

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Telephonic Meeting
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, June 23, 2022 – 1:00 p.m.

Present: Dale L. Schultz	Chairman (Telephonic)
Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
Scott P. LeMarr	Commissioner (Telephonic)
D. Alan Everett	Commissioner (Telephonic)
James Ashley	Director (Telephonic)
Afshan Peimani	Assistant Chief Legal Counsel (Telephonic)
Jessie Atencio	ADOSH Director (Telephonic)
Kara Dimas	Commission Secretary (Telephonic)

Chairman Schultz convened the meeting at 1:00 p.m. There were no other attendees on the telephone.

Approval of Minutes of June 9, 2022 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the June 9, 2022 regular session meeting and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Everett voted in favor of the motion.

Discussion, Action, and Potential Resolution regarding Final Rulemaking to A.A.C. R20-5-601, R20-5-602, and R20-5-629 to adopt the revised Federal Occupational Safety and Health standards included in the following OSHA Final Rules:

1. “Standards Improvement Project-Phase IV” (published May 14, 2019)
2. “Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors” (published September 30, 2019);
3. “Revising the Beryllium Standard for General Industry” (published July 14, 2020);
4. “Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors” (published August 31, 2020);
5. “Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors: Correction” (published February 24, 2021);
6. “Cranes and Derricks in Construction: Railroad Roadway Work” (published September 15, 2020).

Ms. Peimani asked the Commissioners if they would like her to review the memo. Chairman Schultz reviewed the memo and asked the other Commissioners if they reviewed it and were

comfortable with it. Vice Chair Hennelly noted he read it, Commissioner Everett noted he was good with it, and Commissioner LeMarr noted he read it and it was discussed previously.

Chairman Schultz commented that the Commissioners can move right to the resolution, and the recommendation before the Commission is a request for permission to proceed with the final rulemaking by filing the required notices, which were attached to the material, with the Arizona Secretary of State upon receiving a second exemption to Executive Order 2022-01 from the Governor's Office, and approval from the Arizona Attorney General's Office.

Commissioner LeMarr moved to sign the Resolution, Commissioner Everett seconded. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley thanked everyone for accommodating this special meeting added to the calendar to give the Commission an extra week head start to finalize the rulemaking. Based on the action today, Ms. Peimani and the Legal Division will be able to file with the Attorney General's Office this afternoon and upon the conclusion of the Attorney General's Office review, it will then be submitted to the Secretary of State for posting in the Arizona Administrative Register.

Ms. Peimani requested the Resolution to be signed electronically.

Ms. Dimas confirmed Commission meeting dates through September 2022. Commissioner LeMarr noted he would be available in person for June 30th, and he will not be available on August 11th, and will need to call in for the July 28th meeting. Vice Chair Hennelly noted he may be late signing on to the meeting on June 30th.

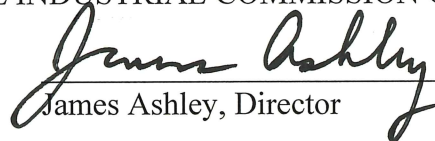
Public Comment.

There was no public comment.

Commissioner Everett moved to adjourn and Commissioner LeMarr seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion and the meeting was adjourned at 1:13 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:


Kara Dimas, Commission Secretary