

Date: June 30, 2004

**MINUTES OF MAY 4, 2004**  
**KENTUCKY OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**  
**PUBLIC HEARING**

A public meeting of the Kentucky Occupational Safety and Health Standards Board, hereinafter referred to as Board, was convened on May 4, 2004, in Louisville, Kentucky at the Galt House East, Breathitt Room. Mr. Philip J. Anderson, Board Chairman and Commissioner, Department of Labor, presided. In addition to Chairman Anderson, members present were Ms. Pamela Chappell, Ms. Joyce St. Clair, Mr. Michael Davis, Mr. Carl Dowell, Mr. David Dunlap, Ms. Nancy Skiba, Ms. Jan Tronzo, and Ms. Savannah Wade. Also present were Ms. Beverly Gravitt, the Honorable Fred Huggins, Mr. Chuck Stribling, and Mr. David Stumbo.

Chairman Anderson called the meeting to order at approximately 1:35 P.M. E.T. The roll was taken and a quorum established.

This being the first meeting for Chairman Anderson, he asked the Board members to introduce themselves. Each did. Chairman Anderson thanked the Board members for their service on the Board and remarked about the reorganization of the Environmental and Public Protection Cabinet and the Department of Labor. He stated that the reorganization consisted of combining three (3) cabinets into one (1), which is now the Environmental and Public Protection Cabinet. The Environmental and Public Protection Cabinet has four (4) departments, the Department for Environmental Protection, the Department for Natural Resources, the Department of Public Protection, and the Department of Labor. Chairman Anderson stated that the original reorganization order was not approved by the General Assembly and that another order would be forthcoming which he felt would be similar.

Chairman Anderson called upon Mr. Carl Dowell to say a few words about the recent loss of Board member Mr. Bob Martin. Mr. Dowell stated that Mr. Martin was appointed to the Board by the Governor in 1998, was very dedicated to this Board, represented our workers in the state and industry well, and will be missed. Chairman Anderson thanked Mr. Dowell for his comments.

Chairman Anderson swore in Ms. Joyce St. Clair.

Chairman Anderson asked for corrections or omissions to the December 4, 2004 minutes. Being none, Ms. Tronzo made a motion, seconded by Mr. Davis, to approve the minutes. The motion passed unanimously.

Chairman Anderson informed the Board that revocation of 29 CFR 1910.139, "Respiratory Protection for M. Tuberculosis," as published in the December 31, 2003 Federal Register was a matter for their consideration.

Chairman Anderson asked Mr. David Stumbo, Health Standards Specialist, Office of Standards Interpretation and Development, to provide the Board an explanation of the amendment.

Mr. Stumbo thanked the Chairman and briefed the Board. He stated that the Occupational Safety and Health Administration revoked 29 CFR 1910.139 which specifically provided respiratory protection for mycobacterial in tuberculosis, or TB. He stated that the change required state adoption with the timeframe being effective by June 30, 2004. Mr. Stumbo stated he would like the Board to consider the amendment and would answer any questions.

Mr. Dunlap stated that he, as a representative of the healthcare industry who has worked in the industry for thirty-two (32) years and is more likely than anyone present to be exposed to tuberculosis, wanted his opposition to the amendment on record. He stated the action was unnecessary, costly, and didn't provide any additional protection for workers. Mr. Dunlap stated the incidence of tuberculosis is on the decline.

Chairman Anderson asked if there was any further discussion from the Board. Being none, Mr. Dowell made a motion, seconded by Ms. St. Clair, to adopt the amendment. Chairman Anderson asked if there was public comment. There was none. The motion passed 8-1.

There being no further discussion of old or new business, Chairman Anderson thanked the Board and public for their attendance and encouraged all to stay and enjoy the Governor's Safety and Health Conference and Exposition.

Mr. Dowell made a motion, seconded by Ms. Wade, to adjourn. The motion passed unanimously. The meeting was adjourned at 1:50 p.m. E.T.