

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at the Wigwam Resort
300 East Wigwam Boulevard, Litchfield Park, Arizona
The Palm Room
Friday, August 10, 2012 – 11:30 a.m.

Present:	David Parker	Chairman
	Kathleen Oster	Vice Chair
	Susan Strickler	Member
	Michael G. Sanders	Member
	Laura McGrory	Director
	Andrew Wade	Chief Counsel
	Darin Perkins	Director, ADOSH
	Teresa Hilton	Commission Secretary

Chairman Parker convened the Commission meeting at 11:39 a.m. noting a quorum present. John McCarthy was not able to attend. Also in attendance were Eda Barolli of Snell & Wilmer, Stephanie Coulter representing Progressive Roofing, and Lisa Ellick and Jeff LaFleur of US Airways.

Approval of Minutes of August 1, 2012 Meeting

The Commission unanimously approved the Minutes of August 1, 2012 on motion of Mr. Sanders, second of Ms. Oster.

Consent Agenda:

a. Approval of Proposed Civil Penalties Against Uninsured Employers.

1. 2C10/11-1136 American Construction Builders & Design, L.L.C.
2. 2C11/12-1360 Dogz In Sudz, L.L.C.
3. 2C11/12-0272 Jump Sky Park, LLC
4. 2C11/12-2254 National Bail Bond, L.L.C.
5. 2C10/11-2057 Taqueria Guadalajara Mexican Food, LLC

Chairman Parker asked whether any items needed to be removed from the consent agenda. Secretary Hilton stated that there were not. The Commission unanimously approved the consent agenda on motion of Ms. Strickler, second of Ms. Oster.

Discussion & Action of Proposed OSHA Citations & Penalties

Progressive Services Inc., dba Progressive Roofing
23 North 35th Avenue
Phoenix, AZ 85009-4728

Complaint
Yrs/Business – 28
Empl. Cov. by Insp. – 3

Site Location: 11045 North Oracle Road, Tucson, AZ 85737
Inspection #: A9339/316553304
Insp. Date: 05/31/12

SERIOUS – Citation 1 - Item 1 – An employee was working 13’5” above the ground level without fall protection (1926.501(b)91)). There were two other instances of this violation.

Div. Proposal - \$3,000.00

Formula Amt. - \$3,000.00

Darin Perkins summarized the citation and proposed penalty as listed and responded to questions from the Commissioners. The Commission unanimously approved issuing the citation and assessed the recommended penalty of \$3,000.00 on motion of Mr. Sanders, second of Ms. Oster.

D & J Air Conditioning, Inc.
2091 Jim Howard Place
Tucson, AZ 85705-2297

Unprogrammed Related
Yrs/Business – 37
Empl. Cov. by Insp. – 4

Site Location: 11045 North Oracle Road, Tucson, AZ 85710

Inspection #: A9339/316553296

Insp. Date: 05/31/12

SERIOUS – Citation 1 - Item 1 – One employee was transiting from a 22’ foot high wall onto the guardrails of a scissor lift (1926.451(g)(1)(viii)).

Div. Proposal - \$1,000.00

Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 2 – Four employees were working on a roof 16 to 22 feet above the ground level without fall protection (1926.501(b)(1)).

Div. Proposal - \$2,000.00

Formula Amt. - \$2,000.00

TOTAL PENALTY - \$3,000.00

TOTAL FORMULA AMT. - \$3,000.00

Darin Perkins summarized the citation and proposed penalty as listed. The Commission unanimously approved issuing the citation and assessed the recommended penalty of \$3,000.00 on motion of Ms. Oster, second of Mr. Sanders.

DLS Precision Fab L.L.C. dba
Di-Matrix Precision Manufacturing
5225 South 31st Place
Phoenix, AZ 85040

Referral
Yrs/Business – 9
Empl. Cov. by Insp. – 30

Site Location: 5225 South 31st Place, Phoenix, AZ 85040

Inspection #: A7746/316509884

Insp. Date: 05/16/12

SERIOUS – Citation 1 - Item 1(a) – A 3 foot clear area was not maintained around the spray booths (1910.107(b)(9)). There was another instance of this violation.

SERIOUS – Citation 1 - Item 1(b) – Wiring in the north side spray area was not in rigid conduit (1910.107(c)(5)). There was another instance of this violation.

SERIOUS – Citation 1 - Item 1(c) – Electrical equipment located with 20 feet of the north side spray booths and not separated by a partition did not conform to the Class 1, Division 2 provisions for hazardous locations (1910.107(c)(6)). There was another instance of this violation.

SERIOUS – Citation 1 - Item 1(d) – Electrical lamps located outside of but within 20 feet of

north side spray booths and not separated by partition were not protected from physical damage by guards on location (1910.107(c)(7)). There was another instance of this violation.

Div. Proposal - \$3,500.00

Formula Amt. - \$3,500.00

SERIOUS - Citation 1 - Item 2(a) - A written Respiratory Protection Program had not been established or implemented to protect employees utilizing respiratory protection in the workplace (1910.134(c)(1)).

SERIOUS - Citation 1 - Item 2(b) - Employees required to wear respiratory protection in the workplace had not been subjected to a medical evaluation to determine their physical ability to wear respiratory protection (1910.134(c)(1)).

SERIOUS - Citation 1 - Item 2(c) - Employees wearing tight-fitting respirators had not been subjected to qualitative or quantitative fit-testing to ensure proper respirator fit (1910.134(f)(1)).

SERIOUS - Citation 1 - Item 2(d) - Employees required to wear respiratory protection or voluntarily wearing respiratory protection in the workplace were not provided appropriate and comprehensive respiratory protection training in regards to proper respirator fit, usage, cleanliness, storage, maintenance and effectiveness (1910.134(k)).

Div. Proposal - \$1,750.00

Formula Amt. - \$1,750.00

SERIOUS - Citation 1 - Item 3(a) - A written hazard communication program had not been developed, implemented or maintained to protect employees utilizing hazardous chemicals (1910.1200(c)(1)).

SERIOUS - Citation 1 - Item 3(b) - Employees were not provided with effective information and training on the hazardous chemicals they used in the workplace (1910.1200(h)(1)).

Div. Proposal - \$1,750.00

Formula Amt. - \$1,750.00

TOTAL PENALTY - \$7,000.00

TOTAL FORMULA AMT. - \$7,000.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. In response to a question from Chairman Parker, he explained why the citations had been grouped. The Commission unanimously approved issuing the citations and assessed the recommended penalty of \$7,000.00 on motion of Ms. Oster, second of Mr. Sanders.

US Airways Group, Inc. dba

US Airways, Inc.

4000 E. Sky Harbor Blvd.

Phoenix, AZ 85034

Fatality/Accident

Yrs/Business - 59

Empl. Cov. by Insp. - 30

Site Location: 4000 E. Sky Harbor Blvd., Phoenix, AZ 85034

Inspection #: J9925/316395573

Insp. Date: 02/17/12

SERIOUS - Citation 1 - Item 1 - There were no machine or line specific procedures for locking out the baggage handling system (1910.147(c)(4)(ii)(B)).

Div. Proposal - \$7,000.00

Formula Amt. - \$7,000.00

SERIOUS - Citation 1 - Item 2 - Annual inspection of the lockout/tag-out procedure was not

being performed (1910.147(c)(6)(i)).

Div. Proposal - \$7,000.00

Formula Amt. - \$7,000.00

SERIOUS - Citation 1 - Item 3 – The training provided did not ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy controls (1910.147(c)(7)(i)).

Div. Proposal - \$ 7,000.00

Formula Amt. - \$ 7,000.00

TOTAL PENALTY - \$21,000.00

TOTAL FORMULA AMT. - \$21,000.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. The Division recommendation was for the gravity-based penalties with no adjustment factors since the violations directly related to the fatality. The Commission unanimously approved issuing the citations and assessed the recommended penalty of \$21,000.00 on motion of Mr. Sanders, second of Ms. Oster.

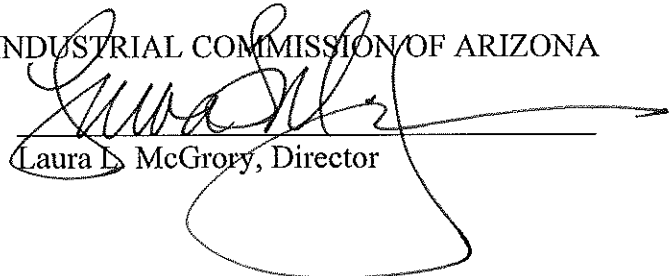
Announcements and Scheduling of Future Meetings

Chairman Parker stated that meetings are scheduled for August 22, September 5, 19 and 26, 2012. He stated that he has a proposed schedule for meetings through the rest of the year that will be distributed.

There being no further business to come before the Commission and no public comment, Chairman Parker adjourned the meeting at 12:08 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura D. McGrovy, Director

ATTEST:



Teresa Hilton, Commission Secretary