

Date: June 5, 2007

To: Office of Regulations, Department of Health Services (regulations@dhs.ca.gov)

From: California Industrial Hygiene Council

Subject: Comments on Proposed Rulemaking, Title 17 CCR (DPH-07-003)

NOTE: DHS requires that all comments, including fax and e-mail transmissions, must include the author's name and a mailing address for followup correspondence, and must have the identifier "DPH-07-003" in the subject line.

The California Industrial Hygiene Council (CIHC) respectfully submits the following comments regarding the proposed changes to Title 17 regulations regarding lead-based paint activities. Founded in 1990, CIHC represents the Industrial Hygiene profession in California and is affiliated with the American Industrial Hygiene Association (AIHA), a 12,000 member organization. Our board consists of Certified Industrial Hygienist (CIH) representatives from all of the California local sections of the American Industrial Hygiene Association. The local sections consist of Northern CA, Orange County, Sacramento, San Diego, and Southern CA. Our mission is to bring good science to the legislative and/or regulatory table which impacts the health of workers and the public.

The CIHC is concerned with both the 'science' behind the proposed changes as well as the potential impact to CIH's within California. Specifically, we offer the following comments:

1. Due to our education, training and experience, a CIH should be exempt from any of the specified lead certification training requirements, as the 3-day lead course for CIH's is no longer offered in the state. We recommend that an individual who can demonstrate that they are a CIH should be allowed to become lead-certified (in any or all of the regulated disciplines) by showing proof that they hold a current and valid CIH status with the American Board of Industrial Hygiene, successfully passing the state's examination(s), and paying the required fees.
2. In the interest of good science, we feel that the current and proposed applicability of the Title 17 regulations to "public and residential buildings" (with a broad interpretation of "public") ~~is~~ may be an unjustified expansion of the state's jurisdiction and makes a much wider assumption of jurisdiction than the Federal regulations (applicable to housing and child-occupied facilities). We are not aware of scientific evidence that documents an additional protection to young children from the applicability of the current or proposed regulations to non-child-occupied public-access and residential buildings (such as office buildings and retirement homes).
3. Regarding the requirement for direct supervision of the Sampling Technician, it is assumed that the intent is not to require the constant physical supervision by a Certified Lead Inspector and/or Project Monitor, but rather, that the supervisor may provide written guidance as to the location of samples to be taken and the

Sampling Technician may then work independently at the site. Please confirm our understanding of this provision.

Sincerely,

Joel M. Cohen, MPH, CIH, Board Member
California Industrial Hygiene Council

Contact Information:
The Cohen Group
3 Waters Park Drive, Suite 226
San Mateo, CA 94404
(650) 349-9737
jcohen@thecohengroup.com