



ILLINOIS DEPARTMENT OF LABOR

JB PRITZKER
GOVERNOR

JANE R. FLANAGAN
DIRECTOR

Warehouse Safety Standards Task Force

MEETING MINUTES

Date: April 8, 2024
Time: 11:30 a.m.
Location: In-person: Lincoln Tower Plaza, 524 S. 2nd Street., Springfield, IL
Virtual: By webinar via video conference connection (video)

Call to Order: 11:48 a.m. – due to technical issues.
Jane Flanagan, Director of IDOL (Chair), introduced IDOL OSHA Division Chief, Erik Kambarian, to discuss safety exits.

Roll Call of Task Force Members:

Members Present:

Jane Flanagan, Illinois Department of Labor, Director (Chair)
Senator Rachel Ventura (video)
Representative Jeff Keicher (video)
Representative Dan Ugaste (video)
Scott Kunkel representing manufacturers (video)
Senator Seth Lewis (video)
Representative Kevin Olickal (video)
Representative Katie Stuart (video)
Senator Erica Harriss
Alec Laird representing retail merchants (arrived in-person at 12:17pm)
Mayor Risavy representing mayors

Quorum established

Others Present:

Clayton Cope family members: Lynn, Carla and Alexandra Cope
Gabriela Garza, Illinois Manufacturers Association (video)
Steph Kukuijan, St. Louis Post Dispatch (video)
James Whiteford (video)

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524 South 2nd Street, Suite 400
Springfield, Illinois 62701
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160 North LaSalle, Suite C-1300
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2309 West Main Street, Suite 115
Marion, Illinois 62959
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Cathy Hensley, City of Edwardsville (video)
Marc Levitan (video), National Institute of Standards and Technology
Lynn Vasquez, Masonry Institute of Southern Illinois
Bruce Augustin, Masonry Institute of St. Louis
Greg Bryant, Masonry Structural Coalition

IDOL Staff Present: Jason Keller, Assistant Director; Chief of Staff; Elizabeth Guerrero, Director of External Affairs & Community Engagement; Anna Koeppel, Legislative and Policy Director; Erik Kambarian, IDOL OSHA Division Chief; Paul Cicchini, Public Information Officer; Stephanie Barton, Deputy General Counsel

Opening Remarks:

Director Flanagan – presentation by US Dept of Labor

Approval of Minutes – no changes proposed

- Motion by Rep. Ventura
- Second by Rep. Stuart
- Motion passed

Approval of Quarterly Report – no changes proposed

- Motion by Rep. Stuart
- Second by Mayor Riservay.
- Motion passed

New Business:

- **Expert Testimony - Brian Bothast US Dept of Labor:**

See PowerPoint – for more details of the presentation.

- Fatality and Severe Injury Reports overview
- 2024 National Emphasis Programs – Top of inspection lists
- Warehousing NEP: Improve worker safety
 - Common warehouse citations – exits, hazard communications, powered industrial vehicles, etc.
 - Training, evaluation, daily checks, failure to remove from service.
 - Access to exits must be at least 28 inches, etc.
 - Storage of materials shall not create a hazard.
 - General duty clause – storage or racking systems – free of hazards.
 - Hazard Communication – Written Program and training
 - PPE Hazard Assessment
 - Respiratory Protection Program – medical evals and fit testing of masks, recording
 - Lockout tag out program
 - Ergonomic program
 - Heat Emphasis Program

All info on OSHA’s website. www.osha.gov. on-Site Safety and Health Consultation Program. Worksafe.illinois.gov/

- **Q and A summary:**

Q – Alexandra Cope - This task force formed due to natural disaster and responses and OSHA specific regulations. Can you speak to regulations pertaining to this area?

A – 1910.38 – Emergency Action standard and General Duty clause. We look at employer knowledge or corrective actions, we issue a hazard alert letter and actions believe employer should take and may not issue citation. Safety/health for natural disasters are difficult. Do not have existing standard, but if feasible control of preventing hazard, we investigate.

Q. Sen Ventura – Is there minimum heat standard?

A. No, whether enough evidence of employer exposure to hazard and feasible way of fixing it of effective controls. Appropriate water intake, signs and symptoms, regular checks of employees and play for medical professional interaction. Could be different for warehouse v. roofing company.

Q. Sen Ventura – Is there an inside building, minimum degrees?

A. No, in meat packaging industry could be working in freezing temperatures, so OSHA doesn't have minimum standards, but would look at other controls.

Q – Rep Stuart – This Task Force is in relation to natural disaster, and tornadoes in this case. Is there an OSHA standard?

A. No, if employer doesn't have in place adequate protections, OSHA can issue hazard alert letter. Could possibly issue citation under general duty clause based on specific facts and employer knowledge.

Q. Rep Stuart – would similarly apply to disaster response? Plan to climatize new workers with tornado training? Management's response to account for workers and plan?

A. No, heat is one we developed, but for natural disasters, different controls, but if we can't show employer had knowledge, then hazard alert letter listing type of controls that would make a difference. Each employer must develop emergency action plan and employee trained in event of emergency in certain industries under Section 1910.38

Q. Rep Stuart – Could someone share actual language of General Duty clause. Section 5(a)(1) of OSHA Act.

Director – Yes, we will share both.

A. 1910.38. Standards apply to states.

Q. Rep Stuart – So OSHA could be minimum, and states set higher standards.

Director – Some states run OSHA Occupational and Health. We are not one of them, our IL OSHA applies to public sector. For private sector, such as warehouses, US OSHA is regulator. My understanding is that as a state we cannot set above that as OSHA is regulator. Unless we become a state plan, we can't set occupational regulations and it would take Legislative change

to do so.

Rep Dan Ugaste: If we were to come a state regulated, would we have to expand our Dept?

A. Yes, and even in state plan, US Federal OSHA does 1 year review to ensure state has access to an approved state federal OSHA program.

Director – Currently, we do get federal funding and have a state match.

IL OSHA Chief Erik K. – Placed a link to IL State Plan. If we became full state plan and covered private sector, we would replace the management and infrastructure for all current federal offices serving IL, and would have to increase our current staffing by 4-5 times. IL attempted to become full state plan in 1970's and withdrew application. Became public sector plan in 2009 and recertifying this year. 700 page document to federal OSHA to get recertified. You can see on US OSHA, it is a several year process to become state certified.

Next Expert Witness: State Fire Marshall guest, Bernie Arends, will join next meeting.

Director – Follow-up from previous presentation from Parson's Company which survived natural disaster and lost no one. We followed up and received a note from the Chief Operating Officer noting two (2) key components:

1. a. shelter and type of shelters
b. Shelter space
c. distance.
d. emergency lighting
2. Plan –
a. monitor weather
b. ensure reliable announcement
c. Signs
d. train to lead
e. contact info located off site for location

Email will be shared with committee.

Discussion:

Sen Ventura – F2 v F5 – We should consider F5 is minimum. If taskforce thinks too extreme, then information material to employees to let them know what the shelter is rated.

Director – the meeting after this would then focus on building codes.

Bruce Augustin - You have to design for F5 – 250 mph winds per code. Did interview with Parson personnel and had 3 storm shelters, everything was set up with NOA system and communications. Reached out to Bob Parson to come in zoom call at next meeting to discuss.

Rep Stuart – Email boils down to our discussion. Have to have shelters, and training/communication, so headed in right direction. Other concerns, excessive heat, etc, but would like us to focus of natural disasters first. Signage, readily seen and announcement. Depending on where you are, you hear things differently. Employee list kept off-site. Would like task-force to keep these in mind for recommendations.

Rep Keicher - need to proceed with caution considering all categories and environments people are working in. All potential natural disasters, earth quake, flooding, and how often tornadoes strike is limited and worried about high threshold on employers. Changes need to be make, but thoughtful dialogue before recommending high hurdles on employers.

Alexandra Cope – There are continuing tornado warnings in the same area where this warehouse was hit. List of items by Parson CEO, those were all excellent ideas. OSHA has a website page with tornado preparedness and knowing what procedures to follow. There is an outline, but need teeth to ensure businesses are accountable for keeping staff safe. Emergency protocol. Will share page in chat. It is a recommendation, not a standard.

Director – Will share that emergency action planning with staff.

Carla Cope – Climate is changing and seeing severe weather changing.

Rep Stuart – Echo this that we are now considered in tornado alley.

Director – other comments? We are fortunate to have Cope family with us who had a loss of a son and brother in tornado in Edwardsville.

Lynn Cope – While there are guidelines, there are no hard rules or teeth. This is what we are looking to achieve, more standards, not just recommendations or guidelines. Recommendations.

Other discussion:

Director – Looking at Building and Zoning Code will be next and another emergency response expert ? Any other expert requests?

Sen Lewis – Q for Rep Stuart. What is timeline for taskforce?

Director – 1 more substantive meetings with experts, 1 more to discuss recommendation, and final report 1/1/2025.

Sen Lewis – Are we trying to get consensus?

Director – Welcome thoughts on recommendation process.

Cope – Who does the report go to?

Director – Governor and General Assembly

Rep Ugaste – Do you need someone to report on Building Code?

Director – There is a formal State Rep – Tim Schmidt and happy to reach out.

Anna: There is also someone from Collinsville Code – Jeff Steelman.

Rep Stuart – Will make sure will connect with him.

Public Comment:

Jane Flanagan, Director: opened the floor to public comment:

- None.

Votes Taken:

Minutes from last January 30, 2024, meeting and Quarterly Report approved

Adjournment:

Meeting adjourned: 1:10 p.m.

Motion by Sen. Erica Harriss

Second by Rep. Katie Stuart