

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**SUMMARY**  
**PUBLIC MEETING/ BUSINESS MEETING**  
**May 17, 2012**  
**Sacramento, 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., May 17, 2012, in the Auditorium of the State Resources Building, Sacramento, California.

**ATTENDANCE****Board Members Present**

John MacLeod  
Bill Jackson  
Jack Kastorff  
Guy Prescott  
Dave Thomas  
Willie Washington

**Board Members Absent**

Hank McDermott

**Board Staff**

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

**Division of Occupational Safety and Health**

Suzanne Marria, Special Assistant to the Chief  
Steve Smith, Principal Safety Engineer

**Others present**

Cathy Youngblood, Unite Here Local 11  
Amalia Neidhardt, DOSH  
Lynn Mohrfield, CA Hotel and  
Lodging Association  
Martha Reyes, Unite Here  
Jenny Amayo, Unite Here  
George Hauptman, OSHSB  
Patrick Bell, DOSH  
Kurt Peterson, Unite Here Local 11  
Baruch Fellner, CA Hotel and  
Lodging Association  
Elizabeth Treanor, PRR  
Kokai A, Unite Here

Teresita Cain, Unite Here Local 11  
Juli Broyles, CA Lodging Industry  
Association  
Pamela Vossenias, Unite Here International  
Sarah Julian, Unite Here  
Angelina Garcia, Unite Here  
Grace Delizo, DOSH  
Steve Johnson, ARC-BAC  
Marti Fisher, CA Chamber  
Stanley Bigos  
Leigh Shelton, Unite Here  
Lucy Monarrez, Unite Here Local 49  
Chris Pate, Unite Here

Randi Knott, CA Hotel and Lodging Association	Kevin Bland, CFCA/WSC
Bobbie Singh-Allen, CA Lodging Industry Association	Dorothy Wigmore, WorkSafe
Shirling Chen, Unite Here	John Robinson, CA Attractions and Parks Association
Gail Bateson, WorkSafe	Jack Gribbon, Unite Here
Joan Grant, CTA	Kate Smiley, AGC-CA
Dave Gaut	Dan Leacox, Greenberg Traurig
	Kevin Thompson, Cal-OSHA Reporter

## 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

The following speakers supported adoption of the proposed Petition 526 decision on today's Business Meeting Agenda:

**Cathy Youngblood**, Unite Here Local 11  
**Martha Reyes**, Unite Here  
**Juana Bruno**, Unite Here  
**Dorothy Wigmore**, WorkSafe  
**Rosita King**, Unite Here  
**Mitch Seaman**, Ca Labor Federation  
**Pamela Vossen**, Unite Here International  
**Kurt Peterson**, Unite Here Local 11  
**Jack Gribbon**, Unite Here  
**Suzanne Marria**, Special Assistant to the Chief

The following people spoke in opposition to the proposed Petition 526 decision for adoption on today's Business Meeting Agenda:

**Baruch Fellner**, CA Hotel and Lodging Association  
**Stanley Bigos**  
**Lynn Mohrfield**, CA Hotel and Lodging Association  
**Marti Fisher**, CA Chamber  
**Juli Broyles**, CA Lodging Industry Association

## C. ADJOURNMENT

Mr. MacLeod adjourned the public meeting at 11.49 a.m.

## II. BUSINESS MEETING

Mr. MacLeod called the Business Meeting of the Board to order at 11:50 a.m., May 17, 2012, in The Auditorium of the State Resources Building, Sacramento, California.

A. PROPOSED PETITION DECISION FOR ADOPTION

1. Kurt Peterson, UNITE HERE Local 11  
Pamela Vossenas, UNITE HERE International Union  
**Petition File No. 526**

The Petitioner requests the Board to amend Title 8, California Code of Regulations, to address the occupational hazards that may cause musculoskeletal injuries to housekeepers in the hotel and hospitality industry.

Ms. Hart summarized the history and purpose of the petition, and asked the Board to adopt the proposed decision granting it to the extent that the Division convene an advisory committee to consider the Petitioner's recommendations.

MOTION

After a discussion, a motion was made by Mr. Thomas and seconded by Chairman MacLeod to adopt the proposed petition decision. Both, Mr. Thomas and Chairman MacLeod supported convening advisory committee, concurring that an advisory committee was the best way for all parties to have their issues and concerns discussed. Chairman MacLeod and Mr. Thomas voted "aye". Mr. Jackson, Mr. Prescott, Mr. Kastorff and Mr. Washington voted "No" in large part because:

- The petition did not establish the necessity of the proposed rulemaking,
- Existing Title 8, Sections 3203 and 5110 address the hazards the Petitioner mentioned,
- There should not be special repetitive motion standards for specific industries.

The motion failed.

B. 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. Jackson and seconded by Mr. Prescott to adopt the consent calendar as proposed.

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

Chairman MacLeod stated that he would like the Board staff to contact the Division provide an update on when the elevator standards will be revised.

- C. Employer Duty to Pay for Required Personal Protective Equipment: Board staff's determination, based on advisory committee input, to take no rulemaking action regarding this matter at this time.

Mr. Beales stated that the Board packet materials contained a memo and amended advisory committee meeting minute, which indicate there was clear consensus to not proceed provide with a rulemaking, unless directed to by the Board. The Board gave no direction to proceed with a rulemaking.

- D. Ladderway Openings, Section 1621: Board staff's determination, based on telephone conference with stakeholders, to terminate the rulemaking proposal.

Ms Hart stated Board staff had a telephone conference with selected stakeholders, and it was agreed that there was no necessity for the rulemaking proposal and that the proposal should be terminated.

E. OTHER

1. Legislative Update

Mr. Beales stated there was nothing to add to the materials contained in the Board packet.

2. Executive Officer's Report

Ms. Hart stated that on May 9, 2012, the Division granted an experimental variance to Grimmway Farms for Section 3441(a)(2)(b). This variance covers a variety of issues including platform design and employee training. The term of this experimental variance is for one year. Grimmway farms have also applied for a permanent variance from the Board.

Ms. Hart stated that the Board is currently advertising to fill our vacant Executive Assistant position, and the final filing date is May 18, 2012. We hope to be able to fill this position by the end of the fiscal year. Additionally, on May 21, 2012, Dave Kernazitskas, will join our staff, filling the position left vacant by Tom Mitchell. David is a Certified Industrial Hygienist and a Certified Safety Professional.

3. Future Agenda Items

Mr. MacLeod requested that DOSH provide an update on Elevators.

F. ADJOURNMENT

Mr. MacLeod adjourned the Business Meeting at 12:25 p.m.