

MEETING MINUTES
PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH ADVISORY BOARD
Thursday, July 28, 2022
Virtual TEAMS Meeting

MEMBERS PRESENT

Wayne Blanchard, Representative for Employees of Law Enforcement
Lisa Grant-Faries, Designee for Commissioner of Education
Thomas Lipski, Designee for Commissioner of Labor & Workforce Development
Paul Malarcher, Representative for County Government
Gina Mayer-Costa, Representative for Institutions of Higher Education
Mark McLane, Representative for Rutgers, The State University
Michael McLinden, Designee for Commissioner of Environmental Protection
Richard Mikutsky, Designee for Commissioner of Community Affairs
Loel Muetter, Designee for Commissioner of Health
John Saville, Representative for Public
Michael Smith, Designee for State Treasurer
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

Luis Alamo, Representative for Public
Richard Hogan, Representative for Municipal Employees

VACANT BOARD POSITIONS

Correctional Institutions	Employees of Public Health Care Facilities
Employees of Correctional Institutions	Local School Boards
Employees of County Government	Employees of Local School Boards
State Government Employee	Fire Services
Public Health Care Facilities	Municipalities

NJ DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT SUPPORT STAFF

Justin Baker	Theresa Kramarz
Cristina Coelho	James Revak
Krishna Jagannathan	Tom Wilson

NJ DEPARTMENT OF HEALTH SUPPORT STAFF

Keith Bobrowski	Glenn Pulliam
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OTHERS PRESENT

Nicole Benowitz, NJDOL	Pura Jackson, CWA	Fama Salvatore, NJMVC
Georgette Bunch, Treasury	Gregory Lallo, NJDOL	Robert Sexton, NJDOL
Wanda, Caudle, HPAE	Cecelia Leto, NJWEC	Christine Souliman, NJDOL
Kenneth Child, PMA Group	Frank Masini, Monmouth Co.	Janice Thomas, NJDOL
Stanley Depczek, NJDOL	Stephen Matthews, NJDOL	Lisa Weitz, Treasury
Chad DiGiorgio, Cedar Knolls FD	Lidia Pego, NJDOL	Kathy West, Monmouth County
Crissandra Garcia, NJDOL	Mike Preisig, NJ OAG	Mark Worthington, T&A Assoc.
John Garton, NJDOL	Margaret Rawson, USDOL	

Meeting Motions:

- Motion to approve January 28, 2022, meeting minutes. Paul Malarcher motioned; Rob Weissman seconded. Motion approved.
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Chief Tom Lipski called the meeting to order at 10:02 a.m. After the flag salute, Theresa Kramarz called roll and Chief Lipski moved to approve the January 28, 2022 meeting minutes. Paul Malarcher motioned; Rob Weissman seconded. Motion approved.

Chief Lipski announced that Mark Wadiak retired as of July 1, 2022. He noted that Mark wanted to relay the message that he had the pleasure to work with everyone and wishes everyone a healthy and safe life.

Report of the NJ Department of Health's (NJDOH) PEOSH Enforcement Update – Keith Bobrowski

Keith Bobrowski reported the following:

- NJDOH's PEOSH enforcement activity report was distributed and covered the period of April 1 – June 30, 2022. During that period, 28 IAQ/Sanitation complaints/referrals and 14 five-day complaints were received. Twenty-four (24) initial on-site and no follow-up inspections were conducted. Twenty-one (21) cases were closed. Eight (8) programmed inspections were also conducted at Local Fire Protections (6) and Department of Public Works (2). Fifteen (15) Orders to Comply (OTC) were issued containing 83 citations.

Report of the NJDOH's PEOSH Consultation Program Update – Glenn Pulliam:

Glenn Pulliam reported the following:

- NJDOH's PEOSH consultation activity report was distributed and covered the period of April 1 – June 30, 2021. During that period, two (2) initial consultation requests were received, three (3) initial onsite consultations and one (1) follow-up visits were conducted. Three (3) consultation reports were issued.
- Three (3) educational seminars/webinars were conducted for an estimated 164 participants representing 96 public employers.
- OSHA's Heat Stress National Emphasis Program (NEP) has been adopted and incorporated into the State Plan application for fiscal year 2023. It will have a focus on targeted inspections on the transportation sector. Outreach and education will be offered through consultation services.

Report of the NJ Department of Labor and Workforce Development (NJDOH) – Chief Thomas Lipski:

Chief Lipski reported the following:

- PEOSH completed the FFY 2023 23(g) grant application process. The application consists of the combined DOL and DOH budget and performance data for the upcoming grant year. The application was submitted on grants.gov on July 25, 2022. The FFY 2023 50% Federal OSHA funding base award level increased by \$45,100 for a total base award level of funding of \$2,166,200. NJDOH/DOH will provide 50% matching funds of \$2,166,200 and an estimated 100% overmatch funding of \$2,091,532. The total estimate for Federal and State funds for the FFY 2023 23(G) agreement is \$6,423,932.
- The next OSHSPA meeting will be held on August 30-31, 2022 in Roanoke, Virginia. As of now, there is no provision for virtual attendance offered to state plans.

- In light of the recent issuance of Orders to Comply (OTC) for the two lifeguard fatalities that occurred in August of 2021, PEOSH is increasingly concerned that there are multiple public employers that have beach patrol unit employees that may not be protected from the potential hazards identified in the OTCs. Therefore, PEOSH has developed focused inspection procedures specific to the hazardous conditions for which the two beach municipalities were cited. Those citations were for: Workplace Hazard Assessment for employees whose duties include operation of surf boats, and a Lightning Safety Plan for employees that have potential exposure to lightning storms. This PEOSH local emphasis program activity commenced on July 25, 2022 and targets all public employers with beach patrol agencies. The goal is to inspect all locations before the 2022 summer season ends to ensure compliance with the requirements of the PEOSH Act to provide a safe and healthful work environment for affected employees.
- In addition to the inspection sweep enforcement activity noted above, PEOSH is in the process of developing separate alerts to address the Workplace Hazard Assessment issues specific to employers with beach patrol units that were identified in the two lifeguard fatality OTCs. One alert will address the hazard assessment for employees whose job duties involve the use of the surf boats, and the other alert will address the potential hazards to employees that may be exposed to lightning while performing their beach patrol duties. The Lightning Awareness Alert will include all employers who work outdoors that may have potential exposure to lightning storms.

Report of the NJDOL’s PEOSH Enforcement – Assistant Chief Thomas Wilson:

Assistant Chief Wilson reported the following:

- NJDOL’s PEOSH enforcement activity report was distributed and covered the period of April 1 – June 30, 2022. During that period, the following inspections were conducted: 28 general inspections, 13 complaint investigations, and 5 accident investigations.
- There was one (1) non-OSH-related fatality reported. Two (2) fatality investigations completed and four (4) are in progress.
- There were four (4) new discrimination cases received and eight (8) open penalty cases.
- There were no penalties collected during this time period.
- The most frequently cited standard was N.J.S.A. 34:6A-33(a).

Gina Mayer-Costa asked if going forward, can there be a description of the Most Frequently Cited Violations which would make it easier to understand.

Report of the NJDOL’s Public Employees Occupational Safety Consultation and Training – Assistant Chief Krishna Jagannathan:

Assistant Chief Jagannathan reported the following:

- NJDOL’s Public Employees Occupational Safety Consultation and Training activity report was distributed and covered the period of April 1 – June 30, 2022. During that period, 44 safety consultation visits (33 initial; 11 follow-up) were conducted. The most frequently cited standard was 1910.303, electrical general requirements.
- Under PEOSH Safety Training, 14 courses were held with 161 students trained.
- Staff provided the PEOSH Fire Service Update at the Somerset County Emergency Services Training Academy to a total of seven (7) firefighters and fire officers.
- Staff also attended various meetings and also attended various training sessions this quarter.
- Reviewed the new format of the NJ PEOSH Alerts.

John Saville asked what the difference was between the two most frequently cited standards lists.

- Assistant Chief Jagannathan responded that the difference is enforcement versus consultation.

Richard Mikutsky asked what was the scope of the portable fire extinguisher hazards found.

- Assistant Chief Jagannathan indicated that he does not have specifics; however, consultants typically look at whether monthly visual inspections are written/logged, employees having responsibility for operating them are educated/trained, and whether they have been inspected annually by a licensed provider.

Presentation: Tom Wilson and John Garton provided a presentation regarding the PEOSH Enforcement Sweep Program / Beach Patrol Surfboat Operations and Lightning Hazards.

New Business: No new business.

Old Business: No new business.

Open Discussion: No discussions.

Chief Lipski adjourned the meeting at 11:06 a.m.

The next PEOSH Advisory Board meeting is scheduled at 10:00 a.m. on Thursday, October 27, 2022, via Teams.