MINUTES OF MEETING OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street Phoenix, Arizona 85007 Thursday, February 27, 2025 – 1:00 p.m.

Chairman Present: Dennis P. Kavanaugh

> D. Alan Everett Commissioner

Maria Cecilia Valdez Commissioner (Telephonic)

Orion J. Godfrey Commissioner

Gaetano J. Testini Director

Chief Legal Counsel Afshan Peimani

Lisa Padgett Deputy Director (Telephonic)

Legislative Affairs Chief/Public Information Officer Charles Carpenter

Brian Hudson ADOSH Director **ADOSH Compliance** Brian Mason **ADOSH Compliance** Mireya Gomez Bethany Votta **ADOSH Admin**

Kara Dimas Commission Secretary

Chairman Kavanaugh convened the meeting at 1:01 p.m. In attendance, confirmed by roll call were Geneva Haber (Snell and Wilmer); Lindsey Wheeler (Premier Risk Management); and Cecilie Hudson (self).

Approval of Minutes of February 13, 2025 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of February 13, 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.

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.

Denali Midco 2 LLC DBA Super Star Car Wash Complaint

960 W Behrend Dr, Ste 2 Years in Business: 31

Empl. Covered by Inspection: Phoenix, AZ 85027

10 Site Location: 490 N Dysart Rd

Goodyear, AZ 85338

CP-2025-AD245-0053 Inspection No:

January 3, 2025 Inspection Date:

SERIOUS – Citation 1 - Item 1 –

- a) Tunnel: One employee was required to use Superior Image Clean Up Concentrated Lime and Scale Remover, a corrosive chemical, while cleaning the walls of the car wash tunnel without an eyewash available for immediate use.
- b) Lube Shop First Floor: Two employees were required to use Superior Image Crush Power Cleaner Degreaser, a corrosive chemical, while cleaning car parts and mopping floors without an eyewash available for immediate use. 29 CFR 1910.151(c)

Div. Proposal - \$11,524.00

Formula Amt. - \$11,524.00

SERIOUS – Citation 1 - Item 2a –

a) Lube Shop First Floor: Two employees were required to use Superior Image Crush Power Cleaner Degreaser while cleaning car parts and mopping floors and the container was inadequately labeled. 29 CFR 1910.1200(f)(6)(ii)

Div. Proposal - \$11,524.00

Formula Amt. - \$11,524.00

SERIOUS – Citation 1 - Item 2b –

- a) Tunnel: One employee was required to use Superior Image Clean Up Concentrated Lime and Scale Remover while cleaning the walls of the car wash tunnel without a safety data sheet readily available in the work area.
- b) Lube Shop First Floor: Two employees were required to use Superior Image Crush Power Cleaner Degreaser while cleaning car parts and mopping floors without a safety data sheet readily accessible in the work area. 29 CFR 1910.1200(g)(8)

Div. Proposal - \$0.00

Formula Amt. - \$11,524.00

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

- a) Lube Shop: Two employees were required to use Superior Image Crush Power Cleaner Degreaser while cleaning car parts and mopping floors without being informed of the location and availability of the written hazard communication program, chemical inventory list, and safety data sheet.
- b) Tunnel: One employee was required to use Superior Image Clean Up Concentrated Lime and Scale Remover while cleaning the walls of the car wash tunnel without being informed of the location and availability of the written hazard communication program, chemical inventory list, and safety data sheet. 29 CFR 1910.1200(h)(2)(iii)

Div. Proposal - \$0.00

Formula Amt. - \$11,524.00

TOTAL PENALTY - \$23,048.00

TOTAL FORMULA AMT. - \$46,096.00

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

Chairman Kavanaugh asked if the Commissioners had any questions.

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.

Ms. Dimas confirmed Commission meeting dates through March 2025 noting the March 20th Meeting will be held in the Tucson Office.

Mr. Carpenter updated the Commissioners noting that some bills have gone through committee and are currently waiting to cross over between the House and the Senate. The bills that may continue to move include 2032, which may impact the assigned risk plan and potentially have more uninsured employers, and 2033 which allows for electronic service. An omnibus bill 1551 has the potential to impact the Commission in many ways and has made its way through the floor today with an amendment, it would allow a dental fee schedule, third party administrators would be included as interested parties, and it would also increase the monthly dependent allowance from \$25 to \$100. 2233 initially failed but it is back up to be voted on again regarding elevator mechanics and requirement to have some sort of certification plus meet some other requirements and will be administered by the Registrar of Contractors. 2789 would require an elevator or personal hoist when working on projects over 60 feet. 2381 and 1159 both are concurrent mirror bills in the House and Senate that would increase the maximum amount for wage claims from \$5,000 to \$12,000 for unpaid wages. Our Labor Department will have additional work. We are working with the bill sponsors for the need for additional full-time employees to manage the additional case load. 1156 increases the burial expense limit from \$5,000 to \$10,000. 1157 removes the remarriage clause provision which currently states if a person whose spouse died while on the job that when they remarry, they lose their benefits or two years of benefits. 1182 is a strike everything amendment and would impact the cities' and local authorities' ability to restrict the hours for construction and allow construction to occur between 5:00 am and 7:00 pm and allows pouring cement up to an hour before 5:00 am because of the heat. There are a couple of bills that may impact public meetings and allow public comment at the beginning rather than the end. If the Commissioners have any questions about the legislature to let Mr. Carpenter know.

Public Comment.

ATTEST:

There was no public comment.

The meeting was adjourned at 1:19 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

Gaetano J. Testini, Director

By

Kara Dimas, Commission Secretary