



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



John Cox
Director
Lisa M. Osvold
Deputy Director

OSHA Commission Special Meeting Minutes

Date: June 8, 2016

Time: 9:30 a.m.

Location: 1510 East Pershing Blvd-West Wing, OSHA Training Room, Cheyenne WY.

1. **Call to order:** Chairman Dennis Shepard called the meeting to order at 9:35 a.m. The meeting had been publicized via newspapers, was open to the public and recorded.
2. **Introduction of the members:** The following commission members were present: Chairman Dennis Shepard, Vice Chairman Don Alston, Doug Thomas, Monte Paddleford (via phone), Mandi Safford (via phone), and Chuck Dobkins (via phone).
3. **Other people present:**

Dan Bulkley, DWS OSHA (via phone)
Ken Masters, DWS OSHA
Marcia Price, DWS WC
Jody Paessler, DWS OSHA
Dustin Bleizeffer, WyoFile Reporter
4. **Rules adoption progress** – Purpose of special meeting is to verify rules that are ready for final adoption and to move forward for Governor’s approval.

First rule for consideration is Wyoming OSHA Chapter 4, and Federal OSHA 1904. Public comment has been solicited for this matter. Action requested is to repeal Wyoming OSHA Chapter 4 – Rules, Practices and Procedures and to adopt by reference Federal OSHA 29 CFR 1904 Subpart A through G which is available to the public at osha.gov.

Doug Thomas moved to approve final adoption. Vice Chairman Don Alston seconded the motion. Discussion invited. None ensued. Call for vote – motion passed.



We Bridge Human and Economic
Development for Wyoming’s Future.



Second matter for consideration is to approve the development of documents that support repealing Wyoming OSHA rules relating to Federal OSHA regulations 1910, 1926, and 1928 that are duplicates verbatim. This action would repeal the rules from the Wyoming Secretary of State website and instead provide a link to the Federal OSHA site.

1910 – Vice Chairman Don Alston moved to approve adoption by reference. Doug Thomas seconded. Discussion invited. None ensued. Call for vote – motion passed.

1926 – Vice Chairman Don Alston moved to approve adoption by reference. Doug Thomas seconded. Discussion invited. Question regarding whether adoption would satisfy new silica rules. Ken Masters confirmed that upon approval by Governor that it would satisfy the new rule requirements. He also noted that as new rules come up for any adopted regulations would come before the Commission for discussion and approved by reference. Call for vote – motion passed.

1928 – Vice Chairman Don Alston moved to approve adoption by reference. Doug Thomas seconded. Open discussion invited. None ensued. Call for vote – motion passed.

Next matter for consideration is Chapter 3 - Practices and Procedures, Enforcement Section 6 penalties update. Needs to be looked at to be sure it accurately reflects the new State Statute on penalties. Today's vote will approve moving forward with developing language in section 6 that supports the changes made at the State Statute level, most likely referencing the Statute as well as Federal guidelines.

Doug Thomas moved to approve. Vice Chairman Don Alston seconded. Discussion invited. Dan Bulkley clarified that the State will always need enforce penalties as effective as or more stringent than Federal guidelines. However, the State Statute disallows the program from being more stringent. As Federal penalty guidelines change, the Commission will need to approve the changes to incorporate into State rules. Call for vote – motion passed.

Dan Bulkley Ken Masters clarified that the new Federal penalty guidelines provides for reductions for small employers – up to 60% for employers with 11-25 employees and up to 80% for employers with 10 or fewer employees.

Final item – Workplace Safety Contracts. Ken Masters asked Marcia Price to address this item. She explained that the Workplace Safety Contracts are actually a function of the Risk Managers so the action on this item would be to repeal it from OSHA rules and incorporate it into Workers Compensation Chapter 11. Vice Chairman Don Alston moved to approve. Doug Thomas seconded. Discussion invited. Chairman Shepard



asked that the Workplace Safety Contract be clarified so that the OSHA Commission would have full understanding of the reason for the action. Marcia Price and Ken Masters explained that the contract is a vehicle for the Wyoming Safety Improvement Fund grant program. Employers can apply for up to \$10,000 for safety training or equipment and are required to match a portion. Grants are available for employers to provide training and equipment that goes beyond the minimum requirements, not to meet minimum requirements. OSHA Consultation previously had the burden of administering this program but it has since been shifted to Workers Compensation Safety and Risk so it makes sense to have the rules housed with that group. Chairman Shepard asked how much funding is available through the Fund. Dan Bulkley explained that \$500,000 is available annually at this point and that \$10,000 is available per year per employer. Chairman Shepard asked if there would still be OSHA representation on the grant committee to which staff replied that there would be. Chairman Shepard asked about the timeline for grant application approval and fund disbursement. Dan Bulkley said that the application review takes place at a monthly meeting (if there are applications submitted) and once an application is approved that a check is cut for a portion of the grant amount with the balance disbursed once proof of grant requirements are met. Call for vote – motion passed.

5. **Open Public Comments/Concerns** – No public comment.

6. **Adjourn Meeting-** Vice Chairman Don Alston moved to adjourn. Doug Thomas seconded. Call for vote – motion passed.

NOTE: After meeting adjournment, Dustin Bleizeffer of WyoFile requested to ask questions of the commission and was accommodated. Audio file is available for the interview.



We Bridge Human and Economic
Development for Wyoming's Future.

