



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. BOX 386
TRENTON, NEW JERSEY 08625-0386

ROBERT ASARO-ANGELO
Commissioner

August 27, 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 July 25, 2019.

Our next meeting will begin at 10:00 a.m. on Thursday, October 24, 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, July 25, 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
Paul Malarcher, Representative for County Government
Dominick Marino, Representative for Fire Services
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
Lennie Parham, Designee for Commissioner of Education
Glenn Pulliam, Substitute Designee for Commissioner of Health
Michael Smith, Designee for State Treasurer
John Saville, Representative for Public
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

Richard Hogan, Representative for Municipal Employees
Timothy Rudolph, Representative for State Government Employees
Robert Shannon, Representative for Municipalities

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

Theresa Kramarz	Mark Wadiak
Tom Lipski	Thomas Wilson

OTHERS PRESENT

Georgette Bunch	Sal Fama, NJDMV	Luiz Pereira, NJDOE
Kenneth Child	Cecilia Leto, NJWEC	Mike Preisig, OAG
Sandra Clanton, NJDLWD	Gary Lovallo	Pam Susi, NJWEC
Stuart Cobb, NJDLWD	Steve Matthews, NJDLWD	Carol Tiedeman, OSHA

Meeting Motions:

1. Motion to approve the October 26, 2017, January 25, 2018, April 20, 2018, July 26, 2018 & October 25, 2018, January 24, 2019 and April 18, 2019 Meeting Minutes. (Dominick Marino motioned; Robert Weissman seconded – Motion approved)
 2. Motion to adjourn meeting. (Luis Alamo motioned; Robert Weissman seconded – Motion approved)
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Assistant Commissioner Howard Black called the meeting to order at 10:07 a.m. After the flag salute, Theresa Kramarz called roll and determined there was initially no quorum. *Note: Further into the meeting a Board member arrived and satisfied a quorum.* Assistant Commissioner Black moved to approve the October 26, 2017, January 25, 2018, April 20, 2018, July 26, 2018, October 25, 2018, January 24, 2019, and April 18, 2019 meeting minutes. Dominick Marino motioned; Robert Weissman seconded. Motion approved.

Report of the NJ Department of Health's (NJDOH) PEOSH Enforcement Update – Glenn Pulliam:

Glenn Pulliam reported the following:

- NJDOH's PEOSH enforcement activity report was distributed and covered the period of April 1 through June 30, 2019. During that period, 57 IAQ/Sanitation complaints/referrals and 16 five-day complaints were received; 23 initial on-site inspections, no follow-ups and two monitoring inspections were conducted. Forty cases were closed. Five programmed inspections were also conducted in accordance with the strategic plan at: Fire Departments (2) and Public Works Departments (3). Eighteen Orders to Comply with 72 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 April 1 through June 30, 2019. During that period, two consultation requests were received and one initial on-site consultation visit was conducted.
- Staff attended NJ Department of Transportation's Employee Safety and Health Fair in May 2019.
- Eight educational seminars and conferences were conducted for over 200 employers (350 participants). The education staff also conducted 10 Legionella outbreak investigations.
- A list of NJDOH's frequently cited standards was also distributed.

Michael Smith asked if there were any fatalities in the Legionella outbreak.

- Glenn Pulliam responded that there were no fatalities.

Robert Weissman asked if the leading causes of the Legionella outbreak were determined.

- Glenn Pulliam noted that Eric Weren is the Legionella inspector and advises if anything significant arises. *After following-up with Eric Weren, Glenn Pulliam noted that he (Eric) did not have definite numbers for this quarter. He further noted that DOH PEOSH Consultation does not oversee Legionella. It is overseen by DOH's Communicable Disease Service Unit. Eric Weren advised that greater than 80% in pre-remedial sampling came up positive for Legionella. Also, there were no confirmed fatalities; however, in general, 25% of the cases result in fatalities from long term facilities and 10% from hotel establishments.*

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

Assistant Commissioner Black reported the following:

- The FFY2018 Follow-up Federal Annual Monitoring and Evaluation (FAME) review for PEOSH State Plan activities from October 1, 2017 through September 30, 2018 was finalized by the Federal OSHA National Office and is now posted on the PEOSH web site for public view.
- PEOSH staff from the NJ Department of Health and the Department of Labor and Workforce Development attended the Spring 2019 OSHSPA meeting in Chicago, IL on May 14-15, 2019. PEOSH will request approval to attend the Fall 2019 OSHSPA meeting in Portland, ME in September 2019.
- PEOSH received approval to hire two Occupational Safety Compliance 2 (OSC2) staff effective April 27, 2019. The new staff are currently in the process of training during their probationary period which may take up to six months prior to being released to conduct inspections independently. Once the new staff are functional in the field and conducting inspections, the total number of PEOSH safety compliance officers will be seven.
- PEOSH also received approval to backfill a position to replace an OSC1 with an OSC2 new hire. An additional request has been submitted for the hiring of six more OSC2 staff.
- The Department is exploring an apprenticeship program that is very early in its planning stages. We are looking to see how we can attract people on an apprentice basis so that vacancies can be filled more easily since it is difficult to compete with the private sector.

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

Chief Lipski reported the following:

- NJDLWD's PEOSH enforcement activity report was distributed and covered the period of April 1 through June 30, 2019. During that period, 22 general inspections with 17 Orders to Comply (OTCs) issued, five complaint investigations with two OTCs issued, six accident investigations with four OTCs issued and 16 follow-up inspections were conducted.
- There were two public employee fatality reported which were determined non-occupational safety and health related.
- There were two new discrimination cases received and six open penalty cases.
- There were no penalties collected during this time period.
- The most frequently cited standard was 1904.29(a) Recordkeeping – Failure to maintain NJOSH 300 Forms.

Report of the NJDLWD's Public Employees Occupational Safety Consultation and Training – Assistant Director Mark Wadiak:

Assistant Director Wadiak reported the following:

- NJDLWD's Public Employees Occupational Safety Consultation and Training activity report was distributed and covered the period of April 1 through June 30, 2019. During that period, 16 safety consultation visits were made. The most frequently cited standard was 1910.303(g)(1) Working space around electrical equipment.
- Under PEOSH Safety Training, 42 courses were presented to 497 participants. The most requested training included: Forklift (Classroom); Forklift (Practical); Machine Guarding; Electrical Safe Work Practices; and Control of Hazardous Energy/LOTO.
- Staff attended/presented training which included but is not limited to:

- Attended a meeting with state agencies to discuss frequency and content of PEOSH and OSHA–required safety training.
- Participated in the NJDOT’s Annual Safety Fair with the NJDOH.
- Attended Annual Work Zone Safety Conference – four staff attended.
- Attended OSHA 503 Trainer Update for Construction – one staff attended/completed the training.
- Attended OSHA 521 Introduction to Industrial Hygiene – one staff attended/completed the training.
- PEOSH Consultation and Training requested and was recently approved for one-time grant funding. This additional funding will be used for training and equipment.

Presentation: Gary Lovallo, Director of Training from the Committee for the Advancement of Arboriculture, provided a presentation on Tree Cutting Safety.

Assistant Commissioner Black commented that he was bothered to learn that municipalities were exempt from the Tree Experts and Tree Care Operators Licensing Act because they lobbied to be exempt because of the cost of the training. He has recommended to the Commissioner that we do something to try to get the Act amended to cover public employees since there have been injuries and fatalities of public employees.

- Gary Lovallo noted that any government employee is exempt including the state, county and municipal workers.

New Business: None

Old Business:

- Theresa Kramarz reviewed the existing Governor-appointed vacancies on the Board.
 - Correctional Institutions
 - Employees of Correctional Institutions
 - Employees of Law Enforcement
 - Employees of County Government
 - Public Health Care Facilities
 - Employees of Public Health Care Facilities
 - Local School Boards
 - Employees of Local School Boards

Open Discussion:

Dominick Marino mentioned two laws that Governor Murphy signed on July 8, 2019 with respect to first responders in the State of New Jersey: A4882, Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act; and S716, Thomas P. Canzanella First Century First Responders Protection Act.

The next PEOSH Advisory Board meeting will be held at 10:00 a.m. on Thursday, October 24, 2019 at NJDLWD, One John Fitch Plaza, 13th Floor Auditorium, Trenton, New Jersey.

Assistant Commissioner Black adjourned the meeting at 11:08 a.m.