# MINUTES OF MEETING OF THE INDUSTRIAL COMMISSION OF ARIZONA

Telephonic Meeting Held at 800 West Washington Street Phoenix, Arizona 85007 Thursday, August 26, 2021 – 1:00 p.m.

Present: Dale L. Schultz

Chairman (Telephonic)

Joseph M. Hennelly, Jr.

Vice Chair (Telephonic)

D, Alan Everett

Commissioner (Telephonic)

James Ashley

Director (Telephonic)

Gaetano Testini

Chief Legal Counsel (Telephonic)

Jason M. Porter Trevor Laky

Deputy Director (Telephonic)

Legislative Affairs Chief/Public Information Officer (Telephonic) Self Insurance (Telephonic)

Renee Pastor Jessie Atencio

ADOSH Director (Telephonic)

Steve Black Anna Maria Stonerock ADOSH Compliance (Telephonic) ADOSH Admin (Telephonic)

Kara Dimas

Commission Secretary (Telephonic)

Chairman Schultz convened the meeting at 1:00 p.m. There were no other callers in attendance identified during the roll call.

# Approval of Minutes of August 19, 2021 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the August 19, 2021 regular session meeting and Chairman Schultz seconded the motion. Chairman Schultz and Commissioner Everett voted in favor of the motion. Vice Chair Hennelly abstained. The motion passed 2-0.

### 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. Concrete Reinforcements, Inc. (CRI)
- 2. Freeport-McMoran, Inc.
- 3. Marriott International, Inc.
- TMC Healthcare

Chairman Schultz complimented Marriott International on their enviable experience modification factor of .73 which has been dropping. Also, TMC Healthcare in Tucson has an excellent safety record of a .88 experience modification factor.

Commissioner Everett moved to approve the items on the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Everett 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 Schultz discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

S.W. Sun Control Products, Inc.

Planned

dba Sun Control Retractable Shades

Years in Business: Empl. Covered by Inspection: 24

70

816 E Evans Blvd Tucson, AZ 85713

Site Location:

816 E Evans Blvd

Tucson, AZ 85713

Inspection No:

T3633 - 1543387

Inspection Date:

7/22/2021

## SERIOUS - Citation 1 - Item 1a -

a) Fabrication building: The powder coat booth, unknown manufacturer, model and serial number, did not have a device to indicate that air speed was maintained. 29 CFR 1910.107(b)(5)(i)

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

#### SERIOUS – Citation 1 - Item 1b –

a) Fabrication building: The powder coat booth, unknown manufacturer, model and serial number, was not protected with an approved automatic fire protection system. 29 CFR 1910.107(b)(5)(iv)

Div. Proposal - \$0.00

Formula Amt. - \$1,500.00

### SERIOUS - Citation 1 - Item 1c -

a) Fabrication building: The powder coat booth, unknown manufacturer, model and serial number, had two bundles of pipes stored outside of the booth up against the east wall. 29 CFR 1910.107(b)(9)

Div. Proposal - \$0.00

Formula Amt. - \$1,500.00

#### SERIOUS – Citation 1 - Item 1d –

a) Fabrication building: The powder coat booth, unknown manufacturer, model and serial number, had two 120-volt electrical outlets mounted inside the booth on the west wall, and the outlets were not a type which were electrically rated for the location. 29 CFR 1910.107(c)(5)

Div. Proposal - \$0.00

Formula Amt. - \$1,500.00

## SERIOUS – Citation 1 - Item 2 –

a) 816 E Evans Blvd, Tucson, AZ: Employees used 3M brand, model 3894 full-face air purifying respirators during powder coating work, and a written respirator protection program had not been established. 29 CFR 1910.134(c)(1)

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

### SERIOUS – Citation 1 - Item 3 –

- a) Fabrication area: A CTD Machine brand radial saw, TigerStop model and unknown serial number, was missing to of the adjustable clear plastic guards which covered the left side of the cutting area, and other adjustable clear plastic guards on the left and right sides of the cutting area were not adjusted so that the blade was guarded.
- b) Fabrication area: A Rong Fu Industries Co., Ltd. drill press, model 09512922 and serial number 93K1091, did not have a chuck guard installed to protect employees from rotating parts and flying chips. 29 CFR 1910.212(a)(1)

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

TOTAL PENALTY - \$4,500.00

TOTAL FORMULA AMT. - \$9,000.00

Mr. Atencio noted that the Compliance Officer, Mr. Black was available for questions. Mr. Atencio discussed ADOSH's investigation, summarized the citation and proposed penalties, and reviewed the photographs.

Chairman Schultz checked if anyone on the phone would like to comment.

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

### Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley noted in light of the successful passage of Legislative House Bill 2160 sponsored by State Representative Steve Kaiser, which grants the ADOSH Director discretion to excuse a late notification from an employer on a proposed citation or penalty, clarifies the appointment process to the OSHA Review Board and cleans up statutory language, received the necessary approval from Federal OSHA to be included in our State Plan.

Mr. Ashley informed the Commissioners that the Golden Hard Hat Award for August was presented to ADOSH for the successful completion and implementation of the Salesforce system in the Compliance and Whistleblower units. Since the inception of ADOSH the division has never had a case file management system of their own, while utilizing the OSHA Information System ("OIS"); just paper files and manual processes. With Federal OSHA approval to build the Salesforce system and assistance from the Compliance and Whistleblower Units and our contractor Julie Hill they worked closely with the vendor, PD Partners, to design and build three separate Advologix case management systems, which have unique workflows and functionalities with the ability to integrate successfully with OIS to meet federal reporting requirements. With this new system ADOSH has a state-of-the-art system for processing the work of the division. We are now working towards implementation for the Consultation and the Elevator teams with a forecast to deploy by June of 2022.

Mr. Atencio thanked Mr. Porter for all of this support and reported the system turned out well and the staff is fully using the system.

Mr. Porter noted that it is great to see another Salesforce system in place.

Chairman Schultz wanted to extend thanks to Julie Hill for her support in helping drive this important project through to conclusion.

Chairman Schultz noticed that today's ADOSH file took one month from inspection to the Commission agenda which is a wonderful timeframe and which is beneficial to employers. If the Commission can get this process like this a significant percentage of the time, it should enable improvement for the entire system as well as wanting to automate the system to let the inspectors complete parts of their file during inspection and is a huge step forward.

Mr. Ashley congratulated Ms. Pastor for her civic engagement and her appointment as the Chair of the City of Surprise Health Benefits Trust Board.

Chairman Schultz congratulated Ms. Pastor and commented that he knows she will put in the same incredible amount of work for them that she does for the Commission and provide excellent leadership to make sure they stay fiscally sound and able to take care of that workforce.

Ms. Dimas confirmed Commission meeting dates through November 2021. Vice Chair Hennelly noted he was not sure about the October dates at this time.

Chairman Schultz thanked the Commissioners and commented that for a small board, their attendance records must be amongst the best in the state. The Commissioners are absolutely fantastic about getting open and joining to make sure we always have a quorum to perform the business of the Commission.

#### Public Comment.

Ms. Pastor thanked Chairman Schultz and Director Ashley.

There was no other public comment.

Vice Chair Hennelly moved to adjourn and Commissioner Everett seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Everett voted in favor of the motion and the meeting was adjourned at 1:31 p.m.

THE INDJUSTRIAL COMMISSION OF ARIZONA

Ву

James Ashley, Director

ATTEST:

Kara Dimas, Commission Secretary