



Lead Rule Advisory Group Meeting Minutes Friday, January 19, 2024, 9-11am, Zoom

Attendees:

Linda Pressnell, Oregon OSHA	Steve Fisher, City of Portland	Dave Dreher, Oregon Health Authority
Chris Zimmer, Oregon OSHA	Bryon Snapp, Oregon OSHA	Robert Snyder, ODOT
Sarah Rew, Oregon OSHA	Alta Schafer, Oregon OSHA	John Stebbins, Washington Dept. of Labor & Industries
Dave McLaughlin, Oregon OSHA	Lisa Appel, Oregon OSHA	Steve Patterson, Clarios
Jennifer Ekdahl, Oregon OSHA	Chris James, Oregon OSHA	Jason Dunton, Hoffman Construction
	Ted Bunch, Oregon OSHA	

Linda Pressnell started the meeting at 9:08am.

1. Linda: The agenda is brief; though this looks to be a short meeting, there will be longer meetings in the future. The meetings for 2024 have been scheduled for the third Friday of every month and should be appearing on everyone's calendars, but are also on our website: <https://osha.oregon.gov/rules/advisory/leadPEL/Pages/default.aspx>

2. Linda: Update on proposed changes

Since we last met in November, I've encountered some concerns. In particular, safe harbor tables are challenging. For example, with the Silica rule, the tables came from federal OSHA and there was data backing those options, so there was no concern of reaching the required "at least as effective as" (ALEA) standard. For the Manganese rule, there wasn't an existing federal OSHA safe harbor tables to be met, so we were free to set up our own. Currently, for Lead, we don't have the data from our agency to justify all the items we'd want to put in the safe harbor table(s), so I've been redirected away from establishing those. Also, "as clean as practicable" is in our rule, but the rule does not state any further clarification. We need to turn away from setting a number for surface contamination. I've been directed to looking at hygiene and areas related to hygiene and possibly expanding those areas.

So today we'll talk about the PEL, in relation to the blood lead levels. We're again looking to Washington and California, to find out more information about why they're lowering the PEL and why to the degree they chose.

Shared on screen: **Table 2: Lead—Current Rulemaking Comparison – January 2024**

Linda updated this table that was shared in this meeting previously. For now, we're only using this within this group for comparison and background information.

Background: the state of California has segmented rulemaking involving a board separate from Cal-OSHA, who then reviews findings and recommendations. Anecdotally, they're having ongoing concerns about getting this passed due to changing board members. Likewise, there hasn't been a contact to talk to about background information on how they established the PEL.

In regard to Washington, we'd had John Stebbins from WA L& I attending these meetings, but sadly, he left the organization and his position has not yet been filled. So setting a level for surface contamination is hard to come by; their website references the O'Flaherty Model. For federal OSHA, they're using the number from HUD, "Free as practicable" which is 200 $\mu\text{g}/\text{ft}^2$.

Robert: This is all surface. Is there something more?

Linda: One of the models is based on environmental numbers. For this, I didn't anticipate soils; but air contamination and surface. But that's interesting—are you referencing soil?

Robert: I'm concerned about lead in soils in Oregon. We've sampled a lot of soil and there's heavy concentration, especially in the Portland-Metro area. I'm concerned about sampling along highways, which is why I've been in favor of establishing safe harbor tables here.

Linda: Thanks and we'll table that for now.

Steve Patterson: Is it manufacturing area only? What about lunchrooms, changing rooms?

Linda: We do look at working areas and these other areas.

In trying to have discussions with Washington, I see the last entry on their site and with their committee was in 2019, and they don't have an active committee right now. We may not have a contact there until John's position is filled and they begin meeting again. It may be hard to say what they'll do going forward.

Also note on the table on screen: Added that California is facing challenges to their model, “the Leggett.” Reminder that Michigan didn’t change their PEL and aligned with proposed federal OSHA guidelines for BLL.

Added to this table is ACGIH-TLV, which is 50ug/m³. They use a slope of 0.19ug/dL of blood per ug/m³ of air, expect BLL of 9.5ug/dL, should prevent BLL of 30ug/dL if other sources are controlled.

Slope factor models are their concentrations of lead vs. BLL. Change in BLL vs. changes in air concentration. Ug/dl: 1 ug/m³

Many models available:

O’Flaherty – Focuses on processes: adsorption, transformation, and transport; can predict the concentrations in different environmental compartments

Leggett – Relationship is about 1:1; has highest level of blood lead of the models we’ve seen

Bowers – Another study, found elevated BLL associated with demographic characteristics

ACGIH – (American Conference of Governmental Industrial Hygienists) It was established in 2001 and uses a slope for threshold

Steve Patterson: BCI has thousands of data points, but not a lot of evidence.

Linda: Duly noted. We do have to give the models their due. If we’re going to recommend lowering the PEL, we need to take a look.

Steve Patterson: I will forward you more of the BCI information for us to consider.

Linda: Let’s look further at this updated table.

Robert Snyder: How soon do we expect federal OSHA to complete their rulemaking?

Dave McLaughlin: We don’t generally know when they’ll complete. It took about 14 years for Recordkeeping. They will issue a proposed draft when they’re getting close.

Once they adopt it, our 6-month window begins and we must have it adopted in that timeframe.

Linda: We could revisit our rule at a later date.

Dave: Because it’s an election year, federal agencies may adopt rules in late spring or early summer in order to be insulated against a potential new administration kiboshing it. This happened with Ergonomics rules. My sense is that this particular one may not get this attention though, as emergency services is federal OSHA’s priority.

Linda: Federal OSHA has not actually proposed Lead language.

Robert: So if we're looking at 10 years or so for federal OSHA, what's the timeline for Oregon OSHA?

Dave: We don't have a specific deadline. This process is the best bellwether for figuring out how long. We don't want to be in eternal rulemaking mode, though.

Steve Eversmeyer: How long has this rulemaking been in process for Oregon?

Dave: It had momentum in 2019, but was tabled due to COVID. Now we're back in the process, which will take as long as it needs to.

Linda: If you look back, California started this in 2006. Data was pulled in 2013, and then their process was derailed in the Covid years.

Oregon OSHA did work on Manganese, and Covid rules, but we are now back to Lead. We're starting from a place now where we have some federal sense of at-least-as-effective-as (ALEA). We'll keep everyone posted. Once we have proposed language, that will be announced.

Robert: Some of the work at ODOT depends on this.

Linda: No one has given me a hard due date. Even if we proposed today with a PEL number and one of these models, it would take 6 months to get it through our system. I'm responsible for moving us to proposed language.

Linda: I'll move some topics to the next meeting's agenda.

Meeting adjourned at 9:57am. Next Zoom meeting: Friday, February 16, 9-11am