

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 2675 East Broadway Boulevard
Tucson, Arizona 85716
Thursday, August 25, 2022 – 1:30 p.m.

Present: Dale L. Schultz	Chairman
Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
Scott P. LeMarr	Commissioner
D. Alan Everett	Commissioner
James Ashley	Director
Gaetano Testini	Chief Legal Counsel
Trevor Laky	Legislative Affairs Chief/Public Information Officer
Renee Pastor	Self Insurance (Telephonic)
Charles Carpenter	MRO Manager (Telephonic)
Renee Englen	MRO (Telephonic)
Jessie Atencio	ADOSH Director
Yvonne Borunda	Acting Commission Secretary

Chairman Schultz convened the meeting at 1:30 p.m. In attendance, confirmed by roll call were Steven Barnes, Joel Loranger, Michael Bryant, Ernest Delgado, Brandt Smith, Mark Norton (ADOSH Tucson staff); Ana Acosta, Shelley Tolman (Tucson ALJ staff); and Giulia Valluzzi. Also in attendance on the telephone, confirmed by roll call Susan Blythe (City of Casa Grande).

Approval of Minutes of August 19, 2022 Regular Meeting Minutes.

Commissioner LeMarr moved to approve the Minutes of the August 19, 2022 regular session meeting and Commissioner Everett seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett 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. American Furniture Warehouse Co. Inc.

Commissioner Everett moved to approve the item on the Consent Agenda and Commissioner LeMarr seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

SERIOUS – Citation 1 - Item 3a –

- a) Extraction area: An employee worked with chemicals including butane, alcohols, magnesium silicate, and amorphous silica, and the employer had not maintained a hazard communication program. 29 CFR 1910.1200(e)(1)
 Div. Proposal - \$2,500.00 Formula Amt. - \$2,500.00

SERIOUS – Citation 1 - Item 3b –

- a) Maintenance area: A plastic container containing ethanol was not labeled, tagged, or marked.
 29 CFR 1910.1200(f)(6)
 Div. Proposal - \$0.00 Formula Amt. - \$2,500.00

SERIOUS – Citation 1 - Item 3c –

- a) Maintenance area: A plastic container containing ethanol was not labeled, tagged, or marked.
 29 CFR 1910.1200(h)(1)
 Div. Proposal - \$0.00 Formula Amt. - \$2,500.00
- TOTAL PENALTY - \$10,000.00 TOTAL FORMULA AMT. - \$20,000.00

Mr. Atencio discussed ADOSH’s inspection, summarized the citation and proposed penalties, and reviewed the photographs.

Chairman Schultz checked if anyone would like to comment.

Commissioner LaMarr moved to approve the citation and proposed penalties as presented and Commissioner Everett seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

City of Casa Grande - Wastewater
 510 E Florence Blvd
Casa Grande, AZ 85122

Program Planned
 Years in Business: 140
 Empl. Covered by Inspection: 16

Site Location: 202 E 1st Avenue
 Casa Grande, AZ 85122
 Inspection No: PP-2022-T3633-0036
 Inspection Date: April 12, 2022

SERIOUS – Citation 1 - Item 1 –

- a) Headworks, East track: The four foot by four foot opening over the bar screen pit next to the rake was not covered, leaving employees exposed to the fall hazards into the 15 foot deep pit.

- b) Headworks, West track: The four foot by four foot opening over the West bar screen pit next to the rake was not covered, leaving exposed to the fall hazards into the 15 foot deep pit. 29 CFR 1910.28(b)(6)(ii)(A)
 Div. Proposal - \$2,500.00 Formula Amt. - \$2,500.00

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley commented that Special Fund Manager Terry Ann Apodaca received great feedback at the Claims Seminar including one from an out-of-state adjuster who shared that the people from Arizona were the nicest and most helpful of any state she deals with.

Mr. Ashley expressed the agency's appreciation for the safety tour at Schnipke Southwest and congratulated ICA Tucson for achieving Voluntary Protection Program status.

Ms. Borunda confirmed Commission meeting dates through October 2022.

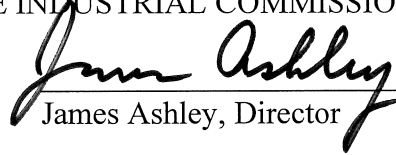
Public Comment.

There was no other public comment.

Commissioner LeMarr moved to adjourn and Commissioner Everett 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 2:15 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:


Yvonne Borunda, Acting Commission Secretary