4 documentation is complete, be sent forward.

5 BOARD MEMBER BURGEL: Great, thank you.

6 MR. BERG: Oh sorry, go ahead.

7 BOARD MEMBER BURGEL: No, perfect.

8 I was also going to ask about the general Workplace Violence Standard.  
9 I've lost track of that. I don't have any idea where that is.

10 MR. BERG: That one is still in needs new language that we need to post.  
11 But we're not working actively on that, because we don't have anyone to work on it.  
12 Everyone's working on COVID or Indoor Heat or Lead are primarily most of the work.  
13 There's other regulations too, but those are the big ones.

14 BOARD MEMBER BURGEL: Great. Thank you, Eric.

15 MR. BERG: Sure.

16 CHAIR THOMAS: Any other questions for Eric?

17 I don't see any, so we'll have the COVID-19 Prevention ETS Subcommittee  
18 Update. Ms. Stock, will you please brief the Board?

19 BOARD MEMBER STOCK: Yes, thank you, Dave. So yeah I have some  
20 notes to share with everyone.

21 At our last meeting we had several briefings from the Division, CDPH,  
22 from Mike Wilson, Dr. Das and Dr. Heinzerling on the current outbreak data and on the  
23 impact of the Delta variant. And I assume that the slides from these presentations have  
24 been provided to Board Members and I encourage everybody to take a look if you  
25 haven't already. But I was going to highlight a few key points of just in sort of aggregate,

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1 and what I took away from those presentations.

2           So they presented data that confirmed that there is a rise in cases mainly  
3 among the unvaccinated, though as we all know data has shown that vaccinated can get  
4 breakthrough infections and pass on the virus to others. But data also shows that the  
5 vaccines continue to be highly effective. And they also reported and confirmed that  
6 previous infection may be less protected against the Delta variant.

7           They also reported that there is a drop in vaccination rates. And the  
8 California positivity rate as of Aug 9th is 6.3 percent and since July 1st, a tenfold increase  
9 in infections. So as we all know, we've been reading the news, infections are going up.

10           They also reported that frontline workers represent 25 percent of  
11 workplace cases. And Latinos continue to be disproportionately impacted.

12           It was also shared with us that multi-layered protections have been  
13 effective in the past and will continue to be in the future. In other words, it's beneficial  
14 to have a range of strategies to protect people including masks, vaccinations, physical  
15 distancing, capacity restrictions, etcetera.

16           We heard that the gathering of metrics, which I think everybody agrees  
17 are critical and commenters today reinforced that, and they laid out why it's been  
18 challenging. The information that's on the CDPH website often lags behind, given the  
19 time to capture and record data. The public dashboard doesn't record data on set  
20 rather than just the data recording. But in spite of those limitations it's undeniable that  
21 the numbers of outbreaks are significantly rising.

22           When asked about the value and strength of the CDPH data a response  
23 was that while it's valuable in terms of providing information on locations and  
24 specificity, it's delayed in terms of the reporting. So it's not really a real-time metric.  
25 It's limited in that -- is limited to serve that purpose.

1                   We also had a presentation from the Board staff on the process going  
2 forward. I think that was discussed again today. And this is repeating what has been  
3 said many times. I think most people know that we have one more readoption and after  
4 90 days that readoption would either expire or we would file a Certificate of Completion  
5 to make it permanent.

6                   And given the steps needed, the Board staff expected that the soonest  
7 we could have a new version to vote on is our December meeting, which means that  
8 staff would need to consider presenting a new draft for comment in November. So that  
9 was again, mentioned by a number of commenters today just reinforcing that the  
10 urgency of holding that advisory committee, Eric, that you mentioned. It seems like it  
11 would need to be held no later than October in order to have a draft ready to present to  
12 the Board in November according to that timeframe.

13                   And so in the subcommittee, we also discussed the need to begin the  
14 process of setting up that committee as soon as possible.

15                   We then had public testimony and I just wanted to highlight a few key  
16 points. And later again we'll welcome any other subcommittee members who want to  
17 add to what I'm saying. People again talked about the need for good data, the need to  
18 look at enforcement data, Workers' Comp, and data in infections in employer-provided  
19 housing and transportation.

20                   It was raised that we need to revisit the issue of masking outdoors as  
21 some worker groups, particularly in ag settings, work in very close proximity and could  
22 be at risk outdoors considering the highly contagious Delta variant.

23                   There were some requests for clarification on quarantine pay  
24 requirements. If it's only available to non-vaccinated, is that a disincentive for folks to  
25 get vaccinated?



1                   There were a number of people who spoke for the need to develop  
2 triggers for additional protections as cases -- tied to cases rising and falling. And we  
3 heard a few people today reinforcing that, the support for that tiered approach that is  
4 flexible according to rising and diminishing cases. So we heard about that also at our  
5 subcommittee meeting.

6                   It was also mentioned the need for protections against workplace  
7 violence for frontline workers who end up having to be on the frontline enforcing  
8 masking requirements.

9                   And again, people reinforced the need for a multifaceted strategy that  
10 has multiple layers and is flexible and responsive.

11                   And then finally there was discussion about what should be on the  
12 agenda for the next subcommittee meeting that's coming up. And the things that were  
13 discussed at that point, and I think new issues have come up in some of the comments  
14 we've heard today, but at that point there was requests for additional information on  
15 the impact of the Delta variant. There was also a request to provide opportunity for  
16 commenting on the presentations on the 8/13 meeting, because that information was  
17 not provided to stakeholders in advance, because it was only provided just shortly  
18 before the meeting. So there was a need to provide people to be able to comment on  
19 that.

20                   There was a request to continue to discuss metrics including enforcement  
21 data, Appeals Board cases, Workers' Comp and benchmarking information from federal  
22 OSHA as well as other states.

23                   And then there was a request to continue to talk about that advisory  
24 committee process and timing for input.

25                   There has been a request to delve more into the vaccine verification

1 process and the experience of stakeholders. And to address the concerns about  
2 whether it's working appropriately and whether self-attestation is effective.

3 And also the desire to begin to look specifically at what could go into new  
4 drafts and a new draft, recognizing the time-sensitiveness of getting a draft in front of us  
5 to look at, potentially no later than the November meeting.

6 So that's the report. And if any other subcommittees have anything to  
7 add I welcome your additions, or any questions from anyone else. Dave?

8 CHAIR THOMAS: Dave?

9 BOARD MEMBER HARRISON: I have a question. First. I'd like to thank the  
10 subcommittee members for stepping up and doing this. It is a huge workload and I  
11 wasn't able to do it and I feel guilty, but I really truly am grateful for all of you who have  
12 stepped up do this, so thank you for that.

13 You mentioned the self-attestation piece. Has there been any discussion  
14 around that other than a future agenda item or has there been any data brought  
15 forward on the effectiveness of that piece?

16 BOARD MEMBER STOCK: Yeah, and there has not been in specific  
17 presentation on that. And I am among the people who feel like we need to look at that  
18 more closely. I think there was -- I know I raised it as a potential subcommittee agenda  
19 item. But the resources, staff time to develop these kinds of things are very, very  
20 limited. And so there was a decision to first focus on these general metrics.

21 But I do think -- I think if that came out again, hopefully we can look at  
22 that in more detail. And it might be -- I don't know what kind of information could be  
23 provided by the agencies who have been supporting us, but it also might be a specific  
24 call to stakeholders to speak out about how it's working in their own workplaces. You  
25 know, what it's looking like, what are the limitations associated with that. So we

1 haven't delved into that yet. I am hopeful that we'll be able to do that soon.

2 BOARD MEMBER HARRISON: Very good, thank you, Laura.

3 CHAIR THOMAS: Any other subcommittee members want to make any  
4 comments at this time, Chris? You're muted, Chris.

5 BOARD MEMBER LASZCZ-DAVIS: Yeah, no additional comments at this  
6 time. All I know is it's an incredible amount of work on the part of the Division, the  
7 Standards Board staff, and many, many others to gather that information and present it  
8 at these meetings.

9 And as Laura indicated at the August 27th subcommittee meeting it'll be  
10 the first time we'll really hear substantive comments on the data and the metrics that  
11 we presented at the August 13 meeting. So, I mean we're delayed by one  
12 subcommittee meeting each time to ensure that the public has an opportunity to look at  
13 the data that's been posted, and we'll discuss that at the next meeting.

14 And Laura is right we are spending a fair amount of time on metrics, but  
15 that was critical to understanding where we're really at. And we are moving through  
16 that pretty nicely, but we're not done with it.

17 And to the point made by several on the call today we need to gather  
18 data on benchmarking, the Appeals Board cases, Workers' Comp data. I know Amalia  
19 has done an excellent job of benchmarking other states and federal OSHA requirements,  
20 so we're still moving through that. But we will get to attestation at another future  
21 Board meeting.

22 BOARD MEMBER STOCK: Yeah, just one more comment on the data just  
23 to say that we are also hoping to get more data on housing, employer-provided housing  
24 and transportation. That's been brought up numerous times and we haven't yet seen  
25 anything on that.

1                   And I also just think we were all aware now as we've learned more  
2 about the process. And really I think there is a sense that we really need to be starting  
3 to turn our attention more concretely to what a new version might look like. And that  
4 the conversations that we have in the subcommittee and in Board meetings, you know,  
5 the more we can hone in on the things that are relevant to that. And obviously, data-  
6 triggering mechanisms. This is where I think vaccine verification is critical to that. If  
7 we're going to put anything on extensive vaccination we need to know, need to be sure  
8 we have a system where that can be verified.

9                   So I think there's a range of areas in the current ETS that we need to start  
10 focusing on, because those the areas that need to be updated to reflect the changing  
11 conditions. So I think there was a general sense of sort of renewed urgency given the  
12 timeframe and what's happening out in the world that has changed since the vote we  
13 took in June to really start practically and specifically looking at provisions, and how they  
14 might be adjusted to respond to the new situation.

15                   CHAIR THOMAS: Thank you.

16                   Yeah, Nola, go right ahead.

17                   BOARD MEMBER KENNEDY: Yeah, I just wanted to thank Laura for  
18 providing a nice briefing on what we've been doing in the subcommittee. Everyone has  
19 expressed appreciation for all the extra work that everyone's doing. I would also like to  
20 thank CDPH who has been extremely helpful in providing the data for the metrics that  
21 we've been looking at. And not just for providing the data, but also explaining to us  
22 what information we can get from that data and also what the real limitations of the  
23 available data are. So I did just want to thank CDPH for their involvement in the process  
24 as well.

25                   CHAIR THOMAS: Thank you, Nola.

1 Do any of the other Board Members have questions of anyone on the  
2 committee? All right, hearing none -- don't see any -- we will continue with our  
3 Legislative Update.

4 Ms. Gonzalez, will you please brief the Board.

5 MS. GONZALEZ: Sure, so the Legislature has been out on their summer  
6 recess. They just came back into session on the 16th of August, so a couple days ago.  
7 So there's not a whole lot of new information in your Legislative Update this month, but  
8 hopefully next month we'll have some interesting things to report.

9 CHAIR THOMAS: Thank you, Ms. Gonzalez.

10 Any questions for Ms. Gonzalez from the Board? (No audible response.)

11 I don't see any. Executive Officer's Report, Ms. Shupe, will you please brief the Board.

12 MS. SHUPE: Thank you, Chair Thomas.

13 So I'd like to highlight for the Board the expiration of the executive orders  
14 that allow for our fully remote meetings. Those are set to expire at the end of  
15 September. With the rise in the Delta variant we're not sure if that is fixed in stone, but  
16 we are currently operating under that assumption. So we are looking at an in-person  
17 meeting for October. That's been noticed and posted, or it's been posted on our  
18 website I believe. The notice will be going out next week. And we will be participating  
19 in a hybrid meeting for that, so we'll have options for WebEx participation as well as  
20 continued live webcast. And of course, Ms. Amalia Neidhardt will be available on staff  
21 for Spanish translation.

22 I wanted to address again, and I know that Chris touched on this, but the  
23 speed of which the subcommittee is currently moving is in response directly to the  
24 speed at which COVID-19 is moving. And traditionally when we have meetings for the  
25 full Board we send out documentation with the agenda. And there is very little that

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1 develops between when the agenda goes up and when the actual meeting takes place.

2           These subcommittee meetings, however, also need to be noticed 10 days  
3 in advance. The difference here is that this data is changing very, very fast. And so a lot  
4 of times we're faced with a choice. Do we either bring the information to the  
5 subcommittee the next day, or do we sit and hold it for two weeks, post it, and then talk  
6 about it?

7           And until this point we have felt that it is very important to get that data  
8 out as fast as possible. And that the subcommittee meeting structure allows for us to  
9 do what we are calling colloquially a "data dump," allow everybody to see the data and  
10 the presentations from CDPH and the Division then have an opportunity to review it.  
11 And then come back very shortly to the next subcommittee meeting and discuss it in  
12 more detail.

13           So I just wanted to put that out there, let everybody understand that that  
14 is the thinking there. And that is the way we will continue until as directed otherwise by  
15 the subcommittee.

16           We do want to get this out to you as soon as possible. I'm very invested  
17 in the transparency of this Board and its operations, but we also want to make sure that  
18 we're not sitting on data just for the sake of sitting on it. So thank you.

19           CHAIR THOMAS: Thank you, Ms. Shupe. Are there any questions for Ms.  
20 Shupe from the Board? (No audible response.) Everybody's kind of quiet today, I get it.

21           Future Agenda Items, do any of the Board Members have any questions  
22 for staff on future agenda items? (No audible response.)

23           All right, thank you. We don't have any questions so let's move on to --  
24 oh, I did want to do one thing before we adjourn, is I wanted to thank Mr. John Gotcher  
25 for his work and wish him well in his new venture. He was the one that was our

1 medium for getting people on the line and he did very good job for the last, how many  
2 months? I've lost track, but let's say a year.

3 But we thank you, John, very much for all hard work you put in, and we  
4 appreciate it.

5 The next Standards Board regular meeting is scheduled for September 16,  
6 2021, via teleconference and videoconference. Please visit our website. We thank you  
7 for your attendance today. There being no further business to attend to this meeting is  
8 adjourned. Thank you. See you next month.

9 (The Business Meeting adjourned at 11:05 a.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of November, 2021.



ELISE HICKS, IAPRT CERT\*\*2176

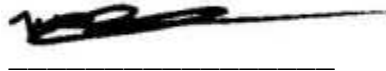


**TRANSCRIBER'S CERTIFICATE**

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of November, 2021.



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Myra Severtson  
Certified Transcriber  
AAERT No. CET\*\*D-852