

**Minutes of Teleconference
February 11, 2013**

I. Chair's Announcements

Mike Kleeman, UCORP Chair

Update: Chair Kleeman updated the committee on several items of interest:

1. Search for a New President: The Regents Special Committee on the Selection of a President will hold its first meeting tomorrow. Academic Senate representation is included, and Governor Brown is said to be looking to be an active participant in the process.
2. Preparation for Sacramento (see also Item V below): Members are reminded to prepare stories illustrating the value of a research university and the importance of discovering new knowledge.
3. Negotiated Salary Trial Program (NSTP): Despite split opinions in both the Senate and the administration, the NSTP will go forward. Irvine, Los Angeles, and San Diego have the option to participate. The data generated will be evaluated closely.

Discussion: Irvine representative Brouillette reported that at her campus, the predicted split between “sciences” and “humanities” is evident, and that the provost decided to participate unilaterally.

4. Composite Benefit Rates: The current news is that summer salary will be charged at a rate of 0%. More modeling and negotiations remain, however.
5. Academic Council Special Committee on Lab Issues (ACSCOLI): The Lawrence Berkeley National Lab (LBNL) has approved plans to open a second campus in Richmond; the plan includes the construction of three new buildings, one paid for by the Department of Energy, one by UC, and one by private investment. The UC expenses would be reimbursed over time out of overhead fees.

There was much discussion about whether and how to use the UC Presidential Postdoctoral Scholarship program to target underrepresented minority researchers interested in lab sciences. There was also discussion of using the fees UC collects from its management roll of the labs to support junior faculty interested in lab sciences.

6. January 2013 Academic Council meeting: There was extensive discussion on rebenching and the treatment of medical students at campuses other than UCSF. No consensus was reached, but the impacts of rebenching can already be seen in many areas.
7. Academic Council joint meeting with Council of Vice Chancellors: A sister committee, the University Committee on Faculty Welfare (UCFW), has argued strongly that the University's top fiscal priority should be paying down the unfunded liability associated with the University of California Retirement Plan (UCRP) by reaching the approved rates in standing Regental policy of 18% employer contributions and up to 8% employee contributions. The Vice Chancellors, however, assert that an employer rate over 14% would significantly

impede their ability to meet the demands of day-to-day operating costs. The harms of prolonging reaching a fully-funded status for UCRP are hotly debated.

8. Academic Council Special Committee on Agriculture and Natural Resources (ACSCANR): The committee met for the first time this academic year, and new members received detailed orientation to ANR.

II. Consent Calendar

1. December 2012 UCORP minutes:

Action: The Consent Calendar was approved as noticed.

III. Lab Safety Update

Erike Young, Director, Environmental Health and Safety

Update: Director Young submitted the attached written update (see Appendix 1).

Discussion: Chair Kleeman asked how new inspectors would be paid, and Director Young indicated that incumbents will be retrained. Members asked about the communication plan to local PIs, and Director Young indicated that local EH&S directors are talking to deans to identify impacted PIs. A systemwide summit for department chairs is being considered, especially as non-settlement labs should meet the same standards as a best practice, in compliance with current Cal OSHA guidelines, and in an effort to minimize liability moving forward. Members then asked if the more aggressive inspection schedule was for settlement labs only, and Director Young indicated that there two types of inspections planned in the short term: spot inspections, which can check any lab at any time, and enforcement inspections, which will occur 3 times per year, and will include 3-4 labs per campus, and will be targeted to check for specific violations.

IV. The Compendium

Issue: With recent administrative changes in the systemwide research portfolio, the Compendium sections on MRU director selection need updating. Similarly, the Compendium needs to include guidance on MRPI directors and director changes. Specific questions include: Should the Compendium mention the Portfolio Review Group by name? Should MRU directors be able to hold concurrent administrative positions? Should changes in MRU or MRPI directorships be recommended by other participants or by external search committees?

Discussion: Members agreed it was worthwhile to mention the PRG in a footnote, and that MRPI directors can be chosen by following the guidance associated with the grant issued by UCOP. MRU director changes, however, are more challenging, and most members agreed that participants should have some voice in the selection of a new director.

Action: Chair Kleeman will revise the relevant Compendium sections and circulate via email for approval.

V. Preparation for April UCORP in Sacramento

Discussion: Council Vice Chair Jacob reported that the BOARS meeting in Sacramento went well. Discussion focused on three themes, with one or two examples under each theme. The largest take-away was networking and bridge building. Members inquired how research could best be framed. Council Chair Powell noted that stories that convey

social responsibility and the benefits to the undergraduate education experience are usually well-received. He added that representatives from the Coordinating Committee on Graduate Affairs (CCGA) will be invited, too. Members also asked if any topics should not be discussed, and Chair Powell noted that “headline” topics should be eschewed in favor of workforce training, for example, that brings economic benefit to individuals and the state.

VI. Campus Updates

Berkeley: Recently, emeriti were disallowed from eligibility for local COR grants. Although no one is happy with the situation, absent new money, no solutions are evident.

Davis: Large call grants must now include benefits as part of the proposal.

Irvine: 1) NSTP remains contentious, and the evaluation process remains unclear. 2) The zero percent rate for summer salaries under the combined benefits rate was well-received.

Los Angeles: 1) COR grant application reviews are beginning. 2) Local discussions concerning the status of ORUs and ORU 5-year and 15-year (sunset) reviews are ongoing. UCLA's COR is holding productive discussions with ORU directors and cognizant deans concerning these reviews, and exploring the possibility of disestablishing ORUs as appropriate.

Merced: no update.

Riverside: 1) An interim chancellor was recently appointed. 2) COR does not yet have a budget, so no call has been issued.

San Diego: 1) The future of the supercomputer facility is under discussion: should it be an ORU, and what role should students play? 2) A new campus wide strategic planning exercise is beginning.

San Francisco: A new academic office building will have an “open” floor plan, meaning that offices will not have doors. The divisional Senate is exploring options to amend the plan.

Santa Barbara: (absent)

Santa Cruz: 1) Grant application reviews are tomorrow. 2) A new VCR is being recruited. 3) Rebenching as currently enacted seems to be penalizing the campus.

VII. Open Access

Issue: Vice Chair Clare reported that Open Access received significant conceptual support by the Academic Council, but many questions remain about the details of how any policy will actually work. Further revisions are coming, but absent greater national contextualization and lessons learned, the outcome is in question.

Discussion: Chair Kleeman noted that the communication of knowledge is an important aspect of the University’s mission, especially regarding research and the discovery of new knowledge. Members agreed, but all want to see better evaluations of current open access programs, not a rush to have an open access program as rapidly as possible even if it has major flaws.

VIII. Consultation with the Office of the President – Office of Research and Graduate Studies

Steve Beckwith, Vice President

Update: VP Beckwith updated the committee on several items of interest:

1. Portfolio Review Group: The PRG met for the first time in January. There are currently 18 members, including some UCORP members who are participating as individual subject-matter experts, not as ex officio UCORP representatives. About half of the group is administrative personnel. Among the topics before the PRG are changes to the inclusion of faculty lines on central funding and funding for the Cal ISIs.
2. California Institutes for Science and Innovation (Cal ISIs): Two academic reviews are still in-progress. Each started with 10 member external review committees. Internal constituents have been slow to respond, however. Materials available to date will be sent for Senate review, nonetheless. Successfully completing the reviews is important since recent years have seen the Cal ISI budgets cut significantly and central financial support for research continues to be in jeopardy.
3. UC Observatories Board: The group has met twice under the leadership of Chair Karl Pister. Discussions about future budgets for the Observatories and their place in the larger UC research portfolio are on-going.

IX. New Business

1. Proposed HIPAA Guidelines Changes: The proposed changes were sent under Management Review, so at this time, please look for glaring , red-flag issues.
Action: Members will submit concerns via email.

Adjournment at 12:55.

Minutes prepared by Kenneth Feer, Principal Analyst
Attest: Mike Kleeman, UCORP Chair

Laboratory Safety Update

As of February 11, 2013

1. Settlement Update

On January 25, 2013, all ten campuses were able to certify “substantial compliance” to the Los Angeles DA as required by the settlement agreement. This is a major accomplishment, as reports in early December showed that most campuses were less than 50% compliant on both training and SOP requirements of the settlement. Due to the low completion rate, the Office of Risk Services deployed 43 consultants with extensive experience in writing SOPs to eight campuses to assist researchers in drafting settlement required SOPs.

2. Meeting with Cal/OSHA on 1/8/13

After the winter break, OPRS learned that Cal/OSHA had conducted a 40 hour training class for 45 Enforcement Officers on how to conduct laboratory inspections and had spent one full day on what an SOP should look like. Based upon this information, I sent an email to Director of Cal/OSHA, Ellen Widess, and the Deputy Chief for enforcement, Cora Gherga, requesting access to any inspection guidance documents that have been developed. I received a call from Deputy Director Gold requesting a meeting the following day. From that meeting we learned the following:

- a. Inspections – Cal/OSHA is expected to begin to conduct “enhanced inspections” in accordance with the settlement agreement during this first quarter of the year. Her office will be developing a policy & procedure manual for enforcement officers on how to conduct those inspections and will provide that document to us once it is complete. Each year they plan to focus on a different area of enforcement. The first year will focus on pyrophorics and reactive chemicals. Year two will focus on toxins and reproductive hazards. The other years were not determined, but she did indicate that they will share what their areas of focus are. She did ask to have access to all completed SOPs so that their office can determine which labs to visit. That is being evaluated by OGC, but the reality is that they could make a PRA request and obtain them through that process. She also indicated that they will interview lab personnel during these inspections and expect the staff to know what is in the SOPs, similar to an IIPP question during a general inspection. She also said that she expects Chemical Hygiene Officers to know what chemicals are listed as Potential Hazardous Substances.
- b. PPE/Lab Coats – We mentioned to her that we had recently adopted a systemwide PPE policy, which prompted a specific discussion regarding lab coats. The settlement agreement requires the following for UCLA:
Flame resistant laboratory coats shall be worn when working with pyrophoric materials or flammable liquids. Cotton (or other non-synthetic material) clothing must also be worn during these procedures to minimize injury in the case of a fire emergency.
Ms. Gold indicated that any quantity of flammable liquids requires the wearing of a flame resistant lab coat. She also indicated that if a PPE policy states that flame resistant lab coats are only required for certain quantities of flammable liquid, her staff has been instructed to write a citation for a Serious and Willful violation. I reviewed our new systemwide PPE policy, and ours does require the FR lab coats be worn for any quantity based upon the Hazard Assessment.

3. Quality Assurance of SOPs and Preparing for Inspections

As noted above, the expectation is that Cal/OSHA will begin to conduct laboratory inspections within the next 30 days. Both the OGC and OPRS have encouraged campuses to utilize consultants to review and audit existing SOPs, and to the extent possible, conduct mock Cal/OSHA inspections to prepare PIs and lab personnel. This appears to be occurring at different levels at all campuses, as more than 30 consultants have been retained to assist. Those labs with pyrophorics and reactive have been given priority in this process.

4. Systemwide Purchase of Laboratory Coats

Based upon requests from campuses for resources needed to implement the new PPE Policy and to comply with existing regulations, OPRS is funding the initial purchase of laboratory coats for lab personnel. As part of the research process to determine the appropriate type of flame resistant (FR) lab coats to purchase, it was discovered that only engineered fabric FR coats (ie Nomex) are appropriate for chemical laboratories. Several campuses have purchased cotton treated FR coats, that while flame resistant, are intended to protect against electrical arc flash hazards and are not appropriate for most of UC's laboratories. At this time, UC has purchased all remaining stock of the engineered fabric FR lab coats (approximately 1,700 coats) and will be purchasing an additional 5,000 coats in the next several weeks. Each campus EH&S Director is working with Department Chairs and others at the campus to develop a process to have employees properly fitted with lab coats.

5. Laboratory Safety Program Implementation beyond Settlement Labs

As noted in Provost Dorr's letter of August 3, and in other communications, the expectation is that all laboratories will be implementing programs in compliance with current Cal/OSHA regulations. As part of this expanded implementation of laboratory safety programs beyond those departments in the settlement agreement, the University has done the following:

- a. Systemwide policies on PPE, Laboratory Safety Training and Minors in Labs are in their final stages of approval. The expectation is that all policies will be approved and become effective as of March 1, 2013. These policies are consistent with current Cal/OSHA requirements and provide consistency in the interpretation and application of those requirements.
- b. OPRS has provided a significant amount of resources in the development of technologies and other web-based tools to assist campus in the management of their laboratory safety programs. These include a systemwide Chemical Inventory System, a web-based Biological Use Authorization system, and a tool to assist researcher in developing standard operating procedures and assessing the risks associated with their research.
- c. As mentioned earlier, OPRS is funding the purchase of laboratory coats and other PPE required to be provided by employers.
- d. A systemwide online Laboratory Safety Fundamentals course has been developed as part of the new Laboratory Safety Training Policy. The training meets the requirement of the settlement agreement, but more importantly provides a solid foundation in laboratory safety for lab personnel. This course will be peer reviewed by the American Chemical Society and the UC Academic Senate to ensure that it also meets the rigor expected by academia.

6. Systemwide Meeting of Department Chairs with Laboratory Operations – March 1, 2013

With the first certification now completed and the goal to expand laboratory safety program improvements beyond those required by the settlement, UCOP will be hosting a systemwide

meeting of Department Chairs for those departments with laboratory operations. The purpose of the meeting is to provide an opportunity for department chairs to provide feedback on the implementation process and to develop plans to ensure that our laboratory safety efforts are effective and sustainable. As UC is leading the effort to improve the culture of safety in academic laboratories not only in California, but nationally; Chairs from two of the American Chemical Society's Taskforces on improving laboratory safety have been invited to participate. VCRs and Deans are also invited to participate.