MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, April 25, 2019 – 1:00 p.m.

Present: Dale L. Schultz Chairman
Joseph M. Hennelly, Jr. Vice Chair
Steven J. Krenzel Commissioner
Jason M. Porter Deputy Director
Stacey Rogan Assistant Chief Legal Counsel
Trevor Laky Legislative Affairs Chief/Public Information Officer
Renee Pastor Self Insurance
Jessie Atencio ADOSH Director
Kara Dimas Commission Secretary

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance were Doug Landvatter, Josh Destes, and Cliff Barber (Clearwater Pipelines) and Michael Fassett (Snell & Wilmer).

Approval of Minutes of April 11, 2019 Regular Meeting.

Commissioner Krenzel moved to approve the Minutes of the April 11, 2019 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel 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 Proposed Civil Penalties Against Uninsured Employers.

1. 2C-18/19-0634 Abradayless Landscaping LLC $5000
2. 2C-18/19-0477 Timothy Wright dba Rentals Tempe $1000
3. 2C-18/19-0654 Zenem Corporation $5000

b. Approval of Requests for Renewal of Self-Insurance Authority.

1. ABF Freight Systems, Inc.
2. City of Yuma
3. Heartland Express, Inc.

Vice Chair Hennelly requested that the City of Yuma be moved to the regular agenda, and Chairman Schultz moved Honeywell International, Inc. to the regular agenda.
Commissioner Krenzel moved to approve the remaining items on the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

City of Yuma – Vice Chair Hennelly noticed the experience modification factor was high for 2017. Ms. Pastor noted it was coming down for 2018 and the city is working with ADOSH and the PEPP Program. Mr. Atencio and Chairman Schultz commented that the City of Yuma is making progress implementing safety and health management systems at different levels. Vice Chair Hennelly was glad to hear about the progress.

Vice Chair Hennelly moved to approve the request for renewal of self-insurance authority for the City of Yuma and Commissioner Krenzel seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Honeywell International, Inc. – Chairman Schultz stated Honeywell is an incredible partner in safety. Honeywell’s experience modification factor of .35 is not only better than 65% of the other companies in their classification, but the lowest experience modification factor of any self-insured entities and Honeywell is part of the Voluntary Protection Program.

Commissioner Krenzel moved to approve the request for renewal of self-insurance authority for Honeywell International, Inc. and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel 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.

Clearwater Pipelines LLC
1528 W San Pedro Ste 140
SanTan, AZ 85233

Fatality/Accident Years in Business: 5
Empl. Covered by inspection: 22

Site Location: Parcel 509037740
San Tan Valley, AZ 85142

Inspection No: F5182-1376017
Inspection Date: 02/05/2019

SERIOUS – Citation 1 - Item 1 –

a) Parcel 509037740, San Tan Valley, AZ 85142: An employee was provided training for a Caterpillar compactor, model #CP34 and serial #W1183A00407. 29 CFR 1926.21(b)(2)
Div. Proposal - $1,500.00 Formula Amt. - $1,500.00
TOTAL PENALTY - $1,500.00 TOTAL FORMULA AMT. - $1,500.00

Mr. Atencio summarized ADOSH’s fatality investigation, the citation and proposed penalties, and reviewed the photographs.

Vice Chair Hennelly and Mr. Atencio corrected content missing in Citation 1, Item 1.
Vice Chair Hennelly and Mr. Atencio discussed that the fatality was not attributed to the citation, but rather to not using the seatbelt.

Chairman Schultz asked whether the employee, who was on the job for only a month, ever received an initial orientation or daily instruction with respect to the hazards to the job.

Mr. Atencio explained the operations daily report, which is provided at the beginning of each day, includes the use of seatbelts.

Mr. Landvatter noted they were at the Commission meeting to observe and demonstrate they care about what is going on and are concerned, and noted their experience modification was .76 before this incident.

Chairman Schultz and Mr. Atencio discussed the lack of abatement. Mr. Destes discussed a new electronic program, reports and training for employees to sign and date/time stamp when things are accomplished, and that the program was not in place at the time of the incident.

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

Wincup Holdings, Inc. dba A Delaware Corporation
7980 W Buckeye Rd
Phoenix, AZ 85043

Site Location: 7980 W Buckeye Rd
Phoenix, AZ 85043

Inspection No: N8278-1361867
Inspection Date: 11/21/2018

Referral
Years in Business: 57
Empl. Covered by inspection: 45

REPEAT-SERIOUS — Citation 1 - Item 1 —

a) North side Packing Room, KASE Printer TP06: Three employees were exposed to rotating parts and ingoing nip points on a Wincup KASE printer model #KASE KHSP 6 and serial #C10013-022, to prevent accidental contact.

b) Northside Packing Room, KASE Printer TP07: Two employees were exposed to rotating parts and ingoing nip points on a Wincup KASE printer model #KASE KHSP 6 and serial #C10013-020, to prevent accidental contact.

c) North side Packing Room, KASE Printer TP08: Two employees were exposed to rotating parts and ingoing nip points on a Wincup KASE printer model #KASE KHSP 6 and serial #C10013-021, to prevent accidental contact.

d) North side Packing Room, Cup Chute TP06: One employee was exposed to rotating parts on a Wincup KASE printer model #KASE KHSP 6 and serial #C10013-022, to prevent accidental contact. 29 CFR 1910.212(a)(1) Div. Proposal - $12,500.00 Formula Amt. - $12,500.00

SERIOUS — Citation 2 - Item 1 —
a) North side Packing Room, Bagger TP06: One employee was exposed to a rotating coupling with projecting bolt heads on a Wincup KASE printer, model #KASE KHSP 6 and serial #C10013-022, to prevent accidental contact.

b) North side Packing Room, Bagger TP08: One employee was exposed to a rotating coupling with projecting bolt heads on a Wincup KASE printer, model #KASE KHSP 6 and serial #C10013-021, to prevent accidental contact. 29 CFR 1910.219(c)(2)(i)
Div. Proposal - $2,500.00  
Formula Amt. - $2,500.00

SERIOUS – Citation 2 - Item 2 –

a) North side Packing Room, KASE Printer TP06: An employee was performing service on a Wincup KASE printer, model #KASE KHSP 6 and serial #C10013-022, without procedures developed to prevent the accidental start-up of the equipment. 29 CFR 1910.147(c)(4)(i)
Div. Proposal - $2,500.00  
Formula Amt. - $2,500.00

SERIOUS – Citation 2 - Item 3a –

a) North side Packing Room, KASE Printer TP08: Two employees were exposed to an opened faced live electrical junction box on a Wincup KASE printer, model #KASE KHSP 6 and serial #C10013-021, that lacked an adequate protective cover. 29 CFR 1910.305(b)(2)(i)
Div. Proposal - $1,500.00  
Formula Amt. - $1,500.00

SERIOUS – Citation 2 - Item 3b –

a) North side Packing Room, KASE Printer TP06: Two employees were exposed to live electrical wires on a Wincup KASE printer, model number unknown and serial #M112505900. 29 CFR 1910.303(g)(2)(i)
Div. Proposal - $0.00  
Formula Amt. - $1,500.00

SERIOUS – Citation 2 - Item 3c –

a) North side Packing Room, KASE Printer TP06: A flexible cord providing power to a UV light had the outer insulation pulled away from the plug.

b) North side Packing Room, KASE Printer TP06: A flexible cord providing power to a Lesson Gear Motor had the outer insulation pulled away from the plug.

c) North side Packing Room, KASE Printer TP08: A flexible cord providing power to a UV Light had the outer insulation pulled away from the plug. 29 CFR 1910.305(g)(2)(iii)
Div. Proposal - $0.00  
Formula Amt. - $1,500.00

TOTAL PENALTY - $19,000.00  
TOTAL FORMULA AMT. - $22,000.00

Mr. Atencio discussed ADOSH’s investigation, summarized the citations and proposed penalties, and reviewed the photographs. Mr. Porter noted a correction needs to be made for the name Wincup Holdings, Inc., which cannot be doing business as (dba) a Delaware Corporation. Additionally, Mr. Atencio made adjustments to the numbers of the citations as shown.

Vice Chair Hennelly, Mr. Atencio and Chairman Schultz discussed the prior violation being abated and this reference being for a different machine that was not abated the last time. The ongoing
proactive review and implementation is early in the process reviewing machine guarding that they may not have thought about previously.

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

Alicat Scientific, Inc.
7641 N Business Park Dr.
Tucson, AZ 85743

| Complaint | Years in Business: | 26 |
| Empl. Covered by inspection: | 20 |

Site Location: 7641 N Business Park Dr.
Tucson, AZ 85743

Inspection No: T3633 - 1371720
Inspection Date: 1/16/2019

SERIOUS – Citation 1 - Item 1 –

a) Compressor room: The work platform on top of the compressor room, which was eight feet three inches above the floor, did not have a standard railing installed on the two open sides. 29 CFR 1910.23(c)(1)

Div. Proposal - $1,600.00

Formula Amt. - $1,600.00

SERIOUS – Citation 1 - Item 2 –

a) Machine Shop: A Jet brand vertical belt sander, model #J-4300A and serial #16070002, did not have a side guard installed.

b) Machine Shop: A Jet brand vertical belt sander, model #J-4200A and serial #150120662, did not have a side guard installed.

c) Machine Shop: A Wilton brand vertical belt sander, model #J-4300A and serial #010167, did not have a side guard installed.

d) Machine Shop: A Doosan brand CNC mill machine, model #VC 510 and serial number unknown, did not have the door interlock device enabled. 29 CFR 1910.212(a)(1)

Div. Proposal - $4,000.00

Formula Amt. - $4,000.00

TOTAL PENALTY - $5,600.00

TOTAL FORMULA AMT. - $5,600.00

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

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

Southwest Specialty Food, Inc.
700 N Bullard Ave.
Goodyear, AZ 85338

| Complaint | Years in Business: | 30 |
| Empl. Covered by inspection: | 12 |

Site Location: 700 N Bullard Ave.
Goodyear, AZ 85338
SERIOUS – Citation 1 - Item 1a –

a) Kettle Line: An employee was provided with an Elipse P100 half-mask respirator, model #SPR457 and serial number unknown, for voluntary use without receiving information on the limitations of the respirator. 29 CFR 1910.134(c)(2)(i)
Div. Proposal - $600.00  Formula Amt. - $600.00

SERIOUS – Citation 1 - Item 1b –

a) Kettle Line: An employee was provided with an Elipse P100 half-mask respirator, model #SPR457 and serial number unknown, for voluntary use without receiving information on the limitations of the respirator. 29 CFR 1910.134(c)(2)(i)
Div. Proposal - $0.00  Formula Amt. - $600.00

SERIOUS – Citation 1 - Item 2 –

a) Washing Station: An employee was exposed to corrosive chemicals such as Questar LAC-NF, Questar GPC, Questar Acid-NF, and Questar QAC without immediate access to suitable facilities for quick drenching or flushing of the eyes and body in case of contact or splash hazard. 29 CFR 1910.151(c)
Div. Proposal - $800.00  Formula Amt. - $800.00

SERIOUS – Citation 1 - Item 3 –

a) Wet Line: The guarding on the KAPS-ALL Packing System, model #AC-1 and serial #4155, was inadequate and exposed an employee to going nip points. 29 CFR 1910.219(e)(1)(i)
Div. Proposal - $1,000.00  Formula Amt. - $1,000.00

NON-SERIOUS – Citation 2 - Item 1 –

a) Wet Line: An in-patient hospitalization of an employee was not reported to ADOSH within 24 hrs of the injury. 29 CFR 1910.39(a)(2)
Div. Proposal - $400.00  Formula Amt. - $400.00
TOTAL PENALTY - $2,800.00  TOTAL FORMULA AMT. - $3,400.00

Mr. Atencio discussed ADOSH’s investigation, summarized the citations and proposed penalties, and reviewed the photographs.

Vice Chair Hennelly and Mr. Atencio discussed that the Non-Serious Citation should be Citation 2, Item 1 for the absence of the timely reporting of the injury.

Chairman Schultz and Mr. Atencio discussed the injury which required hospitalization and the location of the eye wash station and the impeded route to the station referred to in photograph 5.

Commissioner Krenzel moved to approve the citation and proposed penalties as presented and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.
Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through July 2019.

Public Comment.

Mr. Fassett asked if the last motion was to approve or amend; Chairman Schultz and Mr. Porter noted the Chairman asked for a motion to approve as presented.

There was no other public comment.

Commissioner Krenzel moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 2:00 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By  [Signature]

Jason M. Porter, Deputy Director

ATTEST:

[Signature]

Kara Dimas, Commission Secretary