

MEETING MINUTES
PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH ADVISORY BOARD
Thursday, July 30, 2020
Virtual TEAMS Meeting

MEMBERS PRESENT

Robert Asaro-Angelo, Commissioner of Department of Labor & Workforce Development
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
Gina Mayer-Costa, Representative for Institutions of Higher Education
Mark McLane, Representative for Rutgers, The State University
Bahram Salahi, Designee for Commissioner of Environmental Protection
Lennie Parham, Designee for Commissioner of Education
John Saville, Representative for Public
Robert Shannon, Representative for Municipalities
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

Richard Hogan, Representative for Municipal Employees
Timothy Rudolph, Representative for State Government Employees
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
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	Karen Kessler, NJDOL	Paul Stamm, NJDOL
Stuart Cobb, NJDOL	Robert Kishler, NJDOL	Janice Thomas, NJDOL
Salvatore Fama, NJDMV	Cecilia Leto, NJWEC	Carol Tiedeman, OSHA
Crissandra Garcia, NJDOL	Jim Lucas, NJTA	Tim Weir
John Garton, NJDOL	Steve Matthews, NJDOL	
Shari Haines	Michael McLinden, NJDEP	

Meeting Motions:

- None – lack of quorum.

Action Items:

- Theresa Kramarz will provide link to Dominick Marino's obituary.
 - Theresa Kramarz will provide Power Point presentation with meeting minutes.
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Assistant Commissioner Howard Black called the meeting to order at 10:06 a.m. After the flag salute, Assistant Commissioner Black advised that Board member Dominick Marino passed away in April 2020 and requested a moment of silence. Theresa Kramarz called roll and determined there was no quorum. Assistant Commissioner Black tabled the approval of the January 23, 2020 meeting minutes (*Note: The March 2020 PEOSH Advisory Board meeting was cancelled due to COVID-19*).

Assistant Commissioner Black noted that it has been a challenging time for the Division of Public Safety and Occupational Safety and Health which includes PEOSH, Boiler and Pressure Vessel Compliance, Crane Licensing, Explosives, Mines, and Onsite Consultation and Training among other areas. All staff have been fully deployed and are able to conduct inspections virtually and physically, when necessary. Staff continues to do outreach, training, and consultations, virtually when possible. Our staff is also assisting Unemployment Insurance in reducing backlogs. We were able to exempt our staff from the recent furloughs. Staff has also assisted in the inspection of donated PPE to ensure it is adequate for distribution. The Division is fully operational and Assistant Commissioner Black stated that he is proud to work with his staff as well as with the staff at the NJ Department of Health.

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 April 1 - June 30, 2020 (*Note: 2nd quarter report for January 1-March 31, 2020 was also distributed but not discussed.*). During that period, five IAQ/Sanitation complaints/referrals and 103 (mainly COVID-related) five-day complaints were received. Seven initial onsite inspections were conducted. Eighty-six cases were closed. Two programmed inspections were also conducted in accordance with the strategic plan at: a nursing/residential care center (1), sewer treatment plant (1). Eight Orders to Comply (OTC) were issued containing 36 citations.
- There were 48 COVID-19 related fatalities (14 cases were closed; 34 are currently under investigation).

Robert Weissman asked if the COVID cases are related to the spread due to improper action (i.e. not wearing appropriate PPE) or because of the nature of the virus itself.

- Keith Bobrowski responded that most of the cases involve fatalities which are currently under investigation. He further noted that for the most part, employers are complying and doing the best they can.

Kristen Affrime asked what actions does PEOSH take to close an IAQ case filed on a COVID-19 complaint/referral.

- Keith Bobrowski noted that due to limited staff and due to limiting our staff's exposure NJDOH is handling those types of complaints with a similar IAQ letter process where the employer is asked to provide documentation of their COVID-response plan and evidence they are following it through photographs and online meetings to minimize exposure to our staff.

- Glenn Pulliam further commented in regards to COVID NJDOH is following CDC and OSHA guidance as it develops. Our staff is limited and we are getting numerous complaints as well as handing COVID-related fatalities. Our COVID-response is to ensure the employer has a solid plan in place.

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 - June 30, 2020 (*Note: 2nd quarter report for January 1-March 31, 2020 was also distributed but not discussed.*). During that period, no consultation requests were received. One case was closed.
- Staff have assisted with the COVID support operations with the NJDOH Emergency Call Center.
- No educational seminars/conferences were conducted due to staff assisting with the NJDOH COVID-19 response efforts.
- Consultation staff prepared a Health and Safety Summary for EMS First Responders During the COVID-19 Pandemic Response document which can be found on the website.
- Consultation staff attended several COVID-19 related webinars.

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

- PEOSH is in the process of preparing the FFY 2021 23(G) grant application which is due August 1, 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). The NJDOL will provide 50% matching funds of \$2,090,400. Any additional amount over the 50-50 OSHA/State matching funding shall be provided by DOL at 100% overmatch for the balance of the FFY 2020 23(G) grant total.
- PEOSH staff from the NJDOH and NJDOL attended the Winter 2020 OSHSPA meeting in Baltimore, MD on January 14-15, 2020. The Spring OSHSPA meeting in May 2020 and the Fall OSHSPA meeting scheduled for September 2020 have been cancelled. The OSHSPA board is reviewing options for virtual meetings in the future in addition to regular in-person meetings.
- The FFY 2018 Follow-up Federal Annual Monitoring and Evaluation (FAME) review for PEOSH State Plan activities from October 1, 2018 through September 30, 2019 has been finalized by the Federal OSHA National Office and is now posted on the PEOSH web site for public view.
- PEOSH Safety Enforcement received approval to backfill an Occupational Safety Consultant position. The hiring process for the OSC2 was completed in accordance with NJ Civil Service requirements and the effective date for the new hire was March 30, 2020. The new hire is currently in the process of training during their probationary period that may take up to six months prior to being released to conduct inspections independently. Once the new OSC2 is functional in the field and conducting inspections, the total number of PEOSH safety compliance officers will be eight.
- NJDOL PEOSH Safety Enforcement Operations during COVID-19 Restrictions – The following bullets outline the current enforcement activities being conducted by the NJDOL PEOSH Safety Enforcement office during the restrictions due to the COVID-19 pandemic:
 - Due to the COVID-19 pandemic restrictions, the NJDOL PEOSH Safety Enforcement office has limited the physical interface of compliance officers with employers/employees at public employer worksites. The purpose for the altered inspection process is for the protection of all parties involved to prevent additional spread of the COVID-19 through routine targeted general inspections during the restricted phases of activity in New Jersey.
 - During the pandemic restrictions, the PEOSH Safety Enforcement office will respond to all imminent danger/fatality/complaint/ serious injury notifications. PEOSH is responding to these

notifications on a case-by-case basis, i.e., either by phone and correspondence or in person based on the nature of the matter and in accordance with the PEOSH Act and the PEOSH Field Operations Manual.

- All on-site visits by PEOSH will be coordinated with the employer prior to the visit to ensure that all affected personnel comply with CDC guidelines regarding the COVID-19 pandemic in accordance with N.J.A.C. 12:110-4.3, Advance Notice of Inspections exceptions.
- Follow-up inspections on pre-existing safety enforcement actions are conducted via correspondence when possible and closed out accordingly.
- The after-hours PEOSH Hotline (800) 624-1644 was activated for 24/7 service; all calls are forwarded to PEOSH supervisory as incoming reports are received from the Hotline service and a summary report of calls is submitted to personnel each morning. All calls are responded to on a daily basis.
- PEOSH Safety Enforcement is expanding its alternative inspection process to involve 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.
- Public Employee Safety and Health Bulletins #32 and #33 – PEOSH issued two Safety Alert Bulletins pertaining to eye protection for firefighters and tree care, trimming and removal operations. The alerts are posted on the PEOSH website.
 - Bulletin #32 – Prevention of Eye Injuries/ Loss of Vision for Firefighters: This Safety Alert has been issued in response to the potential for injuries to occur when firefighters’ eyes are not fully protected against impact from foreign objects while on the fire ground or performing other emergency services related activities.
 - Bulletin #33 – Public Employers Who Designate Employees to Engage in Tree Care Operations, Tree Trimming and Tree Removal: This Safety Alert has been issued in response to the potential for injuries or death to occur when employees are engaged in tree care and tree removal operations and related activities.

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 January 1 through June 30, 2020 (1st and 2nd Quarters). During that period the following inspections were conducted, 54 general inspections with 51 Orders to Comply (OTCs) issued, five complaint investigations with four OTCs issued, and eight accident investigation with six OTCs issued.
- There was one public employee fatality reported which was determined non-occupational safety and health related. Two fatality investigations are in progress.
- There was one new discrimination case received and seven open penalty cases.
- Penalties collected during the 1st and 2nd quarters totaled \$71,250.
- The most frequently cited standard was 1904.29(a), Recordkeeping – Failure to maintain NJOSH 300 Forms.

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 through June 30, 2020 (1st and 2nd Quarters). During that period, 10 safety consultation visits were made. The most frequently cited standard was 1910.157(c)(1) Portable fire extinguisher training.

- Under PEOSH Safety Training, 20 courses were presented to 218 participants. The most requested training included: Forklift (Classroom); Forklift (Practical); Intro to PEOSH; and Excavation and Trenching.
- Staff attended/presented training which included but is not limited to:
 - January 23, 2020 – the PEOSH Assistant Chief provided a presentation to the Somerset County EMS Chief Officer’s Association.
 - February 22, 2020 – a PEOSH Consultant provided a PEOSH Fire Service Update presentation to the Cape May County Fire Chief’s Association.
 - March 9, 2020 – a PEOSH Consultant provided a presentation on PEOSH and commonly found hazards to the NJ Water Environment Association.
 - Staff attended two online training courses on remote working/telecommuting offered by the NJ Civil Service Commission.
- Beginning March 18, 2020, staff began telecommuting. The PEOSH Consultation and Training team is using this time of restricted field activity to wrap up outstanding field activities, update presentation and handouts, and develop a repository of presentation materials.

Presentation:

John Garton from NJDOL’s PEOSH Enforcement provided a PowerPoint presentation on Alert #32, Prevention of Eye Injuries/ Loss of Vision for Firefighters.

Thomas Wilson from NJDOL’s PEOSH Enforcement provided an overview of Alert #33, Public Employers Who Designate Employees to Engage in Tree Care Operations, Tree Trimming and Tree Removal Public Employers Who Designate Employees to Engage in Tree Care Operations, Tree Trimming and Tree Removal.

New Business: No new business.

Old Business: No old business.

Open Discussion:

Lennie Parham asked if the NJDOH received any inspection requests in the month of July to inspect air filtration units, air condition units and ventilation systems from any school districts.

- Keith Bobrowski responded that is it pretty normal to receive inquiries of this type during this time of year due to schools going back into session. He will provide Mr. Parham with additional information.

Michael McLinden asked if NJDOH has a position on temperature screening for employees entering the workplace.

- Gary Centifonti noted that NJDOH’s PEOSH does not have anything specific at this point. NJDOH is working with the Civil Service Commission on guidelines and each department will have their own flexibility.

Assistant Commissioner Black adjourned the meeting at 11:13 a.m.

NOTE: The October 22, 2020 PEOSH Advisory Board meeting is cancelled. The next PEOSH Advisory Board meeting is tentatively scheduled at 10:00 a.m. on Thursday, January 28, 2021; location TBD.