



Lead Rule Advisory Group Meeting Minutes Friday, February 16, 2024, 9-11am, Zoom

Attendees:

Linda Pressnell, Oregon OSHA	Jennifer Ekdahl, Oregon OSHA	Steve Patterson, Clarios
Chris James, Oregon OSHA	Ryan Barker, OHA	Robert Snyder, ODOT
Sarah Rew, Oregon OSHA	Steve Fisher, City of Portland	Tim Icalia, ODOT
Dave McLaughlin, Oregon OSHA	Angie Marsh, Oregon OSHA	Dave Dreher, Oregon Health Authority
	Jason Dunton, Hoffman Construction	Kerry Spurgin, Oregon Association of Shooting Ranges
	Rob Roloson, AGC	

Linda Pressnell started the meeting at 9:08am.

1. Linda: Our meetings are 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: Draft proposed language is on our agenda, however, CAL-OSHA adopted their lead standard yesterday, so let's also take a look at what they've now implemented.

Our Draft Proposed Language

We'd talked about Division 1 and Division 2 joining together, and possibly having a safe harbor table, but it looks like putting all this together isn't the direction we're going in. We'll keep the rules separate. There's a focus on medical removal and return to work, as well as a simple addition to our hygiene section and the training section. In both cases, there are not changes related to surface contamination. This is an overview. We welcome discussion, as these are not set in stone.

Bob Snyder: A problem I see with these rules as written: Your proposed language says, "The employer shall make provision for hand hygiene in work areas where employees may come into contact with lead." When I read this, 'come into contact' is too broad.

Dave M.: Hand hygiene and sanitation rule ties it to airborne; you could have nothing in the air and lead on a surface that doesn't apply.

If lead is found where it shouldn't be—such as a drinking fountain—the question should be: where did the lead come from?

Bob Snyder: The way this is written would require us at ODOT to run around testing all over.

Dave M.: There are standards for lead all over, such as a public water system, though you may not be the ones required to test for it.

Linda: I expected this insertion to generate discussion. I did write this broadly. There are exposures that happen that aren't connected to the PEL. An example is electrical soldering, which often results in surface contamination, which can remain without good housekeeping. This was an attempt to broaden requirements for handwashing. The language can be clarified, but I'd rather not tie it to the PEL.

James CM: Many times airborne levels aren't above the PEL, but ingestion near workstations is common. I'd like to see this address hand-to-mouth exposure.

Linda: My purpose was to address the issue. We won't be able to set a trigger level; we're left with 'clean as practicable' without a target level. This is for hand hygiene in particular. The way the first section is written now is tied into being over the PEL. Let's try to come up with language for clear direction and recognition of exposure that's not through concentrations of airborne lead. Going forward, if anyone has experience or a policy that helps address a situation like this, let the group know. We'll carry this forward.

Also, what constitutes 'hand hygiene'? We already have requirements about sanitation. Is there a possibility that we'd consider wipes (or similar) if a sink isn't available?

Bob Snyder: I've seen different studies about how well wipes work and don't work. You'd have to prove they're doing the job.

Rob Roloson: Does the use of Leadoff wipes (or something similar) satisfy "hand hygiene" where mobile crews may not have access to handwashing stations?

Linda: Water is more effective; with wipes, it may be that they transfer the lead. I'll look further into the wipes that are available and their efficacy. This was intended as an additional requirement for just the work area. An increase in access to handwashing.

Ryan Barker: Can't you just state that the water should be turned off using a paper towel? That's what many handwashing posters state.

Linda: In fixed locations, it's easier to have hands-free sensor washing and have access to paper towels. In some cases, it's the janitor who is facing exposure, and there could be a question of whether there's any cleaning happening.

Bob Snyder: It's hard to control. Is it what the contamination level can or can't be on a surface?

James CM: I use the National Lab levels as a marker. I don't think we can get to a '0' level. We can use those established standards as a benchmark.

Linda: For 'clean as practicable' when we cite, we use 200 micrograms per square foot. It's what we use--though it's not specified by number in our rule. If we're not able to come up with new language, it would perhaps be something in a guidance document about increased use of hand hygiene to reduce BLL. There's a whole continuum.

Linda: The next section is Biological Monitoring. BLL are reduced for medical removal. We're also looking at the levels for return to work. Federal OSHA is a driver. Other states have similar BLL specifications. Some states are saying 'at or below 15' which we could hash out. It comes up in: Employee notifications; Medical Exams; Medical Removal Protection; and Return to Work.

James CM: I have no problem with lowering BLL. As with other rulemaking, this should be based in science.

Bob Snyder: I concur. We should have levels for return to work, or we're going to have a lot of Workers Comp issues and reassignment of jobs.

James CM: What does the Department of Health have for BLL?

Linda: For reporting, they lowered it to 5. However, I think we start looking at 25.

James CM: We should talk to Compliance, Enforcement—and see what benchmarks they're seeing. Some levels are high that aren't work-related in people, such as someone who solders or works with lead weights in their free time.

Linda: We'd gone over some of these elements last year. OHA has adult BLL. We get reports to do follow-up that show triggers for us to investigate. I also understand that evidence is needed. I can bring it forward. There was discussion about bringing in a toxicologist to discuss BLL; that's still possible.

In regard to this draft, I didn't address surface level contamination. However, in the employee training section, I'm looking to expand training to capture all who are potentially exposed to lead. It's a challenge in the General Industry rule. In this, we could remove the word "airborne" to capture any potential exposure to lead.

Another option is to pull over this section from the Construction rule, which could address many issues.

Even though we can't necessarily control for this, we may have workers who may want to become pregnant or start families and would be informed of potential lead exposure.

James CM: Removing the word 'airborne' is a double-edged sword. This could be a heavy lift for the employer for 'potential exposure to lead at *any* level.'

Bob Snyder: We have to ask, what training does this trigger? When is it required? Is it for certain activities? There are often potential exposures.

Linda: I think there will be additional clarity in the Construction rule that may address issues.

Bob Snyder: Even our staff who service our computers, working with lead parts, are getting lead training; and our staff working along the road can be exposed to lead from fuel in the past; it's concerning about training.

Linda: In the General Industry rule, the training starts with Appendix A and B, it jumps straight into lead training. But in the Construction rule, it starts with Haz Com, which outlines certain things that have to be covered; it's triggered without reaching the Action Level or PEL.

Bob Snyder: My concern is "on any day" wording. For example, work in a gravel pit varies daily. Same with working along different roadside locations; these are difficult to predict.

James CM: If you've done a ton of air sampling, with consistent low levels, there could be historical precedence to be exempt from the rigors of the rule—an applicable variance of sorts. This sort of historical evidence was used often when I worked in New York.

Bob Snyder: This is why I pushed for a Safe Harbor Table.

Linda: Please keep reviewing the language in this section. There's potential to keep the formatting of it and information presented.

At this point, we can make a decision if we want to look at the Construction rule; it's essentially the same. The one difference is that training requirements are already laid out this way in the Construction rule.

I'd like to shift the discussion to what California implemented. Yesterday, they voted on their Lead standard, which passed in a vote of 5-2.

We can review their information, such as hearing comments and supporting documentation. As a summary document, I got a PPT presentation that reviews their lead rulemaking process and how decisions were made.

Shared on screen: PPT from Cal-OSHA

So, they decreased their PEL. And return to work is 15 mg/decileter.

We don't necessarily have to adopt these same things, but should consider what they're doing. One of the issues with a lot of discussion was modeling – they were using Physiologically-Based Pharmacokinetic (PBPK) modeling, showing routes based on the exposure.

Bob Snyder: Do you think Federal OSHA will follow what Cal did?

Linda: I can't say for sure. They may feel pressure to act. There's good evidence of health effects at lower levels, which may be a motivator.

Back to California, the California Office of Environmental Health Hazard Assessment (OEHHA) reevaluated exposures to a wide range of lead particle sizes. They looked at data from public health. Due to feasibility concerns, their proposed PEL became 10.

Much of their discussion was about levels. The Leggett Model is accurate; it simulates the relationship between blood lead and exposure in the workplace. The adjusted adult systemic model describes the metabolism of the absorbed lead. They also compared a Department of Defense model for airborne/BLL that backs up findings of OEHHA.

We need to do our due diligence and look at their findings; they made a number of changes. They provided 2 flowcharts to follow the contents of their rule, which are complex to get into right now, but I can summarize their important points.

Participants in this meeting are welcome to look at Cal's rulemaking and its process further (as homework!) and we can discuss it next time.

As for Washington's lead rulemaking, they're on pause.

Since California's just passed yesterday, we're still digesting it.

Bob, you'd brought up lead in soil in our prior meeting. I'm still looking into this.

Dave: It bears repeating, that just because California changed their rule, doesn't mean we'll copy it, but can look through it and see if there are parts we want to 'steal.'

Steve: BCI just released some pertinent information to the CAL-OSHA lead rule
<https://www.dir.ca.gov/OSHSB/Lead.html>

Linda: Please share any agenda items with me before the next meeting.
Thank you all for your commitment to this process.

Meeting adjourned at 10:26am. Next Zoom meeting: Friday, March 15, 9-11am