

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
April 19, 2012
Costa Mesa, California**

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Chairman John MacLeod called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., April 19, 2012, in the Costa Mesa City Council Chambers, Costa Mesa, California.

ATTENDANCE

Board Members Present

John MacLeod
Jack Kastorff
Dave Thomas
Hank McDermott

Board Members Absent

Bill Jackson
Guy Prescott
Willie Washington

Board Staff

Marley Hart, Executive Officer
Mike Manieri, Principal Safety Engineer
David Beales, Legal Counsel
Bernadine Osburn, Staff Services Analyst

Division of Occupational Safety and Health

Patrick Bell, Principal Safety Engineer

Others present

Joan Gaut, CTA
Kimberly Washington, Center for
Public Interest Law
Steve Johnson, Assoc. Roofing Contr.
Bruce Wick, Cal PASC
Elizabeth Hardy, UCLA
Mark Stone, Epic Insurance Brokers

Larry Pena, SoCal Edison
Jay Weir, AT&T
Kevin Thompson, Cal-OSHA Reporter
Sandra Conrad, UC Irvine
Kevin Bland, RCA/CFCA
Jay Vicory, OSHA

B. OPENING COMMENTS

Mr. MacLeod indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2

C. ADJOURNMENT

Mr. MacLeod adjourned the public meeting at 10:03 a.m.

II. PUBLIC HEARING

A. PUBLIC HEARING ITEM

Mr. MacLeod called the Public Hearing of the Board to order at 10:03 a.m., April 19, 2012, in the Costa Mesa City Council Chambers, Costa Mesa, California.

Mr. MacLeod opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7
 Article 1, Section 3207
 Article 20, Section 3558, and
 Article 54, Section 4184
 Guarding of Microtomes

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

There were no public comments on this proposal.

Mr. McDermott expressed concern with Section 3558(a) where it reads "wherever they are inconsistent with those recommendations" stating that it was unclear as written. He further stated that the section should set the standard and other things are inconsistent with that. He suggested the sentence should read "wherever the recommendations are inconsistent with this section."

B. ADJOURNMENT

Mr. MacLeod adjourned the Public Hearing at 10:11 a.m.

III. BUSINESS MEETING

Mr. MacLeod called the Business Meeting of the Board to order at 10:11 a.m., April 19, 2012, in the Costa Mesa City Council Chambers, Costa Mesa, California.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales stated that the variance matters were heard by a hearing panel just before today's meeting with the recommendation that the Board adopt the proposed decisions that appear in the Board packet.

MOTION

A motion was made by Mr. Kastorff and seconded by Mr. Thomas to adopt the consent calendar as proposed.

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

B. OTHER

1. Legislative Update

Mr. Beales stated that the written update in the Board materials, contains a list of bills to be amended, and that he would only be addressing AB 2346 which was amended on April 9th, 2012. He stated that the author has included many provisions that address heat illnesses and other safety issues and provide various judicial remedies. Mr. Beales stated that at this time he believes a Standards Board rulemaking would not be necessary; the bill’s proposed Labor Code Section 6721(a) states in part that “this chapter is not to exclude any section of Title 8, California Code of Regulations”, and the proposed Labor Code Section 6724(a) states that “this chapter shall be enforced by the Division”. These provisions led him to believe that the bill’s author envisions the bill’s provisions as being separate and apart from Title 8.

2. Executive Officer’s Report

Ms. Hart stated that the calendar of activities in the board packet indicates that there will be no Public Hearing items for our May Board meeting. She stated that several of our rulemaking proposals are at agency to be signed off for June and July. Also, we are actively recruiting for our Senior Safety Engineer/Industrial Hygienist position, and once that position is filled, we will move on to filling the Executive Secretary position.

3. Future Agenda Items

None identified.

C. ADJOURNMENT

Mr. MacLeod adjourned the Business Meeting at 10:16 a.m.