

MEETING MINUTES
PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH ADVISORY BOARD
Thursday, January 28, 2021
Virtual TEAMS Meeting

MEMBERS PRESENT

Luis Alamo, Representative for Public
Howard Black, Designee for Commissioner of Labor & Workforce Development
Gary Centifonti, Designee for Commissioner of Health
Jeffrey MacMullen, Substitute Designee for Commissioner of Environmental Protection
Paul Malarcher, Representative for County Government
Gina Mayer-Costa, Representative for Institutions of Higher Education
Lennie Parham, Designee for Commissioner of Education
John Saville, Representative for Public
Robert Shannon, Representative for Municipalities
Peter Skeels, Substitute Representative for Rutgers, The State University
Michael Smith, Designee for State Treasurer
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

Richard Hogan, Representative for Municipal Employees
Timothy Rudolph, Representative for State Government Employees

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
Fire Services	Public Health Care Facilities

NJ DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT SUPPORT STAFF

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

NJ DEPARTMENT OF HEALTH SUPPORT STAFF

Keith Bobrowski
Glenn Pulliam

OTHERS PRESENT

Kristen Affrime, CWA	John Garton, NJDOL	Robert Sexton, NJDOL
Georgette Bunch, Treasury	Shari Haines	Peter Skeels, Rutgers
Wanda Caudle	Robert Kishler, NJDOL	Janice Thomas, NJDOL
Stuart Cobb, NJDOL	Jim Lucas, NJTA	Carol Tiedeman, OSHA
Deb Coyle-McFadden	Patrick Mackin, PMA	Mark Worthington
Salvatore Fama, NJDMV	Steve Matthews, NJDOL	
Crissandra Garcia, NJDOL	Mike Preisig	

Meeting Motions:

- Motion to approve the January 23, 2020 and July 30, 2020 meeting minutes. Paul Malarcher motioned; John Saville seconded. Motion approved. (*Note: The October 2020 PEOSH Advisory Board meeting was cancelled*).

Assistant Commissioner Howard Black called the meeting to order at 10:04 a.m. After the flag salute, Theresa Kramarz called roll and initially determined there was no quorum. Later in the meeting a quorum was met and Assistant Commissioner Black moved to approve the January 23, 2020 and July 30, 2020 meeting minutes. (*Note: The October 2020 PEOSH Advisory Board meeting was cancelled*). Paul Malarcher motioned; John Saville seconded. Motion approved.

Assistant Commissioner Black noted that the Division has been processing and investigating complaints received under Executive Order 192 which requires the private sector to comply with the minimum standards to protect their workers from COVID-19. Since November 2020, there have been over 2,400 complaints received. We hired temporary employees to assist with this initiative. Funding under EO 192 will expire in March 2021. If federal OSHA issues an emergency standard, EO 192 may be preempted. Our focus on EO 192 has delayed some of our PEOSH enforcement investigations.

Gary Centifonti noted that for all the latest information regarding COVID-19 stats can be found at <https://covid19.nj.gov>. The information on this website is updated daily.

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, 2020. During that period, 11 IAQ/Sanitation complaints/referrals and 96 five-day complaints were received (mostly COVID-19 related). Twenty-four (24) initial on-site and one (1) follow-up inspections were conducted. Forty-six (46) cases were closed. Eight (8) programmed inspections were also conducted in accordance with the five-year strategic plan at: transportation department (1), fire department (6), sewer treatment plant (1). Five (5) Orders to Comply (OTC) were issued containing 10 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 October 1 through December 31, 2020. During that period, two (2) initial consultation requests were received; one (1) initial onsite consultation was conducted.
- Due to COVID-19 response efforts, consultation staff has been assisting the PEOSH enforcement unit.
- Education staff have been assisting the COVID support operations in NJDOH's Emergency Call Center.
- One educational seminar/conference was conducted.

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

- PEOSH received notification from USDOL that the FFY 2021 23(G) grant application was approved on September 30, 2020. The FFY 2021 50% Federal OSHA funding base award level will be the same as the amended base award level of funding received by New Jersey in FFY 2020 (\$2,090,400). NJDOL will provide 50% matching funds of \$2,090,400 and an additional estimated 100% overmatch funding of \$985,620. The total estimate for Federal and State funds for the FY 2021 23(G) agreement is \$5,166,420. The NJDOH branch of PEOSH will receive 45% of the base award (\$940,680) and will provide 50% matching funds of its distribution share. The 100% overmatch funding will be provided by the NJDOL and NJDOH in the amounts of \$850,498 and \$135,422, respectively.
- The next OSHSPA/OSHA meeting is scheduled to be held virtually on February 9-10, 2021.
- 2021 PEOSH Operational Status/Plan during COVID-19 Restrictions
 - Alternate PEOSH Safety Enforcement Process
 - PEOSH Safety Enforcement is currently conducting alternate inspections to minimize PEOSH inspector's exposure to public facilities and still maintain enforcement activity in accordance with the PEOSH Five-Year Strategic Plan/State Plan Agreement with Federal OSHA.
 - The alternative inspection process involves limited on-site activity upon completion of a Job Hazard Assessment (JHA) for each subject facility in accordance with the OSHA Risk Assessment Evaluation Table and pre-screening of the facility following the OSHA JHA guidelines.
 - All Imminent Danger/Fatality/Complaint/Referral Actions are addressed through alternate inspection procedures and involve on-site visits by the inspectors whenever possible or as necessary.
 - Orders to Comply and related correspondence are being issued electronically via email in accordance with PEOSH and OSHA requirements.
 - PEOSH Safety Enforcement Electronic File System – PEOSH Safety Enforcement is implementing a manual electronic filing system to eliminate paper file assembly, handling and storage for a paperless filing system. The electronic filing system will enable more ability to work remotely as part of contingency planning for current and future circumstances when typical facility access is not available to meet operational needs.
- The NJDOL's Division of Public Safety and Occupational Safety and Health has been instrumental in developing and implementing the investigation process for Executive Order 192 (EO 192), COVID-19 Workers Protection. EO 192 provides for protection of private and public sector workers to ensure workplaces maintain the measures contained in the NJDOH and CDC guidelines. All private employee EO 192 complaint investigations are conducted by NJDOL and all public EO 192 complaint investigations are conducted by the NJDOH PEOSH office. EO 192 has been in effect since November 5, 2020 and to date has received over 2,400 complaints on the NJDOL Complaint Intake System. The Office of Public Employees Occupational Safety and Health (OPEOSH) has played an integral part in the development and investigation process. Funding for the implementation of EO 192 is provided through the Federal Cares Act. NJDOL has brought on temporary staff to assist with the high influx of complaints received.

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

Chief Lipski reported the following:

- NJDOL's PEOSH enforcement activity report was distributed and covered the period of July 1 through December 31, 2020. During that period the following inspections were conducted: one (1) general inspection with one (1) Order to Comply (OTCs) issued, five (5) complaint investigations with three (3) OTCs issued, and six (6) accident investigations with three (3) OTCs issued.

- There were two (2) public employee fatalities reported. Both were determined non-occupational safety and health related. One (1) fatality investigation is in progress.
- There was one (1) new discrimination case received and eight (8) open penalty cases.
- Penalties collected during this time period totaled \$29,500.

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 July 1 through December 31, 2020. During that period, five (5) safety consultation visits were made. The most frequently cited standard was 1910.157 Portable fire extinguisher inspection and training.
- Under PEOSH Safety Training, four (4) courses were presented to 110 participants. The most requested training included: Forklift (Classroom); Forklift (Practical); Intro to PEOSH; and Excavation and Trenching.
- Staff presented training which included but is not limited to:
 - August 3, 2020 – The PEOSH Assistant Chief provided a COVID-19 safety training presentation to DOL, DOE, DOH and OAG employees.
 - September 24, 2020 and December 10, 2020 – The PEOSH Assistant Chief and a PEOSH Consultant provided a PEOSH Fire Service Update presentation to a collection of chief officers from departments throughout the state.
- Staff attended the following training:
 - July 1, 2020 – The PEOSH Assistant Chief participated in a webinar offered by OSHA, “OASP Roadshow – Healthcare & Emergency Responders.”
 - July 2, 2020 – The PEOSH Assistant Chief participated in a webinar offered by CPWR, “COVID-19 Safety in Action – An Example from the Job Site.”
 - July 13-15, 2020 – Four PEOSH staff completed the OSHA 3015 Excavation/Trenching/Soil Mechanics course offered by Rutgers SPH/Atlantic OSHA Training Center.
 - September 18, 2020 – Six PEOSH staff completed the OSHA 2055 Cranes in Construction training offered by Rutgers SPH/Atlantic OSHA Training Center.
 - September 23, 2020 – Six PEOSH staff completed the OSHA 3115 Fall Arrest Systems offered by Rutgers SPH/Atlantic OSHA Training Center.
 - November 23, 2020 – One PEOSH staff completed the HAZWOPER Refresher class offered by Rutgers SPH/Atlantic OSHA Training Center.
- PEOSH Consultation and Training continues to offer virtual services and limited on-site activities only as necessary.
- Consultants are reaching out to clients to provide information and responding to inquiries from clients about COVID precautions.
- PEOSH Consultant Anthony Valente retired effective January 1, 2021.

Presentation:

Krishna Jagannathan from NJDOL’s Public Employees Occupational Safety Consultation and Training provided a PowerPoint presentation on Executive Order 192.

New Business: No new business.

Old Business: No old business.

Open Discussion:

- Deb Coyle-McFadden asked how complaints are being filed/investigated if businesses are fogging/misting with disinfectants and sanitizers that should not be used.
 - Assistant Commissioner Black asked that she provide more information via e-mail and we will try to get her an answer.
 - Jeffrey MacMullen from NJDEP asked that he also be copied on that e-mail and we can coordinate a response.
-

Assistant Commissioner Black adjourned the meeting at 11:09 a.m.

The next PEOSH Advisory Board meeting is scheduled at 10:00 a.m. on Thursday, April 22, 2021 via Teams.