



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

Attendees:

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| Linda Pressnell, Oregon OSHA | Ryan Barker, Oregon Health Authority | Chris Zimmer, Oregon OSHA |
| Brian Hauck, Oregon OSHA | Julie Love, Oregon OSHA | Dave Dreher, Oregon Health Authority |
| Dr. Nicholas Reul, Washington Department of Labor and Industries | Angie Marsh, Oregon OSHA | Chris James, Oregon OSHA |
| Dave McLaughlin, Oregon OSHA | Lisa Appel, Oregon OSHA | Tim Icalia, ODOT |
| Dale Krupinski, On Target Safety Academy | Ted Bunch, Oregon OSHA | Steve Eversmeyer, NW Natural |
| | Steve Patterson, Clarios | Jennifer Stewart, Oregon OSHA |
| | Robert Snyder, ODOT | |

Linda Pressnell started the meeting at 9:05am.

Linda: New Business

-Potential Schedule: We have an initial schedule for proposing. We're using material and language from these meetings. The timeframe right now is to have this monthly meeting again in May, and propose rulemaking in late June.

Lisa Appel (OR OSHA Rules Coordinator): Right now, the tentative timeline is to propose the Lead rules by the end of June. The open comment period would be the month of July. We'd hold hearings for verbal comments in late July, which is standard. Oregon OSHA would compile written and verbal comments, and may then choose to formally adopt the rule. The estimate is to adopt this September.

Linda: **-Possible rule adoption as OAR:** We'd insert the modified language as an OAR instead of keeping the CFR. It's mostly an administrative issue for our organization.

We'll send this group materials to review and comment on, probably before our next meeting. Watch for those forms.

Discussion of non-substantive changes

Shared on screen: Chart with columns: Standard, Current, Proposed, Comment/rationale for change

-**The general industry rule**, 29 CFR 1910.1025, which came out in about 1980, uses:

-ug/100g and we're proposing matching the Construction rule and common usage that uses ug/dL. Oregon Health Authority was consulted, and they use ug/dL – so while we have the rule cracked open, we're proposing this change.

Lisa: Is this to align the measurement units between the two divisions?

Linda: Yes, that's correct; it's what's used throughout the rule.

Iso in this rule, it uses PbB and the current terminology is BLL – Blood Lead Level.

Steve: I support BLL as that is what our industry is familiar with.

Brian H.: Sounds like a simple change.

-Statements in the rule include: "During the first year..." and "Implementation date..." which we'd like to remove. Clearly these dates have passed--close to 20 years ago. The historical documents would still have that information. Going forward, we thought it best to remove those statements. Comments/Questions? {None}

-Also in this rule are notes regarding rulemaking, Subdivision 2Z. We'd like to remove for clarity, as these are historical notes.

Lisa: Oregon OSHA has historical notes for stakeholders, so we may want to leave these in the codebook.

Linda: I think right now it's embedded at the end of the rule. If we don't need to keep it there, let's cut it.

Lisa: Let's review it; it's not filed language.

Dave: The rule is more for showing current actions and decisions. There's the decision document to make these sort of notations, and explanations and rationale.

Lisa: Historical notes inform stakeholders; it's just a codebook convention. It's not rule language.

Robert Snyder: I vote to keep this as is then.

Chris James: We would still be able to access information from the past.

Dave: There will still be a record of how we got to this point; we don't delete any information.

Linda: Let's look at this offline.

-Next is minor corrections in 29 CFR

The numbering on this was not correct. It reads (e)(6) when it should be (e)(5). This needs to be corrected, as per Federal OSHA.

Internally we asked if this should be part of Minor Corrections rulemaking or updating Lead rules, and ideally we would address this now as we work on the Lead rules.

Jennifer: Right now, our Minor Corrections are really fixing spelling and grammar. Our expectation is that we'll propose those changes by the end of May, so we don't want to revert back.

Lisa: Technically, 1910.1025 will be repealed. We need to make sure that the rule language in the OAR contains this correction.

-Now we'll look at an issue from last time.

In General Industry and Construction Rules, the current is: Removal from Work is 60 ug/dL, 50 ug/dL

We're proposing: Removal from Work at 30 ug/dL (1x) or 20 ug/dL (2x) for both General Industry and Construction

The outstanding questions we have: Are these BLLs achievable? Sustainable? A physician has been consulted to provide the rationale for making those changes.

As a side note, at this point, our language has the same levels that Michigan and California changed in their rules. Questions? {None}

-Next: ZPP Test

Current says: Biological monitoring requires ZPP Test

We're proposing: Remove requirements for ZPP Test

The current language does not specify details for this testing. Michigan removed this.

Per Oregon Health Authority, investigative guidelines for lead exposure:

Several tests have been found to be insensitive and /or imprecise as screening tests for lead and are not recommended. These include: Erythrocyte protoporphyrin measured as either free erythrocyte protoporphyrin or zinc protoporphyrin; Basophilic stippling; urine testing; and assays of hair or fingernail lead levels.

Steve P.: I support removing it.

Jennifer: Thanks; and note that all input from stakeholders in these meetings will be included in our decision document.

Linda:

-Next is Current: Requirement in (iii) based on exposure to lead above the PEL.

Proposed: (i)(2) Ensure employees have access to handwashing facilities in work areas where employees may come into contact with lead.

We find “contact” as a better word than “exposed.”

Brian H.: I agree with this change, the word “exposure” may be misconstrued to mean PEL overexposure.

Linda: Yes, we know lead persists in the environment and we have the possibility of incidental exposure. This is a way to fill in a gap to make sure employees have access to--and the opportunity to--wash their hands. Questions/comments?

Steve P.: Is there a percentage of lead?

Linda: No.

Dale: Would field lead hand decontamination wipes meet this requirement?

Linda: Good question. In the current proposal for handwashing, the way the language appears, I'd say no. But I'd like to discuss this.

Brian H.: We've been having a lot of discussion with pesticides and the Worker Protection Standard. The consensus is that wipes spread the exposure. We're aiming for only handwashing.

Dave M.: Washing with soap and water is the gold standard. With the wipes, you'd have to demonstrate that they are an equivalent.

Brian H.: Linda, are we suggesting that we define handwashing as only soap and water?

Dave: Oregon OSHA already specifies this.

Linda: On the next slide, I propose:

“Hand washing facilities must meet requirements in OAR 437-002-0141(5) Washing Facilities, in Division 2/j.”

This points us back there. Consider this to specify beyond the current “hand hygiene.”

We could consider listing 29 CFR 1910.141(d)(2) Lavatories.

Robert: I would not want to encourage workers to drive to another site, contaminated, to better facilities. This could spread lead. There needs to be provisions. Can there be a tank of water onsite that flows? Cost comes into play for employers as well.

This is specific to mobile sites, doing fieldwork. General Industry rules can apply there.

Chris J.: I agree that there's potential contamination.

Linda: Right, lead in vehicles is a concern. Accumulation is an issue. I agree with removing that language.

Chris J.: Maybe we need a definition of handwashing facilities just pertaining to this rule. I'm often clarifying definitions with employers.

Linda: We want the employee to effectively remove the lead. But I understand that in some cases, there will be expected increased cost to do so.

We have the same concerns for agricultural workers and pesticides, as mentioned with WPS. We could look at standards for these similar kinds of hazards and how handwashing facilities are provided.

Chris: I'd be happy to share what's done to meet the requirement. It ranges from a drive-in, costly shower setup to a rented foot pump that generates warm water—it's plugged in—that's paired with soap and towels. So the feasibility is not that difficult. The challenges are that it stays there and that it is used by employees.

Linda: I have a couple pictures as examples. Shared on screen: Igloo 5-Gallon Hand Wash Station, cost is \$40. This is an insulated container with hot water placed in it at the beginning of the day, and they offer paper towels and soap with it. No pump or battery; it's just a portable, reusable container.

Brian: On the Igloo dispenser, I would want it to be a dedicated unit for hand cleaning because the spout could get contaminated with lead. And it would need cleaning afterwards.

Linda: Excellent point. With this, we may need language about keeping it sanitary. In Ag, we specify that drinking water must be separate from handwashing water to avoid cross-contamination.

Jennifer: In my past role, we had protocols for minimizing cross-contamination, including garbage specified for the paper towels, and drip buckets. Supervisors had to check these throughout the day.

Chris: If a shower facility is not feasible, then the code allows you to wash off your face as well, and remove PPE and wash arms, etc. There can be multiple usages. There's a whole host of examples.

Linda: Good point in particular about face washing. Clarity would be useful in instances where they may pull off a respirator and wash off.

Shared photo: PolyJohn Portable Handwashing Sink, heated, with soap and paper towel dispensers built in. Provides running water.

Robert: At what point does this used water become hazardous waste?

Linda: I don't know off the top of my head. I can look into this.

Chris: In big bridge jobs, there are separators for the used water. Disposal is required at certain water volumes; DEQ would be a good source for details.

Linda: Side note: We'd also want to remove the old reusable, rolling towel system. We should specify disposable towels, usually paper, that can then be hauled away.

We can talk to DEQ more about this.

Chris: Sounds good. Happy to help with finding potential lead environmental requirements.

Jennifer: My experience is in the wastewater realm. When I spoke with DEQ, they were more concerned with soap wastewater and the catch basin.

Linda: In a prior job, we required soldering employees to clean their work surfaces which our wipe samples found with accumulations. It turned out they were allowed to put those contaminated paper towels in the regular trash.

-Next on the agenda is Training.

We're proposing to replace current language with employee information and training from 1926.62—Construction, which is no change to obligation for employers. Basically, the Hazard Communication information would be presented first, then the training program.

Robert: Some of the lead training videos are from the 1970s...providing the current (new) training itself may be a challenge.

We look at what drives injuries in my industry; I may not spend 2 hours training about lead; this could back us into a corner, training-wise.

Linda: Let's look at the intent of the rule. We're trying to capture instances where employees aren't trained annually to recognize exposure.

For example, I've seen employees putting lead weights into a part, and when we sampled, we detected lead on employees' hands and on the ground. These people were not covered in Haz Com and definitely not under annual training requirements. They also took breaks at a table nearby, furthering lead exposure. My perception is that there's a weak spot like this that is a priority to address.

Robert, I am noting that we're looking for more clarification about when this applies. We don't want this requirement too broad.

This is really more similar to training elements that fall under Haz Com.

Chris J.: It's important to keep the language to "at least annually."

Steve E.: Then let's say every 12 months.

Robert: My agency aims to do core training in Spring and Fall, so specifying by months would work.

Linda: To clarify, there's a question about where to include the training language. It could be awareness-level training, or another way would potentially increase the numbers required in the annual training requirement.

Robert: I agree with annual, but I would like to see flexibility in this. Maybe a 9-month separation between trainings but within the year.

In the real world, training is sometimes 13 months. For ODOT, part of it is: When are they going to be exposed, because of project dates? Annual training needs some flexibility. For a radiator shop or another place where there's continual exposure, it's one thing, but intermittent lead exposure work is different. It's kind of like wildfire smoke; training before you're exposed.

Linda: You've made good points. I will take this to Dave McLaughlin as it pertains to federal requirements.

Robert: I realize that becomes an issue with enforcement.

-Last agenda item: discussion of potential financial impact (filing forms)

Shared on screen: Potential Economic Impacts from proposed changes:

- Reduce BLL for removal from work and return to work
- Removal of ZPP testing
- Hand hygiene
- Training

Dale: So, no updates to the AL or PEL?

Linda: We did have discussion about this, and looked at Federal OSHA and other states, and found a range. California adopted their rule with reduced PEL. Michigan reduced BLL. Federal OSHA has not released any information about changing these.

{No further comments or questions}

Linda: More participants are welcome to join these meetings, particularly as we review proposed language. Contact me for invites.

Meeting adjourned at 10:54am. Next Zoom meeting: Friday, May 17, 9-11am