UPDATE ON HEALTH RULEMAKING ACTIVITIES AT CAL/OSHA

ASSP San Francisco Chapter
Technical Meeting
November 13, 2018

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THIS PRESENTATION

- Rulemaking process
- Cal/OSHA health regulations
  - recently adopted
  - under development
Occupational Safety & Health Standards Board (OSHSB)

The mission of the Occupational Safety & Health Standards Board is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers.

The Occupational Safety & Health Standards Board, a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The Standards Board’s objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for variances from adopted standards and respond to petitions for new or revised standards. The part-time, independent board holds monthly meetings throughout California.

Meetings, Notices and Petitions
- Advisory committees
- Agendas
- Notice of Proposals & Meeting Schedule
- 2018 Meeting Schedule
- Petitions

Standards
- Approved
- Emergency
- Proposed
- Terminated

Variances
- Permanent
- Proposed

https://www.dir.ca.gov/oshsb/oshsb.html

California Occupational Safety and Health Standards Board Meeting
Steps to Develop an Occupational Health Standard

Regular pre-rulemaking and rulemaking steps for adoption and approval

1. Cal/OSHA staff conducts preliminary work to prepare proposed text for a new or updated standard.

2. Cal/OSHA and Director’s Office staff (Departments of Industrial Relations, or DIR) prepare and submit a pre-rulemaking package to Occupational Safety and Health Standards Board (Standards Board) staff that includes the following: (1) proposed text; (2) initial statement of reasons; or ISOR; (3) economic and fiscal impact statement, or form 399; and (4) notice of rulemaking action.

3. Researches and reviews current regulations, national guidelines or consensus standards, enforcement data, injury and illness data, and scientific literature.

4. For complex and controversial standards, organizes and conducts advisory committee meetings using a discussion draft developed during the advisory committee process.

5. Based on results of research and input received from advisors, prepares the proposed text (or, if appropriate, terminates the process without proposing a new or updated standard).

6. Labor Agency approves and returns the package to Standards Board staff, allowing 45 days for approval.

7. Director’s Office sends the package to Labor and Workforce Development Agency (Labor Agency) staff, allowing 45 days for approval.

8. Labor Agency completes the package to Director’s Office staff.

9. OAL publishes the notice of proposed rulemaking in the California Regulatory Notice Register.

10. Standards Board staff seeks a public hearing with advance public notice of at least 45 days. (*Cal/OSHA* staff requests public comments. If necessary, *Cal/OSHA* staff modifies the proposed text accordingly, in collaboration with Standards Board staff.

11. IF Cal/OSHA staff believes the changes add up to an amount exceeding $50 million, the Director initiates Rulemaking Action.

12. The Director of Labor, with the concurrence of the Secretary of the Labor Agency, is sent a copy of the Fiscal Impact Statement (FIS) and a copy of the *Cal/OSHA* staff’s comments on the FIS. The Director of Labor, with the concurrence of the Secretary of the Labor Agency, determines the amount exceeding $50 million.

13. If the Director of Labor, with the concurrence of the Secretary of the Labor Agency, determines that the changes in the proposed text add up to an amount exceeding $50 million, the Director of Labor, with the concurrence of the Secretary of the Labor Agency, notifies the Secretary of the Labor Agency that the proposed text add up to an amount exceeding $50 million.

14. If the Director of Labor, with the concurrence of the Secretary of the Labor Agency, determines that the changes in the proposed text add up to an amount exceeding $50 million, the Director of Labor, with the concurrence of the Secretary of the Labor Agency, notifies the Secretary of the Labor Agency that the proposed text add up to an amount exceeding $50 million.

15. Cal/OSHA staff prepares a rulemaking package that includes the following: (1) final text; (2) final statement of reasons, or FSOR; (3) amended form 399 if necessary; and (4) notice of rulemaking action.

16. Standards Board staff reviews the package for consideration by the Standards Board.

17. Standards Board adopts the package at a monthly public meeting.

18. Standards Board staff submits the package to OAL within one year after publication in the California Regulatory Notice Register.

19. Within 90 working days, OAL reviews and approves the rulemaking action and transmits the standard to the Secretary of State for filing. *Cal/OSHA* staff transmits the standard to the Secretary of State for filing.

20. The standard goes into effect on one of the following dates, unless otherwise specified.

   1. January 1, if OAL approves the standard by November 30
   2. April 1, if OAL approves the standard by February 29
   3. July 1, if OAL approves the standard by May 31
   4. October 1, if OAL approves the standard by August 31

21. If OAL disapproves the proposed standard, the Standards Board may:

   1. Initiate review by the Governor’s office.
   2. Initiate rulemaking action in accordance with the provisions of *Public Resources Code*.
   3. Rewrite and resubmit the standard within 120 days.
   4. Initiate review by the Governor’s office.

22. The standard goes into effect on one of the following dates, unless otherwise specified.

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Attend an Advisory Meeting

The Cal/OSHA Advisory Committee meets quarterly. For your information a list of meetings and their venues is available. For more information contact Grace Villegas, villegas@dir.ca.gov, or call 510-466-7100.

Subject-matter advisory meetings

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
<th>Meeting date &amp; location</th>
<th>Staff contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHFL</td>
<td>Airborne Contaminant Permissible Exposure Limits (PCs) Meeting announcements and documents</td>
<td>December 4, 2018 9:00 am - 3:00 pm Harris State Building 1515 Clay St, 1st Floor, Room 1104 Oakland, CA</td>
<td>Carol Hasting 510-466-5874 Mike Hammar 510-486-7009</td>
</tr>
<tr>
<td>New Section</td>
<td>Antineoplastic Drugs in Healthcare Meeting announcements and documents</td>
<td>TBA</td>
<td>Grace Villegas 619-776-3770</td>
</tr>
<tr>
<td>Elevator Safety Orders</td>
<td>Meeting announcements and documents</td>
<td>TBA</td>
<td>Debra Tudor 408-362-2220</td>
</tr>
<tr>
<td>New Section</td>
<td>Hand-Illness Prevention in Indoor Places of Employment Meeting announcements and documents</td>
<td>TBA</td>
<td>Anne McNeill 916-574-2033</td>
</tr>
<tr>
<td>J045</td>
<td>Housekeeping in the Hospitals and Hospitality Industry Meeting announcements and documents</td>
<td>TBA</td>
<td>Anne McNeill 916-574-2033</td>
</tr>
</tbody>
</table>

https://www.dir.ca.gov/dosh/DoshReg/advisory_committee.html

Example Subject-Matter Advisory Meeting Webpage

Occupational Exposure to Antineoplastic Drugs

Advisory Meetings

General Industry Safety Orders
Chapter 4, subchapter 1, new section

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Time</th>
<th>Meeting Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 28, 2015</td>
<td>Elihu Harris State Building 1515 Clay St, 13th Floor, Room 1104 Oakland, CA</td>
<td>10:00 am - 3:00 pm</td>
<td>Minutes, Agenda, Draft discussion as of 10/31/2015</td>
</tr>
<tr>
<td>June 17, 2014</td>
<td>Elihu Harris State Building 1515 Clay St, 2nd Floor, Room 1 Oakland, CA</td>
<td>10:00 am - 3:00 pm</td>
<td>Minutes, Agenda, Additional meeting handouts: AB 1202, NIOSH Guidelines, WIA State guidelines and regulation</td>
</tr>
</tbody>
</table>

For questions or more information about the meeting contact Grace Villegas at 619-278-3770.
## Recently Adopted Cal/OSHA Health Regulations

<table>
<thead>
<tr>
<th>Title CCR Regulation(s)</th>
<th>Date(s) Enforceable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airborne Contaminants, Crystalline Silica, 5155</td>
<td>10-17-16</td>
</tr>
<tr>
<td>Violence Prevention in Health Care, 3342</td>
<td>4-1-17 &amp; 7-1-17 partial, 4-1-18 remainder</td>
</tr>
<tr>
<td>Airborne Contaminants, Wood Dust, 5155</td>
<td>7-1-17</td>
</tr>
<tr>
<td>Respirable Crystalline Silica, 1532.3</td>
<td>10-23-17 majority, 6-23-18 remainder</td>
</tr>
<tr>
<td>Beryllium, 5155 &amp; 5205 &amp; 8359.1 &amp; 1535.1</td>
<td>10-2-17 STEL, 3-12-18 majority, 3-11-19 &amp; 3-10-20 remainder</td>
</tr>
<tr>
<td>Airborne Contaminants, Benzyl Chloride, 5155</td>
<td>4-1-18</td>
</tr>
<tr>
<td>Respirable Crystalline Silica, 5204</td>
<td>6-23-18 majority, 6-23-20 &amp; 6-23-21 remainder</td>
</tr>
<tr>
<td>Hotel Housekeeping Musculoskeletal Injury Prevention, 3345</td>
<td>7-1-18</td>
</tr>
</tbody>
</table>
HEALTH REGULATIONS
UNDER DEVELOPMENT

1. Antineoplastic drugs
2. First-aid kit contents
3. Indoor heat
4. Lead
5. Limits for airborne contaminants
6. Naturally occurring asbestos
7. Workplace violence in general industry

The following summaries are partial listings, refer to relevant discussion draft for the complete language.

https://www.dir.ca.gov/dosh/documents/rulemaking-updates.pdf
ANTINEOPLASTIC DRUGS

- Labor Code section 144.8 requires the Standards Board to adopt a regulation
- Advisory committee meetings held in 2014 and 2015
- Current discussion draft proposes:
  - Application to all healthcare settings with exposure to antineoplastic drugs
  - Several activity-driven engineering controls such as closed-system drug transfer devices
  - PPE such as approved chemotherapy gloves, disposable gowns, and/or respirators specified for particular activities, such as spill cleanup and compounding topical drugs
  - Work practices for receiving, storage, prep., administration, housekeeping, disposal, & spills
  - Written plan, medical surveillance, training and record-keeping
- The agency is researching economic impacts and preparing documents for a proposed rulemaking package
- See http://www.dir.ca.gov/dosh/doshreg/Antineoplastic-Drugs/

FIRST-AID KIT CONTENTS

- In response to a petition, an advisory committee meeting was held in 2011
- The agency is currently reviewing the proposed rulemaking package. Once approved, formal rulemaking will begin
- Current discussion draft proposes:
  - section 1512: add some supplies (such as antiseptics, antibiotics, & devices for responder safety), and remove some others (such as tongue depressors and portable O₂)
  - section 3400: physician approval now only required if supplies are other than those specified in a new table 1
- See http://www.dir.ca.gov/dosh/doshreg/MedServFirstAid.html
INDOOR HEAT

- Labor Code section 6720 requires Cal/OSHA to propose a regulation to the Standards Board by 1-1-19
- Cal/OSHA held 3 advisory meetings between 2017 and 2018
- Revised discussion draft posted, public comments due 11-20-18
- Current draft proposes:
  - application to all indoor work areas >82°F where employees are present
  - emergency response procedures, observation during acclimatization, water, cool-down areas, training, and written plan, similar to section 3395
  - no subsection titled “high heat procedures” like section 3395
  - under limited conditions e.g. >90°F: measure and record temperatures, identify and evaluate risk factors, and control exposures

LEAD

- CDPH requested revisions to sections 1532.1 and 5198
- Current standards based on outdated health data
  - Current regulations require medical removal at BLLs >/=50-60 ug/dl
  - Prolonged BLLs at much lower levels cause effects, such as:
    - cardiovascular mortality, and adverse female reproductive outcomes
    - cognitive dysfunction in later life
- Cal/OSHA held 6 advisory meetings between 2011 and 2015
- Cal/OSHA currently analyzing economic impacts of proposed changes
- See [www.dir.ca.gov/dosh/DoshReg/5198Meetings.htm](http://www.dir.ca.gov/dosh/DoshReg/5198Meetings.htm)
PROPOSED REVISIONS TO THE LEAD STANDARDS  
(FROM 2016 DISCUSSION DRAFTS)  

- Lower action level from 30 to 2 ug/m³ 
- Lower permissible exposure limit from 50 to 10 ug/m³ 
- Expand general hygiene to all lead exposure 
- Add or expand trigger task (interim) protections 
- Lower d/y above action level that require medical surveillance 
- Add response plan for BLLs >10 ug/dl 
- Lower BLLs at which frequent BLL testing required 
- Lower BLLs (>=/=20-30 ug/dl) that require medical removal 

LIMITS FOR AIRBORNE CONTAMINANTS  

- An advisory committee is convened quarterly to evaluate adding or revising limits in section 5155. Evaluates health effects and feasibility 
- Cal/OSHA preparing formal rulemaking documents for aluminum, 2-butoxyethyl acetate, 2-butoxyethanol, trichloroethylene, tetrabromoethane, n-propanol, cyclohexane, trimelitic anhydride, peracetic acid, and hydrogen sulfide 
- Committee is in various stages of discussion on manganese; n-, sec-, tert-, and iso-butyl acetate; methyl isobutyl ketone; n- and tert-butanol; and sulfur dioxide 
- See http://www.dir.ca.gov/dosh/doshreg/5155Meetings.html
NATURALLY OCCURRING ASBESTOS

- The Standards Board granted a petition in 2018
- Petition requested clarifications and additions to subsections in 1529, such as scope, classes of work, regulated areas, hygiene, decontamination, training, competent persons, and control methods
- Cal/OSHA is planning the first advisory meeting for 2019
- See https://www.dir.ca.gov/dosh/doshreg/Natural-Asbestos-in-Construction/default.html

SURGICAL PLUME

- Petition granted in early 2018
- Cal/OSHA held the first advisory meeting on 11-8-18
- Discussion draft proposes (public comments due 1-15-19):
  - application to general acute care, psychiatric, and special hospitals
  - LEV at the site of origin; if doesn’t prevent smoke from getting in eyes/respiratory tract, use administrative and lastly respirator controls
  - written procedures for LEV, training, & record-keeping
- See https://www.dir.ca.gov/dosh/doshreg/Surgical-Plume-and-Smoke/
WORKPLACE VIOLENCE IN GENERAL INDUSTRY

• The Standards Board granted a petition in 2014
• Cal/OSHA convened advisory 3 meetings between 2017 and 2018
• Revised discussion draft posted, public comments due 12-14-18
• Current discussion draft proposes:
  • application to 4 types of workplace violence and all employers, except certain healthcare facilities, DDS facilities, CDCR facilities, & law enforcement agencies
  • requires a written, established, implemented, and maintained prevention plan; violent incident log; training; and record-keeping

For Cal/OSHA career opportunities, see [https://www.dir.ca.gov/dosh/](https://www.dir.ca.gov/dosh/)

• Medical, dental, and vision insurance
• Pension plan
• 401(k)/457 retirement plans
• Short-term & long-term disability coverage
• Flexible spending account
• Paid vacation and holidays
• Union representation
• Professional development support
• Multitude of units
• Locations throughout the state
• Job stability
• Job satisfaction
QUESTIONS OR COMMENTS?