

FINAL
SAFETY AND HEALTH CODES BOARD
PUBLIC HEARING AND MEETING MINUTES
Wednesday, January 13, 2021

On January 13, 2021, the Safety and Health Codes Board (“Board”) held a continued electronic meeting pursuant to the budget language as amended by Chapter 1289 of the 2020 Acts of Assembly that states:

Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

Given the nature of the emergency, that COVID-19 spreads easily from person to person, the Board held an electronic meeting utilizing **WebEx**.

Notice of the continued meeting was provided to the public as required by VA Code §2.2-3708.2 and Executive Order 14 (2018). The notice invited the public to witness the meeting remotely via **WebEx**. Notice was provided on the Virginia Regulatory Townhall’s website here:
<https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=31987>

The Board members and Department staff listed below as “participating” were all participating via WebEx. There was no quorum of Board members *physically* assembled at one location. There was a quorum of Board members participating on WebEx for purposes of the meeting.

A recording of the meeting in its entirety is available here: <https://www.doli.virginia.gov/wp-content/uploads/2021/01/SHCB-Meeting-January-13-2021-Recording.mp4>

BOARD MEMBERS

PARTICIPATING:

Ms. Milagro Rogriguez, Chair
Mr. Patrick Bolling
Mr. Jerome Brooks
Mr. Louis J. Cernak, Jr.
Mr. John Fulton
Mr. Phil Glaize
Ms. Tina Hoover
Ms. Anna Jolly (participated in parts of the meeting, absences noted)
Mr. Michael Luce

Mr. Courtney Malveaux
Mr. Travis Parsons (participated for parts of the meeting, absences noted)
Mr. Kenneth Richardson (participated for parts of the meeting, absences noted)
Mr. Chuck Stiff, Vice Chair
Mr. Thomas Thurston

BOARD MEMBERS ABSENT: None

STAFF PARTICIPATING: Mr. C. Ray Davenport, Commissioner of Dept. of Labor & Industry
Mr. William P. Burge, Assistant Commissioner
Mr. Jay Withrow, Director, Legal Support, BLS, VPP, ORA, and OWB
Ms. Princy R. Doss, Director, Policy, Planning, & Public Information
Ms. Marta Fernandes, Director VOSH Safety Compliance
Mr. Ron Graham, Director VOSH Health Compliance
Ms. Jennifer Rose, Director Cooperative Programs
Ms. Christine Childress, Security Information Officer
Mr. Richard White, IT Project Manager
Ms. Holly Trice, Senior Staff Attorney
Mr. Alex West, Senior Staff Attorney
Ms. Cristin Bernhardt, Staff Attorney

OTHERS PARTICIPATING: Mr. Joshua Laws, Assistant Attorney General
Ms. Lisa Wright, Court Reporter, Chandler & Halasz, Stenographic Court Reporters

CALL TO ORDER

Chair Milagro Rodriguez called the Public meeting to order at 9:16am. A quorum was present. Chair Rodriguez made opening remarks informing the public that this meeting was a continued electronic meeting, held under Va. Code Section 2.2-3708.2, and using WebEx to allow panelists (Board members and DOLI staff) and participants to listen to the meeting by internet or telephone.

The purpose of the meeting was to consider for adoption a Final Standard under Va. Code 40.1-22(6a), Infectious Disease Prevention, SARS-CoV-2 Virus That Causes COVID-19, VAC 25-220, applicable to all employers and employees covered by Virginia Occupational Safety and Health (VOSH) program.

The department prepared a document entitled "DRAFT Combined Board Amendments, Final Standard for Infectious Disease Prevention, COVID-19 ("combined board document") A copy of this document is available here: <https://www.doli.virginia.gov/wp-content/uploads/2021/01/DRAFT-Combined-Board-Amendments-Final-Standard-for-Infectious-Disease-Prevention-COVID-19-1.10.2021-FOR-PUBLICATION.pdf>. This document combined all the amendments the board members had introduced into one document as well as revisions the Department and the Administration wished to make. References to certain page numbers in motions that were made during this meeting, reference the page numbers of the above listed document.

NEW BUSINESS (Continued from January 12, 2021)

Chair Rodriguez recognized the Department’s Director Withrow return to discussing the proposed standard by starting where the January 12th meeting ended.

Mr. Withrow started by addressing Anna Jolly. There were a significant number of her amendments that the Department agreed with and asked if she would mind if the Board proceeded with those. Ms. Jolly approved and Mr. Withrow noted that if there were a lot of questions about her amendments the Board would wait until she was back.

Mr. Withrow moved to an amendment by Board member Malveaux on page 18. Mr. Withrow requested to speak with Mr. Malveaux offline since this amendment impacted another part of the standard.

Mr. Withrow moved to 16VAC25-220-30, to discuss Mr. Thurston’s amendment to add an item number 6 to the definition for “High Exposure Risk” which would include “correctional facilities, jail detention centers, and juvenile detention centers” to this category. Mr. Thurston explained the reason for his amendment.

The Chair asked if there was any discussion on the amendment. Board members engaged in a discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 10:27.

Motion No. 17 on p. 25	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	14	0	0		

Mr. Withrow moved to p. 30 and the top of p. 31 and discussed an amendment to accept changes in yellow, and an amendment from Ms. Jolly on face coverings.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 26:10.

Motion No. 18 on pp. 30-31	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly				1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	13	0	0	1	

Mr. Withrow continued on p. 31 and discussed a Department revision to the definition of face shield, Anna Jolly's amendment on p. 32 and a change recommended by the Virginia Department of Health (VDH), and the yellow language on p. 32.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 30:58.

Motion No. 19 on pp. 31-32	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	13	0	0	1	

Mr. Withrow continued to p. 33. There was an amendment made by Mr. Malveaux that was withdrawn. On p. 33, a new definition for the term “minimal occupational contact” was added at the request of commenters and developed in cooperation with VDH. This term was used when classifying hazards and job tasks as lower risk. On p. 34, there was an amendment by Ms. Jolly to revise the definition of “personal protective equipment,” but the Department recommended including the language “for actual or potential exposure to SARS-CoV-2 or COVID-19.”

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 34:07.

Motion No. 20 pp. 33-34	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	13	0	0	1	

Mr. Withrow continued to pp. 35 and 36. Mr. Malveaux’ amendment at the top of the p.35 regarding the definition of “Physical distancing” was withdrawn. Mr. Withrow discussed the Department’s motion to accept language in yellow revising the definition for “Physical distancing” and add the word “travel,” as suggested by the Board, to the sentence “..., provided that six feet of physical travel distance is maintained from others around the edges or sides of the wall as well. Mr. Withrow asked the Board to include revisions on p. 36 to the definition of “SARS-CoV-2” in this motion.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 40:22.

Motion No. 21 pp. 35-36	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	1				
Mr. John D. Fulton	1				

Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	13	0	0	1	

Mr. Withrow continued to p. 37 and Ms. Jolly’s amendment to the definition of “severely immunocompromised” and p. 39, Ms. Jolly’s revisions to the definition of “signs of COVID-19.” Mr. Withrow recommended that the Board accept the revisions on p. 37 and 39.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 50:53.

Motion No. 22 pp. 37-39	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	13	0	0	1	

Mr. Withrow continued to pp. 39 and 40 to discuss Ms. Jolly’s motion and the Department’s motions in yellow.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 55:15.

Motion No. 23 pp. 39-40	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12	0	0	2	

Mr. Withrow continued to pp. 41, 42, 43 to discuss the language in yellow and Ms. Jolly's amendment.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 59:10.

Motion No. 24 pp. 41-43	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12	0	0	2	

Mr. Withrow continued to pp. 45-47 to discuss the language in yellow but not including Mr. Parson's amendment.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 01:02:40.

Motion No. 25 pp. 45-47	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12	0	0	2	

10 MINUTE RECESS at 10:38 am; RECONVENE 10:48 am

Mr. Withrow continued to discuss the Department's motion for changes on pp. 48, 50, and 51.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 01:30:00.

Motion No. 26 pp. 48, 50, and 51	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	0			1	
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	11	0	0	3	

Mr. Withrow continued pp. 52-54 to discuss the Department’s changes in yellow and Mr. Malveaux’ motion on p. 51.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 01:40:30.

Motion No. 27 pp. 52-54	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	0			1	
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	11	0	0	3	

Mr. Withrow continued p. 55 to discuss the Department’s typographical changes.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 01:46:55.

Motion No. 28 p. 55	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	0			1	
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				

Mr. Thomas A. Thurston	1				
TOTALS	11	0	0	3	

Mr. Withrow continued p. 60 to discuss the Department’s motion in yellow.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 01:49:20.

Motion No. 29 p. 60	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12	0	0	2	

Mr. Withrow continued p. 61 to discuss the Department’s changes.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 02:14:52.

Motion No. 30 p. 61	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	

Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	11	0	0	3	

Mr. Withrow continued p. 62 and 63 to discuss changes.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 02:29:20.

Motion No. 31 pp. 62-63	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	11	0	0	3	

Mr. Withrow continued to Ms. Jolly’s amendment on p. 64, with the Department’s additions and the language in yellow on p. 65.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 02:34:20.

Motion No. 32 pp. 64-65	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0			1	

Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	11	0	0	3	

Mr. Withrow continued to p. 66 to discuss Ms. Jolly's amendments and the Department's changes in yellow.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 02:43:46.

Motion No. 33 p. 66	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	0	1			
Mr. Thomas A. Thurston	1				
TOTALS	11	1	0	2	

Mr. Withrow continued to pp. 66-69 to discuss the Department's changes in yellow and blue.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 02:47:40.

Motion No. 34 pp. 66-69	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				

Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12			2	

Mr. Withrow continued to pp. 70-75 regarding the Department's motion to clean up those pages, but excluding items in blue on p. 72.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 03:00:00.

Motion No. 35 pp. 70-75, excluding language in blue on p 72	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12			2	

Mr. Withrow discussed Mr. Parson's amendment on p. 47 to discuss Mr. Parson's amendment regarding mandatory requirements for all employers changing reporting to DOLI within 24 hours of discovery of two instead of three or more confirmed cases of COVID-19..."

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion was defeated.

Meeting Recording Time 03:04:21.

Motion No. 36 p. 47	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling		1			
Mr. Jerome Brooks		1			
Mr. Louis J. ("Lou") Cernak Jr.				1	
Mr. John D. Fulton		1			
Mr. Phil Glaize		1			
Ms. Tina Hoover		1			
Ms. Anna E. Jolly		1			
Mr. Michael. A. Luce		1			
Mr. Courtney M. Malveaux		1			
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II				1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff		1			
Mr. Thomas A. Thurston	1				
TOTALS	3	9		2	

Mr. Withrow went back to p. 72 to discuss the Department's motion to correct typographical errors and an error where the language in blue was dropped when the ETS was revised with no explanation.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 03:09:19.

Motion No. 37 p. 72	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	0			1	
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	11			3	

30 MINUTE RECESS at 12:32 am; RECONVENE 1:02 pm

Mr. Withrow began with Ms. Jolly’s amendment on p. 32 regarding “good faith,” but Ms. Jolly withdrew her amendment.

Mr. Withrow went back to p. 18 to discuss Mr. Malveaux’ amendment regarding the definition of “disinfecting” to include the words “or effective” after the word “approved,” and on p. 64 to include the same language regarding non-EPA-registered disinfectants that otherwise meet the EPA criteria for use against SARS-CoV-2.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 03:46:35.

Motion No. 38 p. 18 and p. 64	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12			2	

Mr. Withrow discussed the Department’s motion to clean up air handling language on pp. 75-80, excluding Mr. Parson’s amendment.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 03:56:44.

Motion No. 39 pp. 75-80	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				

Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12			2	

Mr. Withrow discussed Mr. Parson's motion on p. 75 regarding the requirements for hazards or job tasks classifications as very high or high exposure risk and deleting the language on respiratory protection program, number 4 because the language used was outdated/incorrect respiratory protection standard language.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 04:06:46.

Motion No. 40 p. 75	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0			1	
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12			2	

Mr. Withrow discussed Department changes that clean up language in yellow on pp. 81-83.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 04:12:00.

Motion No. 41 pp. 81-83	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	13			1	

Mr. Withrow discussed Ms. Jolly's amendment on p. 84 regarding requirements for hazards or job tasks classified at medium exposure risk and respiratory protection. Ms. Jolly withdrew her amendment after discussion.

Mr. Withrow discussed changes on pp. 86-88 in yellow and blue.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 04:15:28.

Motion No. 42 pp. 86-88	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	13			1	

Mr. Withrow discussed Department changes on pp. 89-90 in yellow and blue and a change on p. 58 that was struck through and in yellow (G).

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 04:30:30.

Motion No. 43 pp. 89-90	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0			1	
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	0	1			
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	12	1		1	

Mr. Withrow discussed Mr. Malveaux' motion to amend Sec. 40.B.8.e on p. 48 regarding mandatory requirements for all employers.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 04:35:14.

Motion No. 44 p. 48	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0	1			
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	0	1			
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	0	1			
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	0	1			

Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	0	1			
TOTALS	9	5			

Mr. Withrow discussed changes on p. 91 in yellow and blue and Ms. Jolly's amendment on p. 91, language in yellow on pp. 92, 93, 94, 95, and 96.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 05:07:33.

Motion No. 45 pp. 91-96	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	14				

Mr. Withrow discussed Mr. Thurston's amendment on p. 92 regarding training.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 05:13:28.

Motion No. 46 p. 92	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				

Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	14				

10 MINUTE RECESS at 2:36 pm; RECONVENE 2:46 pm

Mr. Withrow discussed an amendment by Ms. Jolly on p. 93 regarding training and verifying compliance records for risk categories.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 05:30:26.

Motion No. 47	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	0	1			
Mr. Phil Glaize	0	1			
Ms. Tina Hoover	0	1			
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	0	1			
Mr. Courtney M. Malveaux	0	1			
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	0	1			
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	0	1			
Mr. Thomas A. Thurston	1				
TOTALS	7	7			

Mr. Withrow discussed Ms. Jolly's comment on p. 94 regarding the section on training, and the Department suggested changes to strike through language.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 05:51:20.

Motion No. 48 p. 94	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				

Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	14				

Mr. Withrow discussed the Department's change on p. 97 and Ms. Jolly's revisions on p. 97.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 05:58:43.

Motion No. 49 p. 97	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	14				

Mr. Withrow discussed Mr. Malveaux' motion to strike language on p. 98 regarding discrimination against an employee for exercising rights under this standard being prohibited.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion did not carry.

Meeting Recording Time 06:06:14.

Motion No. 50 p. 98	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	0	1			
Mr. Jerome Brooks	0	1			
Mr. Louis J. ("Lou") Cernak Jr.	0	1			
Mr. John D. Fulton	1				
Mr. Phil Glaize	0	1			
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0	1			
Mr. Michael. A. Luce	0	1			
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	0	1			
Mr. Kenneth W. Richardson, II	0	1			
Ms. Milagro ("Milly") Rodriguez	0	1			
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	0	1			
TOTALS	4	10			

Mr. Withrow discussed Mr. Malveaux' amendment regarding discrimination against an employee for exercising rights under this standard being prohibited, and Ms. Jolly's amendment and Department edits on p. 99.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 06:12:04.

Motion No. 51 p. 99	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	14				

Mr. Withrow discussed Mr. Thurston’s amendment on pp. 56-57 with Mr. Thurston’s suggestion to reorder and add administrative and mitigation language.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 06:23:44.

Motion No. 52 pp. 56-57	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. (“Lou”) Cernak Jr.	1				
Mr. John D. Fulton	1				
Mr. Phil Glaize	0	1			
Ms. Tina Hoover	0	1			
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	0		1		
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro (“Milly”) Rodriguez	1				
Mr. Charles L. (“Chuck”) Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	11	2	1		

Mr. Withrow discussed Mr. Malveaux’ motion on pp. 43-44 and added language.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion did not carry.

Meeting Recording Time 07:18:23.

Motion No. 53 pp. 43-44	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	0	1			
Mr. Jerome Brooks	0	1			
Mr. Louis J. (“Lou”) Cernak Jr.	0	1			
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0	1			
Mr. Michael. A. Luce	0	1			
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	0	1			
Mr. Kenneth W. Richardson, II	0	1			
Ms. Milagro (“Milly”) Rodriguez	0	1			
Mr. Charles L. (“Chuck”) Stiff	1				

Mr. Thomas A. Thurston	0	1			
TOTALS	5	9			

Mr. Withrow discussed Mr. Malveaux' motion on p. 44 to delete the sick leave mentioned in the standard.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 07:33:12.

Motion No. 54 p. 44	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	0	1			
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0	1			
Mr. Michael. A. Luce	1				
Mr. Courtney M. Malveaux	1				
Mr. Travis M. Parsons	0	1			
Mr. Kenneth W. Richardson, II	0	1			
Ms. Milagro ("Milly") Rodriguez	0	1			
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	0	1			
TOTALS	8	6			

Mr. Withrow discussed Mr. Malveaux' motion for an additional 30-day comment period.

The Chair asked if there was any discussion on the amendment. Assistant Attorney General Laws gave his legal opinion regarding Mr. Malveaux' amendment. A motion to accept the amendment was made and properly seconded. The motion did not carry.

Meeting Recording Time 07:38:07.

Motion No. 55	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	0	1			
Mr. Jerome Brooks	0	1			
Mr. Louis J. ("Lou") Cernak Jr.	0	1			
Mr. John D. Fulton	1				
Mr. Phil Glaize	1				
Ms. Tina Hoover	1				
Ms. Anna E. Jolly	0	1			
Mr. Michael. A. Luce	0		1		
Mr. Courtney M. Malveaux	1				

Mr. Travis M. Parsons	0	1			
Mr. Kenneth W. Richardson, II	0	1			
Ms. Milagro ("Milly") Rodriguez	0	1			
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	0	1			
TOTALS	5	8	1		

Mr. Stiff asked to address the board before the board votes on the Final Standard. Mr. Withrow responded to Mr. Stiff's comments.

Mr. Withrow requested that the Board vote on whether to pass the Final Standard.

The Chair asked if there was any discussion on the amendment. A motion to accept the amendment was made and properly seconded. The motion carried.

Meeting Recording Time 08:00:00.

Motion No. 56	Yea	Nay	Abstain	Absent	Other
Mr. Patrick Bolling	1				
Mr. Jerome Brooks	1				
Mr. Louis J. ("Lou") Cernak Jr.	1				
Mr. John D. Fulton	0	1			
Mr. Phil Glaize	0	1			
Ms. Tina Hoover	0	1			
Ms. Anna E. Jolly	1				
Mr. Michael. A. Luce	0		1		
Mr. Courtney M. Malveaux	0	1			
Mr. Travis M. Parsons	1				
Mr. Kenneth W. Richardson, II	1				
Ms. Milagro ("Milly") Rodriguez	1				
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
TOTALS	9	4	1		

Chair Rodriguez moved to the next item on the agenda.

Items of Interest from the Department of Labor and Industry

Chair Rodriguez asked if there were any items of interest from the Department of Labor and Industry. Chair Rodriguez recognized the Commissioner. Commissioner Davenport thanked all the Board members.

Items of Interest from Members of the Board

Chair Rodriguez asked if there were any items of interest from the Board members. No board members requested to address the Board.

Meeting Adjournment

There being no further business, the meeting was adjourned at 5:37 p.m.