MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, November 14, 2019 – 1:00 p.m.

Present: Dale L. Schultz Chairman
Joseph M. Hnelly, Jr. Vice Chair
Scott P. LeMarr Commissioner
Steven J. Krenzel Commissioner
Gaetano Testini Acting Director
Stacey Rogan Assistant Chief Legal Counsel
Janinc Locke Special Services Manager
Rebecca Schaar Legal Division
Jessie Atencio ADOSH Director
Brooks Rogers Compliance Supervisor
John Acosta Compliance Officer
Martha Zamundio Compliance Officer
Kara Dimas Commission Secretary

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance were Daniel O’Connor and Sally Shaffer (representing Columbia Sussex dba Boulders Resort and Spa); Michael Nicolini (Premier Industries, Inc.); Chris Ingle, Chuck Niday, Don Roberts (Sun City RV, Inc.); and Scot Butler (Undisclosed).

Approval of Minutes of November 7, 2019 Regular Meeting Minutes.

Chairman Schultz tabled this item to the next regular meeting.

Safety Committee Update and Topic Discussion.

Ms. Locke reviewed the Industrial Commission’s evacuation procedures and handed out the evacuation plan.

Ms. Schaar explained the training for the floor wardens and the information contained on the safety boards.

Ms. Locke announced that the agency was awarded a one year VPP status. Ms. Locke noted that one-third of the 74 items needed to be completed to secure continuing VPP status have been completed, and the Commission is working very hard to complete the remainder of the items.

Chairman Schultz noted the process took about two years from beginning to end, during which time the Commission accomplished many safety upgrades.

Chairman Schultz noted the Industrial Commission is now one of fifty entities statewide with VPP certification. He thanked Ms. Locke and Ms. Schaar for their work and keeping employees safe every day.
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.

Columbia Sussex dba Boulders Resort and Spa
34631 N. Tom Darlington Dr.
Carefree, AZ 85377

Site Location: 34631 N. Tom Darlington Dr.
Carefree, AZ 85377

Inspection No: I7246 -1419768
Inspection Date: 7/30/2019

Fatality/Accident
Years in Business: 4
Empl. Covered by Inspection: 3

Mr. Atencio summarized ADOSH’s fatality investigation and reviewed the file and photographs. He noted that ADOSH was not recommending a citation.

Vice Chair Hennelly and Mr. Atencio discussed that ADOSH was not notified timely of the fatality.

Chairman Schultz noted he could only imagine the impact it had on staff and such a tragedy.

The Commission took no action.

Sun City RV, Inc.
9045 W. Grand Ave
Peoria, AZ 85345

Site Location: 9045 W. Grand Ave
Peoria, AZ 85345

Inspection No: N8278 -1432968
Inspection Date: 9/23/2019

Fatality/Accident
Years in Business: 35
Empl. Covered by Inspection: 6

SERIOUS – Citation 1 - Item 1a –

a) Automotive shop: Three employees were exposed to hazardous chemicals such as 1, 1, 1, 2-Tetrafluoroethane (Freon 134a) and TORQ "CB" III Advanced Formula "Corrosion Blasting" PENETRATING OIL with no written hazard communication program in place. 29 CFR 1910.1200(e)(1)
Div. Proposal - $1,200.00
Formula Amt. - $1,200.00

SERIOUS – Citation 1 - Item 1b –

a) Automotive shop: Three employees were exposed to hazardous chemicals such as 1, 1, 1, 2-Tetrafluoroethane (Freon 134a) and TORQ "CB" III Advanced Formula "Corrosion Blasting" PENETRATING OIL with no safety data sheets available. 29 CFR 1910.1200(g)(1)
Div. Proposal - $0.00
Formula Amt. - $1,200.00

SERIOUS – Citation 1 - Item 1c –
a) Automotive shop: Three employees were exposed to hazardous chemicals such as 1,1,1,2-
Tetrafluoroethane and TORQ "CB" III Advanced Formula "Corrosion Blasting"
PENETRATING OIL without having received effective information and training. 29 CFR
1910.1200(h)(1)
Div. Proposal - $0.00  Formula Amt. - $1,200.00

NON-SERIOUS – Citation 2 - Item 1 –

a) Automotive shop: Three employees were exposed to hazardous chemicals such as 1, 1, 1, 2-
Tetrafluoroethane (Freon 134a) and TORQ "CB" III Advanced Formula "Corrosion
Blasting" PENETRATING OIL with no written hazard communication program in place.
29 CFR 1910.1200(e)(1)
Div. Proposal - $600.00  Formula Amt. - $600.00
TOTAL PENALTY - $1,800.00  TOTAL FORMULA AMT. - $4,200.00

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

Chairman Schultz and Mr. Atencio discussed the photographs and possible exposure to
Freon and types of solvents used at the business.

Commissioner LeMarr and Mr. Atencio discussed if there was any abatement.

Vice Chair Hennelly and Mr. Atencio discussed that there was no indication the employee
was working on any type of Freon, or indication there was any Freon leaking to compromise the
employee.

Commissioner LeMarr asked about abatement or additional training of awareness of
hazardous materials because that is what the citations are for. Mr. Roberts noted that the service
manager has required the necessary documents to be posted in the building and provide access to a
computer for employees to educate themselves about the particular chemicals. The refrigerant
machine has been looked at to make sure there are no leaks or possible gas escape. Commissioner
LeMarr noted the best way to handle these things is to have a log and document that everyone in
your employ has reviewed either the video or pamphlet to disseminate the information because it
lets you know that your employees are aware of what they are working with.

Commissioner LeMarr and Mr. Atencio discussed that the fatality was reported by Maricopa
County and not Sun City RV, Inc.

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

Premier Industries, Inc.
11050 N 22nd Ave
Phoenix, AZ 85029

Site Location: 11050 N 22nd Ave
Phoenicol, AZ 85029

Inspection No: K6582 -1410947
Inspection Date: 6/21/2019

Complaint
Years in Business: 35
Empl. Covered by Inspection: 9
SERIOUS – Citation 1 - Item 1 –

a) East Side Storage Room: One employee used the Jet brand drill press (model JDP-20MF serial number 15099112201509) to drill out holes on custom evaporator cooling unit frames without a guard installed. 29 CFR 1910.212(a)(1)
   Div. Proposal - $1,000.00   Formula Amt. - $1,000.00

SERIOUS – Citation 1 - Item 2 –

a) Press Brake Room: Two employees used a Chicago Steel Press Brake (serial number L4044) without a guard installed.

b) Press Brake Room: Two employees used the Accupress Press Brake (model number 710010 serial number 4090) without a guard installed.

c) Press Brake Room: Two employees used the Chicago Press Brake (model number SS-50 serial number 3032) without a guard installed. 29 CFR 1910.212(a)(3)(ii)
   Div. Proposal - $1,000.00   Formula Amt. - $1,000.00

SERIOUS – Citation 1 - Item 3 –

a) Band saw room: Three employees used a large band saw (brand, make and model unknown) without a guard.

b) Band saw room: Three employees used a small band saw (brand, make and model unknown) without a guard. 29 CFR 1910.213(i)(1)
   Div. Proposal - $1,000.00   Formula Amt. - $1,000.00
   TOTAL PENALTY - $3,000.00 TOTAL FORMULA AMT. - $3,000.00

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

Commissioner Krenzel and Mr. Atencio discussed whether there was abatement related to the press break and guarding.

Mr. Nicolini noted the press break, drill press and band saw now have guards installed and the drill press is anchored to the floor.

Commissioner LeMarr moved to amend the citation proposing a 25% good faith reduction bringing the penalty to $2,250.00. Commissioner Krenzel seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion. The motion passed.

Commissioner LeMarr questioned why the storage of compressed cylinders was a non-serious violation for Premier Industries, when there was a case last week where it was a serious violation. Mr. Atencio explained the type of citation is based upon the size of the exposure.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.
Ms. Dimas confirmed Commission meeting dates through December 2019. She noted that since the internet was down for the morning, the packets for the November 21, 2019 will be mailed out on Friday.

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 1:57 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

[Signature]

Gaetano Testini, Acting Director

ATTEST:

[Signature]

Kara Dimas, Commission Secretary