

MEETING MINUTES
PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH ADVISORY BOARD
Thursday, January 27, 2022
Virtual TEAMS Meeting

MEMBERS PRESENT

Luis Alamo, Representative for Public
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
Mark McLane, Representative for Rutgers, The State University
John Saville, Representative for Public
Michael Smith, Designee for State Treasurer
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

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	Fire Services
Public Health Care Facilities	Municipalities

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	John Garton, NJDOL	Amy Muskett, Treasury
Nicole Benowitz, NJDOL	John Hill, NJDOL	Mike Preisig, NJ OAG
Wanda Caudle, HPAAE	Pura Jackson, CWA	William Ruch, SIFNJ
Kenneth Child, PMA Group	Robert Kishler, NJDOL	Robert Sexton, NJDOL
Stuart Cobb, NJDOL	Gregory Lallo, NJDOL	Garren Steiner, CWA
Chad DiGiorgio	Misty Lammons, CWA	Janice Thomas, NJDOL
Salvatore Fama, NJDMV	Cecelia Leto, NJWEC	Dorothy Wigmore, NJWEC
Victoria Fisher, CWA	Francisco Masini, Monmouth	Mark Worthington, T&M Assoc.
Crissandra Garcia, NJDOL	Darcea Messier, NJDOL	

Meeting Motions:

- Motion to approve the July 22, 2021 meeting minutes. Michael Smith motioned; Robert Weissman seconded. Motion approved.
-

Chief Tom Lipski called the meeting to order at 10:00 a.m. After the flag salute, Theresa Kramarz called roll and determined there was a quorum. Chief Lipski announced Assistant Commissioner Howard Black's retirement and read a statement on behalf of Assistant Commissioner Black. Chief Lipski also announced the retirement of Gary Centifonti from the NJ Department of Health. Chief Lipski moved to approve the July 22, 2021 meeting minutes. Michael Smith motioned; Robert Weisman seconded. Motion approved.

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 – December 31, 2021. During that period, 35 IAQ/Sanitation complaints/referrals and 16 five-day complaints were received. Fourteen (14) initial on-site and no follow-up inspections were conducted. Thirty (30) cases were closed. Eight (8) programmed inspections were also conducted in accordance with the five-year strategic plan at: transportation (1), local fire department (4), and sewer treatment plant (3). Fifteen (15) Orders to Comply (OTC) were issued containing 72 citations.

Dorothy Wigmore from Work Environment Council (WEC) asked about the school complaints, what they were about and how they got resolved.

- Keith Bobrowski responded that many of the complaints were about ventilation which is covered under the Indoor Air Quality Standard. There were also some complaints regarding the masking requirements. He noted that a breakdown of each case is not put in the PEOSH Advisory Board reports and advised her to visit www.osha.gov to query the complaints.
- Glenn Pulliam noted that COVID-specific complaints from schools are forwarded to the NJ Department of Education for handling. Upon further questioning, Glenn Pulliam suggested a one-on-one discussion after this meeting.

Report of the NJDOH's PEOSH Consultation Program Update – Glenn Pulliam:

Glenn Pulliam reported the following:

- Commented on Gary Centifonti's retirement and introduced Director Loel Muetter.
- NJDOH's PEOSH consultation activity report was distributed and covered the period of October 1 – December 31, 2021. During that period, one (1) initial consultation request was received; two (2) initial onsite consultations were conducted.
- Staff attended the NJ Education Association conference in Atlantic City in November 2021.
- Three (3) educational seminar/conferences were conducted.

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

Chief Lipski reported the following:

- PEOSH received notification from USDOL that the FFY 2022 23(g) grant application was approved on September 30, 2021. The FFY 2022 50% Federal OSHA funding base award level increased by \$30,700 for a total base award level of funding of \$2,121,100. The NJDOL/NJDOH will provide 50% matching funds. An estimated additional amount of \$1,196,254 over the 50/50

OSHA/State matching funding shall be provided by DOL/DOH at 100% overmatch for the balance of the FFY 2022 23(G) grant total of \$5,438,454.

- The PEOSH webpage was recently redesigned by NJDOL Communications and Marketing. The new web page is: <https://www.nj.gov/labor/safetyandhealth/programs-services/peosh/>
- A PEOSH press release was issued on December 28, 2021 announcing the top ten most cited safety and health hazards in the public sector for 2021 to raise awareness of the most common risks at public employee worksites.
- In addition to announcing the top ten most frequently cited hazards, the press release also announced the newly released PEOSH Alert #34: *Electronic Access/Egress and Electromagnetically Locking Door Failures*. This Safety Alert was issued in response to the potential for injuries and/or death to occur due to the failure of existing or future installation of electronic access and egress control systems and/or electromagnetically locked egress doors.
- The Fall 2021 OSHSPA/OSHA meeting was held in Traverse City, Michigan on September 28-29, 2021. There was no provision for virtual attendance. The New Jersey state employee policy prohibited business travel outside of the state of New Jersey. The next OSHSPA meeting will be held on February 8-10, 2022 in Roanoke, VA. OSHSPA announced that this meeting will be held virtually due to the rise in the Omicron COVID infection transmission rates.
- The PEOSH Safety Enforcement office hired two (2) new Occupational Safety Consultants that started in December 2021. New hires require in-field training accompanied by existing compliance officers for a period of 4-6 months in addition to initial compliance training at the OSHA Training Institute. The new total of compliance officers will be 10 once their training is complete.
- As of January 13, 2022, the Supreme Court Justice Ruling decision was released and blocked the Emergency Temporary Standard (ETS) from mandating large employers to comply with the ETS Mandated Vaccination and Testing requirements. Although the ETS mandate for vaccination and testing requirements has been blocked for large employers, the mandate for healthcare workers was upheld for federally funded facilities. PEOSH will wait for further development/modification of the ETS before any adoption will occur.

Report of the NJDOL's PEOSH Enforcement – Assistant Chief James Revak:

Assistant Chief Revak reported the following:

- NJDOL's PEOSH enforcement activity report was distributed and covered the period of July 1 – December 31, 2021. During that period, the following inspections were conducted: 39 general inspections, 11 complaint investigations, and 13 accident investigations.
- There were no public employee fatalities. 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 July 1 – December 31, 2021. During that period, 45 safety consultation visits and nine (9) follow-up visits were conducted. The most frequently cited standard was 1910.303 electrical general requirements.
- Under PEOSH Safety Training, no courses were taught during this period.
- Staff attended/participated in the following:
 - On November 16-18, 2021, two PEOSH staff attended the NJ League of Municipalities Annual Conference in Atlantic City.

- On December 20-21, 2021, one PEOSH staff virtually attended OSHA502 Construction Trainer Update offered by the Rutgers School of Public Health.
- In December 2021, Darcea Messier joined the PEOSH team bringing the team to a full complement of four consultant-trainers.

Presentation:

Assistant Chief Tom Wilson and Occupational Safety Consultant John Garton provided a presentation on Alert #34, Electronic Access/Egress and Electromagnetically Locking Door Failures.

New Business: No new business.

Old Business: No old business.

Open Discussion:

John Saville asked about the changes in penalty structure for violations.

- Chief Lipski responded that each year the Civil Penalties Adjustment Act is issued by federal OSHA. Since New Jersey is a state/local/county government only State Plan State, we are not required to adopt. NJ has maintained penalties of up \$7,000 per instance for serious violations and up to \$70,000 for willful or repeat violations.

Dorothy Wigmore expressed her concern about the low penalty amounts noting that penalties do have an effect and should be higher. She'd like to talk more about this at the next meeting.

Chief Lipski adjourned the meeting at 11:04 a.m.

The next PEOSH Advisory Board meeting is scheduled at 10:00 a.m. on Thursday, April 21, 2021 via Teams.