

Lead Advisory Committee

Meeting Minutes
July 12, 2017

Location: Oregon OSHA PFO

Meeting Started: 9:36

Present:

Aaron Corvin (Oregon OSHA)
Allison Hewlett
Bill Barnes
Cris Williams
Dan Cain (Oregon OSHA)
Dave McLaughlin
David Johnson
Eileen Tanner
Heather Case (Oregon OSHA)

Jen Thomason
Larisa Palmentere
Michael Wood (Oregon OSHA)
Ramiero León
Reneé Stapleton (Oregon OSHA)
Roger Miksad
Tony Howard
Trena VanDeHey (Oregon OSHA)

Welcome and Introductions

The group introduced themselves.

Introductory Remarks:

Dave remarked that this is the first meeting regarding the lead rules and that this was only the beginning of the process. There was a reminder to sign in on the sign-in sheet and an explanation of handouts provided at the meeting.

Michael made introductory remarks about how Oregon OSHA came to the decision to open up lead to potential rulemaking. He outlined other states' lead rulemaking processes, including Washington and California. He clarified the role of the advisory group and answered a question regarding the federal direction with Permissible Exposure Limits (PEL). It does not appear that Federal OSHA has any plan to open up any other PELs for rulemaking. After these remarks, Michael left this meeting.

Discussion:

Dave directed the group to the handouts for the meeting, specifically the draft lead rule from Washington state. Dave stated Washington is having another advisory group meeting on July 18th in Seattle which he will be attending. He agreed to share information from that meeting with the group. Dave also pointed out that California and Washington are both looking at other exposures to lead other than airborne exposure.

Current PELs: The group brought up the idea that, in construction, the current lead PEL is effective as long as the program for worker protection is followed. A potential reduction in the PEL (as Washington proposed) would be particularly onerous for the construction industry. Dave responded that research showed there is a problem with blood lead levels and research suggests that that comes from airborne exposure.

The group identified the current lead PEL and action levels, and wanted to know the current REL and TLV levels. One group member identified the current REL level at 50 micrograms per cubic meter of air.

The group engaged in a discussion regarding the relationship between airborne lead exposure and blood lead levels.

One option suggested was to set a maximum blood lead level via rule and leave industries to meet those levels. The group also mentioned there is work going on in Michigan regarding lead rulemaking.

Action Item: The group would like some data regarding public health reporting of lead levels among employers if there is any.

Blood Lead: The group discussed the option of focusing any rule making regarding lead exposure on using blood leads as a measure. The group identified a problem regarding blood lead being a lagging indicator, which may not necessarily be best as a proactive measure.

Dave asked the question: What would be challenges with lowering the blood lead level to Washington's suggested levels?

The group responded that a level of 20 could possibly be done by larger employers by 2025. That length of time would be needed for retraining and changes to work processes. Lowering to this level would require more nuanced hygiene and work practice changes.

The group discussed the data provided by in handouts regarding health risks at different blood lead levels. They discussed the potential inconsistencies in the data collection and measurement. They discussed the differences between measuring "any impairment" based on blood lead levels vs. measuring a "material impairment" based on blood lead levels.

The group discussed the length of time for lowering blood lead levels once a person is removed from exposure and how that time can vary depending on the person. This led to a discussion on Washington's draft rule

The group discussed and generally liked the idea of including in the rule that a change of 5 or more micrograms in an employees levels over a time period triggers employee education requirement.

Discussion of Rule Ideas Generally:

The group discussed state agency budgets and how employee education and hygiene enforcement is critical in this industry. In some state agencies, airborne exposure is not as much of an issue.

The group asked why there is no ZPP testing with high blood lead levels anymore, and it came to the conclusion that this testing is potentially outdated and that perhaps it should be removed from our current rule.

The group then discussed whether or not there should be a separation of rules regarding lead exposure between general industry and construction. This was something the group wanted to contemplate after hearing other state's rationale regarding their rulemakings on lead.

Action Item: Dave will listen for/ask about state's rationale in upcoming rulemaking meetings and bring it back to the group.

Dave asked the group if there was anything in the Washington draft rule that they liked. The group stated that the table in the draft rule is difficult and busy- basing actions by activity is very confusing and could be hard to explain to employees, and hard to test exposure to lead per separate activity, especially in construction.

Surface Sampling:

The group discussed the current language of surface sampling and the struggle for a number of surface samples required when sampling.

The group looked at Washington's levels for surface exposure and wondered where those numbers came from- likely from the EPA

Action Item- Dave will find out the source of Washington's proposed surface level numbers.

The group discussed potentially using HUD data, other members of the group offered to potentially scrub their own internal testing data and send to Oregon OSHA to provide accurate testing/sampling numbers from industries in Oregon. The group discussed what different industries focus on when doing surface sampling.

Washington Draft Rule: The group came back to discussing the Washington draft rule. The group stated a need to know where their numbers are coming from and why before using any part of their draft rule.

The group also identified some priorities for this rulemaking. They want to make sure the rule is protective, as well as look at the ease of compliance and they are interested in buy in from all industries and how to make the rule clear.

Current Oregon Rule: The group was asked if there was anything they would change about our current rules regarding lead. The group identified that the one year histories on data should be changed, although the group also pointed out that they would need to prove they could be as effective without this requirement. The group stated again that if this rulemaking moved the PEL, there should be some research around that to document rationale.

The group also discussed economic compliance with lower PEL levels.

Before Adjournment, Dave stated that there will not be a set date for the next meeting, however it will be after the next Washington rulemaking meeting, perhaps in August or September. He will send out a doodle poll to interested members for the next meeting date.

Meeting Adjourned: 11:23

Next Meeting: To be Announced