

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at JW Marriott Camelback Inn Scottsdale  
5402 E Lincoln Dr., Salon J  
Scottsdale, AZ 85253  
Thursday, August 16, 2024 – 2:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Renee Pastor	Self Insurance
	Brian Hudson	ADOSH Director
	Zackary Parish	ADOSH Compliance
	Bethany Votta	ADOSH Admin
	Cristal Wilder	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:00 p.m. In attendance, confirmed by roll call were Anne Ryman (ABC15); Dave Howard (Premier Risk Management); Seema Lord (Freeport-McMoRan, Inc.); Chris Garland and Angelica Magdaleno (Sedgwick). Also in attendance on the telephone, confirmed by roll call were Geneva Haber (Snell and Wilmer); Amanda Loftin, Bob Pastore and Tim Ramthun (Walmart); Cassondra Marshall (Encompass Health); Randy Blair Jr., Sam Booth and Andrew Perkins (Georgia-Pacific Corrugated LLC); Dustin Kinnen and Teresa Roberts (IPL North America Inc. dba Leaktite) and Rick Connolly (Cholla Civil Construction, LLC).

Approval of Minutes of July 25, 2024 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the July 25, 2024 regular session meeting and Commissioner Valdez seconded the motion. Chairman Kavanaugh, 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 asks to remove an item on 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.

1. Banner Health
2. Empire Southwest, LLC
3. Encompass Health
4. Freeport-McMoRan Inc.
5. Hyatt Hotels Corporation
6. Mayo Clinic
7. Medtronic, Inc.
8. Wal-Mart Associates, Inc.
9. Young Electric Sign Company

b. Approval of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties Less Than \$15,000.

- |                       |   |
|-----------------------|---|
| 1. CP-2024-TL481-0008 | Copper State Products LLC                 |
| 2. PP-2024-JW184-0081 | Pacific Stucco of Arizona, Inc.           |
| 3. CP-2024-EG419-0053 | Southwest Roof Loading LLC                |
| 4. CP-2024-TM082-0031 | Viking Cleaners, Inc. dba CRDN of Arizona |

Commissioner Godfrey moved to approve the items on the Consent Agenda and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Chairman Kavanaugh discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

Automated Harvesting, LLC	Referral	
20520 Spence Road	Years in Business:	8
<u>Salinas, CA 93908</u>	Empl. Covered by Inspection:	12
Site Location:	10266 South Avenue 4 East	
	Yuma, AZ 85365	
Inspection No:	RF-2024-MS021-0002	
Inspection Date:	February 26, 2024	

SERIOUS – Citation 1 - Item 1 –

- a) ASA Lift Harvester: ASA Lift Harvester: Employees worked on the ASA LIFT IM-500G1 Iceberg Automated Machine SN: 29149 and the outtake pinch point on the conveyor belt was unguarded.
  - b) ASA Lift Harvester: Employees worked on the ASA LIFT IM-500G1 Iceberg Automated Machine SN: 29149 and the rotating intake of the conveyor belt was unguarded with gaps that were 5 inches wide. 29 CFR 1928.57(a)(7)(i) \*Per ADOSH Director as a causal factor
- |                             |                                  |
|-----------------------------|----------------------------------|
| Div. Proposal - \$16,131.00 | Formula Amt. - \$16,131.00       |
| TOTAL PENALTY - \$16,131.00 | TOTAL FORMULA AMT. - \$16,131.00 |

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

Chairman Kavanaugh checked if anyone would like to comment.

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

Cholla Civil Construction, LLC	Complaint
22632 South Ellsworth Road	Years in Business: 1
Queen Creek, AZ 85142	Empl. Covered by Inspection: 5
Site Location: 1975 N 99th Ave	
Phoenix, AZ 85037	
Inspection No: CP-2024-JW184-0064	
Inspection Date: February 28, 2024	

SERIOUS – Citation 1 - Item 1 –

- a) 1975 N 99th Ave: Two employees installed sewer pipes inside of a trench with two metal form stakes that were not capped. A.R.S. 23-403.A  
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 2 –

- a) 1975 N 99th Ave: Two employees installed sewer pipes inside of multiple trenches and excavations five feet or more in depth without having received trench and excavation training from the company. 29 CFR 1926.21(b)(2)  
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 3 –

- a) 1975 N 99th Ave: Two employees installed a sewer pipe inside of an approximately 40 feet long by seven feet deep trench that was next to a newly built cinder block wall that was not supported. 29 CFR 1926.651(i)(1)  
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 4 –

- a) North of the concrete path: Two employees installed a sewer pipe inside of an approximately seven feet deep by six feet wide by six feet wide trench #2 without a cave-in protection system installed.
- b) Northeast of the concrete path: Two employees installed a sewer pipe inside of an approximately seven feet deep trench #5 without a cave-in protection system installed. 29 CFR 1926.652(a)(1)  
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 5 –

- a) 1975 N 99th Ave: Two employees installed sewer pipes inside of an approximately seven foot deep by four feet wide at the bottom by 13 feet wide at the top trench #6 that was not adequately sloped. 29 CFR 1926.652(b)(2)  
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00
- TOTAL PENALTY - \$40,335.00      TOTAL FORMULA AMT. - \$40,335.00

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

Chairman Kavanaugh and Mr. Hudson explained the letter of recommendation was issued identifying hazards that need to be corrected but the hazards do not satisfy the elements for a citation and penalty.

Chairman Kavanaugh checked if anyone would like to comment.

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

Georgia-Pacific Corrugated LLC  
7506 West Lincoln Street  
Tolleson, AZ 85353

Complaint  
Years in Business: 17  
Empl. Covered by Inspection: 30

Site Location: 7506 West Lincoln Street  
Tolleson, AZ 85353  
Inspection No: CP-2024-JW184-0082  
Inspection Date: May 8, 2024

SERIOUS – Citation 1 - Item 1 –

- a) Finishing area Lane #1: One employee was exposed to an unguarded roller when they sprayed silicon onto the releaser line on a roller while the safety guard was in a raised position.
- b) Finishing area Lane #2: One employee was exposed to an unguarded roller when they sprayed silicon onto the releaser line on a roller while the safety guard was in a raised position.
- c) Finishing area Lane #3: One employee was exposed to an unguarded roller when they sprayed silicon onto the releaser line on a roller while the safety guard was in a raised position. 29 CFR 1910.212(a)(3)(ii)

Div. Proposal - \$16,131.00	Formula Amt. - \$16,131.00
TOTAL PENALTY - \$16,131.00	TOTAL FORMULA AMT. - \$16,131.00

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

Chairman Kavanaugh checked if anyone would like to comment.

Mr. Booth, the Director of Operations, stated they have completed short term corrective action and are taking long term corrective actions to protect the health and safety of their employees and all personnel who visit the site.

Chairman Kavanaugh appreciated Mr. Booth's feedback and positive steps they are taking.

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

Horizontal Boring LLC

Complaint



Phoenix, AZ 85005  
Inspection No: CP-2024-JW184-0067  
Inspection Date: March 19, 2024

SERIOUS – Citation 1 - Item 1 –

- a) Production floor: One employee operated a Kone overhead crane model # unknown serial #11531595 to lift and move dies without wearing a hard hat. 29 CFR 1910.135(a)(1)  
Div. Proposal - \$8,296.00 Formula Amt. - \$8,296.00

SERIOUS – Citation 1 - Item 2 –

- a) Shipping and receiving area: Three employees were exposed to an unguarded rotating moving turntable on a Wulftec Semi-Automatic Turntable Stretch Wrapper model # and serial # unknown while wrapping pallets. 29 CFR 1910.212(a)(1)  
Div. Proposal - \$8,296.00 Formula Amt. - \$8,296.00

SERIOUS – Citation 1 - Item 3 –

- a) Cell #2: One employee was exposed to an unguarded black flat belt on a conveyor while clearing bucket jams.  
b) Cell #2: One employee was exposed to an unguarded red flat belt on a conveyor while clearing bucket jams. 29 CFR 1910.219(e)(1)(i)  
Div. Proposal - \$10,372.00 Formula Amt. - \$10,372.00  
TOTAL PENALTY - \$26,964.00 TOTAL FORMULA AMT. - \$26,964.00

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

Chairman Kavanaugh checked if anyone would like to comment.

Commissioner Everett clarified that abatement documentation was submitted. Mr. Hudson noted for two serious and one non-serious was submitted.

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

Town of Gila Bend - Fire Department Station # 381  
318 West Papago Street  
Gila Bend, AZ 85337  
Site Location: 318 West Papago Street  
Gila Bend, AZ 85337  
Inspection No: RF-2024-TL481-0009  
Inspection Date: February 27, 2024

Referral  
Years in Business: 62  
Covered by Inspection: 29

SERIOUS – Citation 1 - Item 1 –

- a) Westernmost spot in Fire Bay: An employee was performing maintenance on Fire Engine 381 (Make: Ferrara; Model: Intruder 2; Year: 2005) in the engine compartment underneath a hydraulically lifted 2,500-pound cab and was exposed to a crushing hazard when the cab

came down on the employee due to lack of an energy control program being established. 29 CFR 1910.147(c)(1)

Div. Proposal - \$16,131.00

Formula Amt. - \$16,131.00

NON-SERIOUS

1) 29 CFR 1904.32(a)(3): The employer did not certify an OSHA 300A Form or equivalent.

a) 318 West Papago Street, Gila Bend: 300A summary for the year 2021 was not certified by a company official with the Town of Gila Bend Fire Department Station #381.

2) 29 CFR 1904.39(a)(2): The employer did not report within 24-hours a work-related incident resulting in in-patient hospitalization, amputation or the loss of an eye.

a) 318 West Papago Street, Gila Bend: An employee was hospitalized due to being crushed by the cab of Fire Engine 381 while performing maintenance in the engine compartment, and this matter was not reported to ADOSH within 24 hours.

Div. Proposal - \$1,000.00

Formula Amt. - \$1,000.00

TOTAL PENALTY - \$17,131.00

TOTAL FORMULA AMT. - \$17,131.00

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

Commissioner Godfrey commented that the Commissioners' hearts go out to the employee and the family. This was a tragic and unnecessary accident, and Commissioner Godfrey looks forward to the next few months when the Commission discusses adopting pending OSHA response standards to hopefully prevent future accidents like this. The investment in our public safety must be a priority for our municipalities and our districts.

Commissioner Everett noted the report says life threatening injuries and asked if there was an update on the injured workers' condition. Mr. Parish stated it was a dire situation and he almost died.

Chairman Kavanaugh has worked with fire service extensively and it is disturbing that this accident happened and safety does need to be a priority not just for other employees but for the first responders and this case is almost a perfect example of why we want to get local cities and towns to work with the Commission to be part of our consultation program to have the consultation officers come out and evaluate the safety of their stations. Record keeping is important too, but inspecting equipment like this should be part of the regular course and scope of every shift that comes on. It is troubling that this has happened.

Commissioner Valdez feels bad for the family and for everyone that has suffered from this, it was unnecessary and hopefully we can do something to prevent that with consultation and find out how amazing that is for everyone to have that opportunity to do that.

Chairman Kavanaugh checked if anyone would like to comment.

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

Discussion and Action regarding ADOSH Advisory Committee Appointment pursuant to A.R.S. §23-409.

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Blue Coble

Chairman Kavanaugh noted there was a request to appoint a new ADOSH Advisory Committee candidate that was submitted by the ADOSH Advisory Committee from their meeting last week.

Commissioner Godfrey moved to approve the appointment of Ms. Coble to the ADOSH Advisory Board and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Discussion and Action of Resolution Appointing Administrative Law Judge.

Jo-Ann Handy

Chairman Kavanaugh noted several months ago the Commissioners reviewed to fill a vacancy and given authority to Chief Judge Campbell and he was able to successfully recommend a new Administrative Law Judge and Ms. Handy has accepted.

Commissioner Valdez moved to appoint Ms. Handy as Administrative Law Judge and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through September 2024.

Mr. Testini confirmed September 25<sup>th</sup> will be a site visit with one of our VPP members.

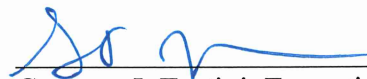
Public Comment.

There was no public comment.

The meeting was adjourned at 2:46 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Gaetano J. Testini, Executive Deputy Director

ATTEST:



Kara Dimas, Commission Secretary