



Matthew H. Mead
Governor

State of Wyoming

Department of Workforce Services

Office of the Director
122 W. 25th Street, Herschler 2-East
Cheyenne, Wyoming 82002
307.777.8650 ▪ Fax: 307.777.5857
www.wyomingworkforce.org



Delbert A. McOmie
Interim Director
Lisa M. Osvold
Deputy Director

OSHA Commission Meeting Minutes

Date: September 11, 2015

Time: 9:00 am

Location: Wyoming Oil & Gas Conservation Commission, 2211 King Blvd, Casper WY.

1. Call to order: Dennis Shepard called the quarterly meeting to order Due to Chairman David Vaughn arriving late. The meeting had been publicized via newspapers, was open to public and recorded.
2. Introduction of the members. The following commission members were present: David Vaughn, Don Alston, Dennis Shepard, Peter Perakos, Doug Thomas.
3. Other people present:

Leigh Natton from Department of Workforce Services; Brian Clark, Dept. of Workforce Services, Amanda Gerhardt, Dept. of Workforce Services; Mackenzie Williams, AG Mary Jane Collins, Collins Family Katy Collins Lovato, Collins Family Ahad Abdurahmonov, DWS OSHA	Daniel Bulkley, DWS OSHA Karen Godman, DWS OSHA Bradley Westby, DWS OSHA Ken Masters, DWS OSHA Ray Bogan, KCWY News 13 Dan Neal, WycOSH Jack and Lena Sheahra, Roofing Fork Sheep LLC Jack and Diana Cobb, Cobb Cattle Co.
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4. Final Orders – none at this time
5. Administratively Close Cases – Recommended to the Commission that Tatoonie Industries International to administratively close. Based on information collected, the employer was arrested and the business is defunct. The motion to administratively close was moved, seconded and passed by the Commission.



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6. Case File issues – Green Homes 314509241 penalty not paid and 1 item not abated & 314508912, penalties not paid.

The employer had had not paid the penalties agreed to on either case file. He previously came before the commission and was recommended to pay. The employer since then, did not provide any documentation, OSHA sent him a letter notifying him of the breach of the requirements of the OSHA Commission. The employer sited financial limitations to pay the penalties and asked the OSHA Commission to review the case again and asking to pay the penalty over the course of 8 months at the rate of \$500.00 a month. The employer must make the first payment within one week from the date of the OSHA Commission meeting and the last payment must be made within 8 months from now, or else the penalty fee will be reverted back to the original amount. The motion was moved, seconded, and passed by the Commission.

7. Files Being Negotiated by AG Office – Double D Welding and Fabrication; Samson Resources.

Both of these cases will be either settled or going forward for recommendation for contested cases. Both of the cases are involved with a catastrophe and the lawyers are working on negotiating with the families.

8. Contested Cases – None at this time, Dan was able to get settlements on both Capital Roofing & Wyoming Sugar.

9. Rules adoption progress – Ken. Wyoming OSHA staff, Ken, Dan, and Karen gave brief descriptions of the each proposed rule adoptions/updates.

- a. Emergency rules request for New Injury Reporting Requirement. 29 CFR PART-1904, effective starting was January 1, 2015 (Still pending Rule Adoption). – Employers need to report any hospitalization within 24 hr. period, any amputation, loss of an eye. It was approved for rulemaking by the Commission previously, but AG’s office did not have the time needed to adopt it within the time that was allowed to promulgate the rules, therefore OSHA is pursuing an emergency ruling to get the process going. AG’s office is expected to promulgate the final rule within 120 days. The Commission and the OSHA staff discussed also the advertising activities to make employers aware of the new rule adoption. The rule be posted on the OSHA website and then OSHA will work with the Public Affairs and the Worker’s Comp division to publicize it. The motion to was moved, seconded, amended, and passed by the Commission.



- b. Working on adopting by reference for 1926, 1910, and 1928. The objective is to have on the Wyoming OSHA website a reference and a link to the rules on the osha.gov website.
- c. Streamlining of State plans 29 CFR 1952 and 1956. The Federal OSHA is working on introducing minor changes in these rules, Wyoming OSHA needs to adopt them accordingly.
- d. Special Government Employee (SPE) Program Policies & Procedures Manual. CEP 03-01-004. This is an additional guidance for how to implement work on VPP assessments; it covers requirements such as the hours of training in order to perform the task. Wyoming OSHA currently uses the SPE staff of the Federal Region 8 and they are quick in responding to the requests for SPE services.
- e. Notice of Proposed Rulemaking (NPRM) - Beryllium and Beryllium Compounds. This is an update to the existing rule on beryllium exposure. It is in the rulemaking process which will take 6-12 months.

10. ATS adoptions progress

- a. Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis Directive CPL- 02-02-078. This is a directive. Federal OSHA adopted, Wyoming OSHA is not required to adopt, but in that case Wyoming OSHA needs to have its own written and approved by the Federal OSHA. The Commission moved to adopt it, seconded, and passed.
- b. National Emphasis on Amputations Directive CPL 03-00-019. A direction on how to develop an inspection list for employers who are in a particular industry that a high-risk for amputations. The Commission moved to adopt it, seconded, and passed.
- c. OSHA Alliance Program Directive CSP 04-01-002 and TED 04-01-002. Adoption is not required, but it is a good guidance on how to interact with alliances. This is an updated guidance.
- d. Inspection Procedures for the Hazard Communication Standard (HCS 2012). Wyoming OSHA is not required to adopt. It is useful for giving directions on how to inspect hazard communication scenarios in business and it is a good guidance. The Commission moved to adopt it, seconded, and passed.

11. Variance Request- Cobb Cattle Company is requesting a variance from a rule that requires Employee Housing to be at least 500 feet from livestock operations. Wyoming Department of Workforce Services staff, OSHA staff, AG's office representative, the owner of the



property spoke to the Commission regarding this situation. There was another party that also had a similar situation. The Commission recognized the complexity of the issue. Motion for temporary 5-year variance was called and passed contingent upon to having the Attorney General look into the definition of “principal camp area” and “fixed domicile”.

12. Training – Karen Godman briefed the Commission on the current state of the training activities, trainings completed, and trainings planned for future for the new OSHA personnel are in –training thru Oct 2015.
13. Consultation update- Karen Godman briefly updated the Commission on the accomplishments, performance indicators, and current activities.
14. Compliance update- Dan Bulkley gave a brief update of the current situation regarding to ongoing activities, performance indicators, staff turnover, and hiring needs.
15. Operations update- this updated overlapped with Daniel Bulkley’s updates on Compliance update and the Personnel update and was covered thorough as part of an overall description of the current needs, priorities, and activities. Kenneth Master’s filled in Dan’s update with information about the current fiscal situation and the hiring processes.
16. Alliances update- Dan’s general overview also covered this topic about the current alliances are WOGISA, WRSA, WCSA, and Transportation Safety Coalition.
17. Summit update – Karen Godman briefed the Commission on the Summit. More than 400 people attended the Summit and according to preliminary feedback review, it was a successful event.
18. Meeting with Governor’s Office- Daniel Bulkley updated the Commission on this topic. He informed that there are not any news about the wish-list he submitted to the Governor’s Office and also reported that Wyoming OSHA received a one-time funding for purchasing equipment and supplies.
19. Open Comments – Collins Family made a presentation to the commission about their mission of raising awareness about a proposed bill that will fine employers \$50,000 for a fatality. (15 minutes)
20. Personnel (closed to public) – Daniel Bulkley briefed the Commission on the current personnel matters, turnover issues, and hiring needs.



Rule Adoption

1. Emergency rules request for New Injury Reporting Requirement. 29 CFR PART-1904, effective starting was January 1, 2015 (Still pending Rule Adoption). Federal Web site address is:
https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_to_c_level=1&p_keyvalue=1904
2. Streamlining of State plans 29 CFR 1952 and 1956. Federal Web site address is:
https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=state
3. Special Government Employee (SPE) Program Policies & Procedures Manual. CSP 03-01-004. Federal Web site address is:
https://www.osha.gov/OshDoc/Directive_pdf/CSP_03-01-004.pdf
4. Notice of Proposed Rulemaking (NPRM) - Beryllium and Beryllium Compounds. Federal Web site address is: <https://www.federalregister.gov/articles/2015/08/07/2015-17596/occupational-exposure-to-beryllium-and-beryllium-compounds>

ATS adoptions progress

1. Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis Directive CPL- 02-02-078. https://www.osha.gov/OshDoc/Directive_pdf/CPL_02-02-078.pdf
2. National Emphasis on Amputations Directive CPL 03-00-019.
https://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-019.pdf
3. OSHA Alliance Program Directive CSP 04-01-002
https://www.osha.gov/OshDoc/Directive_pdf/CSP_04-01-002.pdf
4. Inspection Procedures for the Hazard Communication Standard (HCS 2012)
https://www.osha.gov/OshDoc/Directive_pdf/CPL_02-02-078.pdf



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