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 Deputy Director (Telephonic)
Trevor Laky Legislative Affairs Chief/Public Information Officer (Telephonic)
Renee Pastor Self Insurance (Telephonic)
Jessie Atencio ADOSH Director (Telephonic)
Steve Black ADOSH Compliance (Telephonic)
Anna Maria Stonerock 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.
   4. 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
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

Empl. Covered by Inspection: 70

**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 INDUSTRIAL COMMISSION OF ARIZONA

By James Ashley, Director

ATTEST:

Kara Dimas, Commission Secretary