

**FINAL**  
SAFETY AND HEALTH CODES BOARD  
ELECTRONIC MEETING MINUTES  
Thursday, November 12, 2020

On November 12, 2020, the Safety and Health Codes Board (“Board”) held an 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 public hearing 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=31594>.

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/2020/11/SHCB-Regular-Board-meeting-20201112-1500-1.mp4>

**BOARD MEMBERS  
PARTIPATING:**

Mr. Patrick Bolling  
Mr. Jerome Brooks  
Mr. Louis J. Cernak, Jr.  
Mr. John Fulton  
Mr. Phil Glaize  
Ms. Anna Jolly  
Mr. Courtney Malveaux  
Mr. Travis Parsons  
Mr. Kenneth Richardson, II  
Ms. Milagro Rodriguez  
Mr. Charles Stiff, Interim Chair  
Mr. Thomas Thurston

**BOARD MEMBERS ABSENT:** Ms. Tina Hoover  
Mr. Michael Luce

**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, & OWB  
Ms. Princy R. Doss, Director, Policy, Planning, & Public Information  
Mr. Ron Graham, Director, VOSH Health Compliance  
Ms. Marta Fernandes, VOSH Safety Compliance  
Ms. Jennifer Rose, Director of Consultation  
Ms. Christine Childress, information Security Officer  
Mr. Richard White, IT Project Manager  
Ms. Diane Duell, Director, Legal Support  
Ms. Holly Trice, 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 Chuck Stiff called the meeting to order at 10:00AM. A quorum was present. Chair Stiff made opening remarks informing the public that this virtual meeting was being held electronically pursuant to the budget language as amended by Chapter 1289 of the 2020 Acts of Assembly.

## APPROVAL OF AGENDA

Chair Stiff asked the Board if there was any discussion on the agenda. There was none. Chair Stiff asked if there was a motion to approve the agenda. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of Agenda	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	12			2	

## APPROVAL OF MEETING MINUTES:

Chair Stiff then called for discussion and motion for approval of the following minutes:

- March 5, 2020 Regular Board Meeting
- June 24, 2020 Emergency Electronic Meeting
- June 29, 2020 Continued Emergency Electronic Meeting
- July 7, 2020 Continued Emergency Electronic Meeting
- July 15, 2020 Continued Emergency Electronic Meeting
- September 30, 2020 Electronic Public Hearing

Chair Stiff asked the Board if there was any discussion on the March 5, 2020 minutes. There was none. Chair Stiff asked if there was a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Approval of March 5, 2020 Minutes</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	

Chair Stiff asked the Board if there was any discussion on the June 24, 2020 minutes. There was none. Chair Stiff asked if there was a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Approval of June 24, 2020 Minutes</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	

Chair Stiff asked the Board if there was any discussion on the June 29, 2020 minutes. There was none. Chair Stiff asked if there was a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Approval of June 29, 2020 Minutes</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	

Chair Stiff asked the Board if there was any discussion on the July 7, 2020 minutes. There was none. Chair Stiff asked if there was a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Approval of July 7, 2020 Minutes</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	

Chair Stiff asked the Board if there was any discussion on the July 15, 2020 minutes. There was none. Chair Stiff asked if there was a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Approval of July 15, 2020 Minutes</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	

Chair Stiff asked the Board if there was any discussion on the September 30, 2020 public hearing minutes. There was none. Chair Stiff asked if there was a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Approval of Sept 30, 2020 Minutes</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	

## ELECTION OF OFFICERS

Chair Stiff called for nominations for the next Chair to serve for one year. Board member Parsons nominated Milly Rodriguez to serve as the next Chair. Ms. Rodriguez accepted the nomination. Chair Stiff asked for a motion to elect Ms. Rodriguez Chair. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Motion to Elect Ms. Rodriguez Chair of the Board</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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	Connection problem
Mr. Charles L. ("Chuck") Stiff	1				
Mr. Thomas A. Thurston	1				
<b>TOTALS</b>	<b>11</b>			<b>3</b>	

Chair Stiff called for nominations for the next Vice Chair to serve for one year. Board member Malveaux nominated Chuck Stiff to serve as the next Vice Chair. Chair Stiff asked for other nominations. There were none. Chair Stiff then had a roll call vote. The motion carried.

<b>Motion to Elect Mr. Stiff Vice Chair of the Board</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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	Connection problem
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				
<b>TOTALS</b>	<b>10</b>		<b>1</b>	<b>3</b>	

Chair Stiff then asked Board member Rodriguez if she wanted to take over the meeting. Board member Rodriguez declined and asked that Chair Stiff continue the meeting if it was agreeable to him.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Chair Stiff called the next item on the agenda, which was the opportunity for the public to address the Board. No one signed up to speak so Chair Stiff moved onto the next item on the agenda.

**OLD BUSINESS**

There was no old business. Chair Stiff moved onto the next item on the agenda.

**NEW BUSINESS**

The first item on the agenda for old business was Occupational Exposure to Beryllium for General Industry, §1910.1024. Chair Stiff recognized Ronald Graham from the Department to present the briefing package.

Mr. Graham presented the summary of the revisions to 1910.1024 that Federal OSHA was making with this final rule. Mr. Graham then made the recommendation to adopt the revisions found in Federal OSHA’s final rule. Chair Stiff asked if there was discussion on the matter. There was none. Chair Stiff asked if there was a motion to accept the recommendation of the Department. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Motion to Accept Dept. recommendation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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					
Mr. Thomas A. Thurston	1				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	



Chair Stiff asked for the next item on the agenda, Occupational Exposure to Beryllium for Construction and Shipyards, §§1915.1024 and 1926.1024. Chair Stiff recognized Ronald Graham from the Department again.

Mr. Graham presented the summary of the revisions to §§1915.1024 and 1926.1024 that Federal OSHA was making with this final rule. Mr. Graham then made the recommendation to adopt the revisions found in Federal OSHA’s final rule. Chair Stiff asked if there was discussion on the matter. There was none. Chair Stiff asked if there was a motion to accept the recommendation of the Department. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Motion to Accept Dept. recommendation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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					
Mr. Thomas A. Thurston	1				
<b>TOTALS</b>	<b>12</b>			<b>2</b>	

Chair Stiff asked for the next item on the agenda, Cranes and Derricks in Construction: §§1926.1400 and 1926.1442. Chair Stiff recognized Marta Fernandes from the Department.

Ms. Fernandes presented the summary of the revisions to §§1926.1400 and 1926.1442 that Federal OSHA was making with this final rule. Ms. Fernandes then made the recommendation to adopt the revisions found in Federal OSHA’s final rule. Chair Stiff asked if there was discussion on the matter. There was none. Chair Stiff asked if there was a motion to accept the recommendation of the Department. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Motion to Accept Dept. recommendation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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					
Mr. Thomas A. Thurston	1				
TOTALS	12			2	

Chair Stiff asked for the next item on the agenda, Results of Periodic Review for 2020. Chair Stiff recognized Princy Doss from the Department.

Ms. Doss presented the Department's review of 16 VAC 25-11, Public Participation Guidelines and 16 VAC 25-180, Virginia Field Sanitation Standard, Agriculture. Ms. Doss then made the Department's recommendation to retain the regulations "as is." Chair Stiff asked if there was discussion on the matter. There was none. Chair Stiff asked if there was a motion to accept the recommendation of the Department. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

<b>Motion to Accept Dept. recommendation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Other</b>
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					
Mr. Thomas A. Thurston	1				
TOTALS	12			2	

Chair Stiff then called for a recess from 11:05 to 11:15AM.

Chair Stiff reconvened the meeting at 11:15AM and recognized Jay Withrow from the Department to make a presentation regarding comments received from the public and the

Department's response on the Proposed Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID.

First, Mr. Withrow gave an update on VOSH activities regarding COVID. Then Mr. Withrow gave an overview of the 993 written comments received on Virginia Regulatory Townhall, 33 comments sent directly to the Department and 29 oral comments received during the public hearing.

Board member Malveaux requested statistics from the Department in an effort to determine whether the standard is having an effect.

### **Items of Interest from the Department of Labor and Industry**

Chair Stiff asked for items of interest from the Department of Labor and Industry. Chair Stiff recognized Commissioner Davenport.

Commissioner Davenport discussed the status of the notices of appeal that have been received by the Department. Chair Stiff then recognized Josh Laws from the Attorney General's office. Mr. Laws gave an update on how the litigation was proceeding and gave information on when the Attorney General's office would be filing its response on behalf of the Board and the Agency.

Chair Stiff then recognized Commissioner Davenport again. Commissioner Davenport gave an update on the request for funding for 12 unfunded CSHO positions. It was in the budget; however, this was prior to COVID and the positions were removed at the reconvened session in April 2020.

### **Items of Interest from Members of the Board**

Chair Stiff then asked for items of interest from the Members of the Board. Chair Stiff recognized Board member Parsons. Board member Parsons asked about the status of the heat illness NOIRA that had been put forth by the Board prior to the pandemic.

Mr. Withrow stated the NOIRA was still in the Secretary's office for review and stated nothing could be done by the Board until that review was completed. Mr. Withrow also discussed a letter received by the Department from the Legal Aid Justice Society inquiring about the heat illness standard. That letter was sent to the Secretary's office as well.

Chair Stiff then recognized Board member Jolly. Ms. Jolly congratulated the Department for its hard work.

Ms. Jolly then made remarks of remembrance for Dr. Jan Thomas. Dr. Thomas passed away in August of 2020. Ms. Jolly discussed Dr. Thomas' contributions to occupational safety and health.

Mr. Withrow then made remarks about Dr. Thomas as well.

### **Meeting Adjournment**

Chair Stiff expressed his thanks to everyone for all the work that done this past year. Chair Stiff asked for a motion to adjourn and a second. Chair Stiff adjourned the meeting at 1:03PM.