

Cal/OSHA Advisory Committee Meeting

May 8, 2014 – 10:30 a.m.

Oakland, California

Welcome and Opening Remarks by DIR Director Christine Baker

- DOSH is moving forward with initiatives based on feedback that has been received. We are hiring and focusing on filling vacancies. We are also working on major upgrades to our computer systems, which will allow for higher efficiency, accountability, and transparency.
- The DOSH team is moving forward with regulations. There should be updates coming soon.
- The administrative side in headquarters is focusing on promoting and supporting the field. I would also like to recognize Janice Yapdiangco from DLSE who is providing assistance to DOSH in filling positions and carrying out budgets.
- We would also like to recognize Eric Berg who has helped tremendously across multiple activities.
- The cap on funding was lifted last year because of the inability to get more resources. From July 1, more resources have gone into the BCP process to add to the PSM Unit and DOSH. Teams are currently assigned to put together development proposals to further support mandates.
- We are very pleased with the leadership team and progress that has been made thus far.

Introductions and Overview of the Agenda by DOSH Acting Chief, Juliann Sum

- Many thanks to everyone for coming here today, and we look forward to having discussions on the critical items that we have been working on together. Eric Berg has helped tremendously with Safety in Research & Standards
- We would also like to honor Deeg Gold and her contribution to DOSH. This will be the last advisory committee meeting with her before she retires later on this month. We hope she will be back in some sort of capacity as she has been an amazing asset to DOSH.

- We are making great strides internally on training, especially for management & supervisory roles.
- Mike Wilson will brief us on the Interagency Refinery Task Force before we hear reports from other staff activities.

Interagency Refinery Task Force by Chief Scientist, Mike Wilson

- Materials have been provided before the meeting, so this will be a short briefing on the documents.
- Immediately after the Chevron fire last year, Governor Brown convened an interagency task force to focus on refinery safety, and this past February, a final report from the group was released.
- There was a testimony given in March specifying the national efforts on refinery safety, and there are two major risks to focus on:
 - 1. Rethinking approach to Process Safety Management and Risk Management plans.
 - 2. Expanding enforcement in the field.
- The final report also calls attention to five areas of activity:
 - Establishment of a permanent interagency refinery task force;
 - Emergency Response & Preparedness;
 - Safety & Prevention;
 - Conducting community alerts;
 - Areas for further study.
- The Department has focused on five elements:
 - Staffing & Training
 - This ties in directly to the recommendation of expanding Enforcement in the field.
 - Staffing in PSM has increased from 11 in July 2013 to 27 this year.
 - Regulatory modernization
 - Six sections will be substantially rewritten, and is described in the handouts and;
 - Policy collaboration among other elements detailed in the handouts.

- This is all happening at a very interesting time as there have been major process system management issues, such as the West Texas explosion, so this is getting major nationwide attention. The Obama Administration is charging the EPA and Fed-OSHA to fundamentally rethink and integrate efforts for process safety.
- In California, we have the “perfect storm” in this industry with aging infrastructures and increasing sulfidation of feed stock, which means greater corrosion. We are looking to rebuild as opposed to going for quick fixes.
- Regulations are over 20 years old, but the industry has continued to evolve, and regulations need to catch up. A major goal is to elevate the issue of worker safety alongside other priorities.

Cal/OSHA and DIR Updates; Highlights of Staff Activities

Cora Gherga, Acting Deputy Chief of Enforcement Administration

- Our Enforcement efforts are described in detail in the handouts given, so this will be a brief summary. The reports also include changes in the local district offices, the new seniors in the regional offices, and new staff in Research & Standards.
- The 2014 heat season has already started, and a brief report on the 2013 season was also included in the handouts. There were several internal meetings to discuss what worked and what didn't work, and used those findings to continue the Enforcement efforts similar to last year's.
- All reported heat-illness cases will be investigated, and the less-impacted regional and district offices will assist those highly impacted by heat illness cases. We are brainstorming new efforts to find those employers who are not in compliance. We are following weather advisories closely as well as training our staff.
- Construction activities were discussed during the last advisory committee meeting. Our permitting inspectors are looking at the P&P on Construction Permits, and assessments show that our policies are working, but need to be fine-tuned. A newer draft should be available by the next meeting. Written comments are welcomed.
- We had meetings about training with AGC members, and the idea is to work on intersecting our tracks at worker safety. Hopefully, this will make inspectors more

versed in construction activities. Another focus is on larger companies who employ smaller subcontractors who may have less of a safety culture. We will participate at the local district level, as well as give talks to subcontractors. The AGC will be very much involved, and we welcome any ideas on how to continue as this is in the beginning stages. Training opportunities will continue to be developed.

- We participated in the spring OSHSPA Conference this year, where one of main focus was on the transition from the outdated IMIS system to the new, Window-based OIS system. Next year's winter meeting will be in Oakland, and we are glad for the exposure.

Vicky Heza, Manager of Consultation Service Program

- Vicky Heza is not present, but the handouts on Consultation are available. We will move onto the next report.

Deborah Gold, Deputy Chief for Health and Engineering Services

- The process on lead is restarting, and there will be a general meeting on June 12th.
- The Globally Harmonized System (GHS) is being pushed forward to the OAL. This was a mammoth effort by Research & Standards staff and the Standards Board, and it makes improvements on what Federal OSHA has already done.
- An advisory on AB1202 will be starting up soon. California is only the second state to work on this, and we look forward to the process.
- Safe Patient Handling and Workplace Violence will be voted on in June.
- As a result of Sheri Sangji's horrific death a few years ago, Cal/OSHA is doing a special emphasis program on expectations in labs in all UCs except for medical schools. There will be special training conducted with our staff. We will continue to visit these labs for three years to ensure that unfortunate deaths do not occur again.

Art Carter, Chair of Occupational Safety and Health Appeals Board

- Last meeting, there was a presentation on the OASIS project, which is a modernization of our computer systems, and as mentioned previously, there are four major objectives:
 - New calendaring;
 - Better case management;

- Data retrieval and;
 - Electronic document storage.
- The contract has been approved for Taylor Associates, and we are hoping to get procurement documents in August to determine the three different vendors who could best fit our needs. For anyone who wants more information on this, Neil Robinson is the main contact.
 - The expedited abatement process has been going on since 2013, and there have been several comments and questions received regarding that.
 - How do we know a case has been abated?
 - We work closely with district managers, and from June 2013 – March 2014, 1% has been processed in 29 days. 16% have been processed within 90 days.
 - What is the profile of the cases?
 - The report provides more detail on the data, but 32% were in heavy industry (such as oil and gas). 17% were in agriculture, 17% were in manufacturing, 17% were in commercial employers (restaurants, car washes, resorts), 11% were in construction, and a small percentage were in staffing.
 - If abatement has not been complied with for serious and willful serious, what do we do?
 - The Division has the ability to move cases up the queue, and we have been able to balance this relatively well. BOI also affects this process, and we rely very heavily on the Division to be able to find out who has taken to the requirements, and who has not.

Marley Hart, Executive Officer of Occupational Safety and Health Standards Board

- GHS was approved by the OAL this past Monday on May 5, 2014, and is effective starting May 6, 2014. The revised language is now on the website, and it has not yet been published in Title 8, but maybe it will be by next week.
- We are working on two petitions. Workplace Violence for Health Care Workers was mentioned earlier, and there will be a June 19th board meeting with a goal of a proposed decision on that.
- There was an advisory committee meeting on Agriculture operations that take place between sunset and sunrise. It was a lively meeting, and we will be receiving more

information gathered from that.

- On May 21st, there is a meeting on tractors, and details for that are provided on the website.
- We would also like to encourage the Division to send the Forms 9 to the Board. We aren't out in the field, so these are helpful for us to understand.

Follow-up Discussion from Previous Advisory Committee Meeting

Cal/OSHA 1BY form – DRAFT – Questions/Comments

- There are still concerns about clarity of the form, and the main concern is that an employer will still be confused when receiving it. The form isn't organized in a way that is clear on what to do.
 - **Response:** The purpose of the form is to avoid litigation that effective communication did not take place. Instead of litigation of the substance of the citations, we spend time in litigation on the process. If there are any ideas on language or design that would help make this more transparent, then please contact us.
- An important part of the form is to let the employer know that they can provide additional supporting documents as attachments, but the current draft does not make this explicit. An employer will think that all the information that needs to be provided will need to fit onto this form only.
- This would be better as one page.
- Suggest calling the form “Notice of Intent to Issue a Serious Violation” or something similar.
- The P&P is beyond the form, and we would like to see how this would change with the process for serious violations.
- Forms only have value if they elicit the right responses. This needs further tweaks in order for employers to provide the information being sought.

- Suggest providing examples of form responses on the website. This will help guide business owners when there is a clearer visual substance of what is expected when using this form.

Cal/OSHA 161 form – DRAFT – Questions/Comments

- Sometimes there isn't a document that shows abatement. Is there a way to edit the directions such that a description of the abatement would work fine?
- As mentioned previously for the other form, online examples of responses that show the breadth of what is expected as a response would help the regulated community tremendously. It would be helpful to have some sort of mock-up.
- For a citation on something like ladders, sometimes the only thing that can be written is that "ladders were removed from the site." There are worst case scenarios, but solutions can also be average and very simple. The form should also be designed to keep something like that in mind.
 - **Response:** The 161 starts the dialogue. The existing P&P requires that a CSHO first reviews the files before making comments to the District Manager. The DM will review all of these forms as well as the level of documentation, and the District offices won't always accept less-specific comments.
- Abatement for training is a tricky issue to deal with. In addition to the form, there is a lack of follow-up inspections to these. There should be more follow-ups to these forms.

Reports Mandated by Federal OSHA posted on website; Cal/OSHA Annual Report, State Activity Mandated Measures, Five-Year Strategic Plan, Annual Performance Plan

- Documents that have been amended by Fed-OSHA have now been posted to our website.
 - **Comment:** We would like to have an executive summary on the first page so that it is easier to share with others.
 - **Response:** At this stage, we would like to have the information accessible first. Federal and state mandates can be complicated, and priority is ease of access. Not sure if we can do the executive summary right away, but that can be a goal.

Mission and Structure of Cal/OSHA Advisory Committee and Advisory Input

- This was edited from the feedback received at the last meeting. If there are no objections to the current draft, this can be the finalized version that will be posted on our website. If

there is anything else that the regulated community would like to advise, please let us know.

General Q&As

- **Are the assessments still being processed?**
 - Last year's assessments were done. High Hazard is under the OSH fund, and phase out is in the Labor Code.
 - **Please update the website with that information.**
- **It was mentioned that recruitment is a priority. How is Enforcement doing with that, and how many vacancies are there?**
 - We now have student internships in place, and we received many applications for 20 positions. People are retiring at a fast rate, and we are always hiring because of the need to fill positions, but there is no backlog depending on how you count positions.
- **In terms of improvement, has there been any thought to hiring from seasoned groups outside of Cal/OSHA, including those who are in the industry but looking for a career change? There are workers who have years of experience to step into a higher position and shouldn't have to start at an entry-level because of lack of a degree. The basic requirement for an Industrial Hygienist is a college degree, but the duties of a CSHO go beyond that scope. There should be a way to offer better salaries to those with experience.**
 - While we are currently working to see if we can expand descriptions of the requirements, these will have to be approved by a Board of Directors in CalHR. These requirements are regulated very carefully, and it is difficult for us since these are controlled by another Department.
- **Someone needs to start this process. Deal with HR and write the descriptions. Put a leaflet together to say how someone can get into state service. If someone doesn't have the education, put them through training for a certain amount of time so that they can still move ahead.**

- We will work with HR to rewrite these descriptions and see what we can change on our end. Again, this is difficult since we have to abide by what is decided by another Department.
- **Are informational flyers on positions available?**
 - We can try to get that done, but it will depend on our staff's workload.

Meeting adjourns at 12:30 PM.