

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, September 19, 2024 – 1:00 p.m.

Present: Dennis P. Kavanaugh Chairman
Joseph M. Hennelly, Jr. Vice Chair
D. Alan Everett Commissioner
Maria Cecilia Valdez Commissioner
Orion J. Godfrey Commissioner (Telephonic)

Gaetano J. Testini Director
Afshan Peimani Chief Legal Counsel
Lisa Padgett Deputy Director (Telephonic)
Charles Carpenter Legislative Affairs Chief/Public Information Officer
Bryce Rucker Assistant ADOSH Director
Victoria Medina ADOSH Supervisor
Ernesto Garcia ADOSH Compliance
Bethany Votta ADOSH Admin
Yvonne Borunda Acting Commission Secretary

Chairman Kavanaugh convened the meeting at 1:02 p.m. In attendance, confirmed by roll call were Geneva Haber (Snell and Wilmer); Anne Ryman and Alpha Iamson (ABC15); Angel Oquendo (Majestic Framing LLC); Dustin Petty (Avanti Windows & Doors); John Notti (Treston IAC LLC); Ivan Fritz and Chris Hardy (Cosanti Originals, Inc); and Eileen Denslow and Nikki Earlewine (L & D New Corp. dba L&D Hydraulics).

Approval of Minutes of September 5, 2024 Regular Meeting Minutes.

Vice Chair Hennelly moved to approve the Minutes of the September 5, 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 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.

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

1. CP-2024-JW184-0074 Alman Massarat, L.L.C. dba Asian Trade Rug Company
2. CP-2024-MS021-0011 BBQ Rush Restaurant LLC

3. CP-2024-MS021-0009 Dogtopia Enterprises, LLC dba Dogtopia
4. UR-2024-JW184-0100 MCRT SFR Arizona Construction LLC
5. RF-2024-ZP447-0002 Paramount Roofing LLC dba Paramount Kangaroo
6. PP-2024-ZP447-0007 Sun Valley Masonry, Inc

Commissioner Everett moved to approve the items on the Consent Agenda 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.

Discussion and Action regarding DCS Contracting, Inc. Additional Civil Penalty under A.R.S. §23-418.01.

Chairman Kavanaugh commented that this matter was previously heard by the Commissioners for a Willful-Serious violation for a trenching incident where two employees were seriously injured and there was discussion of levying a civil penalty in the event of a willful-serious violation. Staff was directed to research if workers' compensation claims were filed for those injured workers. Staff has confirmed that claims have been filed and both claimants are represented by counsel, neither case is medically stationary at this time, but due to the severity of those injuries, one or both may have permanent impairment at the time they become medically stationary. There was also discussion if the six-month statute of limitations that applies to ADOSH cases also applies to this statute, and it was determined that it does not to levying civil penalties. Given that determination the Commission does not need to take action today on levying a civil penalty should either of those injured workers' have a permanent impairment and instead direct staff to monitor those cases and when and if a notice of permanent disability is issued, that staff notify the Director's office, or counsel of record to alert the Commission if there is a notice of permanent impairment rating assigned to either individual of at least one percent or greater to be eligible to issue a civil penalty under A.R.S. §23-418.01.

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.

Majestic Framing LLC	Fatality/Catastrophe	
4902 North Davis Avenue	Years in Business:	12
Tucson, AZ 85705	Empl. Covered by Inspection:	3
Site Location:	14662 N Saguaro Nest Trail	
	Marana, AZ 85658	
Inspection No:	FC-2024-RS480-0120	
Inspection Date:	April 5, 2024	

REPEAT-SERIOUS – Citation 1 - Item 1 –

- a) Lot 103: One employee was installing braces for trusses at height of approximately 10' without fall protection. 29 CFR 1926.501(b)(13)

Majestic Framing LLC was previously cited for a violation of the Occupational Safety and Health Standard or its equivalent Standard 29 CFR 1926.501(b)(13) which was contained in

the ADOSH inspection 1490551, citation number 01, item number 01 and was affirmed as final order on 01/07/2021, and abated on 01/15/2021, with respect to a workplace location at Golf Links Rd Tucson, AZ

Div. Proposal - \$16,131.00

Formula Amt. - \$16,131.00

SERIOUS – Citation 2 - Item 1 –

- a) Lot 103: One employee was installing braces for trusses without fall protection training. 29 CFR 1926.503(b)(1)

Div. Proposal - \$3,457.00

Formula Amt. - \$3,457.00

SERIOUS – Citation 2 - Item 2 –

- a) Lot 103: One employee used an 8 foot FXS1508 Ladder set up as an A-frame configuration to access trusses that were over 10 feet in height. 29 CFR 1926.1053(b)(4)

Div. Proposal - \$3,457.00

Formula Amt. - \$3,457.00

TOTAL PENALTY - \$23,045.00

TOTAL FORMULA AMT. - \$23,045.00

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

Chairman Kavanaugh and Mr. Rucker discussed the calculation for Citation 1, Item 1.

Vice Chair Hennelly and Mr. Rucker discussed if there was information on why the company waited a week to do the new employee training process.

Chairman Kavanaugh noted he had a request to speak from Angel Oquendo.

Mr. Oquendo was heartfelt for the employee, and they take safety seriously. They take this seriously they have had citations in the past but have worked on it to getting the guys tied off on the roof. It is something new, it was in the attic and not even on top of the roof, and something different they have to work on and figure out what to do, he is not trying to ignore the rules and regulations of OSHA.

Commissioner Valdez asked when the employee was hired two years before if he had fall protection training at that time and Mr. Oquendo responded yes and he had Hot Top Fall Protection Training.

Chairman Kavanaugh and Mr. Rucker explained the penalty and repeats and the parties were made aware. Ms. Medina noted ADOSH doubles the FOM penalty amounts for repeat. Chairman Kavanaugh confirmed the penalty amount presented remains the same.

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.

American Roofing & Waterproofing LLC
5210 West Missouri Avenue
Glendale, AZ 85301

Site Location: 4702 E University Dr

Complaint
Years in Business: 5
Empl. Covered by Inspection: 7

a) House 95: One employee framing work on a roof approximately ten feet off the ground without receiving adequate fall protection training in accordance to the OSHA Standards. 29 CFR 1926.503(a)(1)
Div. Proposal - \$11,524.00 Formula Amt. - \$11,524.00
TOTAL PENALTY - \$34,572.00 TOTAL FORMULA AMT. - \$34,572.00

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

Vice Chair Hennelly and Mr. Rucker discussed if this was one employee or three different employees. Mr. Garcia confirmed it was the same employee.

Chairman Kavanaugh noted he had a request to speak from Dustin Petty.

Mr. Petty, President of Avanti Windows & Doors, noted they are both a manufacturer of windows and doors and installer, primarily in new home construction. The 1,000 plus employees is across multiple states and operations. Upon hearing about this inspection, he thought it was pertinent to come in person to observe the process, but also to let the Commission to know the great effort and passion they put forth for their employees. One of the developments of those employee is the importance of safety and to get those employees home safely to their families each evening. One of the benefits of those employees, is that each employee is an hourly based or exempt employee, and they do not leverage any piece work or contracted labor ever. They do that to drive the level of development to their employees to be part of a team, and career and the ability to return home safely are critical to their development and can only drive that accountability when they are part of the team. Over the year they continue to invest and reiterate to develop those folks and it includes safety, and they continue to do training for their Avanti Experts which includes fall protection as one of those components as well as the ability to identify a qualified place to tie off for fall protection and part of their safety process and what they train on. In addition, the staff and trainers who help develop employees, have invested in having their own in-house development team and content trainers to continually improve training for their people. He appreciated time and to let the Commission know it is critically important to them as a company and understand the importance of this inspection and the information therein and personally passionate about this topic and their folks.

Vice Chair Hennelly and Mr. Garcia discussed if there was any consideration to grouping the citations.

Commissioner Godfrey and Mr. Rucker discussed the nature of the previous five-year history inspection violations.

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

Cosanti Originals, Inc.
6433 East Doubletree Ranch Road
Paradise Valley, AZ 85253

Program Planned
Years in Business: 59
Empl. Covered by Inspection: 24

Site Location: 6433 East Doubletree Ranch Road
Paradise Valley, AZ 85253
Inspection No: PP-2024-VM508-0046

Div. Proposal - \$0.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 3 –

- a) Petina finishing area: An employee was exposed to severe eye damage due to working with muriatic acid (Manufacturer: HASA, Inc.; CAS: 7647-01-0) and extra strength ammonia (Brand: Ace Hardware; Supplier: CPDI; Product ID: AR150002; CAS: 1336-21-6) while performing the petina finish process on brass fins without having an eyewash station in the work area. 29 CFR 1910.151(c)

Div. Proposal - \$8,067.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 4 –

- a) Shipping area: An employee was exposed to safety hazards due to using a Rockwell 14" Bandsaw (Model: 28-200; Serial: illegible) while cutting into metals without required point of operation guarding. 29 CFR 1910.212(a)(1)

Div. Proposal - \$8,067.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 5a –

- a) Finishing area: Two employees were exposed to an unguarded bench grinder (Dayton 8" Bench Grinder; Model: 2LKR9B; Lot #121900114) that had exposed spindle end, nut, and flange projections when cutting, grinding, and polishing the decorative casted bronze pieces.
- b) Grinding area behind the molding stations: Two employees were exposed to a second unguarded bench grinder (Dayton 8" Bench Grinder; Model: 2LKR9B; Lot #121900114) that had exposed spindle end, nut, and flange projections when cutting, grinding, and polishing the decorative casted bronze pieces. 29 CFR 1910.215(a)(2)

Div. Proposal - \$8,067.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 5b –

- a) Finishing area: Two employees were exposed to an unguarded bench grinder (Dayton 8" Bench Grinder; Model: 2LKR9B; Lot #121900114) that exceeded a maximum angular exposure of 150 degrees when cutting, grinding, and polishing the decorative casted bronze pieces.
- b) Grinding area behind the molding stations: Two employees were exposed to a second unguarded bench grinder (Dayton 8" Bench Grinder; Model: 2LKR9B; Lot #121900114) that exceeded a maximum angular exposure of 150 degrees when cutting, grinding, and polishing the decorative casted bronze pieces. 29 CFR 1910.215(b)(5)

Div. Proposal - \$0.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 6 –

- a) Ceramics area: An employee was exposed to ceramic process that included use of ceramic glazes (Laguna Clay Co., GMSD90 MS-90 Blackberry Wine Glaze) which contained respirable crystalline silica, and other raw materials that contained silica, without having been assessed for exposure to respirable crystalline silica. 29 CFR 1910.1053(d)(1)

Div. Proposal - \$8,067.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 7a –

- a) Ice House: One employee entered an approximately 10 foot tall by 10 foot wide by 10 foot deep ice bin to clean it out, and the workplace was not evaluated to determine if there were any permit-required confined spaces. 29 CFR 1910.146(c)(1)
Div. Proposal - \$3,687.00 Formula Amt. - \$3,687.00

SERIOUS – Citation 1 - Item 2b –

- a) Ice House: One employee entered an approximately 10 foot tall by 10 foot wide by 10 foot deep ice bin to clean it out, while the company did not have a written confined space program. 29 CFR 1910.146(c)(4)
Div. Proposal - \$0.00 Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 3 –

- a) Ice House: One employee entered an approximately 10 foot tall by 10 foot wide by 10 foot deep ice bin to clean it out, without having been trained on the hazards of permit-required confined spaces. 29 CFR 1910.146(g)(1)
Div. Proposal - \$4,610.00 Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 4 –

- a) Ice House: One employee entered an approximately 10 foot tall by 10 foot wide by 10 foot deep ice bin to clean it out, while the company did not have a written energy control program. 29 CFR 1910.147(c)(1)
Div. Proposal - \$4,610.00 Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 5 –

- a) Ice House: One employee entered an approximately 10 foot tall by 10 foot wide by 10 foot deep ice bin to clean it out, without having received lockout tagout training. 29 CFR 1910.147(c)(7)(i)(C)
Div. Proposal - \$4,610.00 Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 6 –

- a) Ice House: One employee used a Hamer Inc. bag closer model # 125 serial # 10588160 to close bags of ice that had an unguarded fly wheel black flat belt.
b) Ice House: One employee used a Hamer Inc. bag closer model # 125 serial # 10588160 to close bags of ice that had an unguarded orange flat belt.
c) Ice House: One employee used a Hamer Inc. bag closer model # 125 serial # 10588160 to close bags of ice that had an unguarded orange flat feed belt. 29 CFR 1910.219(e)(1)(i)
Div. Proposal - \$4,610.00 Formula Amt. - \$4,610.00
TOTAL PENALTY - \$26,737.00 TOTAL FORMULA AMT. - \$31,347.00

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

Chairman Kavanaugh noted he did not have a request to speak.

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

Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Foxlink Arizona Inc. 2140 West Pinnacle Peak Road <u>Phoenix, AZ 85027</u>	Complaint Years in Business: 2 Empl. Covered by Inspection: 99
Site Location:	2140 West Pinnacle Peak Road Phoenix, AZ 85027
Inspection No:	CP-2024-EG419-0058
Inspection Date:	April 1, 2024

SERIOUS – Citation 1 - Item 1a –

- a) Preparation/Grinding Room: An employee was required to wear a 3M half face tight fitting respirator while performing grinding work without a written respiratory protection program in place. 29 CFR 1910.134(c)(1)
Div. Proposal - \$4,839.00 Formula Amt. - \$4,839.00

SERIOUS – Citation 1 - Item 1b –

- a) Preparation/Grinding Room: An employee was required to wear a 3M half face tight fitting respirator while performing grinding work without receiving a medical evaluation prior to use. 29 CFR 1910.134(e)(1)
Div. Proposal - \$0.00 Formula Amt. - \$4,839.00

SERIOUS – Citation 1 - Item 1c –

- a) Preparation/Grinding Room: An employee was required to wear a 3M half face tight fitting respirator while performing grinding work without being fit tested prior to use. 29 CFR 1910.134(f)(1)
Div. Proposal - \$0.00 Formula Amt. - \$4,839.00

SERIOUS – Citation 1 - Item 2 –

- a) Shipping and Receiving Station: An employee was required to use an Infra Paking brand Palletizer, model HAWK and serial number H0041E92N, to shrink wrap pallets without a guard, barrier or control to protect him from the rotating moving parts. 29 CFR 1910.212(a)(1)
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 3a –

- a) 2140 West Pinnacle Peak Road: An employee was required to work with POWDURA TGIC Polyester Powder Coating paint without a written hazard communication program in place. 29 CFR 1910.1200(e)(1)
Div. Proposal - \$6,453.00 Formula Amt. - \$6,453.00

SERIOUS – Citation 1 - Item 3b –

a) 2140 West Pinnacle Peak Road, Phoenix: An employee was required to work with POWDURA TGIC Polyester Powder Coating paint without hazard communication training prior to working with the chemical. 29 CFR 1910.1200(h)(1)
 Div. Proposal - \$0.00 Formula Amt. - \$6,453.00
 TOTAL PENALTY - \$19,359.00 TOTAL FORMULA AMT. - \$35,490.00

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

Commissioner Everett asked Mr. Rucker if he could send the Commissioners a photo of what the guarding should look like.

Chairman Kavanaugh noted he 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.

L & D New Corp. dba L&D Hydraulics	Complaint	
2425 West Louise Drive	Years in Business:	45
<u>Phoenix, AZ 85027</u>	Empl. Covered by Inspection:	7
Site Location:	2425 West Louise Drive	
	Phoenix, AZ 85027	
Inspection No:	CP-2024-JW184-0075	
Inspection Date:	April 22, 2024	

SERIOUS – Citation 1 - Item 1 –

- a) 2425 W Louise Dr Phoenix: Three employees operated a Hyster sit down forklift model# S80XLBCS serial# D004D02170T that did not have a seat belt.
- b) 2425 W Louise Dr Phoenix: One employee operated a gray Clark sit down forklift model# unknown serial# A203474 that did not have a seat belt.
- c) 2425 W Louise Dr Phoenix: One employee operated a green Clark sit down forklift model# and serial# unknown that did not have a seat belt.
- d) 2425 W Louise Dr Phoenix: One employee operated a Daewoo sit down forklift model G25S serial# unknown that did not have a seat belt. 29 CFR 1910.132(a)
 Div. Proposal - \$4,610.00 Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 2a –

- a) Spray paint section: One employee was required to wear a Ranksing half masked respirator model # 6200 serial # unknown with Organic Vapor filters, without there being a written respirator protection program in place. 29 CFR 1910.134(c)(1)
 Div. Proposal - \$4,610.00 Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 2b –

- a) Spray paint section: One employee was required to wear a Ranksing half masked respirator model # 6200 serial # unknown with Organic Vapor filters, without having received a medical evaluation. 29 CFR 1910.134(e)(1)

Div. Proposal - \$0.00

Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 2c –

- a) Spray paint section: One employee was required to wear a Ranksing half masked respirator model # 6200 serial # unknown with Organic Vapor filters, without having been fit tested. 29 CFR 1910.134(f)(2)
Div. Proposal - \$0.00

Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 3 –

- a) Spray paint section: One employee was required to wear a Ranksing half masked respirator model # 6200 serial # unknown with Organic Vapor filters, without having respirator training. 29 CFR 1910.134(k)
Div. Proposal - \$4,610.00

Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 4 –

- a) 2425 W Louise Dr Phoenix: Three employees operated a Hyster sit down forklift model# S80XLBCS serial# D004D02170T without having received forklift training.
b) 2425 W Louise Dr Phoenix: One employee operated a gray Clark sit down forklift model# unknown serial# A203474 without having received forklift training.
c) 2425 W Louise Dr Phoenix: One employee operated a green Clark sit down forklift model# and serial# unknown without having received forklift training.
d) 2425 W Louise Dr Phoenix: One employee operated a Daewoo sit down forklift model G25S serial# unknown without having received forklift training. 29 CFR 1910.178(l)(1)(i)
Div. Proposal - \$4,610.00

Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 5 –

- a) 2425 W Louise Dr, Phoenix : One employee used a horizontal Hone machine brand name, model #, and serial # unknown that had a long horizontal chain that was not guarded.
b) 2425 W Louise Dr, Phoenix : One employee used a horizontal Hone machine brand name, model #, and serial # unknown that had short chain on the back side of the machine that was not guarded. 29 CFR 1910.219(f)(3)
Div. Proposal - \$4,610.00

Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 6 –

- a) 2425 W Louise Dr, Phoenix: Four employees used hazardous chemicals such as; ACE Extra Strength Acetone, Seymour Industrial Strength MRO Enamel Gloss White spray paint, Seymour Industrial Strength MRO Enamel Gloss Black spray paint, Klean Strip Odorless Mineral Spirits, and Hydraulic oil, without having received training on the hazards of the chemicals they used. 29 CFR 1910.1200(h)(1)
Div. Proposal - \$4,610.00

Formula Amt. - \$4,610.00

TOTAL PENALTY - \$27,660.00

TOTAL FORMULA AMT. - \$36,880.00

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

Div. Proposal - \$0.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 2 –

- a) Shipping and Receiving Department: One employee was exposed to a Cousins Packaging Inc. pallet wrapper, model #HP2100 and serial #240707-2H-7183, that had an unguarded turntable. 29 CFR 1910.212(a)(1)
Div. Proposal - \$6,453.00

Formula Amt. - \$6,453.00

SERIOUS – Citation 1 - Item 3a –

- a) Laminating Department: One employee used Klean-Strip Acetone that was transferred into a secondary container to clean adhesive residue from laminate furniture products and the bottle did not have adequate labeling.
b) Sheet Metal Department: One employee used WD-40 Multi-Use Product 25% VOC Bulk Liquid that was transferred into a secondary container to lubricate a sheet metal shear and the bottle did not have adequate labeling.
c) Powder Coating Department: One employee used Klean-Strip Denatured Alcohol that was transferred into a secondary container to clean parts and the bottle did not have adequate labeling.
d) 3D Printing Room: One employee used Klean-Strip Acetone that was transferred into a secondary container to clean residue from a printer and the bottle did not have adequate labeling.
e) CNC Turret Machine: One employee used WD-40 Multi-Use Product 25% VOC Bulk Liquid that was transferred into a secondary container and the bottle did not have adequate labeling. 29 CFR 1910.1200(f)(6)
Div. Proposal - \$8,067.00

Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 3b –

- a) Laminating Department: One employee used 3M™ Fastbond™ Contact Adhesive 2000-NF Neutral and Klean-Strip Acetone to manufacture laminate furniture products and was not provided effective hazard communication training.
b) Sheet Metal Department: One employee used WD-40 Multi-Use Product 25% VOC Bulk Liquid to lubricate a sheet metal shear and was not provided effective hazard communication training.
c) Powder Coating Department: One employee used Klean-Strip Denatured Alcohol to clean parts and was not provided effective hazard communication training. 29 CFR 1910.1200(h)(1)

Div. Proposal - \$0.00

Formula Amt. - \$8,067.00

TOTAL PENALTY - \$25,812.00

TOTAL FORMULA AMT. - \$58,080.00

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

Chairman Kavanaugh noted he did not have a request to speak.

Commissioner Everett moved to approve the citation and proposed penalties as presented 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.

John Notti, Treston IAC, noted the company is a brand-new company starting in October of 2023 and bought the existing IAC Industries and really only a half of a year old at the time of the inspection, and only operate one shift.

XBuilt LLC
2501 East Shannon Street
Gilbert, AZ 85295

Complaint
Years in Business: 2
Covered by Inspection: 9

Site Location: 2601 E McKellips Rd
Tempe, AZ 85288
Inspection No: CP-2024-MB431-0047
Inspection Date: March 26, 2024

SERIOUS – Citation 1 - Item 1a –

- a) 2601 E McKellips Rd, Mesa: Employees used unleaded gasoline, Geocel shingle and flashing roof accessory paint, Polyglass PG500 roof cement, and Tucson rubberized coating no. 7000 without a Hazard Communication program written and implemented in the workplace. 29 CFR 1910.1200(e)(1)

Div. Proposal - \$3,687.00

Formula Amt. - \$3,687.00

SERIOUS – Citation 1 - Item 1b –

- a) 2601 E McKellips Rd, Mesa, AZ: Employees used unleaded gasoline, Geocel shingle and flashing roof accessory paint, Polyglass PG500 roof cement, and Tucson rubberized coating no. 7000 without having access to the chemicals Safety Data Sheet. 29 CFR 1910.1200(g)(8)

Div. Proposal - \$0.00

Formula Amt. - \$3,687.00

SERIOUS – Citation 1 - Item 2 –

- a) 2601 E McKellips Rd, Mesa, AZ: Two employees were not trained in the hazards associated with chemicals such as unleaded gasoline, and Geocel shingle and flashing roof accessory paint. 29 CFR 1910.1200(h)(1)

Div. Proposal - \$3,687.00

Formula Amt. - \$3,687.00

SERIOUS – Citation 1 - Item 3 –

- a) Building 1: One employee was removing and replacing shingles on a low sloped roof approximately 18 feet above the ground without a fall protection system in place.
b) Building 3: Two employees were removing and replacing shingles on a low sloped roof approximately 18 feet above the ground without a fall protection system in place.
c) Building 4: One employee was removing and replacing shingles on a low sloped roof approximately 18 feet above the ground without a fall protection system in place.
d) Building 16: Four employees were removing and replacing shingles on a low sloped roof approximately 18 feet above the ground without a fall protection system in place. 29 CFR 1926.501(b)(10)

Div. Proposal - \$6,452.00

Formula Amt. - \$6,452.00

SERIOUS – Citation 1 - Item 4 –

- a) Building 4: One employee was removing and replacing shingles on a low sloped roof approximately 18 feet above the ground without having received fall protection training. 29 CFR 1926.503(a)(1)

Div. Proposal - \$6,452.00	Formula Amt. - \$6,452.00
TOTAL PENALTY - \$20,278.00	TOTAL FORMULA AMT. - \$23,965.00

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

Chairman Kavanaugh noted he 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.

Discussion and/or Action pursuant to A.R.S. §23-363(B) to Adopt the Minimum Wage for Calendar Year 2025.

Ms. Peimani noted the Commissioners were provided a memo explaining that pursuant to A.R.S. §23-364(A) the Commission enforces the Fair Wages and Healthy Families Act and pursuant to A.R.S. §23-363(B), beginning January 2021 the minimum wage increases based on the increase in the cost of living which is measured from August to August of the consumer price index (all urban consumers, U.S. city average for all items), rounded to the nearest multiple of five cents. Ms. Peimani explained that the Consumer Price Index as of August 2024, showed a 2.5% cost of living increase, compared to August 2023. She explained that this results in an increase, rounded to the nearest multiple of five cents, of \$.35 for 2025 - from \$14.35 per hour to \$14.70 per hour. In accordance with the requirements of the statute, she stated that the Legal Department recommends the Commission approve the rate of \$14.70 per hour effective January 1, 2025 as the Arizona minimum wage. Ms. Peimani also requested that the Resolution also include electronic signature since not all of the Commissioners were present.

Commissioner Everett moved to approve the Arizona minimum wage of \$14.70 for calendar year 2025 with electronic signature. 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.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Chairman Kavanaugh noted next week's Commission meeting will be Wednesday in Flagstaff.

Mr. Testini noted Joanna Martelles has been chosen as the new Safety and Health Program Manager and will be in charge of safety for the ICA.

Mr. Testini also commented that this month's managers meeting will be held tomorrow in the Tucson office.

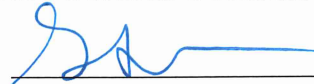
Public Comment.

There was no public comment.

The meeting was adjourned at 3:26 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Gaetano J. Testini, Director

ATTEST:



Kara Dimas, Commission Secretary