

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

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**Cal/OSHA Research and Standards Health Unit Rulemaking Updates****July 27, 2020**

Adult Film. The Standards Board granted petition 576 to protect adult film workers from sexual assault and other forms of violence by ensuring workers consent to any sex acts and the contents of a scene before they occur. Cal/OSHA anticipates posting a draft proposal in 2020, taking comments on the draft, and refining the draft proposal. An advisory committee meeting will be held after this process is complete and once all meeting restrictions are lifted.

Antineoplastic Drugs. Labor Code section 144.8 requires the Occupational Safety and Health Standards Board (Standards Board) to adopt a regulation to protect employees exposed to antineoplastic drugs. Cal/OSHA held advisory committee meetings in June 2014 and October 2015. Cal/OSHA and Director's Office staff are researching the economic impact of the proposal, preparing documents for a proposed rulemaking package, and expect to be submit the proposal to the Standards Board staff in 2020. Advisory committee discussion drafts, supporting documentation, and meeting minutes are available at <http://www.dir.ca.gov/dosh/doshreg/Antineoplastic-Drugs/>.

First Aid Kit Contents. In response to Petition 519, an advisory committee meeting was held on June 29, 2011. The Labor and Workforce Development Agency recently approved the proposed rulemaking package. Formal rulemaking will begin in 2020. The advisory committee discussion draft, supporting documentation, and meeting minutes are available at <http://www.dir.ca.gov/dosh/doshreg/MedServFirstAid.html>.

Hazardous Substances and Processes.

California Labor Code section 6398.5 requires certain employers to make available to employees information regarding harmful chemicals in cleaning products. Cal/OSHA will conduct regular rulemaking with the assistance of the Standards Board staff to add the same requirement to title 8 section 5194.

California Labor Code section 6390.2 requires an entity that manufactures or imports cosmetics containing a hazardous substance or which is used as a disinfectant to create a safety data sheet (SDS) for that product and to post the SDS on its publicly available website. The statute also requires the entity to translate the SDS into Spanish, Vietnamese, Chinese, and Korean, and to make these translations publicly available on its website. Cal/OSHA will conduct regular rulemaking with the assistance of the Standards Board staff to add the same requirements to title 8 section 5194.

Indoor Heat. Labor Code section 6720 requires Cal/OSHA to propose an indoor heat regulation to the Standards Board. Cal/OSHA convened advisory committee meetings on February 28, 2017, in Oakland; May 25, 2017, in Ontario; and February 8, 2018, in Oakland. Cal/OSHA posted the most recent discussion draft on April 22, 2019. The Department of Finance requires a Standardized

Regulatory Impact Statement (SRIA) for this proposal. In February 2020, the contractor for DIR submitted the draft SRIA to the Department of Finance for their review and comments. In March 2020, the Department of Finance provided comments and further instructions for the DIR contractor. The contractor continues to work on finalizing the SRIA with assistance from Cal/OSHA in accordance with instructions from the Department of Finance. Discussion drafts, supporting documentation, advisory meeting minutes, and comments are available at <http://www.dir.ca.gov/dosh/doshreg/Heat-illness-prevention-indoors/>.

Lead in Construction and General Industry. Six advisory meetings were held from 2011 to 2015 to consider a proposal to update the lead standards for both general industry and construction, in response to recommendations from the California Department of Public Health to lower the (airborne) permissible exposure limit and the blood lead levels at which employers must take specific actions to protect exposed employees. Cal/OSHA submitted a Standardized Regulatory Impact Analysis to the Department of Finance in February 2019. Cal/OSHA submitted the draft rulemaking package to Standards Board staff in September 2019. Labor Code section 6717.5 requires Cal/OSHA to submit the lead proposal to the Standards Board and requires the Standards Board to a vote on the proposal before September 30, 2020. Advisory committee discussion drafts, supporting documentation and meeting minutes are available at <http://www.dir.ca.gov/dosh/doshreg/5198Meetings.htm>.

Marijuana (Recreational and Medical). As provided in Labor Code section 147.6, Cal/OSHA convened an advisory committee on January 31, 2018, which evaluated whether there was need to develop regulations specific to the marijuana industry. The advisory committee reviewed the following: exposure to second-hand marijuana smoke, combustion, inhalation of harmful substances, armed robberies, and repetitive strain injuries. On September 7, 2018, Cal/OSHA staff submitted a written report to the Standards Board on the findings and recommendations of the advisory committee. Cal/OSHA presented the findings and recommendations at the Standards Board meeting on September 20, 2018. Cal/OSHA will hold a future advisory committee meeting to consider a proposal to change title 8, section 5148, Prohibition of Smoking in the Workplace, to include smoking of non-tobacco products. Advisory committee meeting announcements, minutes, written report, and other documents are available at <https://www.dir.ca.gov/dosh/doshreg/marijuana/>.

Naturally Occurring Asbestos. The Standards Board granted Petition 568 in May 2018 and requested that Cal/OSHA hold advisory committee meetings to consider potential revision of title 8 safety orders to better protect employees on construction projects from exposure to naturally occurring asbestos in the soil. Cal/OSHA is in the process of planning the first advisory meeting for 2020. Documents pertaining to the petition are available at <https://www.dir.ca.gov/oshsb/petition-568.html>. Meeting announcements and documents will be available at <https://www.dir.ca.gov/dosh/doshreg/Natural-Asbestos-in-Construction/default.html>.

Outdoor Heat. Labor Code section 6721, effective January 1, 2019, renamed title 8 section 3395 to the “*Maria Isabel Vasquez Jimenez heat illness standard.*” The change was made to Title 8 on March 10, 2020.

Permissible Exposure Limits (PELs). The Health Effects Advisory Committee (HEAC) meets regularly to evaluate hazardous substances and recommend exposure limits based on health effects and feasibility. The May 5, 2020 HEAC meeting was postponed due to COVID-19. The next

meeting date has not been determined. At the next meeting, PEL updates for turpentine and sulfur dioxide, a new PEL for benzophenone, and new substances to be reviewed by HEAC in 2021 will be discussed. Advisory committee meeting agendas, supporting documentation, and meeting minutes are available at <http://www.dir.ca.gov/dosh/doshreg/5155Meetings.html>.

Activities related to previous HEAC meetings and reviews include the following:

- **Trichloroethylene:** At the request of the Standards Board, Cal/OSHA is compiling documents relied upon for the trichloroethylene ISOR. In addition, Cal/OSHA is tracking a National Academy of Science review of trichloroethylene risk assessment from the U.S. Department of Defense expected later this year.
- **Other substances:** Cal/OSHA is preparing rulemaking proposals for tetrabromoethane, n-propanol, cyclohexane, trimellitic anhydride, peracetic acid, 2-butoxyethyl acetate, 2-butoxyethanol, and hydrogen sulfide. The draft rulemaking packages for these substances will be sent to the Standards Board in 2020. The next substance to be addressed in rulemaking are manganese, methyl isobutyl ketone, peracetic acid, and aluminum.

Respirator fit testing. Federal OSHA added two new fit testing protocol variations to title 29 code of federal regulations section 1910.134. Cal/OSHA will conduct regular rulemaking with the assistance of the Standards Board staff to add the same requirement to title 8 section 5144.

Surgical Plume/Smoke. The Standards Board granted Petition 567 in February 2018 and requested that Cal/OSHA hold advisory committee meetings to consider developing a standard that addresses occupational hazards posed by surgical plume and smoke. Cal/OSHA held the first advisory meeting on November 8, 2018. Meeting documents, stakeholder comments, and the discussion draft are available at <https://www.dir.ca.gov/dosh/doshreg/Surgical-Plume-and-Smoke/>.

Valley Fever. California Labor Code section 6709 requires construction employers in counties where Valley Fever is highly endemic to provide effective awareness training on Valley Fever to all employees annually and before an employee begins work that is reasonably anticipated to cause dust disturbance. Cal/OSHA will conduct regular rulemaking with the assistance of the Standards Board staff to add the same requirements to title 8.

Wildfire Smoke Protection. The Standards Board granted Petition 573 on March 21, 2019 and requested that Cal/OSHA draft an emergency rulemaking proposal for the July Standards Board meeting. Cal/OSHA proposed and the Standards Board adopted an emergency regulation to protect workers from wildfire smoke, effective July 29, 2019. A public hearing for the normal rulemaking proposal was held by the Standards Board on May 21, 2020. Proposed modifications to the proposal in response to comments were posted on July 23, 2020 with additional comments due on August 12, 2020.

Workplace Violence in General Industry. The Standards Board granted Petition 542 in December 2014 and requested that Cal/OSHA hold advisory committee meetings to assist in developing a workplace violence prevention standard for general industry. On May 29, 2015, Cal/OSHA sent the Standards Board a report discussing how benefits and lessons learned from the workplace violence in healthcare rulemaking could benefit the rulemaking process for general industry. Cal/OSHA convened advisory committee meetings on January 12, 2017, and January 25, 2018. Cal/OSHA posted the most recent discussion draft for the proposal on October 24, 2018.

Cal/OSHA staff reviewed all comments and are preparing changes to the discussion draft. Advisory committee discussion drafts, supporting documentation, meeting minutes, and comments are available at <http://www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/>.