



Lead Rulemaking RAC Meeting Minutes May 12, 2023, 9-11am

Attendees:

Linda Pressnell, Oregon OSHA	Angie Marsh, Oregon OSHA	Sean Rutledge, Oregon OSHA	Greig Lowell, Oregon OSHA
Dave McLaughlin, Oregon OSHA	Ted Bunch, Oregon OSHA	Brian Hauck, Oregon OSHA	Chris Gillett, Oregon OSHA
Chris Zimmer, Oregon OSHA	Jennifer Ekdahl, Oregon OSHA	Steve Fisher, City of Portland	Robert Snyder, ODOT
David Dreher, Oregon Health Authority	Jason Dunton, Hoffman Construction		

Linda Pressnell started the meeting at 9:04am and introductions were conducted.

Linda: Background Information

- Federal OSHA promulgated the general industry lead standard in the '70s, then construction in 1992. In 2007-2016 several studies conducted to see if the standards were effective enough
- Evidence came to light = not enough
- Dept. of Defense changed microgram levels as a result
- California, Michigan, Washington all began related rulemaking

-Oregon: PEL Advisory Committee convened in 2016 to review manganese (resulted in reduction in PEL); lead also a priority – now picking up related rulemaking again (rule material from 2017 still valid, but reviving this now)

-Both these have broad exposures over a variety of industries, which was why they were singled out

-Linda referenced on screen: Table 1. – Lead – Current Rulemaking Comparison for May 2023
(document sent out with meeting invite)

- Illustrates comparison across states actively pursuing lead rulemaking
- Michigan only one to complete rulemaking at this point, became effective in Dec. 2022; return-to-work level now at <15 ug/dL
- Black arrows signify: existing rule amount vs.changes/proposed changes
- Rules would be for general industry and construction, and agriculture in Oregon
- Employers already asking for a longer implementation period in California
- Federal OSHA: Has released advanced notice of proposed rulemaking/ for blood lead level for medical removal
- California began this rulemaking in 2010; currently analyzing public comments. Currently proposing to reduce PEL by about 80% and BLL by approximately 94%.
- Question from Robert: How many current employees would be removed from work if Oregon adopts a 15 ug/dL?
Answer: Unsure.
David: OHA does create reports relating to levels.
- California - Battery manufacturers commenting: In compliance with BLL; asking why there's a need to reduce PEL as well
- Washington - proposed rule in 2019; aiming to reduce PEL. Also introduced a "SPEL" – Secondary Permissible Exposure Limit; also proposing Advisory Level of 5ug/dL and Surface Action Level of 1000 ug/dm²; proposing Safe Harbor surface 4.3 ug/dm "clean"
- Overall focus for states is reducing return-to-work level

-Linda referenced on screen: Lead – Current Rulemaking Comparison References May 2023
(document sent out with meeting invite)

- Contains multiple links
- Participants asked to do homework: review these links before our next meeting to mine for ideas and insight

-Linda referenced on screen: Screenshot from Federal Office of Information & Regulatory Affairs website - List of rulemaking happening on federal level (*document sent out with meeting invite*)

- View rules to see where they're at in the process; contains Regulation Identifier Number (RIN) status for tracking
- Example: Blood Lead Level for Medical Removal; contains summaries, links

Linda: Future Group Meetings

-Linda posed the question: Does this group want to meet monthly? Same time/dates?

-Question from Greig: Is there a timeline from OSHA?

Answer: No, no deadline pressure from federal or Oregon OSHA.

-Question from Greig: Should other stakeholders be included in these meetings?

Answer: Current participants are asked to invite others. Originally pulled MAPES codes for invites & previous participants were invited as well.

-Linda posed the question: Should all this group's meetings be established now? Initial polling said Mondays/Fridays would be best. Comment that these days may be unavailable for people in summer months.

Consensus: schedule meetings now through the year.

-Linda: Watch for meeting updates in Outlook containing details and documents.

-Linda posed the question: What is the goal of this group? This is homework as well.

-Linda posed the question: In your experience, what has worked to control blood lead levels?

- Chris Zimmer: Surface contamination is not addressed in these rules; hard to control. Would be difficult to have one rule covering general industry & construction. Perhaps this could be similar to Silica Rule.
- Chris Gillett: Agreed; Silica Rule is good framework.
- Linda: Could look at this as Housekeeping, including handwashing, clothing, etc.
- Dave: Example: Radiator shop – Could set up a regulated area for protocols.
- Robert: Safe Harbor Tables are a good reference. At ODOT, looking at bridge blasting – mix of general industry and construction. Lead is in soil, but doesn't necessarily constitute exposure. Therefore, Safe Harbor Tables that provide flexibility would be preferred. Looking at Silica Rule that is task-oriented is preferable.
- Chris Z.: Also in favor of task-oriented rule.

- Linda: Please review what state of California is stipulating; particularly requirement for showers, for example.

-Linda posed the question: What would the group like to see going forward?

- Robert: Is there data about employers not meeting current rules & what the situations are?
- Chris Z.: Different levels seen for different tasks. Example: Removing windows versus removing batteries – makes comparison difficult.
- Linda: Has requested various sampling data. May not be an easy way to correlate results from OSHA inspections. Example: Enforcement data can originally look for air samples but find other lead surface hazards.
- Chris Z.: Can we look at AGC data?
- Brian: Can we search OSHA hazard letters by subject?
- Chris G.: Let's look at searching Box 42 to see comments/letters regarding this.

-Linda posed the question: Do we want to explore Safe Harbor Tables?

- Dave: In the construction code now for lead, trigger test is required.
- Linda: We don't really look at that as safe harbor, but elements are similar.
- Chris Z.: Lead has airborne and surface elements. Is there one table that would cover both these?
- Linda: State of Washington had an element in their rule of safe harbor, but not 'one-stop shopping.' Don't know if it's possible to fit all requirements into the same rule pertaining to general industry & construction.

-Linda posed the question: If we're going to change PELs, action levels, blood lead levels, what is our goal?

- David: A toxicologist would have to weigh in.
- Linda: We may need an occupational health medical expert to address this. We could look at correlation for exposures.
- Robert: Levels in individuals are of concern, especially potential resulting job loss, workers comp, etc.
- Chris Z.: Lead levels are generally below 5.

-Linda – Next meeting:

- Will gather more data for the group to review.
- Interest in Asian, European lead data? Robert said yes.

-Linda – Upcoming:

- Materials from this meeting will be on Oregon OSHA's website.
- Watch for upcoming meeting invites.
- Please review 'homework' before next time.

Meeting adjourned at 10:48am.

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