



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

July 16, 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 April 18, 2019.

Our next meeting will begin at 10:00 a.m. on Thursday, July 25, 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, April 18, 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
Paul Malarcher, Representative for County Government
Dominick Marino, Representative for Fire Services
Lennie Parham, Designee for Commissioner of Education
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

Richard Hogan, Representative for Municipal Employees
Gina Mayer-Costa, Representative for Institutions of Higher Education
Mark McLane, Representative for Rutgers, The State University
Timothy Rudolph, Representative for State Government Employees
Bahram Salahi, Designee for Commissioner of Environmental Protection
John Saville, Representative for Public
Robert Shannon, Representative for Municipalities
Michael Smith, Designee for State Treasurer

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	Mark Wadiak
Krishna Jagannathan	James Revak	Thomas Wilson

NJ DEPARTMENT OF HEALTH SUPPORT STAFF

Keith Bobrowski
Glenn Pulliam

OTHERS PRESENT

Kristen Affrime, CWA	Luiz Pereira, NJDOE	Carol Tiedeman, OSHA
Ellie Barbarash, HPAAE	Leighann Petrangeli, NJDOH	David Weightman, PMA Companies
Joe DeVecchio, NJDMV	Mike Preisig, OAG	Lisa Weitz, NJ Dept. of Treasury
Ramona Griffin, NJDMV	Howard Spencer, JA Mont.	
Cecilia Leto, NJWEC	Pam Susi, NJWEC	

Meeting Motions:

- None – no quorum.
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Assistant Commissioner Howard Black called the meeting to order at 10:06 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, October 25, 2018 and January 24, 2019 meeting minutes will be tabled until the next meeting.

Assistant Commissioner Black noted the following:

- He welcomed Lennie Parham to the Board. Mr. Parham will serve as designee to the Commissioner of Education.
- The construction of the new building in front of the NJDLWD building will last 2+ years. Parking will be affected for the duration of the project.
- We are in the process of trying to fill the many vacancies on the Board.

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 through March 31, 2019. During that period, 72 IAQ/Sanitation complaints/referrals and 25 five-day complaints were received; 30 initial on-site inspections, two follow-ups and no monitoring inspections were conducted. Twenty-six cases were closed. Three programmed inspections were also conducted in accordance with the strategic plan at: water treatment plants. Eight reports with 20 citations were issued.
- Paperwork has been submitted to hire one CSHO and paperwork will be submitted to replace one CSHO who is leaving.

Luis Alamo asked if the complaints/referrals received are from the general public, an employee, etc.

- Keith Brobrowski responded that, in general, the administrators of the agency or the employer go through a consultation as a cooperative way of achieving compliance. Complaints are accepted from the public and anonymous employees but they are handled in a non-formal process are not necessarily converted into an inspection. All of the complaints are primarily employees or employee representatives.

Dominic Marino asked if the complaints/referrals received are credible considering the shortage of staff.

- Keith Bobrowski responded that several years ago because of the staffing shortage they implemented a letter process for complaints received that were other than serious which would include IAQ and Sanitation. The employer is notified of the complaint, posts the complaint, and then provides a response to the complaint. The response is shared with the complainant and, if satisfied, the case is closed. This process eliminates the need to send staff to investigate IAQ or sanitation complaints.
- All potential serious violation complaints are handled within five days.

Lennie Parham asked if the 22 complaints received from schools were all IAQ complaints.

- Keith Bobrowski responded that not all of the complaints were IAQ. He noted that typically temperature complaints are received during the winter months but occasionally there are HAZCOM complaints. He will provide Mr. Parham with additional information after the meeting.

Luis Alamo asked what distinguishes a five-day response complaint.

- Keith Bobrowski responded anything that would result is a potential serious violation.

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 January 1 through March 31, 2019. During that period, three consultation requests were received and three initial on-site consultation visits were conducted. Four reports with 21 potential hazards were issued. Five cases were closed.
- Staff attended a Safe Patient Handling Conference in March 2019.
- Nine educational seminars and conferences were conducted for over 180 employers (240 participants). The education staff also conducted 16 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 asked if anyone has read the IAQ Standard and noted that it is a weak standard that was written many years ago. If we wanted to bolster the standard that could be problematic due to the unfunded mandate issues. NJ's IAQ Standard stands on its own because there is no standard on the federal side.

- Howard Spencer advised that he represents people in the joint insurance fund and push to get people to have IAQ programs. He asked how they would be able to get training.
 - Glenn Pulliam advised that the training available is on the website and there is one trainer who could provide the training.

Assistant Commissioner Black reported the following:

- The FFY2018 Federal Annual Monitoring and Evaluation (FAME) review for PEOSH State Plan activities from October 1, 2017 through September 30, 2018 was deemed by Federal OSHA a follow-up year in the two-year cycle FAME process. Therefore, an on-site case file review was not performed. Federal OSHA Region 2 has intended this strategy to allow the PEOSH State Plan to focus on correcting deficiencies identified from the FFY2017 comprehensive FAME that was conducted in January 2018. Analysis and conclusions for the FFY2018 follow-up FAME will be based on various reports throughout the FFY2018 rating period as follows, i.e. State Activity Mandated Measures (SAMM) Report, Mandated Activities Report for Consultation (MARC), State OSHA Annual Report (SOAR), State Plan Annual Performance Plan (APP), State Plan 23(g) grant application and Quarterly Reviews. Once the FFY2018 FAME is approved by the Federal OSHA National Office, it will be 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 Winter 2019 OSHSPA meeting in Salt Lake City, UT on February 26-27, 2019. PEOSH requested approval to attend the Spring 2019 OSHSPA meeting in Chicago, Illinois on May 14-15, 2019.

- The hiring process for the two approved Occupational Safety Compliance 2 (OSC2) staff is complete in accordance with NJ Civil Service Commission requirements. The effective date for the new hires is April 27, 2019. The new staff will undergo training during their probationary period that 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. 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 – Assistant Chief James Revak:

Assistant Chief Revak reported the following:

- NJDLWD’s PEOSH enforcement activity report was distributed and covered the period of January 1 through March 31, 2019. During that period, 23 general inspections with 22 Orders to Comply (OTCs) issued, five complaint investigations with three OTCs issued, three accident investigations with three OTCs issued and 20 follow-up inspections were conducted.
- There was one public employee fatality reported which was determined non-occupational safety and health related. One previously reported fatality investigation is still in progress.
- There were four new discrimination cases received and four open penalty cases.
- There was \$25,229.25 in 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.

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 January 1 through March 31, 2019. During that period, 11 safety consultation visits were made. The most frequently cited standard was 1910.303(g)(1) Working space around electrical equipment.
- Under PEOSH Safety Training, 48 courses were presented to 620 participants. The most requested training included: Forklift (Classroom); Forklift (Practical); Ladder Safety; Personal Protective Equipment; and Electrical Safe Work Practices.
- Staff attended/presented training which included but is not limited to:
 - Presented on commonly cited PEOSH hazards, injury report, recordkeeping, consultation, and training resources to a total of 146 individuals during this time period.
 - Assisted with an OSHA 10-Hour Construction Outreach Training Class to a total of 25 individuals.
 - Presented at the Public Works Association of NJ’s Annual Conference in Atlantic City to a total of 105 attendees.
 - Attended OSHA 511 Safety and Health Standards for General Industry – one staff attended/completed the training.
 - Attended OSHA 510 Safety and Health Standards for Construction – one staff attended/completed the training.

Dominic Marino asked which fire department was trained on PPE.

- Krishna Jagannathan responded that he does know but consultation and training remains private. The training covered proper inspection of PPE, etc. and we are working on some internal documents to help our staff to better identify hazards in the workplace.

Luis Alamo asked if all outreach activities are private.

- Krishna Jagannathan responded that most if not all consultations remain private between LWD and the employer. This encourages the employer to voluntarily cooperate with our program and also protects them from being targeted when violations are identified.

Ellie Barbarash asked if workplace violence we be included under consultation.

- Krishna Jagannathan responded that workplace violence would be covered in some capacity under both the enforcement and consultation side. On the consultation side, information is provided to employers to assist them in establishing programs.
- Assistant Commissioner Black noted that there is a Workplace Violation Standards under the Department of Health that pertains to healthcare facilities.

New Business:

- Assistant Commissioner Black mentioned the unfunded mandate again. He noted that in accordance with our PEOSH statutes we are supposed to be furthering the purposes of health and safety initiatives. He questioned how can we exceed the standards when it would become an unfunded mandate issue. The only way to accomplish this is to request from a legislator(s) to have the unfunded mandate law amended to exclude health and safety matters which would be extremely helpful especially to those we are supposed to be protecting.
- Howard Spencer asked for status on the proposed legislation about the Firefighter Cancer Presumption Act.
 - Assistant Commissioner Black responded that he does not know where that stands and the best place to find out is to call the Bill room.
 - Dominick Marino noted that he does not think that question is appropriate for this forum.
 - Gary Centifonti noted that it has passed both Houses and assumes it's on the Governor's desk for signature.
- Assistant Commissioner Black mentioned Workers Memorial Day on April 29, 2019 at 9:30 a.m. at the LWD Building.

Old Business:

- Theresa Kramarz reviewed the existing Governor-appointed vacancies on the Board.

Open Discussion: None.

The next PEOSH Advisory Board meeting will be held at 10:00 a.m. on Thursday, July 25, 2019 at NJDLWD, One John Fitch Plaza, 13th Floor Auditorium, Trenton, New Jersey.

Assistant Commissioner Black adjourned the meeting at 10:44 a.m.