



Lead Rule Advisory Group Meeting Minutes Friday, November 17, 2023, 9-11am, Zoom

Attendees:

Linda Pressnell, Oregon OSHA	Chris Zimmer, Oregon OSHA	Chris James, Oregon OSHA
Angie Marsh, Oregon OSHA	Kerry Spurgin, Oregon Association of Shooting Ranges	Ted Bunch, Oregon OSHA
Sarah Rew, Oregon OSHA	Steve Eversmeyer, NW Natural	Penny Wolf-McCormick, Oregon OSHA
Dave McLaughlin Oregon OSHA	Matt Kaiser, Oregon OSHA	John Stebbins, Washington Dept. of Labor & Industries
Jennifer Ekdahl, Oregon OSHA		Steve Patterson, Clarios

Linda Pressnell started the meeting at 9:05am.

Linda shared the agenda on screen.

Note: There is no December meeting; next meeting is Friday, January 19. Dates will be scheduled through June 2024.

Linda shared on screen: OAR 437 Division 2, Subdivision Z - 1910.1025 Lead

To start, we're taking the general industry rule and inserting potential changes to make one rule.

-First, I inserted agricultural activities into the scope. Typically I've taken pieces from the construction rule and inserted it into this one (General Industry).

-Today we're looking at basic changes; at next year's meetings, we can dive into these.

For "Basis of initial determination": Can we accept objective data as the basis of the initial determination as in the Construction rule, with the exception of trigger tasks?

Sarah: What is the origin of the data?

Linda: Data are from credible sources; statistically significant. There is the issue of collecting our own data vs. accepting data from third parties (i.e. industry study, university study, etc.)

Example: Subcontractors who have exposure data wanting to have it apply to a larger group. We look at: Are the jobs the same in terms of potential exposure? Oftentimes they're not.

Oregon OSHA has some standards for data, which we'll consider.

Steve E.: The silica table is based on effective engineering controls vs. employee exposure data. Are you looking to permit work practices based on objective data of effectiveness or something else?

Linda: We'll look at Safe Harbor Tables. We have these in the Silica Rule and the Manganese rule. For Silica, Federal OSHA summarized objective data from other sources.

For Manganese, the table was based on Oregon OSHA's collective data that was analyzed; something like 2,000 samples were included. So with Lead, trigger tasks are a good place to start, as federal OSHA has this defined. We can develop further tables based on data or evidence from whatever those control measures are going to be.

This is one of those issues that may take a whole session.

Dave M.: The Construction Lead rule allows for objective data; the current General Industry Rule with Federal OSHA does not.

Linda: The focus is differences between the two rules. For example, I struck out a part and incorporated engineering and work practice controls. I added 'The employer shall implement engineering and work practice controls including administrative controls to reduce and maintain employee exposure to lead....'

Linda: Getting down to (4) Administrative controls, I added (5) from Construction: Work practices. 'The employer shall ensure that, to the extent relevant, employees follow good work practices such as described in Appendix B of this section.'

Linda: Then (h) Housekeeping. I added: '(2) Compressed air shall not be used, unless the compressed air is used with a ventilation system designed to capture the airborne dust created by the compressed air.'

Steve: You could argue that a general ventilation system would eventually capture the dust, so you may want to specify further, about "ventilation system" efficacy.

Linda: We could reference HUD, EPA, or Brookhaven National Laboratories for certain language and numbers. If we use Washington state's, we can look at evidence and make an informed decision about what to include in our rule.

Linda: I made further proposed edits to language. For example, in vacuuming I added 'equipped with HEPA filters' language from the Construction rule.

We also need to specify hygiene further. For example, in (3) Showers, I added 'The employer shall provide a shower where feasible.'

This raises the issue of the definition of the word 'feasible,' which we may want to define.

Steve P: Shower stipulation may be based on level of exposure or contamination. Or risk assessment as well. Frequency of showers should be addressed.

Linda: Good point; I'll make note of this.

Linda: Lunchroom facility language is added: 'The employer shall ensure that the lunchroom facilities or eating areas are as free as practicable from lead contamination and are readily accessible to employees.'

Linda: And it was added "...or other cleaning method "that limits the disbursement of dust."

Linda: I crossed out Lavatories and changed it to Hand washing. I added proposed language about where showers are not provided, the employer shall see that employees wash their hands and face at the conclusion of each shift.

Steve E.: Does it make sense to add under (ii) washing after removal of all contaminated clothing and PPE?

Linda: Good point. This is our opportunity to provide greater direction.

Linda: I added: 'The employer shall make available initial medical surveillance to employees occupationally exposed on any day to lead at or above the action level. Initial medical surveillance consists of biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels.'

Linda: For (3) Medical examinations section:

With this, we need to be aligned with Federal OSHA, so BLL changes from 60 to 30.

This group didn't discuss lowering it more so than this, but we can revisit this.

Same situation with return to work.

Linda: Scrolling through the rest of the rule, there are minor changes proposed, many just specifying language. Let's look at appendices, which are often lengthy. Under Appendix A & B, there are level numbers that are from the General Industry Rule. We'll need to take a look at these and likely update. We could add exposure issues; this could be where we address fertility issues, exposures specific to women—as were brought up in our prior meetings. These are possibilities.

Overall, this meeting has been a 'show and tell' so I could illustrate how proposed changes look, and how General Industry factors in. Questions?

James: I have a note: Keep in mind that OSHA Enforcement gets lists (ABLE reports) from the Department of Health with workers' Blood Lead Levels.

Linda: Maybe this could be addressed in a Program Directive?

James: Yes, it just needs to be considered and could be used to help justify our changes.

Linda: Next is a table. We had requests in these meetings for providing tables (information may be easier to understand in table form).

{Shared on screen: Draft: Table 1. Exposure control methods when working with materials containing lead during construction or construction-like activities (aka trigger tasks)}

Columns in the table are in 3 basic sections, same as in the Construction Rule: Equipment/Task, Engineering & Work Practice Control, and Required Respiratory Protection. Note, it's a good idea to specify 'supplied-air respirator with helmet or hood' and such. These are 'as protective' or 'more protective' as compared to Federal OSHA rules, which we can base on evidence. We're going to have to develop this; it's very much a draft.

I was looking to restructure how the rule is put together. This table could be inserted into the rule, which I realize changes the original structure of the rule. Other thoughts?

John Stebbins: For clarity, PAPRs use HEPA filters not 100 series filters.

Steve E.: Maybe clarify the N or P style are FFR vs. cartridge... and tight fitting vs. fit tested.

Linda: Thank you, noted.

Linda: Our Recordkeeping meeting is starting at 10am. Reminder, no meeting for this group in December.

Meeting adjourned at 10:01am. Next Zoom meeting: Friday, January 19, 2024, 9-11am