MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, July 11, 2019 – 1:00 p.m.

Present: Dale L. Schultz Chairman
Joseph M. Hennelly, Jr. Vice Chair (Telephonic)
Scott P. LeMarr Commissioner
Steven J. Krenzel Commissioner (Telephonic)
James Ashley Director
Stacey Rogan Assistant Chief Legal Counsel
Trevor Laky Legislative Affairs Chief / Public Information Officer
Jessie Atencio ADOSH Director
Steve Black Compliance Officer
Kara Dimas Commission Secretary

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance was Michael Fassett (Snell & Wilmer).

Approval of Minutes of July 1, 2019 Regular Meeting Minutes.

Commissioner LeMarr moved to approve the Minutes of the July 1, 2019 regular session meeting and Commissioner Krenzel seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion. Vice Chair Hennelly abstained. The motion passed.

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

Applegate Arizona, LLC
1742 S Roof Tile Rd
Casa Grande, AZ 85222

<table>
<thead>
<tr>
<th>Site Location:</th>
<th>1742 S Roof Tile Rd</th>
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<td>Casa Grande, AZ 85222</td>
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<tr>
<th>Inspection No:</th>
<th>B8139-1375399</th>
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<td>Inspection Date:</td>
<td>01/31/2019</td>
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SERIOUS – Citation 1 - Item 1 –

a) Bagger Line #1: Three employees were exposed to the ingoing nip points created by an unguarded steel and drive belt rollers.

b) Bagger Line #1: Folder: Three employees were exposed to the ingoing nip points created by an unguarded conveyor belt.

c) Bagger Line #1: One employee was exposed to an unguarded moving piston.

d) Bagger Line #1: One employee was exposed to an unguarded automatic steel closing door.
e) Bagger Line #2: Three employees were exposed to the ingoing nip points created by an unguarded steel and drive belt rollers.

f) Bagger Line #2: Three employees were exposed to the ingoing nip point created by an unguarded conveyor belt.

g) Bagger Line #2: One employee was exposed to an unguarded automatic steel closing door.

h) Bagger Line #2: Three employees were exposed to the ingoing nip point created by an unguarded conveyor belt pulley and equipment frame. 29 CFR 1910.212(a)(1)  
Div. Proposal - $4,000.00  
Formula Amt. - $4,000.00

SERIOUS – Citation 1 - Item 2a –

a) Bagger Line #1: Two, 1 inch diameter rotating shafts on Bagger Folder extended 3 inches from the machine.

b) Bagger Line #2: One, 1 inch diameter rotating shaft on Bagger Folder extended 2 inches from the machine. 29 CFR 1910.219(c)(4)(i)  
Div. Proposal - $2,000.00  
Formula Amt. - $2,000.00

SERIOUS – Citation 1 - Item 2b –

a) Bagger Line #1: The chain drive and pulley to the Bagger Folder was not guarded to prevent accidental contact by employees.

b) Bagger Line #2: The chain drive and pulley to the Bagger Bin Hopper was not guarded to prevent accidental contact by employees. 29 CFR 1910.219(e)(3)(i)  
Div. Proposal - $0.00  
Formula Amt. - $2,000.00

NON-SERIOUS – Citation 2 - Item 1 –

a) 1742 S. Roof Tile Rd, Casa Grande, AZ 85193: An employee was injured and hospitalized for an amputation and it was not reported to ADOSH within 24-hours. 29 CFR 19104.39(a)(2)  
Div. Proposal - $800.00  
Formula Amt. - $800.00  
TOTAL PENALTY - $6,800.00  
TOTAL FORMULA AMT. - $8,800.00

Mr. Atencio discussed ADOSH’s investigation, summarized the citations and proposed penalties, reviewed the photographs, and noted that the employer receives a 20% reduction for size.

Commissioner LeMarr stated the photographs show the number of exposures. Commissioner LeMarr and Mr. Atencio discussed whether the equipment was manufactured with guarding. They also discussed how ADOSH was notified.

Commissioner LeMarr noted there was one abatement photograph. Mr. Atencio noted that was all they had.

Commissioner LeMarr and Vice Chair Hennelly commended the thorough inspection.
Chairman Schultz and Mr. Atencio discussed other potential options for guarding.

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

Applegate Arizona, LLC  
1742 S Roof Tile Rd  
Casa Grande, AZ 85222

Referral
Years in Business: 40
Empl. Covered by Inspection: 35

Site Location: 1742 S Roof Tile Rd  
Casa Grande, AZ 85222

Inspection No: T3633-1388273
Inspection Date: 03/27/2019

REPEAT-SERIOUS – Citation 1 - Item 1 –

a) Final Sort Line Area: Horizontal surfaces including the steel wall components, steel roof components, ducts, lights, electrical equipment, and approximately one-fourth of the floor area had accumulations of explosive dust exceeding ¼ inch, with some surface having dust accumulations up to seven inches deep.

b) Main Processing Room: The mezzanine area had accumulations of explosive dust exceeding one-half inch deep. 29 CFR 1910.22(a)(1)

APPLEGATE ARIZONA, LLC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.22(a)(1) WHICH WAS CONTAINED IN ADOSH INSPECTION NUMBER 1226236, CITATION NUMBER 01, ITEM 001, ISSUED ON 6/27/2017, WITH RESPECT TO A WORKPLACE LOCATED AT 1742 S ROOF TILE RD, CASA GRANDE, ARIZONA.

Div. Proposal - $3,000.00
TOTAL PENALTY - $3,000.00

Formula Amt. - $2,000.00
TOTAL FORMULA AMT. - $2,000.00

Mr. Atencio discussed ADOSH’s investigation, summarized the citation and proposed penalty, and reviewed the photographs.

Commissioner LeMarr and Mr. Atencio confirmed the repeat was for a 2017 citation.

Mr. Black described the business process, his inspection of the facility, the accumulation of dust and the sample testing.

Chairman Schultz explained that while he was sympathetic with trying to keep and train people, if the business cannot it needs to look at engineering and other controls, and as seen in similar other processing businesses with dust accumulation which use vacuums to collect the dust to avoid accumulation.

Commissioner LeMarr moved to approve the citation and proposed penalties as presented and Commissioner Krenzel seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion. The motion passed.
Discussion and/or action regarding Industrial Commission goals, objectives and key initiatives for 2019. This Agenda Item may include discussion regarding the Commission budget and review of Division, Department, and Section specific objectives.

Mr. Ashley reviewed the revised Governor’s Fundamentals Map detailing how the Commission contributes. He reviewed the Mission, Leadership, Core Beliefs and Core Values categories, highlighting the Commission’s involvement in the six goal councils.

Chairman Schultz noted that what the Commission does is not just about safety, this agency can participate in moving the state forward in many ways in helping to achieve the Governor’s goals.

Chairman Schultz noted it would be a nice way for the Commissioners to spend some time at a meeting to talk about the Commission’s goals and objectives to see if there are areas to identify and set goals to work towards.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas noted the July 18th meeting would be cancelled since there were no pressing items and confirmed Commission meeting dates through September 2019.

Public Comment.

There was no public comment.

Commissioner LeMarr moved to adjourn and Commissioner Krenzel seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 1:46 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By [Signature]

James Ashley, Director

ATTEST:

Kara Dimas, Commission Secretary