Manganese Advisory Committee
Meeting Minutes
July 22, 2019

Location: Oregon OSHA Portland Metro (Tigard) Field Office

Meeting Started: 10:00 AM

Present:

Samantha Bayer (Oregon Farm Bureau)
Braden Bicknell (Honeywell)
Joe Bray (Harder Mech)
Heather Case (Oregon OSHA)
Andy Collins (REFA/Fought)
Etoc Connelly (SAIF)
Holly Dixon (OHA)
Betsy Earls (Weyerhaeuser)
Steve Eyersmeyer (NW Natural)
Gina Facca (Vigor Industrial)
David Harvey (Greenbrier-Gunderson)
Jeff Jackson (Oregon OSHA)
David Johnson (SAIF)
Matt Kaiser (Oregon OSHA)
Kathleen Kincade (Oregon OSHA)
Sue MacMillan (DEQ)
Dave McLaughlin (Oregon OSHA)
Les Nelson (ESAB)
Larisa Palmentere (Bullseye Glass Co)
Jeff Powell (Gunderson)
Kevin Rohrer (Gunderson)
Alden Strealy (Portland General Electric)
Matt Svaglic (Gunderson)
Eileen Tanner (Covanta)

By Teleconference:
Jenny Dresler (OMIC)
Jeff Green (Oregon OSHA)

Welcome and Introductions
Group members present and on teleconference introduced themselves.

Discussion of Draft Rule Changes:
Part 1- Permissible Exposure Limit (PEL) change -- The group discussed the draft PEL number change from the current "ceiling limit" of 5mg/m^3 to an 8-hour time-weighted average of 0.1 mg/m^3. The ACGIH Threshold Limit Value guideline and the current status of California OSHA's (Cal/OSHA) possible rule changes were discussed. (Cal/OSHA is still in the discussion stages for modifications of their PEL; Washington Division of Occupational Safety and Health's (DOSH) PEL is still consistent with Oregon's and federal OSHA's current ceiling limit of 5 mg/m^3.)

It was noted that the draft number was close to the 0.09 mg/m3 for Mn is an environmental level recommended by Cleaner Air Oregon and could fall within the same framework for justification.

Jeff Jackson explained that in toxicology studies we had previously reviewed, the risk factors dropped between 0.09 and 0.1, and that the technical feasibility of engineering exposure levels down to the ACGIH's recommended level of 0.02 is significantly more difficult.

One member asked whether the limit specified the inhalable versus the respirable fraction exposures. Jeff Jackson clarified that the PEL is a measure of total particulate and does not specify particle size primarily because of the type of sampling equipment that would be required. Oregon OSHA plans to maintain the current sampling protocols for welding exposures.

Kathleen reminded the group that this is the initial draft, and that there will be opportunities after today's meeting to discuss and provide comments.

Part 2 – Manganese/ welding-related (draft) Oregon Administrative Rule (OAR) changes -- Kathleen led the group into a discussion of the rest of the draft rule changes from Division 2/Q, explaining that Oregon OSHA was taking the opportunity to update and clarify the OARs associated with 1910.252.

Kathleen provided a draft document showing the affected OARs from subdivision 2/Q as well as a side-by-side comparison of the current rules and the draft rules. Copies of 1910.252 were also provided; however, no changes were planned for federal OSHA's rules. She also reminded the group we need their input to provide information about the potential fiscal impact of any actual rule changes. The group noted that the fiscal impact would likely vary greatly depending on the type of environment in which welding takes place. For example, confined space or shop welding vs. open-air, outside work.

Like all state agencies in Oregon, OSHA has an obligation to write rules in plain language. (Examples include using the word "must" instead of the word "shall", using active rather than passive verbs, and using language that clarifies what is expected for compliance.)

OAR 437-002-0288 Additional General Health Protection -- The draft adds language to reinforce the use of the "hierarchy of controls." It also broadened the application of the rules from "welding...on materials" to welding "on or with materials".
A discussion of the feasibility of using engineering as a first, preferred type of control followed along with the suggestion that some clarifying language about determining feasibility be added.

A 'feasibility worksheet' for employers was discussed that could provide guidance about how to evaluate certain types of engineering controls for feasibility. Representatives from Oregon OSHA noted that a feasibility analysis could be added to employer's job hazard analysis. (This worksheet may work best when placed in a technical guidance document rather than in the rule.) The group also discussed the idea of cost feasibility vs. physical feasibility. Some pointed out that Oregon OSHA already specifies engineering controls in other parts of these rules, for example the minimum rates for ventilation in various settings.

The new draft Table OR Q-1 provides more guidance about minimum protective methods, cross-references air contaminants with substance-specific rules (where available) and emphasizes the protective measures required in 1910.252. It also specifically states that the Respiratory Protection Standard applies to any required use of respirators.

Two new draft OARs –

A new draft ***OAR 437-002-XXXX Additional Confined Space requirements*** clarifies the requirements for employee protections when the hazards associated with the confined space ONLY have to do with the welding process and (therefore) stays under the 2/Q rules. [NOTE: When there are other hazards from the confined space, then the employer must follow the Permit Required Confined Space rules (437-002-0146).]

Kathleen noted that these new requirements came from suggestions from this advisory committee's confined space focus group and includes a provision for forced air ventilation,

continuous air quality monitoring, and for ensuring that workers leave the space when safety conditions change. The draft rules – unlike the current rules for welding in confined spaces -- includes a documentation requirement.

The group discussed the effectiveness of requiring a certain proximity of forced air to the welder in the space and the use of different ventilation methods. It was noted that a comparison of these requirements and the language used in Federal OSHA's 1915/ Maritime standards could be useful in this rule.

A new draft ***OAR 437-002-XXXY Manganese*** rule includes a Table OR Q-2, that can be "relied upon" (it would be voluntary) and provides a range of exposure time based on typical welding activities. If an employer chose to use it for the specified activities and within the specified time ranges, the employer could provide the employee with respiratory protection at the minimum assigned protective factor (APF) noted in the Table, and would not be required to sample or monitor the exposure level to Manganese. [This table was created from over 4,000 samples from enforcement data OSHA inspections in both Oregon and Washington. If the guidelines in this table are followed, it is anticipated that the protection provided to the employee from manganese exposure would be below 0.02 mg/m^3 – about 20% of the draft proposed exposure limit of 0.1 mg/m^3.]

The group discussed the validity of different types of data, including vendor data and enforcement/sampling data and the pros and cons of each.

A discussion followed of the merits of mandatory vs. voluntary compliance with the table. Because the table would provide protection beyond the new PEL, members of the group pointed out that it would be holding the employer to a higher standard. Concerning the time ranges provided for each task, Oregon OSHA staff clarified that it is the entire "welding task", which includes time that is not strictly "arc time."

OAR 437-002-0286 Flammable and Toxic Preservative Coatings -- One draft change combined two similar rules "*T*oxic preservative coatings" and "Preservative coatings" into one rule. OAR 437-002-0286 would be renamed and 437-002-0287 would be repealed. As part of this change, the group suggested keeping the more specific guidance on the distance for stripping coatings (4 inches) instead of changing it to the vaguer "a sufficient distance"; and clarifying the word "toxic" because some substances - like "weld-able coatings" on common items should (possibly) be exempted.

OAR 437-002-0297 *Welding or Cutting Containers* – The draft clarifies the employer's responsibility by including new requirements for a "written work permit." OSHA staff reminded that a permit is not necessarily issued by an outside entity and that the competent person can be the person doing the work. (The current rule has no written permit requirement but uses the more ambiguous requirement to be "absolutely certain".)

The group discussed the pros and cons of using the word "checklist" or "written documentation" instead of "permit" and the interface of the issuance of a permit with the concept of the competent person. It was also noted that sometimes more than one employer (outside contractors or third parties) may be involved with this process, so some type of documentation about the cleaning process would be necessary. The group also suggested that Oregon OSHA

add a more specific documentation requirement to the permitting section, to clarify the details about employers maintaining documentation of their written work permit.

Also, about the words “appropriate testing equipment” in paragraph 2(c), appropriate would be based on what the container had been used for and what could be in the container.

Group members pointed out that the issuance of a written work permit for every job as well as keeping up the documentation for work permits would likely add a labor/ administrative cost burden. Others noted that a ‘hot work permit’ and a ‘written permit’ are different. Some said they are already maintaining the documentation. Others suggested adding the phrase “or equivalent documentation”.

OAR 437-002-0298 Supplied Air Respiratory Equipment -- Oregon OSHA’s draft suggests changing this rule to update the language used and current requirements for respirators of this type. It was also suggested that this rule could simply reference the requirements in the Respiratory Protection Standard -- 1910.134 – or to add “must be used in accordance with 1910.134.

Roundtable:

The group participated in a “roundtable discussion” giving everyone an opportunity to speak. Kathleen asked each member of the group to consider their thoughts on the draft language, and their suggestions for next steps. The following points were noted:

- Provide an electronic side-by-side document to all group members.
- Encourage continuous sampling.
- Be specific in all places where that is possible to provide clarity to employers.
- Add a non-mandatory appendix to help clarify feasibility and other issues.
- Check Federal OSHA’s 1915/ Maritime standard for ideas about rule language.
- Remember to be thinking about fiscal impact information and to please be ready to provide it either at subsequent meetings or, if requested, by email to Kathleen.
- Some in the group asked for another in-person meeting to evaluate changes incorporated in response to today’s suggestions and to focus on potential fiscal impact.

Recommendations/Next Steps:
Kathleen said she would let the group know about a potential next in-person meeting, probably arranged by doodle-poll, and continue to communicate by email.

Action Items:
Oregon OSHA will post the following on the Manganese PEL Advisory Committee Topic page:

- These minutes.
- Handouts that were made available at this meeting, including the side-by-side document.

Meeting Adjourned: 12:01PM
Next Meeting: To be determined.