



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

April 9, 2019

Attention: Public Employees' Occupational Safety and Health Advisory Board Members

Attached are the Public Employees' Occupational Safety and Health Advisory Board meeting minutes from January 24, 2019.

Our next meeting will begin at 10:00 a.m. on Thursday, April 18, 2019 at:

NJ Department of Labor & Workforce Development
One John Fitch Plaza
13th Floor Auditorium
Trenton, New Jersey

If you have any questions or require additional information, feel free to contact Theresa Kramarz at (609) 984-4738 or via e-mail at theresa.kramarz@dol.nj.gov.

Sincerely,

Howard Black, Assistant Commissioner
Public Safety & Occupational Safety & Health

Enclosures
c: Support Staff

MEETING MINUTES
PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH ADVISORY BOARD
Thursday, January 24, 2019
New Jersey Department of Labor and Workforce Development
1 John Fitch Plaza
Trenton, New Jersey

MEMBERS PRESENT

Luis Alamo, Representative for Public
Howard Black, Designee for Commissioner of Labor & Workforce Development
Gary Centifonti, Designee for Commissioner of Health
Richard Hogan, Representative for Municipal Employees
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, Substitute Designee for Commissioner of Environmental Protection
Timothy Rudolph, Representative for State Government Employees
John Saville, Representative for Public
Robert Shannon, Representative for Municipalities

MEMBERS ABSENT/EXCUSED

Colleen Lebak, Substitute Designee for Commissioner of Education
Dominick Marino, Representative for Fire Services
Michael Smith, Designee for State Treasurer
Robert Weissman, Representative for Public

VACANT BOARD POSITIONS

Designee for Commissioner of Community Affairs	Employees of Public Health Care Facilities
Correctional Institutions	Local School Boards
Employees of Correctional Institutions	Employees of Local School Boards
Employees of County Government	Employees of Law Enforcement
Public Health Care Facilities	

NJ DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT SUPPORT STAFF

Justin Baker	Theresa Kramarz	James Revak
Krishna Jagannathan	Tom Lipski	Mark Wadiak

NJ DEPARTMENT OF HEALTH SUPPORT STAFF

Keith Bobrowski
Glenn Pulliam

OTHERS PRESENT

Kristen Affrime, CWA	Stuart Cobb, NJDLWD	Paul Stamm, NJDLWD
Robert Balbach, NJDLWD	Salvatore Fama, NJDMV	Pam Susi, NJWEC
Gerald Barrett, Jr., Innotech	Stephen Matthews, NJDLWD	Carol Tiedeman, OSHA
Georgette Bunch, Treasury	Mike Preisig, OAG	Kathy West, Monmouth Co.
Wanda Caudle, HPAE	James Rhoads, PMA Group	Mark Worthington, T&M Assoc.

Meeting Motions:

- None – no quorum.
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Assistant Commissioner Howard Black called the meeting to order at 10:10 a.m. After the flag salute, Theresa Kramarz called roll and determined there was no quorum. Therefore, the approval of the October 26, 2017, January 25, 2018, April 20, 2018, July 26, 2018, and October 25, 2018 meeting minutes will be tabled until the next meeting.

Assistant Commissioner Black welcomed Luis Alamo to the Board. Mr. Alamo was recently appointed to represent the Public.

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 October 1 through December 31, 2018. During that period, 66 IAQ/Sanitation complaints/referrals and eight five-day complaints were received; 15 initial on-site inspections, two follow-ups and one monitoring inspections were conducted. Six cases were closed. One programmed inspection was also conducted in accordance with the strategic plan at: water treatment plants (1). Twenty reports with 58 citations were issued.

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 October 1 through December 31, 2018. During that period, six consultation requests were received and five initial on-site consultation visits were conducted. Four reports with 12 potential hazards were issued.
- Seven educational seminars and conferences were conducted for over 49 employers (210 participants). The education staff also conducted 21 Legionella outbreak investigations.
- A list of NJDOH's frequently cited standards was also distributed.

Report of the NJ Department of Labor and Workforce Development (NJDLWD) – Director Howard Black:

Assistant Commissioner Black reported the following:

- The FFY 2017 Federal Annual Monitoring and Evaluation (FAME) Corrective Action Plan (CAP) for PEOSH was approved by the Federal OSHA and was received by PEOSH on November 5, 2018. PEOSH was informed by Federal OSHA that the FFY 2018 FAME process will be moved back and included under the FFY 2019 FAME. Therefore, monitoring of the FFY 2017 CAP will also occur at the time of the FFY 2019 FAME.
- The FFY 2019 final appropriation for State Plan Grants under the Federal OSHA budget was increased by \$1.5 million from the FFY 2018 level for a total of \$102,350,000. In addition to the FFY 2019 base award increase, \$375,200 resulting from other state plan unmatched funds and program changes were also available for permanent re-distribution among state plans that were in the position to provide equal matching funds. This equated to a FFY 2019 final base award increase of \$37,900 for the PEOSH State Plan. The NJDLWD is in the process of submitting an

amended 23(g) grant application for the amended final base award from \$1,921,400 to \$1,959,300. NJDLWD will provide matching funds of \$1,959,300 and an estimated 100% overmatch of \$1,096,866. The new total for Federal and State funds for the FFY 2019 23(g) agreement will be \$5,015,466.

- The new PEOSH Five-Year Strategic Plan (2019-2023) began October 1, 2018. Targeted facilities in this plan include public works departments, water and sewer authorities, fire departments and transportation authorities. Nursing home inspections will be conducted as a Local Emphasis Program (LEP) due to the decreasing number of facilities available to support an annual incremental progress as a targeted site plan goal for the public sector. NJ Department of Transportation maintenance yard inspections have been added to the LEPs for PEOSH. Other PEOSH LEPs include Noise and Asbestos. PEOSH also adopted Federal OSHA National Emphasis Programs (NEP) for Trenching, Highway Work Zone Safety, Temporary Workers, Heat Stress, and Amputations which are incorporated into PEOSH inspections when applicable.
- PEOSH staff from the NJ Department of Health and the NJ Department of Labor and Workforce Development attended the Fall 2018 OSHSPA meeting in Las Vegas, NV on October 16-17, 2018. PEOSH received approval to attend the Winter 2019 OSHSPA meeting in Salt Lake City, UT on February 26-27, 2019.
- The total number of PEOSH safety enforcement compliance officers is presently at five due to the retirement of a compliance officer as of December 2018. PEOSH received approval to hire two Occupational Safety Compliance 2 (OSC2) staff. PEOSH initiated the hiring process in accordance with NJ Civil Service Commission requirements. An additional request has been submitted for the hiring of six more OSC2 staff. One of the six requested new staff is being expedited to replace the recent December 2018 retirement.

Report of the NJDLWD's PEOSH Enforcement – Chief Tom Lipski:

Chief Lipski reported the following:

- NJDLWD's PEOSH enforcement activity report was distributed and covered the period of October 1 through December 31, 2018. During that period, 12 general inspections with 11 Orders to Comply (OTCs) issued, six complaint investigations with five OTCs issued, seven accident investigations with six OTCs issued and 22 follow-up inspections were conducted. There were four public employee fatalities reported. Three were determined non-occupational safety and health related. The other fatality investigation is still in progress. There were three new discrimination cases received and nine 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) General Duty Clause: Overhead doors without reverse stop mechanism; no vehicle lift inspection, etc.

Pam Susi asked about the violations found for one of the fatalities.

- Chief Lipski responded that the case is still an open investigation so no details can be shared.
- Assistant Commissioner Black further noted that the employer is entitled to due process which means that they can request an informal or formal conference. Sometimes an employer may prevail in which case the Order to Comply would be rescinded.

Luis Alamo asked about the suicide fatality under investigation.

- Chief Lipski responded that the investigation revealed that the fatality was deemed non-occupational safety and health. All fatalities occurring at a workplace must be report to PEOSH.

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

Assistant Chief Jagannathan reported the following:

- NJDLWD's Public Employees Occupational Safety Consultation and Training activity report was distributed and covered the period of October 1 through December 31, 2018. During that period, 12 safety consultation visits were made. The most frequently cited standard was 1910.215(a)(4) and (b)(9) Missing/improperly adjusted tongue guard/work rest.
- Under PEOSH Safety Training, 37 courses were presented to 460 participants. The most requested training included: Forklift (Classroom); Forklift (Practical); Control of Hazardous Energy/LOTO; Electrical Safe Work Practices; and Flagger Safety.
- Staff attended/presented training which included:
 - Presented on PEOSH Fire Service Update to a total of 24 individuals.
 - Attended and staffed a booth at the NJ State League of Municipalities conference.
 - Attended OSHA 3110 Fall Protection training – two staff attended/completed the training.
 - Attended HAZWOPER refresher course – one staff attended/completed the training.
 - Attended OSHA 503 General Industry Update course – one staff attended/completed the training.
 - Attended Managing Fall Hazards course – two staff attended/completed the training.
 - Attended Coaching the Lift Truck Operator Train-the-Trainer course – one staff attended/completed the training.

Presentation:

Gerald Barrett from Innotex provided a presentation on Firefighter Health Concerns and Turnout Gear Contamination.

New Business:

Assistant Commissioner Black noted that the Office of Public Employees Occupational Safety and Health will be issuing several alerts in the near future, one focused on contaminated firefighter gear. The draft alert(s) will be sent to various interested parties as well as the members of the PEOSH Advisory Board for review and comment prior to its issuance.

Old Business: None

Open Discussion: None.

The next PEOSH Advisory Board meeting will be held at 10:00 a.m. on Thursday, April 18, 2019 at NJDLWD, One John Fitch Plaza, 13th Floor Auditorium, Trenton, New Jersey.

Assistant Commissioner Black adjourned the meeting at 11:43 a.m.