

MOSH ADVISORY BOARD MEETING

MOSH Headquarters – Hunt Valley
10946 Golden West Drive | Suite #160
<https://meet.google.com/sox-gdke-sw>

May 2, 2024
2:00 p.m.

MINUTES

Present Board Members:

Steve Connelly, Agriculture Member
Carol Dodson, Business Member
Commissioner
Clifford Mitchell, M.D., Health Member
Edward R. Arellano, Health Member
Francisco Trujillo, Industry Member
Elizabeth (Sissy) Martin, Industry Member
Neill Christopher, Public Member
Jeff Lochte, Public Member

DLI Staff:

Commissioner Devki Virk
Michael Penn, Acting Assistant
Cristina C. Harris, Industrial Hygienist
Andrew Friel, Legislative Analyst
Barry Dillow, MOSH Consultation
Sarah Harlan, Asst. Atty. General
Tiffany Jones, Board Coordinator

Absent Board Members:

Richard Ruehl, Labor Member
John Gibula, Public Member
Robert Holsey, Labor Member

Call to Order: The meeting was called to order. Roll was taken to establish a quorum.

Approval of Minutes: A motion was put forth by Steve Connelly and seconded by Dr. Clifford Mitchell to approve the minutes from the prior board meeting on April 3, 2024. The motion passed unanimously.

MOSH Update: Micheal Penn provided an update on MOSH's investigation of the Key Bridge collapse. Barry Dillow announced the onboarding of a new MOSH Consultation inspector who will cover the public sector.

Legislative Update: Commissioner Virk reported that HB 244, the bill to increase MOSH maximum penalties, passed and will go into effect on July 1, 2024. Additionally, Governor Moore signed Senate Bill 225 that extended the termination date for the MOSH Board for an additional 10 years to July 1, 2034.

MOSH Heat Stress Regulatory Discussion: Cristina Campbell Harris provided an overview of the substantive comments MOSH had received for each section of the proposed heat stress illness prevention standards.

There was discussion among members of the Board and MOSH staff about the comments and language of the standard.

Based on this discussion, a motion was put forth by Dr. Clifford Mitchell and seconded by Steve Connelly to change .04E to read, "The written plan shall be made available and accessible to: (1) Employees; and (2) MOSH upon request." The motion passed unanimously.

Chairperson Neill Christopher opened the floor for additional comments from the board and the public.

Dr. Clifford Mitchell asked about reporting in the 300 logs. Christina Campbell Harris indicated this may be part of guidance documents

There was a discussion about the practical application of the standards using insulation installers as an example.

A motion was put forth by Frank Trujillo and seconded by Elizabeth Martin to strike from the standard; .04 B(2) *Use local weather data reported by the National Weather Service of the National Institute for Occupational Safety and Health Tool application to determine the outside heat index for use as the indoor heat index and .04B(3) – Measure and use the actual temperature and humidity in the building or the structure to determine the indoor heat index if the building or structure is known to be affected by additional sources of heat or humidity.* As a result of the changes, the final proposed regulatory language in .04 B would read as follows: *An employer whose employees work in buildings and structures that do not have a mechanical ventilation system shall directly measure the temperature and humidity at the same time and location in areas where employees perform work.*

The motion passed.

Frank Trujillo put forth a motion that was seconded by Steve Connelly to remove from .05C(3) the following text: *"as provided in subsection (1) or (2)"* As a result of the changes, the final proposed regulatory language would read: *A schedule which uses a combination of gradual introduction and alternative cooling and control measures that acclimate an employee to the heat.*

The motion passed.

Dr. Clifford Mitchell put forth a motion that was seconded by Frank Trujillo to amend .08D to read, "If an employee can demonstrate effective heat management and

protection from heat illness through alternative cooling and control measures, the work and rest schedules set forth in section C shall not be required.”

The motion passed.

Upon hearing no additional points of discussion, Chairperson Christopher called for a motion to vote to approve the draft standard in its amended form.

Dr. Clifford Mitchell put forth a motion to vote on the draft document. The motion was seconded by Frank Trujillo and passed unanimously.

Chairperson Christopher opened the floor to comments from the public and a few members of the public offered comments

Commissioner Virk and Assistant Attorney General Sarah Harlan discussed the next steps in the regulatory process and it was agreed that an updated copy of the document incorporating the recommended changes voted on by the Board would be provided to the Board members.

Adjournment

Elizabeth Martin put forth a motion to adjourn the meeting. The motion was seconded by Steve Connelly and passed unanimously.