



Lead Rule Advisory Group Meeting Minutes Friday, June 21, 2024, 9-11am, Zoom

Attendees:

Linda Pressnell, Oregon OSHA	Ryan Barker, Oregon Health Authority	Jennifer Ekdahl, Oregon OSHA
Jennifer Stewart, Oregon OSHA	Steve Patterson, Clarios Rob Roloson, AGC	Steve Eversmeyer, NW Natural
Dave McLaughlin, Oregon OSHA	Lisa Appel, Oregon OSHA	Ted Bunch, Oregon OSHA Steve Fisher, City of Portland
Sarah Rew Oregon OSHA Tim Icalia, ODOT	Joe Robertson, Lumen	Chris James, Oregon OSHA

Linda Pressnell started the meeting at 9:05am..

New Business: No new business

Old Business

Rulemaking issues:

- Notice of proposed rulemaking – July
- Public hearings
- May be more than 6 months (not fed OSHA initiated rulemaking)
- Other rulemaking (HazCom, Minor Corrections, ALH)

This meeting is potentially last rule making before rule proposal. This will be the last meeting to take comments for inclusion in proposal. We may have a July meeting but it would will be a review of the proposal documents and not a meeting for new concepts.

Linda reviewed with RAG members the Oregon OSHA rulemaking process following proposal. She additionally clarified the timeline requirements for an Oregon initiated rule making vs a federally initiated rulemaking process.

Oregon OSHA has several rule updates currently in the rulemaking process.

Hazard communication rulemaking was initiated by federal OSHA on May 20. This will need to be addressed in Oregon within 6 months. Minor corrections rulemaking is in public comment period. Ag labor housing is in development. Additional federal OSHA rules are in discussion the Oregon OSHA would need to address.

All this activity impacts the lead proposal timeline and that is why our goal is July.

Continue discussion of proposed language for BLL, hygiene, training, removal of ZPP testing requirements

Blood Lead levels - Oregon OSHA shared federal register with information regarding possible changes to lead. Advanced notice of federal OSHA rule making level ranges for work removal and return to work were reviewed. California and Michigan updated state rules were reviewed. Oregon OSHA requirement meet the federal information and are is between the two states that have updated their requirement. The federal register includes an ACOEM table for health effects with blood lead levels. Federal OSHA has posted comments from groups regarding potential changes. RAG members are encouraged to review them.

RAG feedback: NONE

Hygiene – Oregon OSHA is reviewing changing language related to the requirements for hand hygiene and training with this rulemaking. Oregon OSHA reviewed previous draft language and comments regarding possible employee exposure. RAG Linda reviewed two options for rule language and opened discussion and comments from members.

RAG feedback included:

- Members expressed a preference for the alternative language in the shared document because of the clarity of exposure.
- Members asked for clarification when a work environment must have hand washing stations?
- Members asked about potable water a requirements. Potable water is included in other standards not lead.

Members requested additional clarity regarding the requirement to have running water in the field. They requested Oregon OSHA to add clarity when there is no access to running water. Members requested Oregon OSHA review options for cleansing wipes, decontamination wipes (Consider NIOSH's basis for the Hygenall wipes:

https://www.researchgate.net/publication/239522749_Handwipe_Method_for_Removing_Lead_from_Skin) and test with swabs for exposure.

Members requested Oregon OSHA require employees wash prior to entry into a vehicle (work/private) when running water is not available at the work location.

- Members requested additional clarity regarding requirements for small/individual crews.
- Members requested information about variances, MOU's and variances that have been applied in other locations with the same environment/exposure.
- Members asked if lead neutralizing soap a requirement
- Members asked about the inclusion of nonmandatory appendix sections.

Oregon OSHA response included:

- The intent with this rulemaking is to broaden the current requirements and audience that would have access to handwashing facilities and training. The current rule covers inhalation. Oregon OSHA will review options for methods of compliance, add consideration for small crews and explore options for when running water is not feasible.
- Effectiveness of lead wipes is not consistent. The intent with the hand washing is to remove the lead. Wipes may not inactivate lead. When hand washing is not possible, Oregon OSHA will explore options for wipes or other methods of compliance.
- Oregon OSHA reviewed the requirements for meeting or exceeding the rule requirements in another method to be eligible for a variance. Oregon OSHA reviewed the process for variances. MOU/letters of agreements are generally not used in these situations.
- Oregon OSHA will review rule requirements of emergency/unexpected exposure to lead
- Oregon OSHA at this time does not intent to include specific information in the rule regarding soap and cleanser. We can include it in supplemental material. This method is easier to update and focus information for specific groups.
- Oregon OSHA will move forward with the alternate language for general industry and construction rule

Training - The intent is to broaden the requirement for training. Oregon OSHA will modify training language to match the hygiene alternate language.

RAG Feedback: None

Financial impact - Oregon OSHA shared DOL wage information. Oregon may be slightly different than the federal information shared. Oregon information will be submitted with proposal. Oregon OSHA will add in a percentage to account for range.

Sample expenses were share for one-time expenses for equipment, employee wages, equipment maintenance, training time (employee and trainer), BLL testing, and ZPP testing.

Oregon OSHA requests any additional financial impacts from possible changes.

RAG Feedback: None

Opened to RAG for additional comment or questions.

RAG Feedback: No further comments or questions.

Linda thank all of the members of RAG for their comments, feedback and conversations in a professional and productive manner.

Meeting adjourned at 10:32am. Next Zoom meeting: TBA