

MEETING MINUTES
PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH ADVISORY BOARD
Thursday, April 21, 2022
Virtual TEAMS Meeting

MEMBERS PRESENT

Wayne Blanchard, Representative for Employees of Law Enforcement
Richard Hogan, Representative for Municipal Employees
Thomas Lipski, Designee for Commissioner of Labor & Workforce Development
Paul Malarcher, Representative for County Government
Gina Mayer-Costa, Representative for Institutions of Higher Education
Michael McLinden, Designee for Commissioner of Environmental Protection
Loel Muetter, Designee for Commissioner of Health
Lennie Parham, Designee for Commissioner of Education
Alex Ruiz, Substitute Designee for Rutgers, The State University
John Saville, Representative for Public
Michael Smith, Designee for State Treasurer
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

Luis Alamo, 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	Fire Services
State Government Employee	Municipalities
Public Health Care Facilities	

NJ DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT SUPPORT STAFF

Krishna Jagannathan	James Revak	Thomas Wilson
Theresa Kramarz	Mark Wadiak	

NJ DEPARTMENT OF HEALTH SUPPORT STAFF

Keith Bobrowski

OTHERS PRESENT

Allen Barkkume	Gregory Lallo, NJDOL
Nicole Benowitz, NJDOL	Cecelia Leto, NJWEC
Georgette Bunch, Treasury	Lidia Pego, NJDOL
Stanley Depczek, NJDOL	Mike Preisig, NJ OAG
Victoria Fisher, CWA	Christine Souliman, NJDOL
Crissandra Garcia, NJDOL	Janice Thomas, NJDOL
Steiner Garren, CWA	Lisa Weitz, Treasury
John Garton, NJDOL	Mark Worthington, T&A Assoc.
Ramona Griffin, MVC	
Pura Jackson, CWA	

Meeting Motions:

- Motion to approve the January 27, 2022 meeting minutes. Rob Weissman motioned; Paul Malarcher 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 27, 2022 meeting minutes. Rob Weissman motioned; Paul Malarcher seconded. Motion approved.

Chief Lipski announced that James Revak, Assistant Chief with PEOSH safety enforcement, has been promoted to Chief of PEOSH's consultation and training effective April 9, 2022.

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 January 1 – March 31, 2022. During that period, 29 IAQ/Sanitation complaints/referrals and 20 five-day complaints were received. Thirty-two (32) initial on-site and no follow-up inspections were conducted. Thirty-six (36) cases were closed. Three (3) programmed inspections were also conducted in accordance with the five-year strategic plan at Water Treatment Plants (2) and at Sewer Treatment Plant (1). Fourteen (14) Orders to Comply (OTC) were issued containing 22 citations.

Keith Bobrowski noted that Pennsylvania is considering becoming a public employee's state plan state which may be of interest to the Advisory Board.

Report of the NJDOH's PEOSH Consultation Program Update – Keith Bobrowski:

Keith Bobrowski reported the following:

- NJDOH's PEOSH consultation activity report was distributed and covered the period of January 1 – March 31, 2021. During that period, four (4) initial consultation requests were received, and three (3) initial onsite consultations were conducted.
- Three (3) educational seminars/webinars were conducted.

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

Chief Lipski reported the following:

- The Federal FY 2022 final appropriation for State Plan grants provided an increase of \$2,465,000 from the FY 2021 level. When combined with an additional \$460,000 in redistributed permanent reductions, the FY 2022 funding level totaled \$113,000,000. Although a total of \$1,250,000 of this amount will be directed to the establishment of the new Massachusetts State Plan, the New Jersey PEOSH FFY 2022 23(g) grant is slated to receive an increase of \$41,400. PEOSH has responded that it will match the increase and obligate the funds by September 30, 2022. Once the responses are received from all of the state plans slated for an increase, a final increase amount of distribution will be established and the application process for the additional funding will be initiated.
- The FFY 2021 Federal Annual Monitoring and Evaluation (FAME) review for PEOSH State Plan activities from October 1, 2020, through September 30, 2021, was conducted by Federal OSHA in December 2021 as a comprehensive FAME process involving a full review of all files for the year.

Due to the ongoing pandemic restrictions at the time, the files (all in electronic format) were reviewed remotely by Federal OSHA Region 2 State Plan monitors.

- As of April 1, 2022, PEOSH safety enforcement inspections have resumed to normal on-site procedures. However, if there are facilities/inspection sites that are still practicing restrictions, PEOSH will accommodate the related policies to the extent possible providing there will be no obstruction with inspection procedures in accordance with the PEOSH Field Operations Manual.
- The Winter 2022 OSHSPA/OSHA meeting was hosted by the Virginia State Plan as a virtual meeting on February 8 - 10, 2022. The next OSHSPA meeting will be held on May 24-25, 2022 in Louisville, Kentucky. As of now, there is no provision for virtual attendance offered to state plans.
- On April 28, 2022, the NJDOL and the NJ State Industrial Safety Committee is co-sponsoring a memorial program to honor those who have lost their lives in New Jersey during the course of employment in calendar year 2021. The event will be held virtually. Invitations to attend the memorial have been sent to the families of the deceased.

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 January 1 – March 31, 2022. During that period, the following inspections were conducted: 30 general inspections, 6 complaint investigations, and 2 accident investigations.
- There was one (1) non-OSH related fatality reported. Four (4) fatality investigations are in progress.
- There were two (2) 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).

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 January 1 – March 31, 2022. During that period, 30 total safety consultation visits and one (1) follow-up visits were conducted. The most frequently cited standard was 1910.303, electrical general requirements.
- Under PEOSH Safety Training, seven (7) courses and 29 students were taught during this period. The most popular courses were Forklift-Classroom, Forklift Practical, and Recordkeeping.
- Staff conducted three (3) PEOSH fire service updates to a total of 83 firefighters and fire officers.
- Staff also attended various meetings and also attended various training sessions this quarter.

New Business: No new business.

Old Business:

- Chief Lipski commented on the Civil Penalties Adjustment Act that was mentioned during the January 2022 meeting. Although the Commissioner of LWD is not required to adopt the final rule by statutory requirement, we did have a meeting with our legal and regulatory services to discuss. If New Jersey elects to raise the maximum penalties it would require an amendment to the New Jersey Statute.

Open Discussion:

Mark Worthington asked about the NEP regarding working in heat and what role PEOSH will play.

- Chief Lipski noted that the NEP was just issued and PEOSH will need to respond as a state plan.
- Keith Bobrowski responded that DOH is aware of the NEP and they support it. He is unsure how it will be rolled out and will update the Advisory Board at the next meeting.

Chief Lipski adjourned the meeting at 10:26 a.m.

The next PEOSH Advisory Board meeting is scheduled at 10:00 a.m. on Thursday, July 28, 2022 via Teams.