

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, July 28, 2022 – 1:00 p.m.

Present:	Dale L. Schultz	Chairman
	Scott P. LeMarr	Commissioner (Telephonic)
	D. Alan Everett	Commissioner (Telephonic)
	James Ashley	Director
	Gaetano Testini	Chief Legal Counsel
	Renee Pastor	Self Insurance
	Jessie Atencio	ADOSH Director
	Kara Dimas	Commission Secretary

Chairman Schultz convened the meeting at 1:00 p.m.

Approval of Minutes of July 21, 2022 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the July 21, 2022 regular session meeting and Chairman Schultz seconded the motion. Chairman Schultz, 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. Trademark Construction

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

Discussion, Action, and Potential Resolution regarding Proposed Rulemaking to Title 20, Chapter 5, Article 4. Arizona Boilers and Lined Hot Water Heaters.

Mr. Testini noted that each of the Articles within the Arizona Administrative Code undergo review every five years and a Five-Year Review Report is prepared with recommend rulemaking. Both Articles 4 and Article 5 Rulemaking are partially the result of the outline made in the Five-Year Review Reports.

In Article 4 Arizona Boilers and Lined Hot Water Heaters, there are 10 references to more current standards either through an ASME standard or ANSI standard. The other part of this rulemaking is eliminating a rule that is a conflict with a statute. Overall, there are 18 Rules that would be affected by these rule changes with the updates ranging from 2017 to 2020 standards. The new section would adopt by reference a 2012 standard based on the National Boiler and Pressure Valve Inspectors for valves.

Commissioner Everett moved to accept the recommendation of staff that the Legal Division respectfully recommends that the Commission authorize the Legal Division to proceed with the proposed rulemaking by filing a request with the Governor's Office for an exemption from the Rulemaking Moratorium and upon receipt of the Exemption permission to file a Notice of Proposed Rulemaking with the Secretary of State and allow for electronic signatures. Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Discussion, Action, and Potential Resolution regarding Proposed Rulemaking to Title 20, Chapter 5, Article 5, Elevator Safety.

Mr. Testini noted this rulemaking package is related to Article 5 Elevator Safety and like the first package will update references to some of the national standards. The other major part of this rule package is creating a rule to cover an area that has not been incorporated and the national standards for elevator suspension and other systems. Creating an article which would incorporate by reference the ASME A17.6 2017 standard requirements for elevator suspension, compensation, and governor systems. The goals of the elevator rule changes are to allow for a less restrictive policy for the stakeholders and more current technologies within the elevator industry. He asked the Commission to sign a resolution electronically to go forward with the rulemaking.

Commissioner LeMarr moved to accept the recommendation of staff that the Legal Division respectfully recommends that the Commission authorize the Legal Division to proceed with the proposed rulemaking by filing a request with the Governor's Office for an exemption from the Rulemaking Moratorium and upon receipt of the Exemption permission to file a Notice of Proposed Rulemaking with the Secretary of State and allow for electronic signature. Commissioner Everett seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley updated the Commissioners on the Beryllium, Standards Improvement Project, and Cranes and Derricks in Construction: Railroad Roadway Work rulemaking that has been completed and implemented and was published by the Secretary of State last Friday.

Mr. Ashley confirmed the availability of the Commissioners for the August 25th meeting, community outreach by visiting a Tucson SHARP site, and celebrating achieving VPP status with Tucson staff.

Ms. Dimas confirmed Commission meeting dates through October 2022.

Public Comment.

There was no public comment.

Commissioner Everett moved to adjourn and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Everett voted in favor of the motion and the meeting was adjourned at 1:15 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By James Ashley
James Ashley, Director

ATTEST:

Kara Dimas
Kara Dimas, Commission Secretary