

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
Tel: (916) 274-5721
www.dir.ca.gov/oshsb



MISSION STATEMENT

The mission of the Occupational Safety and Health Standards Board is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers.

AGENDA

PUBLIC MEETING AND BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PLEASE NOTE: In accordance with section 11133 of the Government Code, Board members, as well as members of the public, may elect to participate via videoconference.

December 14, 2023 at 10:00 a.m.

Attend the meeting in person:

Robert H. Miller III Rotary Clubhouse
7150 Baldwin Dam Road
Folsom, CA 95630

Attend the meeting via videoconference:

1. Go to www.webex.com
2. Select "Join a Meeting"
3. Enter the **NEW*** meeting number: **1469 63 6425**
4. Join the meeting through your WebEx application **OR** through your browser
5. Videoconference will be opened to the public at 9:50 a.m.

Attend the meeting via teleconference:

1. Dial (844) 992-4726
2. Enter the **NEW*** meeting number **1469 63 6425** and follow the prompts
3. Teleconference will be opened to the public at 9:50 a.m.

Live video stream and audio stream (English and Spanish):

1. Go to <https://videobookcase.com/california/oshsb/>
2. Video stream and audio stream will launch as the meeting starts at 10:00 a.m.

* Please note our **NEW** meeting number. If you experience technical difficulties, please contact oshsb@dir.ca.gov.

Public Comment Queue:

Those attending the Occupational Safety and Health Standards Board (Board) meeting in person will be added to the public comment queue on the day of the meeting.

Those attending the meeting remotely who wish to comment on agenda items may submit a request to be added to the public comment queue either in advance of or during the meeting through one of the following methods:

ONLINE: Provide your information through the online comment queue portal at <https://videobookcase.org/oshsb/public-comment-queue-form/>

PHONE: Call (510) 868-2730 to access the automated comment queue voicemail and provide[†]: 1) your name as you would like it listed; 2) your affiliation or organization; and 3) the topic you would like to comment on.

† Information requested is voluntary and not required to address the Board.

I. **CALL TO ORDER AND INTRODUCTIONS**

II. **PRESENTATION**

A. Presentation on fall protection for framing operations in residential construction

- Bruce Wick, Housing Contractors of California and Kevin Bland, Ogletree Deakins

III. **PUBLIC MEETING (Open for Public Comment)**

This portion of the Public Meeting is open to any interested person to propose new or revised standards to the Board or to make any comment concerning occupational safety and health (Labor Code section 142.2). *The Board is not permitted to take action on items that are not on the noticed agenda, but may refer items to staff for future consideration.*

This portion of the meeting is also open to any person who wishes to address the Board on any item on today's Business Meeting Agenda (Government Code (GC) section 11125.7).

Any individual or group wishing to make a presentation during the Public Meeting is requested to contact Sarah Money, Executive Assistant, at (916) 274-5721 at least three weeks in advance of the meeting so that any logistical concerns can be addressed.

A. PUBLIC COMMENT

B. ADJOURNMENT OF THE PUBLIC MEETING

IV. **BUSINESS MEETING – All matters on this Business Meeting agenda are subject to such discussion and action as the Board determines to be appropriate.**

The purpose of the Business Meeting is for the Board to conduct its monthly business.

A. PROPOSED EMERGENCY SAFETY ORDER FOR ADOPTION (GOV. CODE SEC. 11346.1)

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, subchapter 7, revised section 5204
[Occupational Exposures to Respirable Crystalline Silica](#)

B. PROPOSED PETITION DECISION FOR ADOPTION

1. National Commission for the Certification of Crane Operators (NCCCO)
Thom Sicklesteel, Chief Executive Officer
[Petition File No. 598](#)

Petitioner requests to amend Title 8, General Industry Safety Orders (GISO), subsections 5006.1(d) and 5006.2(d)(3), regulations associated with re-certification requirements of crane operators. The Petitioner asks Cal/OSHA to consider, through rulemaking or a process outside rulemaking, the requirement that, for recertification [of crane operators], a certificant either (i) retake a “hands-on” practical examination, or (ii) have at least 1,000 hours of documented experience operating “the specific type of crane” for which certification is sought. Additionally, the Petitioner requests that California’s requirements be revised to allow accredited certification bodies to determine the appropriate amount of operating experience necessary to be exempt from the practical examination at the time of recertification and the types of experience that should count towards qualifying for a particular “hands-on” exam exemption.

Petitioner states that California’s existing language diverges, in material ways, from federal OSHA requirements and guidance, because in a letter of interpretation, federal OSHA approved of an exemption from taking the practical exam based on experience and in a way that allowed for some flexibility. Additionally, Petitioner states that California’s exemption from the hands-on examination requirement at recertification is simply unattainable and that California’s more stringent standard will make it extremely difficult for most crane operators to qualify for an exemption from the “hands-on” examination, and will impose significant burdens on stakeholders because it will increase the costs paid by employers for practical testing of operators and could cause crane operators to drop certifications, resulting in a shortage of crane operators in certain categories.

The Petitioner believes that accredited certification bodies, assisted by expertise from the industry, are in an ideal position to identify the amount of experience required for exemption from the hands-on testing.

C. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. [Consent Calendar](#)

D. REPORTS

1. Division Update
2. Acting Executive Officer's Report

E. NEW BUSINESS

1. Future Agenda Items

Although any Board Member may identify a topic of interest, the Board may not substantially discuss or take action on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (GC sections 11125 & 11125.7(a).).

F. CLOSED SESSION

Matters Pending Litigation

1. Western States Petroleum Association (WSPA) v. California Occupational Safety and Health Standards Board (OSHSB), et al. United States District Court (Eastern District of California) Case No. 2:19-CV-01270
2. WSPA v. OSHSB, et al., County of Sacramento, CA Superior Court Case No. 34-2019-00260210

Matters on Appeal

1. 22-V-054T Operating Engineers Local 3, District 80

Personnel

G. RETURN TO OPEN SESSION

1. Report from Closed Session

H. ADJOURNMENT OF THE BUSINESS MEETING

Next Meeting: January 18, 2024
California State Railroad Museum
East Theater
111 I Street
Sacramento, CA 95814
10:00 a.m.

CLOSED SESSION

1. If necessary, consideration of personnel matters. (GC section 11126(a)(1)).
2. If necessary, consideration of pending litigation pursuant to GC section 11126(e)(1).
3. If necessary, to deliberate on a pending decision. (GC section 11126(c)(3)).

PUBLIC COMMENT

Efforts will be made to accommodate each individual who has signed up to speak. However, given time constraints, there is no guarantee that all who have signed up will be able to address the State body.

Each speaker is invited to speak for up to two minutes. The Board Chair may extend the speaking time allotted where practicable.

The total time for public comment is 120 minutes, unless extended by the Board Chair.

The public can speak/participate at the meetings before items that involve decisions.

In addition to public comment during Public Hearings, the Board affords an opportunity to members of the public to address the Board on items of interest that are either on the Business Meeting agenda, or within the Board's jurisdiction but are not on the noticed agenda, during the Public Meeting. The Board is not permitted to take action on items that are not on the noticed agenda, but may refer items to staff for future consideration. The Board reserves the right to limit the time for speakers.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735-2929 (TTY) or 1 (800) 855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the meeting.

TRANSLATION

Requests for translation services should be made no later than five (5) days before the meeting.

NOTE: Written comments may be emailed directly to oshsb@dir.ca.gov no later than 5:00 p.m. on the Tuesday prior to a scheduled Board Meeting.

Under GC section 11123, subdivision (a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The Board Chair may adopt reasonable time limits for public comments in order to ensure that the purpose of public discussion is carried out. (GC section 11125.7, subd. (b).)

Members of the public who wish to participate in the meeting may do so via livestream on our website at <https://videobookcase.com/california/oshsb/>. The video recording and transcript of this meeting will be posted on our website as soon as practicable.

For questions regarding this meeting, please call (916) 274-5721.