

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, July 18, 2024 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director (Telephonic)
	Renee Pastor	Self-Insurance (Telephonic)
	Brian Hudson	ADOSH Director
	Taryn North	Compliance Supervisor
	Tom Martz	Compliance
	Bethany Votta	ADOSH Admin
	Anna Maria Stonerock	Acting Commission Secretary
	Kara Dimas	Commission Secretary (Telephonic)

Chairman Kavanaugh convened the meeting at 1:07 p.m. In attendance, confirmed by roll call were Anne Ryman (ABC15); Geneva Haber (Snell and Wilmer); Martin Moon (Picacho Safety); Lorenzo M. Alvarado (Alvarado Roofing LLC); Tyler Thomas (Snell and Wilmer representing Alvarado Roofing LLC); Karen Mittleider and Karen Briski (Goodrich Corporation DBA Collins Aerospace); Kevin Thomson (Lyons Roofing); Randy Lundsford, Joshua Frasier, Jim Blasius and Martin Aguirre (In-Cide Technologies, Inc.); Eda Borolli (PSGM Low MSR); Lindsey Wheeler (PRM). Also in attendance on the telephone, confirmed by roll call was Rachel Schmidt (Ceiba Adventures, Inc).

Approval of Minutes of July 11, 2024 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the July 11, 2024 regular session meeting and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Consent Agenda:

All items following under this agenda item are consent matters and will be considered by a single motion with no discussion unless a Commissioner removes an item off the consent agenda to be discussed and voted on separately. The Commission may move into Executive Session under A.R.S. § 38-431.03(A)(2) to discuss records exempt by law from public inspection. Legal action involving a final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

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- a. Approval of Requests for Renewal of Self-Insurance Authority.



- a) 10560 S Sage Hills Ct, Vail: One employee was installing plywood and underlayment on a roof that was 9'5" and did not have fall protection training. 29 CFR 1926.503(a)(1)  
Div. Proposal - \$3,349.00 Formula Amt. - \$3,349.00

NON-SERIOUS

- 1) 29 CFR 1926.503(b)(1): The employer did not verify compliance with paragraph (a) of this section by preparing a written (training) certification record including the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer.

- a) 10560 S Sage Hills Ct, Vail: Three employees was installing plywood and underlayment on a roof and did not have written certification record of training.

- 2) 29 CFR 1904.39(a)(1): The employer did not report within 8-hours the death of an employee resulting from a work-related incident

- a) 3395 E Felix Boulevard: One employee fell to his death on January 19th, 2024 and it was not reported until January 22nd, 2024.

Div. Proposal - \$1,000.00

Formula Amt. - \$1,000.00

TOTAL PENALTY - \$20,199.00

TOTAL FORMULA AMT. - \$20,199.00

Mr. Hudson discussed ADOSH's inspection, summarized the citation and proposed penalty.

Chairman Kavanaugh confirmed the corrected amount of the penalty with Mr. Hudson.

Chairman Kavanaugh noted he had a request to speak from Tyler Thomas.

Mr. Thomas wanted to point out a few things that concerned them while considering this citation. On May 30, 2024 a closing conference was held in this matter with the Compliance Officer, during that closing conference they were informed there would be three citations issued: one for failure to report, one for a fall protection standard violation for CFR 29 1926.501(b)(13) and one for an unprotected hole violation for 1926.501(b)(4)(i). They were surprised today to find there are two additional citations. He also clarified that they discussed with the Compliance Officer this violation was abated shortly after the incident in conjunction with legal counsel, Mr. Alvarado finished fixing the roof in a safe manner that hazard no longer exists.

Chairman Kavanaugh expressed concern that since the file is at the six months' time limit, he would suggest to approve the division's recommendation and have ongoing conferences and discussions with the employer to address the issue.

Commissioner Godfrey asked if Mr. Hudson was familiar with the abatement of the violations. Mr. Hudson noted he did not have documentation at this point.

Commissioner Everett clarified that the Commission could take action and they will have the opportunity to review. Mr. Hudson agreed and noted he could have a second closing conference at that time.

Commissioner Everett moved to approve the citation and proposed penalties as presented and have a second closing conference and Commissioner Godfrey seconded the motion. Chairman









collectors in the building, so it is not necessary, some employees request it and they give them what they need for PPE, there is always room for improvement and they are working on it. They wished they had a follow up on the inspection, they got a couple of requests for information and did not hear anything for six months until they got the citation on July 12<sup>th</sup> and now they have a citation, two serious and one non-serious. They are a firm believer in safety information and make sure they stay in business and keep their employees healthy, most of the employees have been with them for over 10 years and want to make sure that they continue working for them and the best way they can is they want to return to them every day. He would like to ask for a minimum reduction of the citations.

Commissioner Valdez confirmed with Mr. Aguirre that all employees have been trained at orientation and they are thorough in making sure employees understand.

Commissioner Godfrey confirmed with Mr. Aguirre that for the boric acid, it is up to the employee's discretion for PPE. Mr. Aguirre noted they have the safety data sheet and it does not require a respirator to be used, so they do not require it, it is voluntary.

Commissioner Godfrey and Mr. Hudson discussed the optional use for the employees to use the respirator and the citation stated that a hazard assessment had not been conducted to identify the proper personal protective equipment, they were able to cite the plan and the SDS Sheets and the CFR discussing respirators, is there something in addition. Mr. Hudson noted there are certain elements when you have a voluntary respiration protection program and employers have to meet those particular elements in acknowledging and informing the employees of potential hazards, then the employee basically sign acknowledgment that this is voluntary process and the elements that go into it. Mr. Aguirre explained their process. Mr. Hudson discussed with the Compliance Officer who noted that no medical evaluation had been done before the N95 Respirators, however the citation does read the employer shall verify, it does require workplace hazard assessment has been performed through a certification. It also requires the person certifies the evaluation has been performed as an assessment and documented. The citation was issued for two employees' exposure to boric acid residue, a hazard assessment had not been conducted to identify the proper personal protection equipment required for employees. The citation is not for the respirator.

Commissioner Godfrey moved to approve the citation and proposed penalties based on the statements and follow-up clarification as presented and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh noted that any further issues can be discussed at an informal conference process. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

ME Global Inc. dba ME Elecmetal  
5857 S Kyrene Rd  
Tempe, AZ 85282

Site Location: 5857 S Kyrene Rd  
Tempe, AZ 8528  
Inspection No: CP-2024-TM082-0022  
Inspection Date: January 18, 2024

Complaint  
Years in Business: 106  
Empl. Covered by Inspection: 5

SERIOUS – Citation 1 - Item 1 –

- a) Outdoor Loading Dock: Three employees exposed to unprotected edge of loading dock that has a vertical wall 49 inches above a lower walking/working surface. 29 CFR 1910.28(b)(1)(i)  
 Div. Proposal - \$6,026.00 Formula Amt. - \$6,026.00

SERIOUS – Citation 1 - Item 2 –

- a) Outdoor Loading Dock: One employee was required to enter an permit required confined space when repairing a loading dock plate, that had not been evaluated as a permit-required confined space. 29 CFR 1910.146(c)(1)  
 Div. Proposal - \$10,046.00 Formula Amt. - \$10,046.00  
 TOTAL PENALTY - \$16,072.00 TOTAL FORMULA AMT. - \$16,072.00

Mr. Hudson discussed ADOSH’s inspection, summarized the citation and proposed penalty.

Chairman Kavanaugh did not have a request to speak.

Commissioner Valdez moved to approve the citation and proposed penalties as presented and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

MSR-FSR LLC	Complaint	
280 North Roosevelt Ave #1	Years in Business:	27
Chandler, AZ 85226	Empl. Covered by Inspection:	7
Site Location:	280 North Roosevelt Ave #1 Chandler, AZ 85226	
Inspection No:	CP-2024-AM866-0006	
Inspection Date:	January 29, 2024	

SERIOUS – Citation 1 - Item 1 –

- a) Non-Copper 1000 Area: A sprinkler head installed in a corrosive environment is not kept free of corrosion. 29 CFR 1910.164(d)(1)  
 Div. Proposal - \$7,813.00 Formula Amt. - \$7,813.00

SERIOUS – Citation 1 - Item 2 –

- a) Non-Copper 1000 Area - Dip/SIC Tanks: Employees are exposed to fire hazards while working Dip/SIC Tanks Area due to Electrical breaker corroded and is not kept free of corrosion. 29 CFR 1910.303(b)(7)(iv)  
 Div. Proposal - \$7,813.00 Formula Amt. - \$7,813.00  
 TOTAL PENALTY - \$15,626.00 TOTAL FORMULA AMT. - \$15,626.00

Mr. Hudson discussed ADOSH’s inspection, summarized the citation and proposed penalty.

Chairman Kavanaugh did not have a request to speak.

Commissioner Everett moved to approve the citation and proposed penalties as presented and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly,





Div. Proposal - \$6,250.00  
TOTAL PENALTY - \$25,000.00

Formula Amt. - \$6,250.00  
TOTAL FORMULA AMT. - \$34,374.00

Mr. Hudson discussed ADOSH's inspection, summarized the citation and proposed penalty, and reviewed the photographs.

Chairman Kavanaugh did not have a request to speak.

Commissioner Valdez moved to approve the citation and proposed penalties as presented and Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Chairman Kavanaugh noted the annual FAME Report from Federal OSHA came out earlier this month and asked for a briefing for the Commissioners. Mr. Hudson provided a history of the FAME and the results of the audit that Federal OSHA does for all state plans for 2023. The biggest change was the file management system moving from OIS to Sales Force. Mr. Testini noted the intake team was proactively created in response to the FAME .

Ms. Stonerock confirmed Commission meeting dates through August 2024.

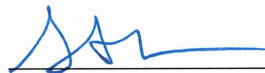
Public Comment.

There was no public comment.

The meeting was adjourned at 2:15 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



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Gaetano J. Testini, Executive Deputy Director

ATTEST:



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Kara Dimas, Commission Secretary