

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
March 20, 2014
Sacramento, California**

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., March 20, 2014, in the Auditorium of the Harris State Building, Oakland, California.

ATTENDANCE

Board Members Present

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

Board Member Absent

Board Staff

Marley Hart, Executive Officer
Mike Manieri,
Principal Safety Engineer
David Beales, Legal Counsel
David Kernazitskas,
Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Deborah Gold, Deputy Chief of Health
Steve Smith, Principal Safety Engineer

Others Present

Michael Musser, CA Teachers Association	Thomas Jacob, Chemical Industry Council of CA
John Bobis, GenCorp Aerojet Rocketdyne	Michael Strunk, IUOE Local Union No. 3
David Shiraiishi, Fed OSHA	Kevin Bland, Esq., Ogletree, Deakins, Nash, Smoak & Stewart
Kevin Thompson, Cal/OSHA Reporter	Richard Negri, SEIU Local 121 RN
Ingela Dahlgren, SEIU Nurse Alliance of CA	Dennis King, SEIU 121 RN
Jeannie King, SEIU 121 RN	Ken Smith, Univ. of CA Office of the President
Elizabeth Treanor, PRR	Patrick Singh, Safeway
Jim Unmack, Unmack Corporation	

Amanda Hawes, Worksafe Board
Gail Bateson, Worksafe
Steve Johnson, Assoc. Roofing Contractors
Bob Hornauer, NCCCO
Joel Sherman, Grimmway Farms
Mike Horowitz, Cal/OSHA RSDU
Heather Appel, CIR/SEIU
Katherine Hughes, SEIU 121 RN
Dorothy Wigmore, Worksafe
Julia Quint
Sue Gathman, Univ. of San Diego, School of
Law, Center for Public Interest Law

Dan Leacox, Greenberg Traurig
Larry Pena, Southern California Edison
Paula Johnson, UCSF
Kate Smiley, AGC
Alayna Parker, UC Berkeley
Kari Peterson, UC Berkeley
Marti Smith, CNA
Elsa Monroe, SEIU 1000
Mark Stone, EPIC Insurance Brokers
Kathryn Alcantar, CEH CHANGE

B. OPENING COMMENTS

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

Michael Musser, California Teachers Association, stated that his organization supports the adoption of the current GHS Health proposal because it amends the right-to-know regulation. His organization also supports convening an advisory committee afterward to further improve the standard. He said that the standard is necessary, but not sufficient enough. He stated that ongoing standardized training and certification of employees who are exposed to hazardous materials and chemicals should be supported, and MSDS's should be on file and available for employees to review upon request. **Dr. Julia Quint, Physicians for Social Responsibility**, echoed Mr. Musser's comments.

The following individuals also commented in support of the GHS standard:

- **Marti Smith, California Nurses Association**
- **Amanda Hawes, Worksafe Board**
- **Paula Johnson, UCSF**
- **Kathryn Alcantar, CEH CHANGE**
- **Joan Lichterman, CWA 9119**
- **Dorothy Wigmore, Worksafe**
- **Richard Negri, SEIU 121 RN**

Dan Leacox, Greenberg Traurig, stated that the GHS standard has not been harmonized with the federal GHS standard. **Elizabeth Treanor, Phylmar Regulatory Roundtable**, echoed Mr. Leacox's comments.

Richard Negri, SEIU 121 RN, commented regarding Petition 538. He stated that with this petition, his organization wants to establish a workplace violence standard that will cover all healthcare workers, not just nurses. He said that he would also like to see the standard improve administrative and engineering controls to better protect workers. **Dennis King**,

0.3 ppm TWA would only equal half of the odor threshold. He also stated that it would confuse people by telling them that hydrogen chloride is more hazardous than hydrogen fluoride. He asked the Board to send the proposal back to the HEAC to get a better proposal.

Ms. Quint stated that she also participated in the HEAC and that it is just as important to consider the chronic effects of exposure to hydrogen chloride as it is to consider the acute effects that Mr. Unmack mentioned. She said that the 0.3 ppm TWA was calculated based on the chronic effects. She asked the Board to honor the toxicology performed and the procedures that the HEAC and FAC followed and move this proposal forward.

Ms. Wigmore stated that her organization is pleased to see a PEL come forward for hydrogen chloride, and they support the proposal. She said that they support the 8-hour 0.3 ppm TWA and the 2 ppm ceiling. She also said that they support deleting the term “muriatic acid” so that it is clear what chemical the PEL pertains to.

Ms. Quinlan stated that she also participated in the HEAC for several years. She said that it has taken several years to get these proposals through the HEAC and approved by the FAC, and she asked the Board to move forward on this proposal as soon as possible.

Mr. Harrison stated that he would like to see some scenarios and exposure statistics from the Division to support the proposed PEL before he makes a decision.

B. ADJOURNMENT

Mr. Thomas adjourned the Public Hearing at 11:18 a.m.

III. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 11:30 a.m., March 20, 2014, in the Auditorium of the Harris State Building, Oakland, California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8:
 - CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 2, Section 1504
Article 36, New Section 1929, Sections 1930 – 1932, 1934 – 1936
 - GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 107, Section 5154
Article 109, Sections 5191, 5194
Article 134, Section 5415
Article 137, Sections 5449, 5451
Article 141, Sections 5531 – 5534, 5541 – 5543
Article 142, Sections 5545 – 5547, 5549
Article 143, Sections 5556, 5558, 5560
Article 144, Sections 5566, 5568 – 5570, 5573 – 5579
Article 145, Sections 5590, 5592, 5594, 5596 – 5599, 5601
Article 146, Section 5606

Article 147, Sections 5616 – 5622, and 5624

Federal Final Rule, Globally Harmonized System - Update to Hazard Communication (Safety)

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

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Stock that the Board adopt the proposal.

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

2. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 4, Sections 1529, 1532, 1532.1 Appendix B to 1532.1, 1532.2 and 1535
- GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Section 3204
Article 107, Section 5150
Article 108, Section 5157
Article 109, Sections 5161, 5189, 5190, 5191, 5192
Appendix A to 5192, 5194, Appendices A through G of 5194, 5198, and Appendix B to 5198
Article 110, Sections 5200, 5201, 5202
Appendix A to 5202, 5206, 5207, 5208
Appendix J to 5208, 5208.1, 5209, 5210, 5211, 5212
Appendix B to 5212, 5213, 5214, 5215, 5217
Appendix A to 5217, 5218, 5219, and 5220
- SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 18, Article 4, Sections 8358
Appendix K to 8358, and 8359
- Federal Final Rule, Globally Harmonized System - Update to Hazard Communication (Health)**

Ms. Gold summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board's adoption.

Ms. Stock stated that she supports the proposal, but she feels there are some things that need to be addressed in the future:

- She is concerned about the exception that allows chemical producers, who do not have the proper qualifications to classify chemicals, to classify chemicals in a different way than recognized scientific bodies do. She said that there are times where different classification methods need to be used, but the reasons for that need to be documented.

She stated that clarification is needed regarding where that document will be located, who will have access to it, and how to request it.

- She appreciates that the one positive study and original right to know regulation were retained, but it is unclear where that information will appear on safety data sheets. She said that she would like to see that clarified and recommended putting it in the same area where the health and fiscal hazards are listed on safety data sheets.
- She asked Ms. Gold about the process to update the Director's List. **Ms. Gold** explained the process of updating the list. **Ms. Stock** asked the Division to continue moving that process forward.

Ms. Quinlan echoed Ms. Stock's comments.

MOTION

A motion was made by Ms. Quinlan and seconded by Ms. Stock that the Board adopt the proposal.

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

3. TITLE 8: **ELECTRICAL SAFETY ORDERS**
 Sections 2940.2 and 2940.7
 TELECOMMUNICATION SAFETY ORDERS
 Sections 8602, 8610, 8611, and 8615
 **Fed OSHA DFR, Revision to CDAC Scope: Exception For
 Digger Derricks**

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

MOTION

A motion was made by Mr. Jackson and seconded by Mr. Harrison that the Board adopt the proposal.

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

4. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7, Article 25, Section 3650
 Powered Industrial Trucks–Excessive Loads

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

MOTION

A motion was made by Ms. Stock and seconded by Ms. Quinlan that the Board adopt the proposal.

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

5. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Section 5001, Plate I
**Update and Harmonization of Crane Hand Signals Standards
and Illustrations**

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board’s adoption.

MOTION

A motion was made by Mr. Harrison and seconded by Mr. Jackson that the Board adopt the proposal.

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

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales recommended adopting all of the proposed decisions with one modification to correct a clerical error in a condition of the Southern California Edison variance.

MOTION

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

C. OTHER

1. Legislative Update

Mr. Beales stated that the only information he had to add to the written materials in the Board packet concerned SB 981, which pertains to the Administrative Procedures Act. This bill requires that a detailed report be submitted to the legislature by January 1, 2016 stating information about every regulation that was adopted before January 1, 2014, including those adopted by the Standards Board. It also requires similar ongoing periodic reports for regulations that are more than 20 years old.

2. Executive Officer's Report

Ms. Hart asked the Division to provide an update regarding possible rulemakings and advisory committees for the April meeting. She asked the Division to include status updates for the rulemakings regarding bloodborne pathogens in the adult film industry and first aid kit contents because some Board Members have been asking about them. She also stated that on March 6, the Board staff received the 15-day notice documents from the Division regarding Safe Patient Handling. She said that the Board staff will return them to the Division next week, and a 15-day notice will be issued soon after that.

Ms. Stock asked about the timeframe for action on the workplace violence petition. **Ms. Hart** stated that the timeframe is set in statute. The statute states that the Division has 60 days from the date of receipt of the petition to do a review and get it back to the Board, and then the Board has six months to take action from there.

Ms. Stock also asked about the status of the hotel housekeeping rulemaking. **Ms. Hart** stated that the second advisory committee meeting was held on February 27. **Ms. Gold** stated that the Division asked the attendees to submit feedback to them within 30 days.

Ms. Gold stated that there will be an elevator advisory committee meeting on April 22 and the proposal is posted online.

3. Future Agenda Items

Mr. Harrison asked for a status report regarding updating the crane standards. **Ms. Hart** stated that Conrad Tolson is working on that and is 72% done.

D. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 12:05 p.m.