

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING

June 21, 2007
Oakland, California

I. PUBLIC MEETING

CALL TO ORDER AND INTRODUCTIONS

Chair MacLeod called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:03 a.m., June 21, 2007, in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

A. ATTENDANCE

Board Members Present

Chairman John MacLeod
Liz Arioto
Bill Jackson
Jose Moreno
Art Murray
Steve Rank

Board Staff

Keith Umemoto, Executive Officer
David Beales, Legal Counsel
Michael Manieri, Principal Safety Engineer
Tom Mitchell, Senior Industrial Hygienist
Marley Hart, Staff Services Manager
Christina Witte, Executive Secretary

Others present

Luisa Gratz, ILWU # 26
Peter Olneg, ILWU
Matt James, Liuff Construction
Greg Peters, Huddlestop Crane
Marilyn Bechtel, People's Weekly
Patrick Bell, CAL/OSHA
Sharon Kornlund, Alameda Labor Council
Kevin Bland, CFCA
Marey Rein, ILWU
Kelly Wong, OHIP Intern
David Wagner, J-cat Column Base Safety Zone
Kevin Thompson, CAL/OSHA Reporter

Board Members Absent

Jonathan Frisch, Ph.D.

Division of Occupational Safety and Health

Len Welsh, Acting Chief
Steven C. Smith, Senior Industrial Hygienist

Mark Kasel, Selectbuild
Alex Mercier, Lucas & Mercier
Scott Dupriest, John Rotto, Inc.
Bill Callahan, Associated Roofing Contractors
Kathleen Fitzsimmons, CDHS
Carey Dall, ILWU
Wendy Holt, AmPTP
Howard Rosenberg, Union of California
Cooperating Extension

Rick Fores
Danielle Lucido, Worksafe

Danielle Lucido, Worksafe	Stephen Kessler
Kate MeSuire, DIR	Tesse Arreguin, Council member
Harry Gordon, SEIU #1021	Steve Seltzer
Yeronica Williams, Assemblymember SandreSwanson	
Jerry Grace	Lynne Formigli, CTA
Bruce Wick, CALPASC	Jody Blom, CFCA
Jeff Malm, Production Framity System	Marti Fisher, Calchamber
Maria Gonzales	John Kurtz, Int' Staple Nail and Tool Assn.
Malika Bnau	John Bobis, Aerojet
Theodore Weller, Cal Govit Affairs	Tina Kulionuich, FED/OSHA
Bryan Texish, Sowest	Elizabeth Treanor, PRR
Darin Wallace, Production Framing systems	Randy Christensen, CWA 9415
Anne Katter, CRLAF	Kate Hollward, Leonard Carder LLP
Katy Hodess, ILWU	Harry Gordon, SEIU # 1021
Chris Worthington, Berkeley City Council	Fran Schreiber, Worksafe
Donal Mahon, ILWU Local 6	Lee Sandahl, ILWU
Frank Riley, ILWU	

B. OPENING COMMENTS

Chair MacLeod opened the Public Meeting with Item 1 from the "Other" Section of the Business Meeting agenda, Update on Heat Illness, and asked Mr. Welsh to brief the Board. Mr. Welsh, in turn, introduced Ms. Amalia Neidhardt, Industrial Hygienist.

Ms. Neidhardt reported on a Heat Illness Case Study, through a Power Point presentation, regarding heat related investigations conducted in 2006. The study was performed and the data analyzed by Ms. Neidhardt and Dr. Janice Prudhomme, Public Health Medical Officer with the Department of Health Services (DHS). Cases included deaths due to heat illness, accidents with non-fatal heat illness, and complaints revealing a heat illness. The data were gathered through interviews of field inspectors involved and review of a heat illness evaluation questionnaire and associated medical records. According to this study, the most significant occurrences of heat related illness were during the July heat wave. Ms. Neidhardt and Dr. Prudhomme surmised that a lack of overnight cooling may have negatively affected recovery from heat related illnesses during the heat wave. In addition, the cases in 2006 were greater in number but of lesser severity than cases in 2005, which might reflect both heightened awareness of the symptoms of heat related illness and earlier treatment of those symptoms. Fewer of the 2006 cases were fatal; however, a significant number of victims were hospitalized for longer than 24 hours following a heat related illness. As in 2005, water was present in the investigated workplaces, and most employers had a written Injury and Illness Prevention Plan (IIPP) in place, but the consumption of water was inadequate to prevent dehydration, and few employers had evidence of a Heat Illness Prevention Program or specific training regarding acclimatization. Ms. Neidhardt closed her presentation by suggesting that areas to target for improvement were 1) enhanced training of both employees and supervisors, 2) emphasis of the importance of supervisors as role models, 3) changing the workplace culture to better encourage appropriate water consumption and rest breaks, and 4) implementation of written Heat Illness Prevention Procedures and Emergency Response Plans. A handout summarizing the technical data discussed was presented to the Board.

Mr. Murray asked what the Division planned to do to address the necessary areas of improvement. Mr. Welsh responded that it was rare in the Division's history that any review had been performed to

determine the impact of a particular standard in the field. The information gained from the last two summers begins to show what kind of impact can be achieved by coordinating the development of standards with the dissemination of information about those standards and enforcement simultaneously. The Division intends to continue the program started approximately two years ago, with a series of media messages (radio, television, and written media), particularly when heat waves are imminent, and notification to employers that they will be cited for obvious violations of either the IIPP standard or the heat illness prevention standard. In addition, Mr. Welsh stated that a number of the emergency preparedness standards need to be updated to include heat illness awareness. The main message this summer, however, will be enforcement, information, and consultation.

Mr. Murray then asked what inspectors were being told about why there was no IIPP in place or why supervisors were not trained in heat illness prevention. Mr. Welsh responded that it was difficult to determine. Mr. Welsh also stated that one of the challenges faced by occupational safety and health professionals is persuading people of the importance of being prepared for emergencies. He indicated that it is human nature to assume that everything is going to be fine until it's discovered that such is not the case.

Ms. Arioto asked Ms. Neidhardt for a breakdown of the cases between agriculture and construction and also the types among construction work. Ms. Neidhardt stated that she did not have all of that information at hand, but some of the agricultural examples were during the harvesting of crops, and in construction, some of the cases were in residential and landscaping, particularly in new housing construction, roofing, and plastering.

Ms. Arioto then asked what kind of manufacturing had cases of heat illness. Ms. Neidhardt responded with references to outdoor manufacturing, concrete walls, and furniture. Indoor cases occurred in chemical manufacturing, glass manufacturing, and food manufacturing.

Ms. Arioto asked whether there were any pre-existing medical conditions in any of the heat illness victims. Ms. Neidhardt responded that Dr. Prudhomme looked very closely at the medical records of the twelve victims that died from heat related illness and confirmed that eight of them were due solely to heat illness. The other four deaths were not related to heat illness. Mr. Welsh stated that the Division would be examining the data further in order to investigate the issue of underlying medical conditions, as well.

Mr. Jackson asked whether the investigations were initiated by a report or complaint of heat illness, rather than the discovery of violations of the heat illness prevention standard during a routine inspection by Division staff. He stated that from the data presented, it appeared that Division action was more reactive than proactive. Ms. Neidhardt responded that the Division initiated the inspections after receiving information from either the employer, the local fire department, or the hospital if there was an accident, an illness, or a fatality. However, there was some information gained through employee complaint. Mr. Welsh stated that these were the cases of which the Division was aware because they were reported. He was unaware of any cases in which the Division performed a sweep investigation and found a sick employee. Mr. Welsh stated that it is uncertain whether the cases included in Ms. Neidhardt's study were all of the cases that actually occurred. He further stated that the awareness of heat illness has been increasing, so that the Division is more likely to hear about it when there is a case of heat illness or a fatality.

Mr. Jackson commented that Ms. Neidhardt referred repeatedly to percentages in her presentation. He stated that he would be interested in learning the actual number of incidents and amounts of exposure. Mr. Welsh stated that the Division would be interested in seeing that data as well, but it was not easy data to obtain.

Mr. Rank commented that, from the information he was receiving, the Division was being very proactive, even including heat illness awareness in the permit process, which has trickled down to the construction industry. When employers apply for a construction permit, they must have a heat illness program in place in order to obtain that permit. In addition, the Consultation Unit has been very proactive in assisting employers in developing written heat illness awareness programs and getting them in place.

Chair MacLeod said that it appeared that a lot of the public awareness campaigns last year were aimed at those people in situations in which the majority of fatalities occurred. He asked Mr. Welsh to rate the standard's effectiveness in regard to public relations. Mr. Welsh responded that the standard adopted is solid, although it is not perfect. It is a good start, however, and even the best, most comprehensive standard possible will not be effective if people are not aware of it.

Luisa Gratz, President of Local 26 of the International Longshore and Warehouse Union, stated that different research is necessary to obtain more sophisticated conclusions. Although the unions encourage employees to express the condition of their health at work to their unions' safety committees or their supervisors, most employees do not do so. When it comes to heat, most men do not complain because it is not a "manly" thing to do. Women, particularly single women, do not complain due to fear of being disciplined or terminated. In addition, people may not be aware that they are ill from the effects of either radiant heat or climate changes; they know only that they are not feeling well. The majority of cases are not going to be on the 300 log due to this lack of awareness.

Ms. Gratz stated that different workplaces have different guidelines, which plays a role as well. The consumption of water results in having to use the restroom. If an employee is working at a piecework rate, he or she may not want to take the time to use the restroom because it affects productivity. Engineered production standards are generally based on average conditions, and those standards need to be adjusted to account for warmer weather during the summer.

Ms. Gratz asked that the Division prepare a brochure in several languages to be used as an educational tool by both employers and unions until an indoor heat illness standard is adopted. The brochure would explain the symptoms of heat illness and what to do to relieve those symptoms or how to ask for help.

Scotty DuPriest, Safety & Risk Manager for John F. Otto, Inc., stated that hydration is a personal, round-the-clock health issue, not just an "8 to 5" work-time issue. Education is extremely important, but employees bear some responsibility for hydrating themselves.

Chris Worthington of the Berkeley City Council spoke in support of an indoor heat illness standard, stating that perfect data and/or statistics are not necessary to establish a standard or educate the public.

Sharon Kornlund, Executive Officer of the Alameda Labor Council, stated that enforcement becomes prevention. A comprehensive indoor heat illness standard will protect employees and provide clear guidance to employers in order to prevent further tragedy.

Fran Schreiber of WorkSafe! stated that the challenge is to determine how to proceed with an indoor heat illness standard. Another advisory committee will not be useful. She asked the Board to make a decision whether or not to establish an indoor heat illness standard. WorkSafe!, a group of worker advocates, unions, and legal services programs, would be willing to submit a proposal to the Board, and they would be willing to meet with management representatives to hone the proposal. However, a further lengthy

advisory committee process is not going to be productive, unless the Standards Board takes direction and control of this process.

Pilar Gonzalez, the widow of a construction worker who died from heat-related illness, thanked the Board for the work already done on a heat illness standard. However, more needs to be done. She encouraged the Board to continue the conversation about an indoor heat illness standard, but not to wait for more people to die before taking action.

Steve Seltzer, Chairman of the California Coalition for a Workers' Memorial Day (Coalition), stated that the Coalition was present to demand that the Board adopt standards regarding indoor heat illness prevention. The Coalition believes that the reason behind the lack of an indoor heat illness standard is due to conditions in general for California workers being on the decline. He asked why there are more inspectors for the Fish and Game Department in California than there are for occupational safety and health.

Randy Christiansen of the Communication Workers of America stated that employers need to decrease productivity standards during times of heat.

Steven Kessler, one of the original members of the Bay Area Committee for Occupational Safety and Health, who has since worked as a union representative and worker advocate, spoke in favor of an indoor heat illness standard. He suggested that any average daily attendance funding given by the state to a local school district be predicated on proof that there is a working air conditioning and heating system in every classroom, including portables.

Howard Rosenberg of the UC Cooperative Extension Service on the Berkeley campus stated that the data regarding the outdoor heat illness standard that have been gathered so far underestimates the impact of the standard. It has fueled an extensive educational effort, not only by the Division, but also by employer groups and community groups, to raise awareness about heat related illnesses. However, there is harm from heat stress that is too subtle to produce a reportable incident. Heat-related illness can contribute to accidents or illnesses in ways that are too subtle to trace.

Marti Fischer with the California Chamber of Commerce stated that the communication regarding heat illness with both employers and the public is more important than a standard of broader scope than the outdoor standard.

Linda Delp with the UCLA Occupational Safety and Health Program discussed the distinction between indoor and outdoor work environments regarding exposure to heat and the risk of heat related illness. Some indoor work environments are actually hotter than outdoor conditions might suggest, such as boiler rooms or commercial laundries, and employees in those environments need protection.

Mr. Murray asked Mr. Welsh to provide the Board with an update specifically addressing the progress on the indoor heat illness standard at a future meeting. Mr. Welsh responded that the Division would do so.

Kevin Bland, representing the California Framing Contractors Association and the Residential Contractors Association, commented on the reorganization of Title 8, particularly the Construction Safety Orders. He expressed concern that such reorganization might result in unintended consequences such as the necessity of changing all the printed material in the construction industry referring to relevant sections of

Title 8. He suggested that an advisory committee be convened to examine new technologies and options other than reorganizing the Construction Safety Orders.

Steve Seltzer addressed the Board regarding his concern about the deregulation of workers' compensation and how it affects workers in California who are afraid to report injuries. Many workers, when they are injured on the job, are sent to company doctors who tell them to go back to work, regardless of the severity of the injury. These workers are afraid that if they go out on workers compensation, they will be fired, although that is illegal in California. If a worker is fearful to go out on workers compensation and works while he is injured, that harms both the worker and the worker's coworkers.

Marti Fisher commented regarding Mr. Bland's comments on the reorganization of Title 8. She asked that the issue of the reorganization be revisited.

Luisa Gratz stated that when Governor Deukmejian was in office, he wanted to eliminate CalOSHA. When he was unable to do that, he was successful in using budget cuts to severely impact OSHA's ability to function. OSHA is severely limited in its enforcement and investigative activities due to ongoing budget cuts, and this needs to be addressed in the legislature.

Bruce Wick, Director of Risk Management for CalPASC, stated that since it had been so long since the industry-wide advisory committee had met regarding the Title 8 reorganization, it might be a good idea to reconvene that advisory committee to see where the project stands and determine whether or not to go forward with it.

David Wagner is the author of Petition 493. He stated that he submitted the petition asking to include specific language regarding column base brackets in Section 1712(a) because the brackets are exposed for extended periods of time, and they present an impalement hazard to workers and the public. His petition was submitted as a means of requiring that the brackets be capped to minimize the hazard.

C. ADJOURNMENT

Chair MacLeod adjourned the Public Meeting at 12:08 p.m.

II. PUBLIC HEARING

A. PUBLIC HEARING ITEM

Chair MacLeod called the Public Hearing of the Occupational Safety and Health Standards Board (Board) to order at 12:20 p.m., June 21, 2007, in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

Chair MacLeod opened the Public Hearing and introduced the first item on the agenda.

1. **TITLE 8:** **AGRICULTURAL SAFETY ORDERS**
Chapter 4, Subchapter 7 to New Subchapter 3
New Articles 1 through 10
Relocation of Agricultural Safety Orders

Mr. Manieri summarized the purpose and history of this proposal and noted that no written comments had been submitted to the Board.

Chairman MacLeod opened the floor for public comment.

Anne Katten of the California Rural Legal Assistance Foundation (CRLA) expressed concern that the proposed reorganization of the agricultural safety orders could result in inadvertent substantive changes and greater confusion as to which safety orders apply in agricultural workplaces. She also expressed concern that the proposed reorganization would result in significant costs to the Division of Occupational Safety and Health (Division), the agricultural industry, insurance companies, and other non-governmental organizations due to the need to revise training and reference materials. She suggested a better alternative would be to develop a comprehensive Table of Contents to the existing Title 8 standards. She raised concerns about having a separate (1) field sanitation and (2) injury and illness prevention programs without reference to the existing standards. She further commented on referencing other orders such as heat stress, industrial truck safety, and equipment/lock-out, tag-out.

Mr. Murray commented that he shared many of Ms. Katten's concerns. He further stated that the language in the standards should not be changed simply because they sound better.

Mr. Welsh suggested that it may be time to revisit the entire Title 8 reorganization with an advisory committee meeting to determine whether or not to continue with the project. Assuming that it is decided to continue forward with the reorganization, Mr. Welsh read into the record changes to Section 1150 proposed by the Division's Chief Counsel, Mike Mason, regarding the issue of substantive change. Specifically, he wanted to substantially restore the language from the current Section 3436 and specify that: (1) these orders take precedence over other orders as they apply the agricultural operations, and (2) the application of general orders are applicable except if they are inconsistent with the subchapter.

Mr. Rank stated that the Standards Board should revisit Title 8 reorganization and provide the current board with information and hold a stakeholder meeting to take a look at the matter in its entirety.

Mr. Jackson expressed concern that the proposal may not limit the amount of cross referencing in Title 8 or prevent duplication, as the reorganization was intended to do. He expressed further concern that some of the references in the proposal may be incorrect or outdated.

Ms. Arioto wanted clarification on Mr. Bland's and Mr. Wick's comments about renumbering the Construction Safety Orders. It was clarified that the CSO would not change.

Chairman MacLeod stated that the Title 8 Reform Project was initiated as a result of an Executive Order in 1996 under Governor Wilson, which directed all state agencies to examine their standards to determine whether or not they could be clarified for the regulated public. He suggested that it may be time to revisit the project in terms of a stakeholder advisory committee. He noted that having a separate set of agricultural safety orders might well be in keeping with the imperative of the agricultural industry in California.

Mr. Manieri asked whether the advisory committee meeting suggested by the Board would focus on just the current proposal regarding the Agricultural Safety Orders or explore the entire concept of the Title 8 Reform project with the possibility that the eight-element approach would be discarded in favor of something entirely different.

Chairman MacLeod suggested that maybe the project needs to be revisited to determine whether or not to proceed on the current course or to change the approach. However, the proposal being considered today should continue through the regulatory process separate from the proposed advisory committee.

Chairman MacLeod announced the next item on the agenda:

2. TITLE 8: **CONSTRUCTION SAFTY ORDERS**
Chapter 4, Subchapter 4, Article 28
Section 1704
Pneumatically-Driven Nailers and Staplers

Mr. Manieri summarized the history and purpose of the proposal and noted that the Board has received several written comments to date.

Public comment regarding this proposal was unanimously in favor of the spirit of the proposal, but expressed opposition to Subsections (c)(3) and (4) regarding unattended nailers. They indicated that the word “unattended” is ambiguous and difficult to define. The focus, they said, should be on training employees in proper tool handling techniques, and further suggested that subsections (c)(3) and (c)(4) be deleted. The commenters are listed below:

- Scotty DuPriest, Safety & Risk Manager with John F. Otto, Inc.
- John Kurtz, Executive Vice President of the International Staple, Nail and Tool Association (ISANTA).
- Bryan Taylor, Health & Safety Coordinator for the Southern California Carpentry Joint Apprenticeship & Training Committee (JATC)
- Jodi Blom, Executive Director of the California Framing Contractors Association
- Darin Wallace, Safety Manager for Production Framing Systems
- Alex Mercier, Director of Safety & Fall Protection for Lucas & Mercier Construction
- Jeff Malm, Field Supervisor for Production Framing Systems
- Bruce Wick, Director of Risk Management for the California Professional Association of Specialty Contractors (CalPASC)
- William Callahan, Executive Director for the Associated Roofing contractors of the Bay Area Counties, Inc.
- Larry Gilbert, Director of Human Resources and Safety for Huff Construction Company, Inc.
- Mark Kasel, Director of Training & Safety for SelectBuild Integrated Construction Services
- Kevin Bland, representing the Construction Framers Association and the Roofing Contractors Association. Mr. Bland provided a visual demonstration of what might be a situation in which a nailer might be “unattended,” as defined in the proposal.

A couple of the commenters noted, under some circumstances, disconnecting a nailer from the air source could be dangerous and repeatedly disconnecting a nailer could wear out the connector. In some work operations, such as working in trusses, disconnection is awkward and dangerous. Several commenters also stated that no accidents involving unattended nailers have occurred. Many of the commenters associated these accidents to misuse of the tool and lack of training. Mr. Manieri and Ms. Arioto indicated that there are accidents associated with the tool being left unattended with the air supply still connected. Ms. Arioto cited an actual example where a worker left his tool unattended and shot himself three times in the abdomen.

Mr. Murray asked Mr. DuPriest whether or not he agreed with the manufacturer's recommendation that the nailer be disconnected from the air supply when the user leaves it unattended. Mr. DuPriest responded that that requirement was fine for the home user who might have children, neighbors, or other untrained individuals passing through the work area, but it was impractical for trained, professional construction workers. Mr. Murray noted that the owner's manual for his own nailer said that when unattended, the nailer was to be disconnected from the air supply. Mr. Murray noted that even in the absence of subsections (c)(3) and (c)(4), there still would be a similar requirement as a result of subsection (b)(2), which requires that nailers be operated in accordance with manufacturers' instructions.

Mr. Kurtz, Executive Vice President of the ISANTA, reviewed his letter indicating that their national consensus standard includes the same provision in Title 8 that requires removing the air supply when the pneumatic nailer is left "unattended," and that is the reason many of the manufacturers also include the same language in many operational and safety manuals. He stated that the language is basically bad regulatory language. The ISANTA plans to propose changes to the language.

Ms. Arioto asked about the basis for the distance. Mr. Manieri responded that the language came from the Powered Industrial Truck standard to clarify the term "unattended." Ms. Arioto expressed her agreement with the commenters that training should be emphasized. Ms. Arioto asked Mr. Welsh whether, in light of a demonstration by Mr. Bland, subsections (c)(3) and (c)(4) would be difficult to enforce, and Mr. Welsh responded that it would be.

Mr. Rank asked if the advisory committee members had been advised that the language in the noticed proposal was changed from that previously agreed upon by the advisory committee. Mr. Bland responded in the negative.

Mr. Jackson also asked whether the members of the advisory committee were surprised at the changes. Many commenters affirmed that they were surprised.

Mr. Bland stated that there is no nexus between the tool's related injuries and the language requiring disconnection when the tool is left unattended. He elaborated that the language is not enforceable, reasonable, or understandable.

Mr. Rank asked Mr. Bland if staff had made any attempt to address his concerns after the March public meeting, and Mr. Bland responded affirmatively, and he spoke to Board staff in March to try to work things out. He stated that they came to an impasse.

Mr. Rank commented that this was an atypical rulemaking, in that staff rarely, if ever, adds language not approved or agreed upon by the advisory committee. He asked that Board staff respond to the questions posed in Mr. Bland's comment letter, and he asked why staff had not rectified the issue after the March public meeting when Mr. Bland brought it to the Board's attention.

Chairman MacLeod responded that he had asked staff to attempt a compromise with the regulated public. He also stated that advisory committees are useful tools in the rulemaking process and the Board has been using them for years. However, he stated that the advisory committee is told at several points that the language may change after the advisory committee meeting, a point on which he requested clarification from Mr. Manieri.

Mr. Manieri responded that the minutes of the advisory committee meeting clearly state that “the committee consensus will be used to develop a reasonable and effective proposal. However, staff may amend, modify, or reject recommendations later in the rulemaking process.” He stated that that was not an unusual situation; there had been several advisory committees and post-advisory committee activities leading up to a rulemaking in which not all of the committee’s recommendations were followed.

Mr. MacLeod responded that staff would respond to the comments made during the comment period and bring the package back before the Board for adoption at a future meeting. If during that process, staff decides to change the language, a 15-day Notice of Proposed Modification will be issued. The Board has one year from the date the proposed is noticed for public hearing to either adopt or terminate the rulemaking package.

Mr. Moreno expressed concern that there seemed to be consensus from the advisory committee, but staff added language subsequent to that consensus. He stated his opinion that the new language was impractical, and he suggested that it be eliminated.

Chairman MacLeod asked Mr. Manieri whether the proposed standard as agreed upon by the advisory committee was at least as effective as the federal standard, or whether it was a reduction in safety.

Mr. Manieri stated that the language contained in the proposal that includes subsections (c)(3) and (c)(4) extends protection to not only the operator of the nailer but any untrained personnel that might come into the area where an unattended nailer may be connected to the air source. It was noted that there may well have been some reported incidents involving unattended nailers. In addition, Mr. Manieri suggested that if Subsections (c)(3) and (4) were eliminated, then Subsection (b)(2) should also be considered for removal because of its reference to manufacturer’s operating and safety instructions, which may contain similar requirements.

ADJOURNMENT

With no further comments, Chair MacLeod adjourned the Public Hearing at 1:55 p.m.

III. BUSINESS MEETING

Chair MacLeod called the Business Meeting of the Occupational Safety and Health Standards Board (Board) to order at 1:55 p.m., June 21, 2007, in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

A. PROPOSED PETITION DECISIONS FOR ADOPTION

1. Petition File No. 492
Submitted by Tim Roberts

Mr. Umemoto summarized the reason for and history of the petition. He noted that both Board staff and Division evaluations recommended approval of the petition to the extent that an advisory committee be convened.

MOTION

A motion was made by Mr. Rank and seconded by Mr. Moreno to adopt the proposed petition decision. A roll call was taken, and all members present voted "aye." The motion passed.

2. Petition File No. 493
Submitted by David F. Wagner

Mr. Umemoto summarized the reason for and history of the petition. He noted that both Board staff and Division evaluations recommended denial of the petition.

MOTION

A motion was made by Mr. Jackson and seconded by Mr. Rank to adopt the proposed petition decision denying the petition. 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 that all 20 proposed variance decisions on the consent calendar be adopted and that the variances thereby be granted.

MOTION

A motion was made by Mr. Murray and seconded by Ms. Arioto to adopt the consent calendar. A roll call was taken, and all members present voted "aye." The motion passed.

C. OTHER

1. Heat Illness Update

This item was moved to Public Meeting.

2. Legislative Update

Mr. Beales stated that a written update had been provided to the Board members. The bills listed in that update had been checked the previous afternoon, and there were no factual updates to be made. However, there was one correction to the update itself; SB 144 had been misidentified as SB 141.

3. Executive Officer's Report

Mr. Umemoto stated that Board staff had received a new petition that week. There also had been an advisory committee meeting regarding permissible exposure levels that week, and there was one scheduled on July 10 regarding diacetyl.

4. Future Agenda Items

Chair MacLeod reiterated Mr. Murray's request for a progress report on indoor heat illness.

ADJOURNMENT

With no further comments, Chair MacLeod adjourned the Business Meeting at 2:10 p.m.