

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, April 10, 2025 – 1:04 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	D. Alan Everett	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Brian Hudson	ADOSH Director
	Brant Smith	ADOSH Deputy Director
	Victoria Medina	ADOSH Supervisor
	Taryn North	ADOSH Supervisor
	James Reitmeier	ADOSH Supervisor
	Braxton Byer	ADOSH Compliance
	Ricardo Montenegro	ADOSH Compliance
	Anna Maria Stonerock	ADOSH Compliance
	Brian Mason	ADOSH Compliance
	Thomas Martz	ADOSH Compliance
	Liam Bristol	ADOSH Compliance
	Cecilia Herera	ADOSH Consultation
	Cherese Gleason-Perez	ADOSH Admin
	Crystal Wilder	ADOSH Admin
	Bethany Votta	ADOSH Admin
	Jesus Carranza	UofA Intern for ALJ
	Paula Eaton	Administrative Law Judge
	Yvonne Borunda	Acting Commission Secretary

Chairman Kavanaugh convened the meeting at 1:04 p.m. In attendance, confirmed by roll call were Taylor Thomas (Snell and Wilmer); Anne Ryman (ABC15); Juley Bocardo-Homas, James Menlove, Rick Husk, Troy White, Wayne Jones, Joel McDaniel, Earl David LaForge and Aaron Codiga (Gila County).

Approval of Minutes of April 3, 2025, Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the January 16, 2025, regular session meeting and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Commissioner Everett, and Commissioner Godfrey voted in favor of the motion. The motion passed.

Consent Agenda:

All items following under this agenda item are consent matters and will be considered by a single motion with no discussion unless a Commissioner asks to remove an item on the consent agenda to

a. Approval of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties Less Than \$15,000.

- Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Chairman noted that Mr. Husk of Gila County would like to speak at the direction of Commission after the citations are presented.

Complaint
Years in Business: 37
Empl. Covered by Inspection: 3

Site Location:	5891 Hope Ln Globe, AZ 85501
Inspection No:	CP-2025-TN976-0040
Inspection Date:	November 20, 2024

a) 5891 Hope Ln, Globe: One employee worked near a permit-required confined spaces and an evaluation of the workplace to determine if any of these spaces were present not been conducted. 29 CFR 1910.146(c)(1)
Div. Proposal - \$11,524.00 Formula Amt. - \$11,524.00

a) 5891 Hope Ln, Globe: One employee was required to drive a truck with a large water tank, while they had not been identified as a permit-required confined space.

b) 5891 Hope Ln, Globe: One employee was required to use a water tank to fill up a water truck, while they had not been identified as a permit-required confined space. 29 CFR 1910.146(c)(2)

Div. Proposal - \$0.00

Formula Amt. - \$11,524.00

2

- a) 5891 Hope Ln, Globe: One employee was exposed to leaking lithium batteries, without having access to an eye wash station at the worksite. 29 CFR 1910.151(c)
Div. Proposal - \$9,218.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 3 –

- a) 5891 Hope Ln, Globe: One employee has reasonably expected exposure to chemicals such as motor oil, propane, leaking lithium batteries, lighter fluid, spray cans, paint, and aerosol cans without having received hazard communication training. 29 CFR 1910.1200(h)(1)
Div. Proposal - \$9,218.00 Formula Amt. - \$9,218.00
TOTAL PENALTY - \$29,960.00 TOTAL FORMULA AMT. - \$41,484.00

Mr. Hudson discussed ADOSH's inspection, summarized the citation and proposed penalty. Mr. Hudson commented that Gila County has provided abatement and has been working closely with ADOSH.

Chairman Kavanaugh noted that Mr. Husk would like to comment.

Mr. Husk mentioned the Gila County employees that are present and are involved in taking care of the issues at hand and maintaining the safety of their employees. Mr. Husk mentioned a power point that Maribella provided to ADOSH addressing the violations and what abatement has been completed.

Chairman Kavanaugh discussed the opportunity to reach out to the counties and consider the ADOSH staff to offer training and have ADOSH attend their annual meeting.

Commissioner Godfrey moved to approve the citation and proposed penalties as presented and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Godfrey voted in favor of the motion. The motion passed.

Gila County - Automotive Department Globe
725 Rose Mofford Way
Globe, AZ 85501
Site Location: 1001 W Besich Blvd
Globe, AZ 85501
Inspection No: PP-2025-TM082-0064
Inspection Date: November 21, 2024

Program Planned
Years in Business: 12
Empl. Covered by Inspection: 7

SERIOUS – Citation 1 - Item 1 –

- a) 1001 W Besich Blvd, Globe: One employee used a lockout/tagout device on a Kioti KL 4030 Front Loader without specific energy control procedures established. 29 CFR 1910.147(c)(4)(ii)
Div. Proposal - \$11,524.00 Formula Amt. - \$11,524.00

SERIOUS – Citation 1 - Item 2 –

Commissioner Everett moved to approve the citation and proposed penalties as presented and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Godfrey voted in favor of the motion. The motion passed.

Gila County - Property and Evidence Department Globe
725 Rose Mofford Way
Globe, AZ 85501

Program Planned
Years in Business: 143
Empl. Covered by Inspection: 2

Site Location: 725 Rose Mofford Way
Globe, AZ 85501
Inspection No: PP-2025-TN976-0041
Inspection Date: November 20, 2024

SERIOUS – Citation 1 - Item 1a –

- a) Parking lot: One employee was required to wear a tight-fitting half mask respirator, model and serial number unknown, while conducting a drug burn, without a written respiratory protection program being in place. 29 CFR 1910.134(c)(1)
Div. Proposal - \$9,218.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 1b –

- a) Parking lot: One employee was required to wear a tight-fitting half mask respirator, model and serial number unknown, while conducting a drug burn, without having received a medical evaluation. 29 CFR 1910.134(e)(1)
Div. Proposal - \$0.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 1c –

- a) Parking lot: One employee was required to wear a tight-fitting half mask respirator, model and serial number unknown, while conducting a drug burn, without having been fit tested. 29 CFR 1910.134(f)
Div. Proposal - \$0.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 1d –

- a) Parking lot: One employee was required to wear a tight-fitting half mask respirator, model and serial number unknown, while conducting a drug burn, without having received respiratory training. 29 CFR 1910.134(k)
Div. Proposal - \$0.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 2a –

- a) Property and Evidence room floor 2: One employee was required to walk past four unlocked/open sewage pipe doors measuring 46 inches in height and 24 inches in width, while walking to and from storage rooms, while an evaluation had not been conducted to determine if any spaces were permit-required confined spaces. 29 CFR 1910.146(c)(1)
Div. Proposal - \$9,218.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 2b –

- a) Property and Evidence room floor 2: One employee was required to walk past four unlocked/open sewage pipe doors measuring 46 inches in height and 24 inches in width, while walking to and from storage rooms, while these spaces were not identified as permit-required confined spaces. 29 CFR 1910.146(c)(2)
Div. Proposal - \$0.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 3a –

- a) Property and Evidence Room: One employee was required to transfer vials of blood to independent analysis, without a written Exposure Control Plan having been established in the workplace. 29 CFR 1910.1030(c)(1)(i)
Div. Proposal - \$9,218.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 3b –

- a) Property and Evidence Room: One employee was required to transfer vials of blood to independent analysis, without having been offered the hepatitis B vaccine. 29 CFR 1910.1030(f)(1)(i)
Div. Proposal - \$0.00 Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 3c –

- a) Property and Evidence Room: One employee was required to transfer vials of blood to independent analysis, without having received blood borne pathogen training. 29 CFR 1910.1030(g)(2)(i)
Div. Proposal - \$0.00 Formula Amt. - \$9,218.00
TOTAL PENALTY - \$27,654.00 TOTAL FORMULA AMT. - \$82,962.00

Mr. Hudson discussed ADOSH's inspection, summarized the citation and proposed penalty.

Chairman Kavanaugh asked if the Commissioner's had any questions and at that time Mr. Husk asked to speak. Mr. Husk said this was a unique citation. The custodian has completed all training.

Mr. Hudson commented that ADOSH had just started conversations with the facilities maintenance department. Mr. Hudson explained the standard for exposure in confined spaces.

Commissioner Godfrey moved to approve the citation and proposed penalties as presented and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Godfrey voted in favor of the motion. The motion passed.

Gila County - Buckhead Mesa Landfill
725 Rose Mofford Way
Globe, AZ 85501

Program Planned
Years in Business: 36
Covered by Inspection: 4

Site Location: 1321 E Buckhead Mesa Landfill Rd.
Payson, AZ 85541
Inspection No: PP-2025-TN976-0042
Inspection Date: November 25, 2024

SERIOUS – Citation 1 - Item 1a –

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|--|------------------------------------|-----------------------------------|
| <p>a) 725 N Rose Mofford Way, Globe: One employee used Rust-Oleum brand Stripping Paint, Goof Off Professional Strength Adhesive Remover, Equate brand 91% Isopropyl Alcohol, and Strait-Line brand Alert orange Marking paint and did not readily have access to safety data sheets. 29 CFR 1910.1200(g)(8)</p> | <p>Div. Proposal - \$11,524.00</p> | <p>Formula Amt. - \$11,524.00</p> |
|--|------------------------------------|-----------------------------------|

Formula Amt. - \$11,524.00

Formula Amt. - \$11,524.00

Formula Amt. - \$11,524.00

Formula Amt. - \$11,524.00

TOTAL FORMULA AMT. - \$46,096.00

Chairman Kavanagh commented that the counties in Arizona are huge and vast which presents a challenge in covering these counties and there are never enough employees. Mr. Husk agreed with the Chairman. Chairman Kavanagh commented that the cases discussed today encourages to follow up with other cities and towns to help as an agency to create partnerships. Mr. Husk commented that with the violations mentioned that there were no employees injured.

Commissioner Godfrey moved to approve the citation and proposed penalties as presented and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Godfrey voted in favor of the motion. The motion passed.

Commissioner Godfrey moved to amend all seven citations and proposed penalties. Because of the prompt attention to safety and correcting the protocol he suggested a 10% discount. Chairman Kavanagh seconded the motion. Chairman Kavanagh, Commissioner Everatt and Commission Godfrey voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Borunda confirmed Commission meeting dates through May 2025.

Mr. Testini updated the Commissioners the significance of April 28, 2025.

Mr. Carpenter updated the Commissioners that Mr. Testini is officially confirmed as Director of the Agency. April 28, 2025, is ICA Recognition Day to recognize the employers that have been doing exceptional work within the workers' compensation, and ADOSH space.

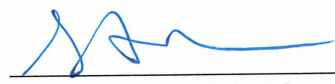
Public Comment.

There was no public comment.

The meeting was adjourned at 2:07 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


Gaetano J. Testini, Director

ATTEST:


Kara Dimas, Commission Secretary