



Lead Rule Advisory Group Meeting Minutes Friday, September 15, 2023, 9-11am, Zoom

Attendees:

Linda Pressnell, Oregon OSHA	John Stebbins, Washington Dept. of Labor & Industries	Steve Eversmeyer, IH, NW Natural
Angie Marsh, Oregon OSHA	Sarah Rew, Oregon OSHA	Robert "Bob" Snyder, ODOT
Brian Hauck, Oregon OSHA	Dave McLaughlin, Oregon OSHA	Kerry Spurgin, Oregon Association of Shooting Ranges
Greig Lowell, Oregon OSHA	David Dreher, Oregon Health Authority	Steve Patterson, Clarios
Jennifer Ekdahl, Oregon OSHA		
Steve Fisher, City of Portland		

Linda Pressnell started the meeting at 9:05am.

Linda: This meeting will be recorded, but it's part of our recordkeeping process and won't be posted on our website. If you need to access recordings, let me know. Second, a few words about the last meeting, in August: On one hand, I didn't particularly agree with what was being said by our expert, but I have respect for his professional opinion and experience. It was a good reminder that the group won't always agree. In this case, we're looking at a preponderance of data and will continue to look at reputable studies. Also, we can arrange for other experts to attend future meetings.

Bob: The biggest concern I see is that if we don't see a treatment where we can bring the BLL down to return to work, such as in radiator shops, businesses may close as a result of the rule. I agree we need to protect employees, but do need to look at loss of employment. I encourage this group to look at what's doable in terms of employment protection.

Linda: Yes, employer and employee perspectives are important to consider. We do need to look at treatment that's sustainable for both parties.

Linda shared the agenda on screen.

Linda: This meeting is focusing on surface contamination, housekeeping and sanitation—which we're calling hygiene—issues.

Note that at the next month's meeting, we'll be talking about more specific rule language to use. It's often useful to have something in writing for people to review. By the same token, if we need to revisit topics related to this rulemaking, we can.

Linda: Agenda Item: Surface contamination, housekeeping and hygiene issues

a. Review of existing guidelines

- Linda shared her screen, comparing different rulemaking in different states. She noted that Federal OSHA uses the language "free as practicable" and refers back to HUD and EPA.

- Oregon uses free as practicable and refers to HUD and Brookhaven National Laboratory.
- California doesn't set a surface level.
- Washington did propose a surface level.
- Michigan did change their BLL but didn't address surface contamination.
- Linda noted that the hygiene level is not included in the table, as it was hard to summarize and there are no target levels.

- Linda noted that this group is to be working from the existing rules, so a rules review is in order. Linda shared on screen 29 CFR 1910.1025

(h) Housekeeping

- Note that surfaces, cleaning of floors, vacuuming are all named in our rule, so it's the starting point for our new rulemaking.

(i) Hygiene Practices

(1) Food & beverages – Looking at this regarding hygiene, we ask: Where can someone be getting lead dust on their skin? We look at the possibility of exposure through hand to face and hand to mouth actions result in ingestion.

(2) Change Rooms – An employee may have a designated clean locker and dirty locker. The employer must instruct them to shower at the end of the work shift, and this specifies not putting on the same clothes or transporting said clothes.

(4) Lunchrooms – The employee may have washed their hands and/or face, but may use the microwave, fridge, etc. and be exposed in this setting.

(iv) – Specifies not entering the lunchroom in work clothing without removing lead dust.

(5) Lavatories – This doesn't address surfaces—we may want to address this.

- Linda shared on screen: 29 CFR 1910.1025 – Lead (General Industry)

(h) Housekeeping

- This mirrors other language

- Linda shared on screen: 29 CFR 1926.62 – Lead (Construction)

(h) Housekeeping

- (4) Vacuuming – Note a difference: It specifies that vacuums must be equipped with HEPA filters.
- (3) Showers – What about showers where employees are working in the field? I ask because California has an issue with this in their rulemaking; concerns have been raised about the cost of now providing these in the field.
- (5) Hand washing facilities – Where showers are not provided, I've seen primitive facilities, such as a large insulated drinking thermos with warm water for hand washing requirements. Also, alcohol-based wipes or hand cleaners are not acceptable here. During COVID, there was a move toward using sanitizer, but it's not good for removing lead/heavy metal.

- Linda shared on screen: OR-OSHA Program Directive A-208 Lead: Exposure in Construction

- The section pulled out is a guideline that we use internally: a 1995 HUD recommendation level for acceptable decontamination of 200 ug/sq. ft. in evaluating cleanliness of change areas, storage facilities, and lunchrooms/eating areas. Language states that we not require surfaces be any cleaner than this level.
- Note that we may take a wipe sample from a fridge handle or drink dispenser and the result is the amount of lead on that one wipe. So sampling and sample techniques comes into play.

Brian: This Program Directive says “for floors”—doesn't seem right.

Greig: The language suggests “apply floor method to surfaces” rather than “swipe floors”—but it is confusing.

Brian: Yes, that may be it, but it needs clarification.

Dave: Outside of construction, the questions we [Oregon OSHA] ask are: What are you doing to clean? How often? What methods are you using? If you can't do more, we ask how much lead is there?

Linda: Note that with numbers below a certain level, we don't cite. We also have to consider ongoing housekeeping. A surface may be clean at that moment, but its level can change. So our target number may need to address the ‘for how long’ piece.

Steve E.: Suggest if you use HUD, then the sample method be included and specified.

- Linda shared on screen: Lead – Construction PD A-208

- 1926.62 (h) Housekeeping – This requires that our Compliance Officers evaluate exposure.
- Sarah: All documents we're looking at and rule text is available on the Oregon OSHA website.

- Linda shared on screen: OR-OSHA Technical Manual

In Section 2, Chapter 1 – On-Site Inspection Activities: specifies housekeeping regarding lead dust, which ensures we have a good understanding and grounding of practical hygiene issues.

- It specifies “rigorous” housekeeping, meaning a regular schedule of housekeeping activities. Assessments are looking at ‘clean as practicable.’ But a workplace may be using housekeeping and still have lead in the area.
- Lead, in its applications as a painted surface, is very durable. The problem is that those same qualities disturb us as humans. It won't biodegrade. It creates health impacts. It requires diligence to continuously remove it.
- Note that it reads: “Engineering controls are generally not designed to control” – this is due to lead dust in the air. It does accumulate, and construction can disturb lead dust and cause it to be airborne.

In Section 5, Chapter 3 – Controlling Lead Exposures in the Construction Industry

- Housekeeping section says all workplace surfaces must be maintained “as free as practicable of accumulations of lead dust.”
 - For vacuuming, it specifies a HEPA filter. Compressed air blowing is “generally prohibited.”
 - I once observed a process of lead weights being inserted, which left lead dust on the floor. It turned out that dry sweeping of the area was a no-no. Chairs and a table for breaks nearby showed lead dust results.
Also, employees may be wearing a lab coat, apron, gloves, etc., and then must have a place to store these before going into break areas or lunchrooms. This applies to fixed and mobile locations.
- Personal Hygiene Practices section specifies washing hands and faces after work in any work area where the PEL is exceeded.
- Change Areas section says lead-contaminated work clothes should be kept on the job site. Note that separate storage is required. Lockers for contaminated clothes need to be labeled. Also, lead can accumulate in lockers over time; there was an instance where an employee was putting his wallet in the bottom of a dirty locker, essentially picking up lead dust.

- Washing Facilities section says “water, soap, and clean towels are to be provided” by the employer. This should include a method for the employer to store these towels.

So in our process, we will ‘stay on the right side’ of these existing materials and rules, which are meant for guidance.

- Linda shared on screen: Document IH75190: Surface Wipe Sampling for Metals, from Brookhaven National Laboratory (https://www.bnl.gov/esh/shsd/sop/pdf/ih_sops/ih75190.pdf)

- This specifies that employers may hire out sampling.
- Procedures described in this document include: which wipes can be used (not baby wipes!), equipment such as vials/zip-seal bags, putting on gloves, and how not to disturb the sample or get it on your own hands.
- There are (trademarked) wipes specific to metals collection.
- There’s a NIOSH Surface Wipe Method to follow. An employer can designate a person to learn this method; it’s very doable.
- Table 1 specifies lead (and other metals) and media to use, solvent, PPE glove style, and sample size of “1 square foot, 100 cm² - requires advanced approval by IH professional verifying that sensitivity is adequate.”

- Linda shared on screen: WISHA Lead Rule—Stakeholder Review Draft (2019)

(<https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/leaddocs/LeadRule-WISHADraftLeadRule-June2019.pdf>)

- We’re potentially interested in Washington state’s rules; they offer a lot of specifics that address “requirements for housekeeping, training, and handwashing.” They require respirators for potential lead exposure above the PEL 20 µg/m³ TWA_{8e}.
- John Stebbins: I work for Washington state. Note that this is a draft, and we may have standards specific to gun ranges. There’s some perception that we’d require extensive sampling, but that’s not the intent, so there’s further work being done to edit the draft. We’re looking at having a de minimis where the rule would not apply.

We established a four-sample protocol for checking surfaces and evaluating cleaning effectiveness. Prior to cleaning, we do two separate samples. Then they do their cleaning, and we then collect two more samples. This shows lead levels before and after. If it’s the same, not much more can be cleaned with their current methods. We found variations of those issues. We can also sample “clean areas” identified by the employer, such as an accounting office at a plant, where we can check for lead.

Also, HUD standard numbers were mentioned, and we should note that those numbers are lower than our draft because they were designed for children and

residences. We're still looking at those levels and evaluating them for workplaces.

- Linda: So the expectation for break and work areas is that the level is closer to 0?
- John: Yes—we're looking at how dirty these areas are between cleanings and how effectively they're cleaning the space. For example, glass surfaces can be cleaned to undetectable. Getting to zero is tough, but we'd take into account whether they're cleaning as effectively as they can.
- Linda: Does your rule get prescriptive?
- John: The language has guidance added; we had to be clear that it picks up lead. An example is continuous wiping with a rag that's never cleaned, so lead is being spread.

We're looking at a BLL in employees above 10, which triggers cleaning in their workplace. Medical removal isn't until 20-30. The goal is to keep employees below 10.

- Linda: Did you discuss hand hygiene?
- John: We're looking to include that as part of the educational materials later on, as a training issue. We have a general requirement for handwashing. For foundry or battery-type of work, we'd expect them to be more vigorous in those areas.
- Linda: In construction work, can they provide showers?
- John: I worked in asbestos removal in remote areas—I know it can be done. We have a high bar for making this equipment available.
- Linda: California requirements loop in companies that didn't have to have this before & these companies are fighting the cost of implementation, which is something to consider.

Your rule mentions lunchrooms may be located within exposure control areas.

- John: Exposures have to be controlled. That language comes from an early draft; the draft you're looking at may not yet be updated.
- Linda: Thanks & we'll now open up the meeting for general discussion.
- Brian: I like the 4-sample approach Washington is taking; it's genius and we should adopt something similar. And the idea of different sampling requirements in different areas.
- Linda: Agreed. I like the pre- and post-testing—this seems useful in evaluation. I also like treating work environments differently than break areas.
- Steve E.: I agree with having guidance on surfaces. We'd need to name a method—be it NIOSH or another one—so people know the origin.

Linda: Thanks to all. For the next meeting, in October, we'll review our old business, but the main point will be addressing the question of: What do want the rule to look like? We can revisit the idea for Safe Harbor Tables as well.

- Meeting adjourned at 10:51am. Next meeting: Friday, October 20.