

Update on Cal/OSHA PEL Process
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- History of Cal/OSHA PEL updates**
- Current PEL AC Process**
- 2008 meetings and substances under review**
- Next steps**

Cal/OSHA Program Structure

Within the Department of Industrial Relations (DIR):

- Division of Occupational Safety & Health (DOSH)
- Cal/OSHA Standards Board
- Cal/OSHA Appeals Board

DOSH Health Standards Role

Labor Code 144.6. Criteria considered in adoption of standards concerning toxic materials or harmful physical agents

.....the board shall adopt that standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life..

....In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the reasonableness of the standards, and experience gained under this and other health and safety laws.

Labor Code 147.1 Health Standards Functions of the Division of Occupational Safety and Health

- Analyze new Federal OSHA standards
- Maintain liaison with OSHA and NIOSH
- Evaluate the need for new standards
- Evaluate health-related variances

PELs – Federal OSHA

- 1970 OSHA adopts 1968 TLVs into 29 CFR 1910.1000
- 1989 OSHA publishes revisions for approximately 376 substances, mostly adopting TLVs
- 1992 1989 rulemaking overturned by 11th Circuit Court in response to legal action of both employers and organized labor
- OSHA comprehensive standards with PELs since 1989:
 - Cadmium 1992
 - Methylene dianiline 1992
 - Formaldehyde (1992)
 - Lead in construction 1993
 - Asbestos 1994
 - 1,3-Butadiene 1996
 - Methylene chloride 1998
 - Hexavalent chromium 2006

Cal/OSHA Permissible Exposure Limits (8 CCR 5155)

- Standards Board (with staff work by DOSH) has periodically updated PELs in section 5155 in groups of substances since the early 1980s
- Nationally recognized standards such as ACGIH TLVs and NIOSH RELs have generally been used as the starting point for consideration, but they are independently evaluated and not automatically adopted as PELs
- Have used an expert advisory committee to assist with development of recommendations for proposal to the Cal/OSHA Standards Board

DOSH PEL Advisory Committee

PEL Advisory Committee:

- Expert volunteers
- Meetings four to six times per year coordinated by DOSH
- Members expected to serve as independent experts, not stakeholders
- Disciplines: toxicology, epidemiology, industrial hygiene, occupational medicine, health risk assessment

Paper published by last PEL Advisory Committee describes the technical review process used most recently: Intl Journal of Occupational and Environmental Health Vol 12 (3) July-Sept 2006 pg 242 Link at: <http://www.ijoh.com/>

Cal/OSHA PELs from last AC process

Effective November 3, 2004

acrolein, allyl alcohol, butyl acrylate, diethyl ketone, di-sec-octyl phthalate, ethyl buty ketone, ethyl cyanoacrylate, ethyl tert-butyl ether, flour dust, maleic anhydride, molybdenum (insoluble compounds), pentane, pentyl acetate

Effective July 6, 2006

acetone, beryllium, bis (dimethylaminoethyl) ether, 2-butoxyethanol, coal tar pitch volatiles, crotonaldehyde, epichlorohydrin, glutaraldehyde (also added footnote), hexachlorobenzene, n-hexane, 1-hexene, methyl bromide, methyl 2-cyanoacrylate, methyl methacrylate, molybdenum (soluble compounds), propylene oxide, 1,3,5-triglycidyl-s-triazinetrione, vinylidene fluoride

To be proposed in 2009

allyl glycidyl ether, 1-bromopropane, coal (bituminous) dust, cyclonite, p-dioxane, glyoxal, methyl n-butyl ketone, methyl vinyl ketone, nickel, refractory ceramic fiber, vinyl bromide, vinyl fluoride

* Substance new to the PEL list

Current PEL Development Process

- Public advisory meetings started in 2005 to develop new PEL development process - addresses concerns about transparency and ease of access of interested parties to the process.
- The current process incorporates earlier and more detailed notice to interested parties as well as provision for separate treatment for particularly controversial substances. See PEL link for Process procedures, List of substances, Meeting minutes, Substance summary/recommendations and Notices of future meetings at:
www.dir.ca.gov/dosh/DoshReg/advisory_committee.html

PEL Development Process Document

- Initial meeting for prioritization of substances
- Health Expert Advisory Committee (HEAC) to develop health based recommendation
- Follow-on Feasibility Advisory Committee (FAC) to take comments on technical feasibility and cost impacts
- Substance-specific advisory meetings if needed for substances of heightened interest or complexity

2008 PEL AC Summary

- 5 HEAC meetings held
- List of substances updated
- 9 Substances discussed:
carbon disulfide, dichloroacetic acid,
dichlorobenzene, hydrogen chloride, hydrogen
fluoride, n-Methyl-2-pyrrolidone, naphthalene,
sulfuric acid, toluene, trichloroethylene

2009 PEL AC Next Steps

- 4 HEAC meetings to be scheduled
- FAC to be formed and scheduled for HEAC recommendations
- 1/09 meeting on adding SEN footnote
- 5155 rulemaking to be scheduled for 12 substances left over from last AC process

Resources for Keeping Up With Cal/OSHA Health Standards Activity

- **DOSH Health Advisory Committees website**

www.dir.ca.gov/dosh/DoshReg/advisory_committee.html

- **Standards Board website**

www.dir.ca.gov/OSHSB/oshsb.html

- Monthly meeting notices (45 days ahead)
- Monthly meeting agendas (10 days ahead)
- Approved regulations with archive of rulemakings

- **Office of Administrative Law website** for Title 8 and all other California regulations in effect www.oal.ca.gov