



## OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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### **PROPOSED PETITION DECISION OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD (PETITION FILE NO. 519)**

#### INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition on November 3, 2010, from Ricardo Beas (Petitioner). The Petitioner requests the Board to amend Title 8, California Code of Regulations, Section 3400(c) of the General Industry Safety Orders (GISO), concerning first aid materials.

Labor Code section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health, and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

#### SUMMARY

Section 3400(c) requires employers to provide adequate first aid materials, approved by the consulting physician, readily available for employees on every job. The Petitioner states that the existing standard is deficient in that it does not clearly spell out what first aid materials are required. The Petitioner notes that the consulting physician would have to be fully knowledgeable of the employer's operations and the many different circumstances under which injuries can result. He states that the amount and type of first aid materials necessary for each such situation can vary substantially, based on type of employer operations or size of workforce in any particular onsite or offsite location. The Petitioner proposes that Section 3400(c) be revised to allow employers to look at sources other than a physician to determine its particular needs for first aid materials. He suggests that these other sources should include: 1) the American National Standard Instituted (ANSI) standard Z308.1-1998, Minimum Requirements for Workplace First-aid Kits, which is referenced in the federal OSHA first aid standard, 29 CFR 1910.151; and 2) a table of first aid supplies, similar to the table in Title 8, Construction Safety Orders (CSO), Section 1512(c)(1). The Petitioner notes that Section 1512, Emergency Medical Services, allows employers to provide first aid materials that are either approved by the consulting physician or provide the first aid materials listed in the table included in the standard. He states that Section 3400 should be modified to be similar to the CSO requirements for first aid materials.

### DIVISION'S EVALUATION

The Division's evaluation report dated December 31, 2010, recommends that the Petition be granted to the extent that an advisory committee is convened to consider the Petitioner's request, and review and revise, as necessary, the table of minimum first aid supplies in Section 1512(c) of the CSO.

### STAFF'S EVALUATION

On November 3, 2006, the Division convened an advisory committee to consider the issues presented in Petitions No. 481, 482 and 483. Petition No. 483 sought to allow use of ANSI Z308.1 compliant first aid kits as an alternative to the approval of first aid kit contents by a consulting physician. While the committee did not reach agreement on this issue, employer representatives strongly supported the petitioner's proposal. The committee did agree that the table of first aid supplies in Section 1512 is outdated, but some participants felt that the correct expertise to review the table was not present at the meeting and that expanding the scope of the advisory committee to update the current table went beyond the petitioner's request to rely on the ANSI Z308.1 standard.

The Division's evaluation of Petition No. 519 notes that when the Board adopted amendments to Section 3400 at the July, 2009 Board Meeting, the Division agreed to revisit requirements for first aid supplies. The Petitioner's proposal has merit; however it is evident from past experience with similar petitions and advisory committees that dealt with similar proposals that stakeholders have differing opinions in regards to specifying the minimum contents of first aid kits, requiring the contents be approved by a physician, and including prescription and non-prescription medications in kits. Board staff concludes that the Petitioner's recommendation raises several technical, practical, and potential legal issues that should be considered by an advisory committee composed of employee and employer representatives from general industry and the construction industry as well as technical experts in such fields as occupational medicine and emergency medical services and first aid.

Board staff recommends that the petition be granted as set forth in the Conclusion and Order.

### CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition of Ricardo Beas, to make recommended changes to Section 3400(c) of the GISO, concerning first aid materials. The Board has also considered the recommendations of the Division and Board staff. For reasons stated in the preceding discussion, the Petition is hereby GRANTED to the extent that the Division is requested to convene a representative advisory committee (composed of employee and employer representatives from general industry and the construction industry as well as technical experts in such fields as occupational medicine and emergency medical services and first aid) for the purpose of addressing the issues presented in Petition No. 519 and reviewing and revising, as necessary, the required first aid supplies listed in Section 1512(c). The Petitioner should be extended an invitation to participate in the advisory committee.