

Permissible Exposure Limits Advisory Committee

Meeting Minutes

June 15, 2017

Location: Oregon OSHA PFO

Meeting started: 1:00 p.m.

Present:

Aaron Corvin (Oregon OSHA)

Alta Schafer (Oregon OSHA)

Alden Strealy

Bryon Snapp (Oregon OSHA)

Carol Gunn

Daniel Cain (Oregon OSHA)

David Johnson

Dede Montgomery

Heather Case (Oregon OSHA)

Jeff Jackson (Oregon OSHA)

Jeffrey Green (Oregon OSHA)

Kathleen Kincade (Oregon OSHA)

Michael Wood (Oregon OSHA)

Renee Stapleton (Oregon OSHA)

Russ Reasoner (Oregon OSHA)

Steve Eversmeyer

Susan MacMillan

Tasha Chapman (Oregon OSHA)

Wayne Boyle (Oregon OSHA)

Zandra Walton

Absent:

Cecil Tipton (Federal OSHA)

Dave McLaughlin (Oregon OSHA)

DeEtta Burrows

Fred Berman

Galen Blanton (Federal OSHA)

Matthew Stopher

Penny Wolf-McCormick (Oregon OSHA)

Trena VanDeHey (Oregon OSHA)

Welcome and introductions

The group introduced themselves.

Discussion

Previous Meetings: A summary of the work already completed by the advisory committee; including a recap of the previous three meeting held on Nov. 8th, Dec. 16th, and Dec. 29th, 2016 was presented. The summary included the purpose and goals of the advisory committee and the list of ranked candidates suggested by the advisory committee that was provided to Oregon OSHA for consideration at the conclusion of the Dec. 29th meeting.

List of Suggested Candidates / Status: A brief presentation was provided explaining Oregon OSHA's response to the list of ranked candidates, including Oregon OSHA's selection of both Lead and Manganese as the first two candidates to begin the rule making process for PEL reduction.

- The Lead rulemaking process has been assigned to Dave McLaughlin (Oregon OSHA, Technical Specialist). Oregon OSHA is closely watching both California and Washington as both are in the process of crafting specific Lead rules. It is unclear at this time what a revised Lead rule in Oregon would look like. Those that are interested in participating on the Lead Advisory Committee should contact Dave McLaughlin.
- The Manganese rulemaking process is anticipated to be fairly straight forward revision to the air contaminates rule. This rulemaking been assigned to Kathleen Kincade (Oregon OSHA, Technical Specialist). Those that are interested in participating on the Manganese Advisory Committee should contact Kathleen Kincade.

It was explained that due to rule making already in progress, Oregon OSHA will move forward with additional candidates as soon as feasible. Questions were asked and a response was provided about Oregon OSHA's rule making process and how much time it takes to adopt a rule from a concept to completion (best cast: 6 months, realistic: 1 - 2 years based on several variables). Oregon OSHA still intends to amend the PELs of approximately 4 to 6 of the ranked candidates provided by the advisory committee.

Un-suggested candidates: The group engaged in a discussion about Trichloroethylene (TCE). TCE was briefly discussed during the informal brainstorming discussion at the end of the Nov 8th advisory committee meeting. During the Nov 8th discussion, the advisory group members that participated in the discussion agreed that the PEL for TCE was most likely too high to protect employee health; however, TCE was discarded from further consideration because it did not meet all of the criteria for the homework assignment (not a critical mass of employees exposed). During the June 15th meeting, Mr. Wood asked the group if TCE should be reconsidered. The advisory committee was a split on whether TCE should be added to the list of candidates for consideration by Oregon OSHA for a PEL reduction. Many of the members felt like the current regulatory and social scrutiny on the small number of employers in Oregon that use TCE would drive the employers to lower TCE exposure voluntarily. Mr. Wood said that Oregon OSHA will consider adding TCE to the list of candidate for PEL reduction even though it does not meet all of the parameters for the original homework assignment. The group felt like specifically adding TCE at this time would not provide the best return for the efforts needed to change the PEL. The group was then asked if there were any other substances that were of great concern that should be added but did not meet the original homework parameters. No additional suggestions were voiced.

Noise: The discussion then moved on to Noise exposures. There was a wide acceptance in the advisory group that Noise should be considered by Oregon OSHA for revision. There was a discussion about the following options to address Noise:

- no action,

- amending the dBA doubling rate from 5dB to 3dB,
- amending the PEL,
- amending the action level, and
- establishing a Local Emphasis Program for Noise.

Mr. Wood told the Advisory Committee that he would get back to the group in a couple weeks about what Oregon OSHA would consider for Noise. Subsequent to the meeting, Oregon OSHA has decided to move forward with the development of an emphasis program for noise, at least in the construction industry.

Silica: Oregon OSHA intends to keep its existing Silica rule for general industry and construction regardless of what may occur at the federal level.

Messaging to Employers: A group discussion was held about how Oregon OSHA could best respond when either an Oregon OSHA consultation or enforcement visit finds a specific substance under the established PEL but above either NIOSH's REL or ACGIH's TLV level. A comment was made that Oregon OSHA's enforcement section could issue a Hazard Letter to employers that have exposures above either the REL or TLV but below the rule's PEL. Suggestions from members of the advisory committee were provided about how to prioritize the language sent to both employers and employees. It was suggested that the messaging needs to stress first that a hazard to the employee may still exist, then follow up with a statement informing the employer that for purposes of the PEL, a rule violation does not exist. Additionally, it was suggested that the information that Oregon OSHA's consultation and enforcement sections provide to employers and employees should be consistent. Members of the advisory committee said that they would be willing to provide Oregon OSHA with example language for specific substances. Representatives on the advisory committee from the workers compensation insurance industry suggested that Oregon OSHA notify them of the testing results so they could work more closely with the employer.

Michael Wood then concluded the meeting by thanking everyone for their efforts with this project. At that point in time, Oregon OSHA does not anticipate additional meetings of this advisory committee.

Meeting adjourned: 3:40 p.m.

Next meeting: None