



**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
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**MEETING MINUTES
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD
September 25, 2020
1:00 P.M.
Virtual Meeting on Webex**

To connect via video conference, go to: <https://nmed-oit.webex.com/webappng/sites/nmed-oit/meeting/download/21941bd951eb47e3bf5ff7a771395ca4?siteurl=nmed-oit&MTID=m098378a61c86eea65f563cf16d99a318>

**When prompted, dial the meeting number: 133 375 1183
The password is: MreC4ePbJ32**

**To connect via teleconference dial: 1-415-655-0001
When Prompted, dial access code: 133 375 1183**

Members present: John Volkerding, Chair
Barry Bitzer, Member
Karen Garcia, Member
Karl Cates, Member
Dr. Benjamin Duval, Member
Phoebe Suina, Vice Chair
Amanda Trujillo-Davis, Secretary

Others present: Pam Jones, Board Administrator
Alan Peura, Staff
Melayna Ortiz, Staff
Karla Soloria, Board Counsel
Joshua Spencer, Counsel, NMED
Mia Napolitano, Counsel NMED
Robert Genoway, OSHA Bureau Chief

The following items are for discussion and possible action:

The Chair called the Board into order at 1:02 P.M.

Item 1. Roll call.

Action: The Administrator called the roll; a quorum was present. Chair Volkerding discussed the protocol of the virtual meeting. He provided contact information for any individual experiencing technical issues. He mentioned the items on the agenda were time sensitive, which allowed the Board to meet virtually, per advice from the Open Government Division of the Attorney General's Office. Chair Volkerding pointed out that Administrator Jones will video record the meeting and will post the recording on the Board's website as soon as practicable after the meeting.

Item 2. Approve the agenda.

Action: Member Bitzer moved to approve the agenda. Member Suina seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

Item 3. How notice requirements were met for the meeting.

Action: Board Administrator Jones described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

Item 4. Approval of meeting minutes from June 26, 2020.

Action: Member Garcia moved to approve the meeting minutes from the meeting on June 26, 2020. Member Bitzer seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

Item 5. Public comment unrelated to agenda items.

.Action: There was no public comment.

Item 6. EIB 20-55. Petition to Amend 11.5.1.16 NMAC of the Occupational Health and Safety Regulations and Request for Hearing. Joshua Spencer, Counsel for the New Mexico Environment Department.

Action: Joshua Spencer, Assistant General Counsel, New Mexico Environment Department, gave a summary of the Petition and Request for Hearing. He stated it is necessary to amend 11.5.1.16 NMAC to include reporting an employee's positive Covid-19 test as the current emergency amendment expires December 4, 2020.

The Board asked questions. Chair Volkerding moved to approve the request for hearing to be scheduled December 18, 2020 with Member Karen Garcia serving as the Hearing Officer. Member Suina seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

Item 7. Next meeting is scheduled for October 23, 2020.

Action: Board Administrator Jones stated there were no items yet for the October meeting.

Item 8. Adjournment

Action: The meeting was adjourned at 1:20 P.M.

Amanda Trujillo-Davis, Secretary