

BEFORE THE
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

PUBLIC MEETING, PUBLIC HEARING)
AND BUSINESS MEETING OF THE)
OCCUPATIONAL SAFETY AND HEALTH)
STANDARDS BOARD)

VIRTUAL TRANSCRIPT OF PROCEEDINGS

Via Webex

Thursday, January 20, 2022

Reported by:

SHELBY K. MAASKE

Hearing Reporter

Job No.:

35222DIR-DOSH (REV)

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DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

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8 OCCUPATIONAL SAFETY AND HEALTH)
9 STANDARDS BOARD)
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15 VIRTUAL TRANSCRIPT OF PROCEEDINGS,
16 taken via Webex Videoconference commencing
17 at 10:00 a.m. and concluding at 11:53 a.m.
18 on Thursday, January 20, 2022, reported by
19 Shelby K. Maaske, Hearing Reporter.

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1 APPEARANCES:

2 BOARD MEMBERS:

3 DAVE THOMAS, Chairman

4 BARBARA BURGEL, Occupational Health Representative

5 KATHLEEN CRAWFORD, Management Representative

6 DAVID HARRISON, Labor Representative

7 NOLA KENNEDY, Public Member

8 CHRIS LASZCZ-DAVIS, Management Representative

9 LAURA STOCK, Occupational Safety Representative

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11 BOARD STAFF PRESENT AT OSHSB OFFICE IN SACRAMENTO:

12
13 CHRISTINA SHUPE, Executive Officer

14 STEVE SMITH, Principal Safety Engineer

15 AUTUMN GONZALEZ, Chief Counsel

16 MICHAEL NELMIDA, Senior Safety Engineer

17 BOARD STAFF ATTENDING VIA WEBEX AND/OR TELECONFERENCE:

18 LARA PASKINS, Staff Services Manager

19 DAVID KERNAZITSKAS, Senior Safety Engineer

20 JENNIFER WHITE, Regulatory Analyst

21 CATHY DIETRICH, Regulatory Analyst

22 AMALIA NEIDHARDT, Senior Safety Engineer

23
24 ALSO PRESENT:

25 ERIC BERG, Deputy Chief of Health

1 TKO STAFF:

2 BRIAN MONROE

3 ERIK KUETHER

4 MAYA MORSI

5 JOHN ROENSCH

6

7 SPANISH INTERPRETERS:

8 PATRICIA HYATT

9 JULIA ELIZARRAS

10

11 PUBLIC COMMENT:

12 HELEN CLEARY, Phylmar Regulatory Roundtable

13 STEPHEN KNIGHT, Worksafe

14 ZENA DELLING, California Dental Assistants Association and
15 the California Association of Dental Assisting Teachers

16 ANA BERGERON, United Nurses Association of California

17 ROB MOUTRIE, California Chamber of Commerce

18 ANTHONY SANTOS, Safety and Work Comp Manager

19 BRIAN MACEJKO, The Equity Engineering Group, Inc.

20 MITCH STEIGER, California Labor Federation

21 CASSIE HILASKI, Nibbi Brothers General Contractors

22 MICHAEL MIILLER, California Association of
23 Winegrape Growers

24 BRYAN LITTLE, California Farm Bureau

25 BRUCE WICK, Housing Contractors of California

1 KEVIN BLAND, Ogletree Deakins
2 DAN LEACOX, Leacox & Associates, Representing
3 National Elevator Industry, Inc.

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1 Remote Proceedings; Thursday, January 20, 2022

2 10:00 a.m.

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

13 Also present from our staff at today's meeting,
14 Ms. Christina Shupe, Executive Officer; Mr. Steve Smith,
15 Principal Safety Engineer; Ms. Autumn Gonzalez, Chief
16 Counsel; and Mr. Michael Nelmida, Senior Safety Engineer
17 who is providing technical support.

18 Supporting the meeting remotely are
19 Ms. Lara Paskins, Staff Services Manager;
20 Mr. David Kernazitskas, Senior Safety Engineer;
21 Ms. Cathy Dietrich, Regulatory Analyst;
22 Ms. Amalia Neidhardt, Senior Safety Engineer, who is
23 providing translation services for our commenters who are
24 native Spanish speakers.

25 Via teleconference, we have Mr. Eric Berg, Deputy

1 Chief of Health representing Cal/OSHA.

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

4 In accordance with Section 11133 of the
5 Government Code, today's Board meeting is being conducted
6 via teleconference with an optional video component. This
7 meeting is also being live broadcast via video and audio
8 stream in both English and Spanish. And links to these
9 non-interactive live broadcasts can be accessed via the
10 "Standards Board Updates" section at the top of the main
11 page of the OSHSB website.

12 We have limited capabilities for managing
13 participation during the public comment period, so we are
14 asking everyone who is not speaking to place their phones
15 on mute and wait to unmute until they are called to speak.
16 Those who are unable to do so will be removed from the
17 meeting to avoid disrupting the proceedings.

18 As reflected on the agenda, today's meeting
19 consists of three parts. First, we will hold a public
20 meeting to receive public comments or proposals on
21 Occupation Safety and Health matters. Anyone who would
22 like to address any Occupational Safety and Health issues,
23 including any of the items on our business meeting agenda,
24 may do so at that time.

25 Members of the public who have submitted a

1 request to be placed in the comment queue via the online
2 forum or automated voicemail system will be called on in
3 turn.

4 The instruction for joining the public comment
5 queue can be found on the agenda for today's meeting. You
6 may join by clicking the Public Comment Queue link in the
7 "Standards Board Updates" section at the top of the main
8 page of the OSHSB website or by calling (510) 868-2730 to
9 access the automated public comment queue voicemail.

10 Please be sure to provide your name as you would like it
11 to be listed, your affiliation or organization, if any,
12 and the topic you would like to comment on.

13 When public comment begins, please listen for
14 your name and an invitation to speak. When it is your
15 turn to address the Board, please be sure to unmute
16 yourself if you using WebEx, or *6 on your phone to unmute
17 yourself if you are using the teleconference line.

18 Please be sure to speak slowly and clearly when
19 addressing the Board. Please remember to mute your phone
20 or computer after comment. Today's public comment will be
21 limited to two minutes per speaker or less, and the public
22 comment portion of the meeting will be extended up to two
23 hours so that the Board my hear from as many of the
24 members of the public as is feasible.

25 The individual speaker and total public comment

1 time limits may be extended by the Board Chair. You guys
2 know I'm pretty easy with that, but don't abuse it,
3 because I might cut you off.

4 After the public meeting, we will conduct the
5 second part of the meeting, which is the public hearing.
6 At the public hearing, we will consider proposed changes
7 to specific Occupational Safety and Health Standards that
8 were noticed for review at today's meeting.

9 Finally, after the public hearing is concluded,
10 we will hold a business meeting to act on those items
11 listed on the business meeting agenda. The Board does not
12 accept public comment during its business meeting unless a
13 member of the Board specifically requests public input.

14 Before we begin the public meeting and receive
15 comments, I will note for the record that the previously
16 agendized Horcher proposal, which was to adopt Federal
17 OSHA vaccination and testing standards, will not be
18 considered at today's meeting.

19 We will now proceed with the public meeting.
20 Anyone who wishes to address the Board regarding matters
21 pertaining to Occupational Safety and Health is invited to
22 comment. Except, however, the Board does not entertain
23 comments regarding variance decisions. The Board's
24 variance hearings are administrative hearings where
25 procedural due process rights are carefully preserved;

1 therefore, we will not grant requests to address the Board
2 on variance matters.

3 At this time, anyone who would like to comment on
4 any matters concerning Occupational Safety and Health will
5 have an opportunity to speak.

6 For our commenters who are our native Spanish
7 speakers, we are working with Ms. Amalia Neidhardt to
8 provide translation of their statements into English for
9 the Board.

10 At this time Ms. Neidhardt will provide
11 instructions to the Spanish-speaking commenters so they
12 are aware of the public comment process for today's
13 meeting.

14 Ms. Neidhardt?

15 (The proceedings were translated into Spanish.)

16 CHAIR THOMAS: Thank you, Ms. Neidhardt.

17 Maya, who do we have in the queue?

18 MS. MORSI: We have Veronica as the first
19 commenter in the queue, followed by Helen. Then after
20 Helen, will be Michelle. But first up is Veronica.

21 CHAIR THOMAS: Hello, Veronica. Can you hear us?
22 Press *6 if you are on a phone.

23 It seems like we have this problem every time.
24 Do you want to move to the next one, Maya, and we'll try
25 to come back to Veronica?

1 MS. MORSI: No problem. So the next person in
2 queue is Helen Cleary, and she is affiliated with Phylmar
3 Regulatory Roundtable, PRR.

4 CHAIR THOMAS: Helen, are you hearing us?

5 MS. CLEARY: Good morning, everybody. Thank you.

6 I'm Helen Cleary, the director of Phylmar Regulatory
7 Roundtable. I thank you for the opportunity to speak
8 today. And thank you, again, for the panel discussion at
9 last month's Board meeting. Off of that, we would like to
10 know, where does it go from here? And, specifically, when
11 will the next draft from the ETS be released? Will there
12 be additional stakeholder meetings? It's anticipated the
13 Board will vote in March, and it's approaching quickly.

14 PRR appreciates Cal/OSHA's alignment with CDPH on
15 isolation and quarantine; however, it needs to be said
16 that this change, like many others, created a lot of
17 confusion. Last Tuesday, our COVID-19 task force, over
18 2,500 EHS professionals, spent over an hour discussing the
19 new recommendations from CDPH, Cal/OSHA, FAQs, County
20 health orders, and doing a comparison to figure out how to
21 comply with each of them.

22 Clear guidance did come out from Cal/OSHA on
23 Friday, and that's much appreciated. PRR members
24 understand the importance of protecting their workers, and
25 they are doing it. But they are frustrated, and they know

1 it doesn't need to be this complicated.

2 Meeting compliance requirements and maintaining
3 compliance is a very fine balance between the written
4 requirements, the ability for the organization to
5 implement them, and the ability of the individual to
6 understand and follow them.

7 If that balance tips, the risk of noncompliance
8 naturally increases. The COVID-19 ETS, we believe,
9 continues to tip those scales. Unfortunately, once the
10 patience and willingness to jump through those hoops has
11 been exhausted, many people do just what they want and
12 what they think is best, and that's human nature.

13 Based on recent conversations and experience, it
14 seems natural that this is where many employers and
15 workers are in California and where they are headed. And
16 to say the root cause is our employers are bad or they
17 don't care or there's a lack of enforcement would be
18 disingenuous or naive.

19 To truly mitigate this risk, there needs to be a
20 holistic strategy. So who has the ultimate responsibility
21 and authority to impose COVID-19 mitigation measures in
22 California? Right now, it's coming from multiple
23 authorities, and it's not helping people comply. Does the
24 Board, the state leaders, public health officials see the
25 concern and need to course correct? Because we do. And

1 we hope to continue to have an honest discussion around
2 this so we can solve this together. Thank you for your
3 time today. It's nice to be back. Happy New Year.

4 CHAIR THOMAS: Thank you, Helen.

5 Who do we have up next?

6 MS. MORSI: We have Michelle Dubois next for
7 commenting.

8 CHAIR THOMAS: Michelle, can you hear us? Michelle, are
9 you with us? Looks like we are having a
10 problem. Why don't we move on to the next three, and we
11 can have them circle back?

12 Maya, who do we have up next?

13 MS. MORSI: We have Stephen Knight with Worksafe
14 up next, followed by Zena and Ana. Right now will be
15 Stephen Knight.

16 CHAIR THOMAS: Stephen, can you hear us?

17 MR. KNIGHT: Yes. Hi. Thank you, Chair and
18 Board Members. Stephen Knight with Worksafe. It's not a
19 surprise that the National OSHA Vaccinator Test Rule for
20 large employers was struck down, so now no such rule is
21 set to take effect and protect workers in California.
22 It's unfortunate the State was not prepared for that by
23 drafting a similar approach for California and having that
24 ready.

25 Worker protection in California should not be

1 constrained by the anti-public health politics across the
2 country. This is not who we are. In contrast, California
3 courts have supported this Board's recognition that COVID
4 is a workplace emergency and upheld your work proving the
5 emergency standards against legal claims from the Business
6 Roundtable, Western Growers, et cetera.

7 Reports on COVID metrics by Politico and UCLA
8 show that California has done better than other big states
9 through the pandemic, particularly on health. We can be
10 proud of the role the ETS played.

11 On the lines of California leadership, however,
12 it was disappointing to see the Governor's executive order
13 that our state will follow the federal CDC's
14 highly-criticized shortening of quarantine to five days.
15 This cuts Cal/OSHA and this Board's recommended exclusion
16 period and any exclusion pay for workers in half.

17 This sends workers back among their colleagues
18 when they may well be highly contagious. I want to
19 acknowledge that agency staff must be up to their necks
20 and are doing amazing work with all of the pandemic
21 challenges, but there is a lot in the pipeline for this
22 new year.

23 We looked forward to a science-based,
24 worker-protected proposal for continued emergency COVID
25 standards beyond April 2022. Workers need to receive pay

1 when required to quarantine. Workers need specific
2 enforceable rules for employers to follow.

3 We want to see progress on a permanent general
4 industry standard for aerosol-transmissible diseases
5 already approved by this Board. And there are overdue
6 standards like indoor heat where we hear repeated
7 assurances that are about to move forward and then they do
8 not. Thank you for your time.

9 CHAIR THOMAS: Thank you.

10 Who do we have up next, Maya?

11 MS. MORSI: Thank you. We have Zena Delling next
12 with California Dental Assistants Association and the
13 California Association of Dental Assisting Teachers.

14 CHAIR THOMAS: Zena?

15 MS. DELLING: Good morning. Can you hear me?

16 CHAIR THOMAS: Yes.

17 MS. DELLING: Okay. Good morning. My name is
18 Zena Delling. I'm here to speak to Petition File No. 592.
19 Due to unforeseen circumstances, the designated
20 representatives of both CDAA and CADAT are unable to
21 attend this morning, so I have been asked to provide
22 information to you on their behalf.

23 Should there be any additional questions or
24 discussion regarding our statement, we would welcome and
25 request a follow-up meeting. On behalf of the California

1 Dental Assistants Association and California Association
2 of Dental Assisting Teachers, I'd like to thank you for
3 the opportunity to address you here today.

4 We appreciate the time spent by the Board to
5 review this issue; however, there are three areas of
6 concern that we would like to address here today.

7 First, according to the Proposed Petition
8 Decision Letter, the Board's staff acknowledged that,
9 quote, Dental employers have a lack of knowledge or
10 compliance with a Bloodborne Pathogen Standard, and some
11 fail to implement required policies and protocols
12 necessary to prevent occupational exposure to Bloodborne
13 Pathogens, end quote, and must be addressed.

14 The letter goes on to state that this would be
15 more effectively addressed by, one, educating employees on
16 their rights under the Bloodborne Pathogen Standard. Two,
17 educating employers on their responsibility under the
18 Bloodborne Pathogen Standard. Three, more scrupulous
19 enforcement of existing regulations.

20 Our organization had begun to actively address
21 this. We have scheduled a Cal/OSHA speaker at our
22 upcoming annual educational conference in April to begin
23 the education of the employees on their rights under the
24 Bloodborne Pathogen Standard. We look forward to
25 continuing that process in the near future; however, that

1 will only address the employees.

2 So our question to you, then, is, what will
3 Cal/OSHA do relative to ensuring that employers better
4 understand and fulfill their responsibility? And, two,
5 related to that, how does Cal/OSHA verify that annual
6 training is taking place?

7 Secondly, according to the Proposed Petition
8 Decision Letter, page 4, the Board shares our concerns
9 which, quote, point to a lack of implementation for the
10 very measure that Cal/OSHA and DBC established to protect
11 employees and patients alike, end quote.

12 Our question to you, then, is, what is the
13 Board's plan to rectify this? What suggestions do you
14 have for us to move ahead in wanting to educate and
15 protect the dental assistant community as employees? And,
16 three, what are your recommendations so we can protect
17 workers in dental practices from injury and illness
18 relative to the Bloodborne Pathogen Standard?

19 Lastly, we would like to clarify our request as
20 it appears there may have been some misinterpretation as
21 to our intent.

22 On page 1 of the Proposed Petition Decision
23 Letter, it states that, quote, The petitioners request the
24 Board take the following course of action, amend section
25 5193(g)(2)(B) to require unlicensed, on-the-job trained

1 dental assistants to complete a DBC-approved infection
2 control training prior to performing any basic supportive
3 dental procedures involving potential exposure to blood,
4 saliva, or OPIM, end quote.

5 However, our request of this Board is that the
6 current training required by Cal/OSHA be done prior to
7 performing any basic supportive dental procedure by an
8 on-the-job trained dental assistant which would align with
9 the Dental Board's requirements but not be duplicated.

10 To underscore the importance of this request, we
11 are attaching letters of support that were submitted by
12 the American Dental Assistant Association, Dental
13 Assistant National Board, Eloise Reed Seminars, Dental
14 Assisting Educators through the California Dental Hygiene
15 Association CADAT, and CDAA.

16 These letters were submitted to the Dental Board
17 of California regarding a similar request by us regarding
18 Business and Professional Code 1750 that infection control
19 education takes place prior to exposure to blood, saliva,
20 and oral PIM, and reflect that any education related to
21 infection control, whether it be via the Dental Board of
22 California or Cal/OSHA, should be done prior to performing
23 any basic supportive dental procedures that could expose
24 the dental employee to risk of injury or infection.

25 Thank you for listening to our concerns, and we

1 look forward to a response to our questions presented here
2 today and ask for the Standards Board to reconsider our
3 petition.

4 CHAIR THOMAS: Thank you, Zena.

5 Who do we have next, Maya?

6 MS. MORSI: We have Ana with UNAC/UHCP next.

7 Following Ana will be Rob and then Anthony. So Ana is
8 next.

9 CHAIR THOMAS: Ana, can you hear us?

10 MS. BERGERON: Yes, I can hear you. Can you hear
11 me?

12 CHAIR THOMAS: Yes. Go ahead.

13 MS. BERGERON: Good morning. My name is
14 Ana Bergeron. I'm a registered nurse, and I'm also the
15 president for our local affiliate, United Nurses
16 Association and United Registered Nurses Association. My
17 employer is not complying with AB 685, which requires
18 employers to disclose to their bargaining union
19 representative when an exposure has happened.

20 In other hospitals, notifications are occurring,
21 especially now with Omicron in surge. With COVID
22 exposures happening more frequently in hospitals,
23 including outbreaks, it is hard to work safely and
24 confidently when your employer is not following the law.
25 Our ask is that Cal/OSHA help us in getting Prime

1 Healthcare to go ahead and follow the law by enforcing the
2 regulations that are in place.

3 Thank you very much.

4 CHAIR THOMAS: Thank you. Did you say "Prime"?

5 MS. BERGERON: Prime Healthcare, yes.

6 CHAIR THOMAS: Thank you.

7 MS. BERGERON: You are very welcome. The
8 hospital is St. Francis Medical Center.

9 CHAIR THOMAS: Thank you.

10 Who do we have next, Maya?

11 MS. MORSI: We have Rob Moutrie with California
12 Chamber of Commerce up next.

13 CHAIR THOMAS: Rob, can you hear me?

14 MR. MOUTRIE: Yes, I can, Chair. Can you hear me
15 all right?

16 CHAIR THOMAS: Yes. Go right ahead.

17 MR. MOUTRIE: Thank you.

18 Good morning, everyone. Happy New Year. I would
19 like to first echo Ms. Cleary's comment regarding we
20 appreciate Cal/OSHA staying consistent with CDC and CDPH
21 guidance over the holidays. I know that was a lot of work
22 for CDPH and the Division, so I appreciate the time you
23 all put in over the holidays as well as the last two
24 years.

25 We think it strikes a good balance between acting

1 upon its employees who are truly at risk and dangerous and
2 excluding them with testing and allowing those who are not
3 dangerous to return. I am hearing from across the state
4 over the last couple of weeks from employers a ton of
5 confusion about exactly how these new guidance outlines
6 under the FAQs -- which I know are being worked on --
7 connects with the regulation on specific pieces.

8 How does this connect related to exclusion pay?
9 How does it connect related to social distancing? How,
10 exactly, do those pieces work out? So I know the Division
11 is working hard on those FAQs. But I must say, on behalf
12 of employers large and small, the confusion has been
13 widespread. We really look forward to seeing them so we
14 can make sure we are getting into compliance as we should.

15 One specific piece I want to highlight is the
16 issue around testing. This is not related the CDPH
17 changes, but, rather, the text approved by the Board in
18 December. The text approved in December makes a change to
19 the testing language which seems to suggest that at-home
20 tests can't be used to check if an employee is positive
21 or negative before they come back to work. That's a huge
22 concern and burden for employers across the state right
23 now, particularly for the small ones.

24 Because the simplest way to keep an unhealthy and
25 potentially contagious employee out of the workplace is to

1 provide them a test they can take at home before they come
2 in. As soon as you bring that employee to the workplace
3 or involve workplace personnel, you run an increased risk.
4 So we really hope we can find a way to make that testing
5 feasible, because it really is the simplest and safest
6 way, particularly for small employers, to do the testing
7 and keep the unsafe employees out.

8 We also think in line with President Biden's
9 recent announcement of the shipping at-home tests, which
10 we are glad to see -- and I hope everyone is aware of and
11 signed up for. You know, we really see at-home tests as a
12 critical safety tool that should not be disfavored. So
13 with that, we eagerly await the FAQs revision and thank
14 you all for your time.

15 CHAIR THOMAS: Thank you, Rob.

16 Who do we have next, Maya?

17 MS. MORSI: We have Anthony Santos with Safety
18 and Work Comp Manager followed by Brian and then Mitch.

19 Next is Anthony Santos.

20 CHAIR THOMAS: Anthony, can you hear us? Unmute
21 yourself if you haven't already. Anthony, can you hear
22 us? I think we are having trouble. All right. We are
23 going to have to move on.

24 Maya, you can come back in with Anthony and get
25 him back in the loop. Who do we have next?

1 MS. MORSI: We have Brian -- forgive me for the
2 last name -- Macejko, with the Equity Engineering Group,
3 Inc.

4 CHAIR THOMAS: Brian, are you with us?

5 MR. MACEJKO: Yes, I'm here.

6 CHAIR THOMAS: Thank you. Go ahead.

7 MR. MACEJKO: Thank you for giving us an
8 opportunity to speak here. So this is in reference to
9 Petition 593. My name is Brian Macejko. I work with
10 Equity Engineering Group. We're an employee-owned
11 engineering group. I have a couple of my colleagues on my
12 phone as well, David Osage, who is the president and CEO
13 for Equity Engineering and Phil Prueter, who is a
14 principal engineer with the firm as well.

15 The petition was in regards to California Code of
16 Regulations, title 8, chapter 4, subchapter 15,
17 article 18, section 6857 which references an out-of-date
18 standard, API 579 Fitness for Service Recommended
19 Practice, First Edition, January 2000. The petition was
20 to modify the language to reference the latest edition of
21 the API 579 Standard.

22 There has been multiple revisions since the
23 initial 2000 edition. With those revisions, there has
24 been a number of updates and enhancements with technology
25 and, also, corrections to errors that were present in the

1 2000 edition.

2 It's our understanding that the intent is to
3 update and refer to the 2016 edition of the 579 Standard;
4 however, the next edition is actually scheduled to be out
5 by the end of February. So if the update goes to the 2016
6 edition, then within a month here or so, you are already
7 going to be out of date.

8 So the preference, again, would be to refer to
9 the latest edition of the standard. If that's not
10 feasible, then, at least, referencing the 2022 would be a
11 preferred secondary option.

12 CHAIR THOMAS: Is that it?

13 MR. MACEJKO: Yes.

14 CHAIR THOMAS: Thank you, Brian. We appreciate
15 your comments.

16 MR. MACEJKO: Thank you. I appreciate your time.

17 CHAIR THOMAS: Who do we have next, Maya?

18 MS. MORSI: We have Mitch Steiger with California
19 Labor Federation up next, followed by Cassie, and then
20 Michael Miiller. First up, Mitch Steiger.

21 CHAIR THOMAS: Mitch, can you hear us?

22 MR. STEIGER: Yes.

23 CHAIR THOMAS: Go ahead.

24 MR. STEIGER: Thank you, Chair Thomas and
25 Members. Mitch Steiger with California Labor Federation.

1 At the risk of stating the painfully obvious, the Omicron
2 surge has put us in a really bad place -- a nightmarish
3 place for a lot of workers -- where case rates are through
4 the roof. Test positivity rates are through the roof
5 shattering all of the previous records. This really came
6 out of nowhere.

7 If I remember right, we heard about Omicron on a
8 Thursday, and by Sunday, it had taken over entire
9 countries. And as this moves forward, there's some early
10 indications that we have hit the peak, and if we haven't,
11 we are probably close to it, and it will gradually
12 decline, hopefully, quickly, but we don't know.

13 We think the really important lesson to learn
14 from this is that this is not going away, and something
15 like this is likely to happen again. If you look at the
16 history with this virus, it just does this, up and down
17 and up and down, and that will probably continue for the
18 foreseeable future.

19 With that in mind, as we decide what we are going
20 to do in April and what, kind of, a standard we will
21 readopt for the rest of the year, it's important to
22 remember that it can always get much worse with virtually
23 no warning. And should case rates happen to be low and
24 should we be in a relatively good place as the coming
25 months happen, in no way does that mean we should relax

1 the standard.

2 For example, this new order related to the
3 duration of exclusion pay where it was cut, roughly, in
4 half, we would argue, did not follow the science that when
5 you look at the virus clearance rates, it's roughly five
6 and a half days and unvaccinated it's about seven and a
7 half days. I think those numbers are from Delta. I don't
8 know about Omicron. But that would mean that most people,
9 if they go back to work in five days, are going back to
10 work while still infectious.

11 Now, CDPH did take a better step beyond CDC in
12 requiring negative testing requirements, but it's still
13 something that workers are going back to work sick. And
14 we definitely share the employers' concern about this
15 being complicated. It is very complicated. I spent a lot
16 of time on the phone with someone yesterday trying to
17 explain it. And every time I do, I realize just how hard
18 this is.

19 I definitely sympathize with struggles people are
20 having understanding how all of these different pieces fit
21 together, but we feel the best way to both follow the
22 science and ease compliance for employers is to keep the
23 standards strong.

24 Even if things do look better as the months move
25 forward in the next few months, we can't give in to that

1 temptation to relax the standards and say, "Well, things
2 are better. Let's do this to exclusion pay," or, "Let's
3 do this to testing. Let's relax the standard in any
4 number of ways."

5 The only consistent thing so far is it can
6 suddenly get much worse out of nowhere. We could find out
7 before the weekend, and by Monday, we are in a new
8 nightmare.

9 We would just really urge the Board to keep that
10 in mind as we move forward and think about what the rate
11 option is going to look like in April. And just keep in
12 mind, we need to follow the science, and we need to keep
13 the standard strong, not just to protect the workers, but
14 to keep it something that employers can comply with.

15 Thanks a lot.

16 CHAIR THOMAS: Thank you, Mitch.

17 Maya, who is next?

18 MS. MORSI: Cassie Hilaski with Nibbi Brothers is
19 next.

20 CHAIR THOMAS: Cassie, can you hear us?

21 MS. HILASKI: Yes. Can you hear me?

22 CHAIR THOMAS: Yes. Tell Larry "Hi" when you see
23 him.

24 MS. HILASKI: Will do. All right. Happy New
25 Year, everyone. As usual, thank you for your service. No

1 surprise I agree with Helen Cleary and Rob Moutrie's
2 comments so I won't reiterate those. I did want to
3 address one thing. At the last meeting, one of the Board
4 Members commented that if it was up to the regulated
5 community, there would be no standards and only the IIPP.
6 I just wanted to clarify that I don't believe that's true.

7 I know in my own company's experience, that is
8 definitely not true. We welcome the opportunity for
9 clarity whenever we can get it. In fact, I can think of a
10 few standards I'd like written, like naturally occurring
11 asbestos and excavations, rather than relying on asbestos
12 standards that really doesn't apply very neatly to that
13 situation.

14 But when we're talking about COVID, the key for
15 employers with COVID is flexibility, i.e., the ability of
16 the standard to keep up with the changing conditions of
17 the ongoing pandemic. Even with the second readoption,
18 confusion was created when the executive order was issued
19 directing employers to switch to the CDPH guidelines.

20 On top of that, my own company moved to
21 transition to the second readoption early to best protect
22 our workers, only to have to pivot again when
23 clarifications were issued regarding the executive order.
24 So suffice it to say, trying to best protect our workers
25 while not accidentally misstepping has not been an easy

1 task. We've have had to deal with a lot of confusion,
2 especially until January 14th. And we still continue to
3 deal with some confusion. So it's really flexibility that
4 we want and need.

5 Our primary request is that flexibility be built
6 into ETS as much as possible. Putting language in the
7 IIPP could do that, putting language into the current ATD
8 standard to apply it to outside the health care community
9 could do that. But it seems that trying to continuously
10 update the ETS seems to be an ongoing challenge that
11 creates more confusion than it solves.

12 We are really trying to ask for as much
13 flexibility so we can keep up with the changing dynamic of
14 the different variants for COVID. And with that, I will
15 just thank you all for your service again. Thank you.

16 CHAIR THOMAS: Thank you, Cassie.

17 Maya, who do we have next?

18 MS. MORSI: We have Michael Miiller with the
19 California Association of Wine Grape Growers.

20 CHAIR THOMAS: Michael, are you with us?

21 MR. MIILLER: Yes. Thank you.

22 Good morning, Chair and Members and Staff. Thank
23 you all very much for all you are doing on this really
24 difficult issue. I appreciate your diligent work and
25 effort and time and public service. I also appreciate the

1 staff at Cal/OSHA and congratulate them on the leadership
2 reappointment. Congratulations.

3 If I can echo the comments from Helen and Rob, I
4 think they have said it well -- and Cassie as well. There
5 needs to be clarity. And to the extent that there's not
6 clarity, it creates problems over what to do. Our
7 associations are working diligently to make employers
8 aware of what the requirements are, but when the
9 requirements are confusing, you have a compliance issue
10 because people don't know what to do.

11 I want to highlight a few issues. One issue is
12 testing. Some of the growers are working through
13 community programs that are authorized under the CDPH.
14 They have either a CLIA certification or they have a
15 waiver of CLIA requirements. And right now, the testing
16 requirements in the regulation aren't clear on how that
17 all works together.

18 To the extent that you can make that clear, that
19 would be appreciated. Because those programs have all
20 nonprofits. They involve health centers in communities,
21 CDPH, as well as the community. We all come together to
22 increase testing availability. That program works quite
23 successfully. So I'd appreciate that.

24 Relative to masking, it does appear that we are
25 moving towards moving away from cloth face coverings. To

1 the extent to give people some notification in advance, if
2 you are moving in that direction where you are going to
3 require surgical masks or others, give people time to find
4 that. If you do move in that direction, please provide
5 some, kind of, exemption where people who can't get that
6 have some other way of complying.

7 We are going to be seeing supplier problems
8 really soon if everybody is required to use those kinds of
9 the face coverings. Thank you very much for your time. I
10 appreciate it. Have a good day.

11 CHAIR THOMAS: Thank you, Michael. I appreciate
12 your comments.

13 Who do we have next, Maya?

14 MS. MORSI: Up next is Bryan Little with
15 California Farm Bureau.

16 CHAIR THOMAS: Bryan, can you hear us?

17 MR. LITTLE: I can. Can you hear me?

18 CHAIR THOMAS: Yes, I can. Go ahead, Bryan.

19 MR. LITTLE: I just wanted to repeat Michael's
20 appreciation for all the hard work that the agency and the
21 Board staff have put into coping with this issue over the
22 last two years. I'm still a little surprised we are still
23 talking about it two years on, but I guess this is the way
24 it's all going.

25 I would like to align myself with the comments

1 offered by Helen, Rob, Cassie, and Michael. Particularly
2 in Michael's case with his comment concerning testing and
3 clear requirements, that's a potential problem that we
4 need to address in some way, shape, or form. I'm not sure
5 how to go forward with that as well as the availability of
6 masks when LA County Department of Health mandated that
7 employers provide N95 respirators for people working in
8 indoor settings.

9 We have seen this movie before. We have had
10 problems with availability of N95 respirators for
11 agricultural employers who use them for early-season crop
12 protection chemical applications. And to the extent that
13 we are adding, inadvertently perhaps, to the confusion
14 about what, sort of, face masks need to be used by talking
15 about -- even just recommending potentially using N95
16 respirators, we are creating potential problems with
17 availability of those things. We need to be mindful of
18 that as we go forward.

19 Just one comment -- I'm not sure anybody has
20 brought this all the way full circle yet -- is that it
21 seems like the evolution of this virus, and many other
22 viruses that, over time, it evolves and mutates and become
23 less virulent and more contagious. I think that's pretty
24 obviously what COVID-19 is doing.

25 To the extent that we don't have flexibility with

1 respect to the regulatory requirements of the regulation,
2 it makes it difficult for everybody else to figure out
3 what they have to do in the workplace, out of the
4 workplace, and everywhere else with respect to how we cope
5 with this.

6 The CDC made reasonable, commonsense
7 accommodations to the fact that the Omicron variant is
8 different than the variants that preceded it. To the
9 extent that people are concerned about that, well, you
10 know, we will work it all out. But we need to recognize
11 the fact that the situation evolves.

12 The problems with the regulatory approaches we've
13 taken and why an IIPP approach might be better is because
14 the regulatory approaches taken up to this point lack the
15 flexibility to be able to recognize that as Omicron
16 changes, the reality of what we have to deal with changes,
17 and we need to be able to do things differently and
18 accordingly.

19 Thank you for your time and your attention. I
20 appreciate the opportunity to be able to comment.

21 CHAIR THOMAS: Thank you, Bryan.

22 Who do we have next?

23 MS. MORSI: We're going to circle back to
24 Veronica.

25 CHAIR THOMAS: Veronica, are you there?

1 Veronica, you either need to unmute yourself or do *6 on
2 your phone.

3 Do you know what the problem is, Maya?

4 MS. MORSI: No. I'm just circling back to those
5 that did not speak earlier. It looks like Veronica is not
6 participating in the meeting today. Now we will circle
7 back to Michelle Dubois.

8 CHAIR THOMAS: Michelle, can you hear us?

9 Let's go to the next. The last one for public
10 commenting will be Anthony Santos with Safety and Work
11 Comp Manager.

12 Anthony, can you hear us? I don't think so. Is
13 there anybody else?

14 MS. MORSI: I see Anthony Santos in the WebEx.
15 But that's the only person I have.

16 CHAIR THOMAS: Anthony, you are muted right now.
17 Can you unmute? He must not be there.

18 MR. SANTOS: Anthony Santos here. Sorry for the
19 technical difficulties.

20 CHAIR THOMAS: Go ahead.

21 MR. SANTOS: I had just a couple of requests for
22 clarifications, one on the FAQs regarding testing. When
23 Cal/OSHA released the 11422 two-pager, at the bottom of
24 definitions under "COVID test," it says, "Now includes
25 specific instructions for workers using a test at home

1 with self-read results. The employee or telehealth
2 professional must observe the test results."

3 Does that imply that the employer only needs to
4 see the end result, or do they have to watch the full
5 15-minute test either by phone or in person?

6 The second part is under "Close contacts," and
7 then section 5144. Close contacts, there's an exception
8 that states that if an employee is wearing a respirator
9 pursuant to 5144, they don't define -- they're not defined
10 as a close contact.

11 When you go to section 5144, there's a caveat
12 where there's a voluntary program for employers where -- I
13 assume, if they are allowed to wear a respirator, which
14 has been defined as a N95 or KN95 -- so if we allow our
15 employees a voluntary policy to wear an N95, does that
16 eliminate the regulations? I just would like to hear that
17 addressed, maybe, later. That's all.

18 Thank you, Board.

19 CHAIR THOMAS: Thank you.

20 MS. SHUPE: Thank you, Mr. Santos.

21 This is Christina Shupe. I'd like to remind all
22 of our participants today that Cal/OSHA has a consultation
23 service. Their telephone number (800) 963-9424.

24 CHAIR THOMAS: Thank you, Christina.

25 Do we have any other callers, Maya?

1 MS. MORSI: We have two more. Shawn is next, and
2 he is labeled "safety specialist."

3 CHAIR THOMAS: Shawn, can you hear us? Remember
4 to unmute yourself. If you are called in, press *6 to
5 unmute yourself.

6 Was it Shawn or Ron?

7 MS. MORSI: Yes, it's Shawn.

8 CHAIR THOMAS: Are you there, Shawn? We don't
9 see Shawn on here. Can you hear us, Shawn?

10 Let's move on the next.

11 MS. MORSI: Next up is Bruce Wick with Housing
12 Contractors of California.

13 CHAIR THOMAS: You know the drill, Bruce.

14 MR. WICK: Yes, sir. Thank you, Chair Thomas.
15 Thanks everybody. Happy New Year.

16 I do want to reiterate how important it is that
17 the permanent regulation that we looked at really does
18 allow flexibility. We have seen so many changes and so
19 many differences go in, and we need a reg that allows us
20 to adapt quickly and that has an early -- you know, when
21 COVID hits -- we just need to avoid by being hamstrung by
22 a reg that puts anything in place that we can't unwind or
23 adapt or improvise very quickly so that, hopefully, we get
24 through this pandemic.

25 We know there are many twists and turns. Thank

1 you for that. I appreciate the opportunity, and I look
2 forward to seeing the draft.

3 CHAIR THOMAS: Thank you, Bruce. I appreciate
4 your comment.

5 Maya, anybody else?

6 MS. MORSI: No one else for public comment.

7 CHAIR THOMAS: All right. Thank you, Maya.

8 MR. BLAND: Chairman Thomas, I was trying to get
9 into the queue, and I wasn't fast enough on my end.

10 CHAIR THOMAS: I would think, by now, you would
11 have figured this out. I may just ban you from this
12 comment, but I'm not going to do that because I'm a nice
13 guy.

14 MR. BLAND: Thank you. My apologies,
15 Chair Thomas. Thank you for your leniency on my
16 slow-thumb typing.

17 Chairman and Members of the Board, thank you for
18 the opportunity to speak this morning. And I want to just
19 say that I know this has been a very difficult couple of
20 years now for everyone. I appreciate that and the hard
21 work that's gone into it. I incorporate my references
22 with my esteemed and learned colleagues, Helen Cleary,
23 Rob Moutrie, Bryan Little, and Bruce Wick, so I won't
24 reiterate that.

25 I do want to emphasize one point -- that I want

1 to make sure we are looking at -- is when we are looking
2 at the permanent reg in this, I am hoping we are
3 recognizing all the ups and downs, all the things we have
4 talked about, all the science changes, and all that, so we
5 have some flexibility to be able to move with the tides as
6 they go.

7 I think that's a very important thing to keep in
8 the forefront that sometimes we get hung up on these
9 details of what's happening now or what is happening
10 tomorrow or what happened yesterday. So I just hope we do
11 that moving forward with the permanent reg when that time
12 comes. So I appreciate your time. Happy New Year,
13 everyone. Hopefully, we can dig ourselves out of this
14 thing before 2022 is over.

15 CHAIR THOMAS: Thank you, Kevin. I appreciate
16 your comments.

17 The Board appreciates all the comments and
18 testimony today. The public meeting is now adjourned, and
19 the record is closed.

20 (The public meeting adjourned at 10:51 a.m.)

21 CHAIR THOMAS: We will now proceed with the
22 public hearing. During the hearing, we will consider the
23 proposed changes to the Occupational Safety and Health
24 Standards that were noticed for review today.

25 The Occupational Safety and Health Standards

1 Board adopts standards that, in our judgment, will provide
2 such freedom from danger as the nature of the employment
3 reasonably permits and that are enforceable, reasonable,
4 understandable, and contribute directly to the safety and
5 health of California employees.

6 The Board is interested in your testimony on the
7 matter before us, and your recommendations are appreciated
8 and will be considered before a final decision is made.

9 If you have written comments, you may read them
10 into the record, but it is not necessary to do so as long
11 as your comments are submitted to Sarah Money, Executive
12 Assistant, via e-mail at oshsb@dir.ca.gov by 5:00 p.m.
13 today. Ms. Money will ensure they are included in the
14 record and forward copies of your comments to each Board
15 Member --

16 MS. SHUPE: Dave, I apologize. This is
17 100 percent on me. The portion of the meeting that you
18 have been introducing is for a public hearing, and the ETS
19 will not be considered at this one. We won't be holding a
20 public hearing -- I'm so sorry. You know what? It's been
21 a very, very long couple of weeks, maybe couple of years.
22 Disregard everything I just said and go right ahead.
23 You're right on schedule. I'm so sorry.

24 CHAIR THOMAS: Okay. Now, I've got to find out
25 where I was at.

1 But I assure you, your comments will be given
2 every consideration. Please include your name and address
3 on any written materials that you submit.

4 I would like to remind the audience that the
5 public forum is for receiving comment on the proposed
6 regulations and not for public debates. While rebuttal
7 comments may be appropriate to clarify a point, it is not
8 appropriate to engage in arguments regarding each other's
9 credibility.

10 If you would like to comment orally today, you
11 may join the public meeting comment queue by clicking the
12 public comment queue link at the "Standards Board Update"
13 section at the top of the main page at the OSHSB website
14 or by calling (510) 868-2730 to access the automated
15 public hearing comment queue voicemail.

16 Please be sure to provide your name as you would
17 like it to be listed and your affiliation or organization,
18 if any.

19 When I open the teleconference line for public
20 comment, please listen for your name and invitation to
21 speak. When it's your turn to address the Board, please
22 be sure to unmute yourself if you are using WebEx or dial
23 *6 on your phone to unmute yourself if you are using the
24 teleconference line.

25 Please be sure to speak slowly and clearly when

1 addressing the Board. Please remember to mute your phone
2 or computer after commenting. After all of the testimony
3 has been received and the record is closed, staff will
4 prepare a recommendation for the Board to consider at a
5 future business meeting.

6 At this time, Ms. Neidhardt will provide
7 instructions to the Spanish-speaking commenters so they
8 are aware of the public hearing comment process for
9 today's public hearing.

10 So Ms. Neidhardt, you may go ahead.

11 (The proceedings were translated into Spanish.)

12 CHAIR THOMAS: Thank you, Ms. Neidhardt. I just
13 wanted to inform you that we were hacked, we don't know
14 what that was, but we will let that pass.

15
16 Anyway, we will now turn to the proposal
17 scheduled for today's public hearing, title 8, chapter
18 3.5, subchapter 1, section 411, Applications for Permanent
19 Variances.

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

21 MS. GONZALEZ: Good morning, Board, Chair and
22 Members. As you know, the Board has a set of regulations
23 that govern the permanent variance process and appeals
24 from temporary variances from the occupational safety and
25 health standards. The regulations give the public

1 guidance on how an appeal is filed and the various steps
2 taken for the Board to render a decision in the matter.

3 We have determined that one of these regulations,
4 section 411, related to filing of the variance
5 application, requires change in order to modernize and
6 simplify the permanent variance application process.

7 Currently, the regulation requires the parties
8 send in one original and six copies of their variance
9 application. Each application may range in size from two
10 pages up to hundreds of pages. As you can imagine, this
11 can lead to very significant costs of printing and
12 shipping for the applicants. It also poses an issue for
13 Board staff who are tasked with processing these
14 applications.

15 The proposal before you is to amend section 411
16 by allowing employers to file only one variance
17 application instead of the original and six copies, and
18 one copy of any photographs, blueprints, or other
19 illustrative materials instead of six.

20 Rather than mailing out the physical copies of
21 applications mailed in by an applicant to the various
22 parties that are involved in a variance hearing, nowadays,
23 the Board may scan a single copy and provide those scanned
24 copies to the parties by e-mail or by other means.

25 The elimination of this six-copy requirement will

1 save everyone on printing costs, shipping costs, and will
2 also save us storage and filing space. Thank you.

3 CHAIR THOMAS: Thank you, Ms. Gonzalez.

4 At this time we will accept public testimony.

5 Maya, do we have any commenters in the public
6 hearing comment queue?

7 MS. MORSI: Yes, we have one. It is
8 Daniel Leacox with NEII.

9 CHAIR THOMAS: Daniel, can you hear us?

10 MR. LEACOX: Good morning. Am I coming through?

11 CHAIR THOMAS: Yes.

12 MR. LEACOX: We are good if you can hear me.

13 Good morning, Board and staff and public. So I'm
14 commenting on behalf of the National Elevator Industry,
15 Inc. It's the major manufacturers and others and the
16 folks who process many of the permanent variance
17 applications in California. So I just wanted to weigh in
18 in support of the change and applaud what might be called
19 a big paperwork reduction act here. Anything that makes
20 the process simpler and easier is much appreciated.

21 I'd also like to take a moment to do something I
22 have usually done in December meetings, and that is just
23 applaud staff at the Board and at the Division for the
24 work they do throughout the year to move all of the
25 elevator variances through the process and get them timely

1 considered and approved.

2 There were some tremendous challenges this year
3 that the executive officer managed well. I know there was
4 a lot of staff extra work and so forth. But we have
5 gotten through the year. I just wanted to applaud all the
6 extra effort and the fact that it didn't all collapse
7 under the staff strain in the middle of the year. And
8 just say thank you for that on behalf of myself as a
9 practitioner in the industry and a lot of folks who rely
10 on that process working well and timely.

11 I'll just make a special request that someday I
12 can get an insider tour on where all that paper went that
13 we have been sending the last year. I'd love to see that
14 room or that containership or wherever it is, if that
15 would be available?

16 CHAIR THOMAS: I can tell you where a lot of it
17 went but not at this meeting. We get huge filing books.
18 Thank you. I appreciate your time.

19 Do we have any other commenters, Maya?

20 MS. MORSI: We do not at this time.

21 CHAIR THOMAS: All right. If there are no other
22 comments, then the public meeting will now be closed.
23 Written comments will be received until 5:00 p.m. today.
24 We do thank you for your comments.

25 (The public meeting adjourned at 11:10 a.m.)

1 CHAIR THOMAS: At this time we will take a
2 5-minute break and reconvene at 11:15.

3 Did you get that, Maya?

4 MS. MORSI: Yes, sir.

5 CHAIR THOMAS: Okay. So we will take a small
6 break until 11:15, and see you back then. Thank you.

7 (There was a pause in the proceedings.)

8 CHAIR THOMAS: Thank you for letting us take a
9 little break here. We will continue with the business
10 meeting.

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

17 As noticed via our mailing list on Monday, the
18 Board's consideration of the Horcher proposal to adopt
19 regulations substantially similar to the federal OSHA
20 vaccination and testing, VTS, as required by 29 CFR
21 1953.5(b) has been delayed until more information from the
22 US Court of Appeals litigation develops; therefore, I am
23 removing that item from the agenda and moving on.

24 The proposed petition decisions for adoption,
25 one, Kelly Thomas -- no relation -- CDA, RDA; Susan Dahn,

1 RDA, Petition File No. 592. Petitioners request to amend
2 title 8, General Industry Safety Orders, GISO, section
3 5193(g)(2)(B), to add a requirement clarifying that
4 on-the-job trained dental assistants must receive a
5 California Dental Board-approved course in infection
6 control prior to performing any basic supportive dental
7 procedures.

8 Additionally, the petitioners asked that language
9 be added to define and specify what constitutes
10 "Knowledgeable in the subject matter" as referred to in
11 subsection 5193(g)(2)(H).

12 Mr. Smith, will you, please, brief the Board?

13 MR. SMITH: Chairman Thomas and Members of the
14 Board, petitioners requested amendments to the Bloodborne
15 Pathogen Standard regarding the initial and annual
16 training requirements of subsection 5193(g)(2)(B) and (H).

17 The first request is to require the completion of
18 the infection control course approved by the Dental Board
19 of California prior to performing any task that exposes
20 dental assistants to blood or other potentially infectious
21 materials. The second request is to define what
22 constitutes "Knowledgeable in the subject matter" for
23 trainers of dental assistants.

24 Both the Division and Board staff reviewed the
25 bloodborne pathogen regulation and concluded that the

1 section 5193 requirements for initial training and
2 continued annual training provides sufficient regulatory
3 guidance in a performance-orientated manner for all
4 employers exposed to bloodborne pathogens including dental
5 assistants.

6 Both staff also concluded that an amendment to
7 section 5193(g)(2)(B) to include the Dental Board of
8 California requirements would reduce the performance or
9 nature and possibly call into question the federal
10 equivalency of the training requirement of Bloodborne
11 Pathogen Regulation.

12 The Division and Board staff, in their review of
13 the phrase "Knowledgeable in the subject matter," noted
14 that the regulatory guidance is clear and consistent with
15 the language of the federal standard and how the phrase is
16 used in other title 8 standards.

17 In addition, guidance from the Division's
18 frequently asked questions posted online and the Federal
19 OSHA Compliance Directive provided even more clarity on
20 who the employer should use to provide training.

21 Therefore, staff did not see a need for restricting the
22 pool of individuals who can train on bloodborne pathogen
23 hazards to those specified by the Petitioner.

24 For these reasons, the Division and Board staff
25 recommended that Petition 592 be denied, and the proposed

1 decision is now ready for your consideration and adoption.

2 CHAIR THOMAS: Thank you, Steve.

3 Are there any questions for Mr. Smith? Hearing
4 none, do I have a motion to adopt the petition decision
5 which is to deny?

6 MS. BURGEL: So moved.

7 MR. HARRISON: I second.

8 CHAIR THOMAS: So I have a motion and a second.

9 MS. SHUPE: I have a motion from Barbara Burgel
10 and a second from David Harrison.

11 CHAIR THOMAS: Thank you. I have a motion and a
12 second.

13 If there's nothing else on the question, I'll
14 have Christina call the roll.

15 MS. SHUPE: Barbara Burgel?

16 MS. BURGEL: Aye.

17 MS. SHUPE: Kathleen Crawford?

18 MS. CRAWFORD: Aye.

19 MS. SHUPE: David Harrison?

20 MR. HARRISON: Aye.

21 MS. SHUPE: Nola Kennedy?

22 MS. KENNEDY: Aye.

23 MS. SHUPE: Chris Laszcz-Davis?

24 MS. LASZCZ-DAVIS: Aye.

25 MS. SHUPE: Laura Stock?

1 MS. STOCK: Aye.

2 MS. SHUPE: Chairman Thomas?

3 CHAIR THOMAS: Aye.

4 Motion passes.

5 Next, we have Brian Macejko, P.E.;
6 Phillip E. Prueter, P.E.; and David A. Osage, ASME Fellow,
7 P.E., Petition File No. 593, Petitioner's Request to Amend
8 Title 8, Petroleum Safety Orders - Refining,
9 Transportation and Handling, section 6857(c)(1) to
10 incorporate by reference the latest edition of American
11 Petroleum Institute (API) 579, Fitness-for-Service
12 Assessment Standard.

13 Mr. Smith, will you, please, brief the Board?

14 MR. SMITH: Chairman Thomas and Members of the
15 Board, petitioners request the Board modify all references
16 in section 6857(c)(1) related to the execution of
17 Fit-for-Service, or FFS, Assessments to refer to the
18 latest edition of the API 597 Fitness-for-Service Standard
19 as opposed to the current reference to the 2000 edition.

20 The petitioner goes on to state that the 2000
21 edition is no longer consistent with the latest edition of
22 API codes. The Division and Board staff both agree that
23 the 2000 edition of the API 579 does not address many of
24 the common damaged mechanisms that affect equipment in the
25 petroleum industry.

1 The Division noted that its pressure vessel unit
2 has been involved in many FFS assessments involving
3 damaged mechanisms not covered in the 2000 edition of API
4 579. The Division, therefore, recommends the petition be
5 granted to the extent that the 2016 edition of API 579 be
6 incorporated into section 6857 in place of the 2000
7 edition.

8 The Board staff additionally noted that API 579
9 is intended to be used in conjunction with the other
10 incorporated standards referenced in section 6857,
11 including API 510, 570, and 653, all of which have
12 undergone periodic updates. Therefore, all consensus
13 standards incorporated by reference in section 6857 should
14 be reviewed to see if they all require updating.

15 Other editions of these API standards are also
16 referenced in other sections of Title 8. For these
17 reasons, the Board staff recommends the petition be
18 granted to the extent that an advisory committee be
19 convened by the pressure vessel unit to review section
20 6857 and related sections of Title 8 to consider
21 incorporation of the most appropriate and up-to-date API
22 codes.

23 Finally, regarding the petitioner's request to
24 add a reference to the latest edition of API 579, the
25 California Administrative Procedures Act requires that all

1 documents incorporated by reference must be date-specific.
2 Therefore, replacing the 2000 edition to the term "latest
3 edition" is not possible.

4 For these reasons, the proposed petition decision
5 recommends Petition 593 be granted to the extent that the
6 Division's pressure vessel unit be requested to convene an
7 advisory committee to review sections 6857 and related
8 sections of Title 8 to consider incorporation of the most
9 appropriate and up-to-date API codes. The proposed
10 decision for Petition 593 is now ready for your
11 consideration and adoption.

12 CHAIR THOMAS: Thank you, Mr. Smith.

13 Are there any questions for Mr. Smith from the
14 Board? Hearing none, do I have a motion to adopt the
15 petition decision which is to have an advisory committee
16 put together to go over 6857?

17 MR. HARRISON: Motion to approve.

18 MS. LASZCZ-DAVIS: Second.

19 CHAIR THOMAS: We have a motion and a second.

20 Is there anything else on the question? Hearing
21 done, Ms. Shupe, will you, please, call the roll?

22 MS. SHUPE: Barbara Burgel?

23 MS. BURGEL: Aye.

24 MS. SHUPE: Kathleen Crawford?

25 MS. CRAWFORD: Aye.

1 MS. SHUPE: Dave Harrison?

2 MR. HARRISON: Aye.

3 MS. SHUPE: Nola Kennedy?

4 MS. KENNEDY: Aye.

5 MS. SHUPE: Chris Laszcz-Davis?

6 MS. LASZCZ-DAVIS: Aye.

7 MS. SHUPE: Laura Stock?

8 MS. STOCK: Aye.

9 MS. SHUPE: Chairman Thomas?

10 CHAIR THOMAS: Aye.

11 The motion passes. Thank you.

12 And now we will have Division update.

13 Mr. Berg, will you, please, brief the Board?

14 MR. BERG: Thank you, Chairman Thomas. The
15 Division has no update at this time. Thank you.

16 CHAIR THOMAS: Okay. Any questions for Mr. Berg?

17 MS. STOCK: I have some questions.

18 Hi, Eric. I just wondered if you could give a
19 little bit more information about the work that you are
20 all doing to clarify some of the issues related to the
21 changed ETS and CDPH guidelines. I'm hearing what people
22 said, and I have done my own research to try to keep up to
23 speed on this.

24 It seems like there's now multiple places people
25 need to go, the fact sheets, the FAQs, and the language

1 that was adopted in December, but there's not one -- you
2 have to go to all of those places. If you go to the
3 language that was adopted in December, you won't see
4 reference to the other things, I don't think.

5 I'm just wondering. It is very confusing. Is
6 there any plan to create one document where all the
7 changes are incorporated? That's one question -- and any
8 other input or update you can give on the changing
9 regulations and what's coming up?

10 MR. BERG: Sure. On the regulation itself, I
11 think there's a reference to the executive order -- the
12 Governor's executive order that changes quarantine
13 isolation periods.

14 MS. STOCK: But you have to go from there to
15 there. I am just wondering if it's possible to create
16 something where it's all in one place?

17 MR. BERG: The FAQs has detailed explanation of
18 the CDPH requirements that, because of the executive
19 order, replace what's in the regulation. That's in the
20 FAQs they put out. And as you mentioned, there's also a
21 fact sheet there. It's not as detailed as the FAQ. The
22 FAQ has the most-detailed explanation of the isolation and
23 quarantine requirements which is from CDPH. It
24 automatically replaces what's in the regulation. That's
25 in the FAQ.

1 MS. STOCK: So to get the fullest picture, the
2 place that people would go to is the FAQ? Because I was
3 just looking at the regulatory language, for example --
4 maybe I'm not looking at the latest version of what was
5 passed in December. For example, it still has the
6 language about 10 days of exclusion, et cetera.

7 So in order to know that there's a change, you
8 would have to go from there to the fact sheet or the FAQ.
9 Am I right on that?

10 MR. BERG: Right. The fact sheet has a link at
11 the top of the FAQ which is more detailed. And if you
12 look at the top of 3205, there's a note to the executive
13 order and 8420, which suspends certain provisions related
14 to the exclusion of COVID-19 cases in the workplace and
15 also close contacts. It doesn't have a link. It's the
16 very beginning of the notes.

17 That portion of the regulation don't apply
18 because of the executive order, and then we have that
19 explained in the FAQ, the details of that. It has the
20 three tables for the different situations which was taken
21 from CDPH.

22 CHAIR THOMAS: Chris, do you have a question?

23 MS. LASZCZ-DAVIS: A question, perhaps, a
24 comment. You know what I heard during our Standards Board
25 meeting today? People are tired. The Standards Board is

1 tired. State Division staff is tired. Our stakeholders
2 are tired. This has been a tough two years all around.
3 And I think everybody has the same intent, to provide some
4 guidance that stakeholders can use to mitigate the risk
5 that COVID presents. It's a tough situation.

6 But what I keep on hearing, even today, is we
7 certainly have a broad contingency that suggests that we
8 are short on flexibility, and we are short on clarity.
9 And, of course, I do know that Eric and the staff and the
10 others have been working hard to meet some of those goals.
11 What are we missing? What process do we need to put in
12 place to ensure we have more alignment between both
13 perspectives? I'm at a loss right now.

14 MS. STOCK: Can I just make one other comment?
15 Thanks, Chris. I wanted to respond to that issue around
16 flexibility that we heard a lot of.

17 In my mind, the issue is not a lack of
18 flexibility. I feel like we have a structured regulation,
19 as we've seen, that is able to be changed when new
20 information comes in, for better or worse. There was a
21 change in the CDPH guidelines and CDC guidelines, and
22 there's language in the reg that allows it be superseded
23 by that.

24 So, to me, I'm not seeing the issues of
25 flexibility as an issue. The clarity, I do see. I have

1 had my own difficulties in trying to put all the different
2 pieces together, so I very much appreciate the work that
3 the Division is doing to try to make that as clear as
4 possible. I look forward to -- I'm sure you are going to
5 continue to do that.

6 The flip side of flexibility is something we
7 heard from some of our commenters about the remaining
8 challenges that are faced by a lot of workers where
9 protections are not in place. They're having to go back
10 to work while they're still infectious or protections that
11 are in the ETS are not there.

12 I think there is a sense that clear guidelines
13 that make it clear this is what an employer must do to
14 protect people rather than just, you know, saying, "Do
15 whatever you think makes sense." I think there's a call
16 for really clear and specific provisions. I think that's
17 the balance that we are trying to create, and I guess we
18 still will.

19 And I don't know if, Eric, you have more comments
20 on that in terms of whether you feel like there's more
21 that can be done by the Division to enhance clarity or any
22 plans you have on that or any reactions you have to some
23 of the questions we heard this morning during the public
24 comment period?

25 MR. BERG: We have been working hard on the FAQs

1 to address all the situations and, also, at the same time,
2 the second readoption was approved. Because the week
3 right after Christmas -- between Christmas and New Year's,
4 the new CDC and CDPH guidelines came out.

5 We simultaneously worked on those two FAQs. We
6 had those up and rolling, and we are always, continuously
7 trying to improve on those as we request questions and
8 comments. So we are continuing to work on those FAQs.
9 They're pretty comprehensive now. But we will continue on
10 that.

11 As Christina mentioned, employers can always call
12 the Cal/OSHA Consultation Service for any assistance they
13 may need on different issues related to COVID or any other
14 Cal/OSHA Title 8 issue. Just to reiterate, we are
15 continuously working on those FAQs trying to improve them.

16 CHAIR THOMAS: David?

17 MR. HARRISON: I want to switch gears here a
18 little bit and talk about the -- I want to talk about the
19 experimental variance process with the Division. I have
20 got a few questions around the process. I don't want to
21 get into any particular experimental variance. I don't
22 know if that is appropriate here. But I want to ask you
23 some questions.

24 When an experimental variance application is
25 submitted, is it a common practice for the Division to

1 reach out to the stakeholders for input on these variances
2 or applications? -- especially applications that this
3 Board has previously denied? Maybe not exactly the same,
4 but very, very similar, if not, exactly the same. I have
5 concern over one, specifically, and I'm asking this.

6 Once a temporary experimental variances is
7 approved by the Division, it could go for as long as five
8 years. I personally have serious concerns over this
9 particular application. Is there a process to challenge
10 that and delay or reintroduce that to the approval process
11 and encourage more stakeholder input?

12 MR. BERG: Yes, there is a process to challenge
13 it. It goes to the Standards Board when it's challenged
14 by a third party or employees or unions. There is an
15 appeal process that if anyone is in disagreement with the
16 denial or grant of the temporary variance, experimental or
17 otherwise, there is an appeal process that's in the Labor
18 Code. But it goes to the Standards Board.

19 MR. HARRISON: Okay. I'll work with the
20 executive officer and the Board staff to address this
21 issue.

22 MR. BERG: Sure. We have had a couple hearings
23 before the Standards Board on these issues in the past.
24 That's pretty uncommon.

25 MR. HARRISON: Thank you, sir.

1 CHAIR THOMAS: Any other questions?

2 Laura?

3 MS. STOCK: Maybe this goes into future agenda
4 items also. I do know the workload must be crushing to
5 deal with COVID, so I want to thank you all and recognize
6 that.

7 At the same time, there are other regulations, as
8 we have heard from some stakeholders today, that are out
9 there without forward progress. Indoor heat, for example,
10 is one. Workplace violence in the general industry is
11 another, not to mention the effort to try to do a broader
12 infectious disease regulation for future pandemics.

13 It would be great if we could get a clearer sense
14 of the status of those now, or if we can ask for it at the
15 next meeting with something more specific about where they
16 are in the process and when they may be able to be moved
17 forward.

18 MR. BERG: In construction and lead in general
19 industry, we have completed the work on that and submitted
20 those packages.

21 MS. SHUPE: I can address indoor heat and lead
22 for Laura, because I know your group has submitted those
23 to us. We have been working with the Division back and
24 forth, so it's not accurate to say that forward progress
25 is not being made on these packages. There, actually is

1 and quite significantly. The lead package will probably
2 be ready to be noticed in a couple of months.

3 We are almost done with the review and that needs
4 to go through the course. Indoor heat, we have received,
5 and we have assigned an engineer who is working on the
6 peer review right now. It's already reached Division to
7 get those initial questions answered. We expect that will
8 conclude as well in the first half of next year.

9 So, absolutely, we are making forward progress on
10 both of those. But the one that I can address and, Eric,
11 you will need to talk about it, is the broad infectious
12 disease standard.

13 MS. STOCK: Before Eric answers that -- thank
14 you, Christina. Glad to hear that. I just want to follow
15 up with the indoor heat. When you said "next year," do
16 you mean 2023?

17 MS. SHUPE: Every review is very dependent on the
18 package itself. So for lead, it's a significant package.
19 A lot of pieces went into that. We have been working on
20 the review for that one for several months. We do our
21 initial review, and we send it back to the Division. They
22 respond, and they send us back comments. It's very much a
23 collaborative process. That one is much farther along.

24 Indoor heat, we just received in October. It was
25 assigned to an engineer right away. It's treated as a

1 priority project. She's actively working on that.

2 MS. STOCK: I just was a little confused because
3 I thought I misheard you in terms of the time frame for
4 indoor heat. You said we expected to see something next
5 year. I just wanted to be clear what was -- next year
6 was. Is that 2023 or this year that we are currently in?

7 MS. SHUPE: So we haven't even finished the
8 initial review on indoor heat, so it would be premature to
9 start giving you guidelines for that. What I can tell you
10 is it's being treated as a priority project. It's
11 absolutely continuing to move forward. It's something
12 that we talk about. I talk with my leadership team with
13 Steven Smith and Lara Paskins. We follow up on that one
14 on every single one of our workload meetings.

15 MS. STOCK: Thank you for that report. I want to
16 go back to infectious disease, Eric, to see where that
17 stands.

18 MS. BURGEL: And workplace violence.

19 MS. STOCK: And workplace violence. Thank you,
20 Barbara.

21 MR. BERG: Workplace violence is still in the
22 drafting stage, so we still need to complete a draft and
23 post it for comments.

24 MS. STOCK: Do you have any time frame on that at
25 all? -- this period in the spring? Or is there any way

1 you could estimate when that might be completed and ready
2 to be posted?

3 MR. BERG: I will have to consult with my staff
4 that is working on that and get back to you. And that
5 same staff is also working on infectious disease,
6 particularly the changes to 5199, where we did the
7 advisory meeting in October. The staff is also working on
8 a rule-making package for that.

9 MS. STOCK: Great. So maybe next month, if you
10 can check back in to see if you have gotten more clarity
11 on a time frame for those?

12 MR. BERG: Okay.

13 CHAIR THOMAS: Any other questions for Mr. Berg?
14 Legislative update, Ms. Gonzalez, will you,
15 please, brief the Board?

16 MS. GONZALEZ: Thank you, Chair Thomas.

17 In your legislative updates and your Board
18 packages, we have added another bill, SB 832, Firearm
19 Safety in Entertainment Productions. So that's on our
20 watch list now. The bill, as it currently stands, it's
21 very new so it could change -- would require the Division
22 to propose a standard to protect employees with regard to
23 storage, handling, and use of firearms on entertainment
24 production sets. That's it.

25 CHAIR THOMAS: Thank you.

1 Any questions for Ms. Gonzalez? Seeing none,
2 Executive Officer's Report, Christina?

3 MS. SHUPE: Thank you, Chair Thomas. I would
4 like to start off by extending a formal welcome to
5 Steven Smith who has agreed to serve as our principal
6 safety engineer for the Board until a permanent
7 recruitment can be completed.

8 Mr. Smith brings a wealth of experience. You saw
9 how well he performed in his briefing at his very first
10 Board meeting. He comes to us from the Division where he
11 was a principal safety engineer for a number of years as
12 well as his prior experience working directly for the
13 Board.

14 So being able to hit the ground running, having
15 that wealth of knowledge with title 8 and the broader
16 Cal/OSHA program but also regulations and our processes,
17 has been invaluable. It's really great to have him on
18 Board.

19 We have had a number of items that have had
20 activity in the last month including two executive orders
21 from the Governor's office that have impacted Board
22 operations as well as the California Appellate District
23 Court of Appeal decision.

24 So the first one I'd like to talk about is the
25 Appeals Court decision on December 21, 2021, the First

1 Appellant District California Court of Appeal denied the
2 Western Growers Association request for preliminary
3 injunction of California's Emergency Regulations for
4 COVID-19. The Court agreed the Board has the authority to
5 adopt emergency regulations and that decision was
6 published by the Court on January 12th of 2022 -- so just
7 last week -- and is now a citable precedent.

8 The other item that I'd like to address is
9 Executive Order N-23-21. This authorizes the Board to use
10 a third readoption for COVID-19 ETS. So the Board will
11 recall, we are normally limited to two readoptions of an
12 emergency regulation before it needs to be made permanent.

13 I went through this with the wildfire smoke
14 regulation, which just became permanent early last year.
15 This changes our time line a bit. We had originally
16 expected to consider a certificate of compliance at the
17 April Board Meeting. Because this is a readoption, the
18 Board will be expected to hear this at your March 17,
19 2022, meeting. This will be a readoption that will then
20 be in effect up until December 31st of 2022. That allows
21 almost a full year for work to continue on a permanent
22 standard.

23 Also, I'd just like to go over housekeeping that
24 Executive Order N-1-22 extends the Board's ability to meet
25 remotely and not hold in-person meetings. That extension

1 will last through March 31st of 2022. And we expect that
2 there will be an update, if one is needed, around mid
3 March that will either extend that or let it expire.

4 At this time, we have a place reserved in Oakland
5 for our April meeting; however, if the situation warrants,
6 we will continue to meet remotely in April and on.

7 Are there any questions from the Board?

8 One last thing I wanted to address, just because
9 it is the end of the year. I did just have a momentary
10 moment -- and this never happens. But earlier in the
11 meeting, as Dave said, somebody hacked into the meeting
12 and pretended to be me.

13 I want to highlight for the Board and our
14 stakeholders some of the accomplishments from the past
15 year. We held 14 Board meetings last year. 12 regular
16 and two special meetings. We held six subcommittee
17 meetings specifically on COVID-19. Board staff
18 participated in five advisory committee meetings. We
19 passed regulations for COVID-19, wildfire smoke
20 prevention, and commercial and technical diving.

21 We have made significant progress of packages for
22 lead, cranes and derricks, firefighter personal protective
23 equipment protect, and also first aid. So I just wanted
24 to highlight that for everybody. And, also, let you know
25 that in addition to all of that, the staff has also

1 completed over 750 variance applications. A stark
2 increase from the year before.

3 Something that one of our public speakers noted
4 is we had a number of staffing issues early on in June of
5 last year. We were able to recover, do a lot of work, but
6 we were also looking to grow that team because we don't
7 expect the variance work to change. It will continue to
8 increase.

9 We also brought on more staff and hired
10 Amalia Neidhardt, who has been an amazing addition to our
11 team. We had a retirement from a long-time principal
12 safety engineer, Mike Meniere, whom we all miss, and we
13 were also able to bring on Steven Smith, who has just been
14 an amazing asset as well.

15 At this time, I would like say thank you to all
16 of the Board staff and thank you to all of the Division
17 staff as well as those who have worked really hard to
18 collaborate with us to move these packages forward over
19 the past year.

20 MS. STOCK: I just want to jump in, Christina,
21 and add my thanks to you for leading all of that
22 incredible effort to the staff at the Board and at the
23 Division. It's been an amazing year. It's incredible how
24 diligently everybody has worked and the accomplishments
25 you just described. So thank you so much for all of the

1 hard work.

2 MS. LASZCZ-DAVIS: I would ditto that as well,
3 Christina. Your quarterbacking efforts are quite evident,
4 and we all appreciate them.

5 MR. HARRISON: Hear. Hear.

6 MS. SHUPE: Thank you.

7 Back to you, Dave.

8 CHAIR THOMAS: New business and future agenda
9 items, I think we have covered all of that unless somebody
10 has any other questions? I don't see any. There's no
11 closed session today.

12 MS. SHUPE: The need for closed session has not
13 arisen.

14 CHAIR THOMAS: Before we adjourn, I just wanted
15 to make a comment that I'm hugely disappointed in the
16 Supreme Court for not upholding the mandate. It just is
17 going to -- COVID-19 is going to last a lot longer. There
18 is no doubt in my mind it will be through this year into
19 next year. We are at 858,000 as of today. Yesterday,
20 3,376 people died from COVID.

21 I don't see an end to this. I think it was a
22 huge swing and miss. It didn't help anybody. I think it
23 really hurt the working public that the vaccine mandate
24 was not upheld. For all of us that have gotten vaccinated
25 and boosted and, you know, basically, did the right thing,

1 were are now at the mercy of those who are not vaccinated.
2 We don't know who they are or where they are. They're all
3 around us.

4 I don't know how I have avoided it so far, not
5 getting this. But I can tell you by the end of this --
6 you know, breakthroughs are rare for the vaccinated. But
7 I know people that have had vaccinations and are boosted
8 and have still gotten it; although, they didn't have to go
9 to the hospital, and they didn't die. And they were older
10 than me, which is pretty old.

11 In my opinion, this is one of the worst decisions
12 I have seen. And I have seen quite a few bad ones, and
13 this is a horrible one. It didn't help anybody. I don't
14 know what they were -- even in their -- what they put
15 together to tell us made no sense to me. I just wanted to
16 throw that out there.

17 Laura, did you have a comment?

18 MS. STOCK: Thank you, Dave, for mentioning that.
19 I just wanted to remind all of us -- I have been proud to
20 be part of a Board in a state where we have often gone
21 further than what has happened at federal OSHA. That is
22 something that we should continue to do. And when we come
23 up on that March new draft, I hope that we can consider
24 what we think makes sense including, you know, the vaccine
25 test approach that was rejected by the Supreme Court for

1 the moment. I guess it's not a final decision yet.

2 I agree with you. It was a disappointing
3 decision. And while we are not required as we planned to
4 be through the Horcher process of adopting it, there's
5 nothing to stop us on our own from being able to do what
6 we think is right. So I hope that we can think about that
7 as we come up with our next adoption to really be driven
8 by the most protective and what is supported by the
9 science and be open to moving further than what we might
10 see our federal counterparts doing.

11 So I agree with you. I think we have the
12 opportunity to do more.

13 CHAIR THOMAS: Barbara?

14 MS. BURGEL: I just wanted to echo Laura's
15 comment. I would agree with moving forward with vaccine,
16 either with our permanent COVID standard or expanding the
17 ATD to include other industries where there are vaccine
18 mandates in that.

19 CHAIR THOMAS: Thank you, Barbara.

20 Any other comment from the Board?

21 You know, this is a tough issue. It really is.
22 But I saw no reason why it didn't go through. But, you
23 know, I think most of it is politics. And, you know, we
24 are never going to get away from that. Enough of that.

25 The next Standards Board regular meeting is

1 February 17th, 2022, via teleconference and
2 videoconference. Please visit our website and join our
3 mailing list to receive the latest updates. Thank you for
4 your attendance today. There being no further business to
5 attend to, this business meeting is adjourned. Thank you
6 so much for attending and your comments. We appreciate
7 you. We will see you next month. Thank you.

(The meeting adjourned at 11:53 a.m.)

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1 HEARING REPORTER'S CERTIFICATE

2

3 I, Shelby K. Maaske, Hearing Reporter in and for
4 the State of California, do hereby certify:

5 That the foregoing transcript of proceedings was
6 taken before me at the time and place set forth, that the
7 testimony and proceedings were reported stenographically
8 by me and later transcribed by computer-aided
9 transcription under my direction and supervision, that the
10 foregoing is a true record of the testimony and
11 proceedings taken at that time.

12 I further certify that I am in no way interested
13 in the outcome of said action.

14 I have hereunto subscribed my name this 1st day
15 of February, 2022.

SHELDY, K.—MASKER