

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, August 14, 2025 – 1:00 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
	Brandt Smith	Deputy Director
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Charles Conner	COOP Program Manager
	Renee Pastor	Self-Insurance (Telephonic)
	Brian Hudson	ADOSH Director
	Cecilia Herrera	ADOSH Deputy Director
	Jeff Hutton	ADOSH Elevators
	Shawn Flannigan	ADOSH Elevators
	John Alexander	ADOSH Elevators
	Tasha Thues	ADOSH Elevators
	Fred Hightower	ADOSH Elevators
	Victoria Medina	ADOSH Supervisor
	Heather Warnock	ADOSH Compliance
	Bethany Votta	ADOSH Admin
	Andy Campbell	Chief Administrative Law Judge
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:00 p.m. In attendance, confirmed by roll call were Taylor Thomas (Snell and Wilmer); Anne Ryman (ABC15); Ciera Johnson and Otto Brink (Auditor General); Dan Freiberg (Professional Firefighters of Arizona); Clayton Black and Anthony D'Onofrio (Tucson Fire Fighters Association Local 479); Jared McMinn and Trenton McMinn (Good Times Plumbing & Restoration); and Alan Harris (Allied Security).

Chairman Kavanaugh presented Alan Harris with a Resolution for noticing a human in distress, acting quickly, and compassionately, and played a large role in saving the person's life.

Approval of Minutes of July 31, 2025 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the July 31, 2025 regular session meeting and Commissioner Everett 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

be discussed and voted on separately. The Commission may move into Executive Session under A.R.S. § 38-431.03(A)(2) to discuss records exempt by law from public inspection. Legal action involving a final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

---

a. Approval of Requests for Renewal of Self-Insurance Authority.

1. Empire Southwest, LLC
2. Hyatt Hotels Corporation
3. The Kroger Co.

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

---

1. PP-2025-VM508-0053 Thomson Mechanical, Inc.

Commissioner Everett moved to approve the items on the Consent Agenda and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Godfrey voted in favor of the motion. The motion passed.

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

---

Chairman Kavanaugh discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

Good Times Restoration LLC	Complaint	
dba Good Times Plumbing & Restoration	Years in Business:	7
3454 North San Marcos Place Unit D-12	Empl. Covered by Inspection:	8
<u>Chandler, AZ 85225</u>		
Site Location:	3454 North San Marcos Place Unit D-12	
	Chandler, AZ 85225	
Inspection No:	CP-2025-VM508-0052	
Inspection Date:	February 24, 2025	

SERIOUS – Citation 1 - Item 1 –

- a) Warehouse/In the field: Two employees were exposed to the corrosive chemicals Serum 1000, IAQ 2000, and Fiberlock Aftershock, when transferring them to secondary containers, and/or loading them on to the company vans, and performed water mitigation and remediation tasks without being provided chemical splash goggles as a hazard assessment was not completed. 29 CFR 1910.132(d)(1)

Div. Proposal - \$4,965.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 2a –

- a) In the field: Two employees were provided with, and required to use, half and full-face respirators (brand/model unknown) to perform water mitigation and remediation tasks that involved the application of the corrosive chemicals Serum 1000, IAQ 2000, and Fiberlock Aftershock, with no written respiratory protection program in place. 29 CFR 1910.134(c)(1)

Div. Proposal - \$4,965.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 2b –

- a) In the field: Two employees were provided with, and required to use, half and full-face respirators (brand/model unknown) to perform water mitigation and remediation tasks that involved the application of the hazardous chemicals Serum 1000, IAQ 2000, and Fiberlock Aftershock, without receiving a medical evaluation. 29 CFR 1910.134(e)(1)

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 2c –

- a) In the field: Two employees were provided with, and required to use, half and full-face respirators (brand/model unknown) to perform water mitigation and remediation tasks that involved the application of the corrosive chemicals Serum 1000, IAQ 2000, and Fiberlock Aftershock, without receiving a fit test. 29 CFR 1910.134(f)

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 2d –

- a) In the field: Two employees were provided with, and required to use, half and full-face respirators (brand and model unknown) to perform water mitigation and remediation tasks that involved the application of the corrosive chemicals Serum 1000, IAQ 2000, and Fiberlock Aftershock, without first receiving training. 29 CFR 1910.134(k)(3)

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 3a –

- a) Warehouse: Two employees were exposed to the corrosive chemicals IAQ 2000 and Fiberlock Aftershock, when transferring them into secondary containers and transporting them to the company vans, without immediate access to an eye wash station.
- b) Warehouse: Two employees were exposed to the corrosive chemicals IAQ 2000 and Fiberlock Aftershock, when transferring them into secondary containers and transporting them to the company vans, without immediate access to an emergency shower. 29 CFR 1910.151(c)

Div. Proposal - \$4,965.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 3b –

- a) In the Field: Employees were exposed to the corrosive chemicals IAQ 2000 and Fiberlock Aftershock, when transferring them into secondary containers, transporting them to the company vans, and/or when applying the chemicals during mitigation, without immediate access to an eye wash station.
- b) In the Field: Employees were exposed to the corrosive chemicals IAQ 2000 and Fiberlock Aftershock, when transferring them into secondary containers, transporting them to the company vans, and/or when applying the chemicals during mitigation, without immediate access to an emergency shower. 29 CFR 1926.50(g)

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 4a –



Kavanaugh, Commissioner Everett and Commissioner Godfrey voted in favor of the motion. The motion passed.

Presentation and discussion regarding the operations of the Industrial Commission of Arizona's ADOSH Division.

Chairman Kavanaugh the agency will doing a series of presentation by every division on activities they are working on.

Mr. Hudson with ADOSH will be first, and the presentation started.

Mr. Hudson commented on his experience with ADOSH and the staff

Chairman Kavanaugh commented on the increased number of trenching and excavation incidents and ask what is being done with the industry to bring attention to this issue.

Mr. Hudson noted he had a meeting yesterday with 30 company and labor representatives from across the state whose focus is construction and trenching. They are looking to establish more free training and establish a trenching alliance and are looking at providing a trenching training summit. The alliance will include companies with strong safety management systems to provide mentorship and training, utilizing industry's best practices. Their next meeting will be mid-September and plan for a summit in October for training.

Chairman Kavanaugh also noted Mr. Hudson is working on another taskforce with the Governor's Office on heat related safety issues.

Mr. Hudson noted the status of that project looking at best practices an opportunity with the heat concerns we have in Arizona.

Mr. Testini commented the December deadline is for the task force to have recommendations to the ADOSH Committee who will evaluate and make recommendations to the Commission.

Commissioner Godfrey noted he spoke with Mr. Hudson a few weeks ago about what agency across the state can do in the absence of ADOSH with these trenches.

Mr. Hudson explained there are certain areas that ADOSH cannot get there fast enough. They reach out to the local fire department if there is a concern to look at the trenches, they have the capability of stopping the job if it is a serious violation.

Commissioner Godfrey noted that while this is a good concept he is unsure if it matches up with reality and thought it would be good to have a committee of stakeholders from throughout the state to discuss it further.

Mr. Hudson noted the meeting yesterday was the start of it, and the hope is to get more people involved.

Mr. Hudson introduced Cecilia Herrera, the new ADOSH Deputy Director of Administration.

Ms. Herrera noted her experience within ADOSH.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through September 2025.

Mr. Testini introduced the Auditor Generals who are conducting the agency audit who will be observing the meetings.

Public Comment.

Dan Freiberg, President with Professional Firefighters of Arizona, representing 9,000 professional firefighters in Arizona. He wanted to call attention to something happening in Arizona. There is a long history in Arizona of employers, work comp providers denying firefighter cancer claims. Claims that are presumptive, identified in legislation, and members are still getting denied on a regular basis. That means a firefighter who has given their lives to their community and make sacrifices every day, when they get presumptive cancer, their members are still having to spend their time fighting for their rights and not for their health. It is a tragedy at every level, in every corner of the state, these employers know what they are doing, if they do not know what they are doing, shame on them for not knowing the law. He wanted to call attention to what they are dealing with and believe a lot of these presumptive cancer denials are ongoing and unlawful. It is covered in A.R.S. statute 23-901.09 creates a presumption that certain cancers are occupational for firefighters and fire investigators, it is presumed to happen because that is the work you do. Nevertheless, employers and insurers continue to deny valid claims forcing members to prolonged appeals processes that can not compound their financial and emotional burdens. Firefighter service community gets a cancer that is presumptive by law and instead of spending time with their families and trying to get healthy, they are having to fight cities and work comp and that is not making them healthier, people have died over this issue and dying over it today and there are people out there that are not going to do the right thing. He mentioned several places and the type of cancer claims that are getting denied. He mentioned the substantive policy state issued January 23, 2025 for firefighter and fire investigator work comp claims. What can be done about them denying the claims? He is thankful for the work the Commission does and thankful and grateful for the substantive policy statement to hopefully force mandated employers to look and see it is a common issue. These are people that when you dial 911, they show up to help their community and in return, the law says if they get these types of cancers, they should be covered. They do not get to turn their backs on the community. Why do these employers get to turn their backs on them? That is a question that needs to be answered. He was here to let it be known where they stand and what their position is. They need help and needed help for a long time.

Anthony D'Onofrio, Director of Ways and Benefits with Tucson Fire Fighters Association Local 479. The city of Tucson is a self-insured municipality and has denied four presumptive cancer claims within the last two years. Two were appealed and were denied and two are currently in appeal. The city of Tucson has disregarded the A.R.S. statutes concerning these presumptive cancers, even with the knowledge of the Industrial Commission' substantive policy statement. This illegal practice is unfair to the Tucson firefighters who risk their lives for others and is not in accordance with A.R.S. 23-901.09.

Chairman Kavanaugh commented he appreciated their comments and appreciated them bringing it to the Commission's attention.

Commissioner Godfrey seconded the statements made by Dan Freiberg and Anthony D'Onofrio, it is a tragedy these firefighters go into buildings and no firefighter is going to call for help after they get on scene, we will do whatever it takes, every firefighter in the state of Arizona will do whatever it takes to mitigate the situation up to and including their death. All they are asking is that they are taken care of at the end of the day, it is appalling it is still going on and hope they decide to do the right thing.

There was no other public comment.

The meeting was adjourned at 1:52 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By   
Gaetano J. Testini, Director

ATTEST:

  
Kara Dimas, Commission Secretary