MINUTES OF MEETING OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street Phoenix, Arizona 85007 Thursday, February 6, 2025 – 1:00 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 Lisa Padgett Deputy Director

Charles Carpenter Legislative Affairs Chief/Public Information Officer

Brian Hudson ADOSH Director Bethany Votta ADOSH Admin

Andy Campbell Chief Administrative Law Judge

Kara Dimas Commission Secretary

Chairman Kavanaugh convened the meeting at 1:02 p.m. In attendance, confirmed by roll call were Geneva Haber (Snell and Wilmer); Jeffrey Croniser and Sarah Fisher (Healthcare Realty Services).

Chairman Kavanaugh noted the passing of Bruce Theony at the age of 95 who served on the Commission as Chairman in the 1960s as well as several other Boards and Commissions during his life.

Approval of Minutes of January 30, 2025 Regular Meeting Minutes.

Commissioner Valdez moved to approve the Minutes of the January 30, 2025 regular session meeting and Commissioner Godfrey 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.

- a. Approval of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties Less Than \$15,000.
 - 1. RF-2024-MB431-0067 A.I.S. Industries Inc.

- MKHS Dispensary Services, LLC dba GreenMed Wellness 2. CP-2024-NM858-0004
- Raetz Enterprises, Inc dba Frog & Firkin 3. CP-2024-NM858-0005

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.

Healthcare Realty Services, LLC 16435 N Scottsdale Rd Ste320 Scottsdale, AZ 85254

Fatality/Catastrophe Years in Business: Empl. Covered by Inspection: 2

2

Site Location:

500 W Thomas Rd

Phoenix, AZ 85013

Inspection No:

FC-2024-TM082-0057

Inspection Date:

August 6, 2024

SERIOUS – Citation 1 - Item 1 –

a) Roof: One employee was conducting routine maintenance on an HVAC unit on the roof of a nine-story building without fall protection. 29 CFR 1910.28(b)(1)(i)

Div. Proposal - \$3,457.00

Formula Amt. - \$3,457.00

<u>SERIOUS</u> – Citation 1 - Item 2 –

a) Roof: One employee working on the roof was exposed to a fall from an unprotected edge to a lower level without having received adequate fall protection training. 1910.30(a)(1)

Div. Proposal - \$3,457.00

Formula Amt. - \$3,457.00

SERIOUS - Citation 1 - Item 3a -

a) Roof HVAC Unit: One employee maintaining and servicing air filters and coils was exposed to electrical shock and burns in an area not evaluated as a permit required confined space. 29 CFR 1910.146(c)(1)

Div. Proposal - \$3,457.00

Formula Amt. - \$3,457.00

SERIOUS - Citation 1 - Item 3b -

a) Roof HVAC Unit: One employee maintaining and servicing air filters and coils was not informed of a permit-required confined space. 29 CFR 1910.146(c)(2) Formula Amt. - \$3,457.00 Div. Proposal - \$0.00

SERIOUS – Citation 1 - Item 4 –

a) Rooftop/9th Floor: One employee maintaining and servicing air filters and coils of a HVAC unit was exposed to electrical shock and burns, because specific lock out tag out procedures for the equipment were not created or implemented in the workplace. 29 CFR 1910.147(c)(4)(ii)(B) *No Size Adjustment per ADOSH Director for Causal Factor.

Div. Proposal - \$16,131.00

Formula Amt. - \$16,131.00

TOTAL PENALTY - \$26,502.00

TOTAL FORMULA AMT. - \$29,959.00

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

Chairman Kavanaugh checked to see if the Commissioners had any questions and noted he 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, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

City of Globe Municipal Property Corporation

Complaint

150 N. Pine St

Years in Business:

Empl. Covered by Inspection:

41 3

Globe, AZ 85501

2005 W Pinal Creek Road

Globe, AZ 85501

Inspection No:

Site Location:

CP-2024-MS021-0030

Inspection Date:

August 7, 2024

SERIOUS – Citation 1 - Item 1a –

a) Chlorine Room: Employees worked with one ton chlorine cylinders with no Process Hazard Analysis developed. 29 CFR 1910.119(c)(1)

Div. Proposal - \$10,372.00

Formula Amt. - \$10,372.00

SERIOUS – Citation 1 - Item 1b –

a) Chlorine Room: Employees worked with one-ton chlorine cylinders with no certified Standard Operating Procedure training conducted by the employer. 29 CFR 1910.119(g)(3) Div. Proposal - \$0.00 Formula Amt. - \$10,372.00

SERIOUS – Citation 1 - Item 1c –

a) Chlorine Room: Employees worked with two one-ton chlorine cylinders with no management of change procedures. 29 CFR 1910.119(l)(1)

Div. Proposal - \$0.00 Formula Amt. - \$10,372.00

SERIOUS – Citation 1 - Item 2 –

a) Chlorine Room: Employees were required to wear Sundstrom Safety SR-200 Full face respirators with no written Respiratory Protection Program. 29 CFR 1910.134(c)(1)

Div. Proposal - \$6,222.00

Formula Amt. - \$6,222.00

TOTAL PENALTY - \$16,594.00

TOTAL FORMULA AMT. - \$37,338.00

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

Chairman Kavanaugh and Mr. Hudson discussed the City of Globe having the opportunity to work with ADOSH and Consultation Services. The goal is to strengthen the safety culture in Arizona.

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.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Carpenter updated the Commissioners on a couple of pending legislative bills for Title 23 that are moving. The first is to allow notices by email, the other is for the assigned risk plan benefit which would include new criteria. There are two other bills that could potentially raise the minimum for unpaid wage claims from \$5,000 to \$12,000 which have moved out of committee and would significantly raise the amount of claims for unpaid wages and increase jurisdiction and allow additional resources for the Commission.

Ms. Dimas announced the retirement of Adella Sermeno, a W/C Insurance Claims Specialist 2 in the Claims Division who is retiring after six years of service. Ms. Dimas also announced the retirement of Michelle Bodi, an Assistant Chief Administrative Law Judge in the Administrative Law Judge Division who is retiring after 17 years of service.

Ms. Dimas confirmed Commission meeting dates through March 2025.

Public Comment.

There was no public comment.

The meeting was adjourned at 1:22 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

Bv

Gaetano J. Testini, Director

ATTEST:

Kara Dimas, Commission Secretary