

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PROPOSED MODIFICATIONS TO
CALIFORNIA CODE OF REGULATIONS
TITLE 8: Chapter 4, Subchapter 4, Article 3, Section 1527
of the Construction Safety Orders**

Washing Facilities at Construction Jobsites

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written comments on the above-named regulations in which further modifications are being considered as a result of public comments, oral comments and/or Board staff evaluation.

On February 21, 2002, the Standards Board held a Public Hearing to consider revisions to Title 8, Section 1527 of the Construction Safety Orders, California Code of Regulations. The Standards Board received written and oral comments on the proposed revisions. The regulations have been further modified as a result of the comments and Board consideration.

A copy of the full text of the regulation as originally proposed, and a copy of the modified text clearly indicating the further modifications, is attached for your information. In addition, a summary of all oral and written comments regarding the original proposal and staff responses is included.

Written comments on these modifications must be received by 5:00 p.m. on September 27, 2002 at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. These regulations will be scheduled for adoption at a future business meeting of the Standards Board.

The Standards Board's rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

Inquiries concerning the proposed changes may be directed to the Executive Officer, John D. MacLeod at (916) 274-5721.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Date: September 9, 2002

John D. MacLeod, Executive Officer

REGULATIONS AS ORIGINALLY PROPOSED

STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend Section 1527 to read:

§1527. Washing Facilities, Food Handling, and Temporary Sleeping Quarters.

(a)Washing Facilities.

(1) General. When Section 1526 requires toilet facilities at a construction jobsite, one washing facility shall be provided for each twenty employees or fraction thereof. Facilities provided to comply with this requirement shall at all times:

(A) Be located as close as reasonably feasible to the toilet facilities;

(B) Provide a flow of water sufficient for effective washing;

(C) Have a readily available supply of soap or other suitable cleansing agent;

(D) Have a readily available supply of single-use towels; and

(E) Be maintained in a clean and sanitary condition.

(2) Washing facilities for hazardous substances. Where employees are engaging in the application of paints, coatings, or in other operations involving substances which may be harmful to the employees, ~~cleansing~~ washing facilities shall be provided in near proximity of to the worksite and shall be so equipped as to enable employees to remove such substances. Facilities provided to comply with this requirement shall at all times:

(A) Provide hot and cold running water or tepid running water.

~~(B) Depending upon the problem, these facilities may be in the form of ordinary soap and water or in the form of~~ Have a readily available supply of soap, and where necessary to effect removal, special cleansing compounds designed specifically for removal of ~~the harmful material hazardous substances~~ from skin surfaces;:-

(C) Have a readily available supply of single use towels; and

(D) Be maintained in a clean and sanitary condition.

(3) Showers. When showering is required by the employer or these orders, the shower shall meet the requirements of Section 3366(f).

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

PROPOSED MODIFICATIONS
**(Modifications are indicated by bold and
double underline wording for new language
and double strikeout for deleted language.)**

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend Section 1527 to read:

§1527. Washing Facilities, Food Handling, and Temporary Sleeping Quarters.

(a) Washing Facilities.

(1) General. ~~When Section 1526 requires toilet facilities at a construction jobsite, Washing facilities shall be provided as follows: A minimum of one washing facility station shall be provided for each twenty ten employees or fraction thereof. Washing stations Facilities provided to comply with this requirement shall at all times:~~ **Washing facilities shall be provided as follows: A minimum of one washing facility station shall be provided for each twenty ten employees or fraction thereof. Washing stations Facilities provided to comply with this requirement shall at all times:**

(A) ~~Be located as close as reasonably feasible to the toilet facilities~~ **Be maintained in a clean and sanitary condition;**

(B) ~~Provide a flow~~ **Have an adequate supply** of water ~~sufficient~~ for effective washing;

(C) Have a readily available supply of soap or other suitable cleansing agent;

(D) Have a readily available supply of single-use towels **or a warm-air blower;** ~~and~~

(E) ~~Be maintained in a clean and sanitary condition~~ **Be located and arranged so that any time a toilet is used, the user can readily wash;** ~~and~~

(F) **When provided in association with a nonwater carriage toilet facility in accordance with Section 1526(c),**

1. **Provide a sign or equivalent method of notice indicating that the water is intended for washing; and**

2. **Be located outside of the toilet facility so that it is not attached to it.**

EXCEPTION to subsection (a)(1)(F)(2.): Where there are less than 5 employees, and only one toilet facility is provided, the required washing facility may be located inside of the toilet facility.

EXCEPTION to subsection (a)(1): Mobile crews having readily available transportation to a nearby toilet and washing facility.

(2) Washing facilities for hazardous substances. Where employees are engaging in the application of paints; or coatings, or in other operations involving substances which may be harmful to the employees, ~~cleansing~~ washing facilities shall be provided in near proximity ~~of~~ to the worksite and shall be so equipped as to enable employees to remove such substances. Facilities provided to comply with this requirement shall at all times:

(A) ~~Provide hot and cold running water or tepid running water~~ **Be maintained in a clean and sanitary condition;**

(B) **Have an adequate supply of water sufficient for effective removal of the hazardous substance from skin surfaces;** ~~and~~

(C) ~~Depending upon the problem, these facilities may be in the form of ordinary soap and water or in the form of~~ **Have a readily available supply of soap, and where necessary to effect removal, special cleansing compounds designed specifically for removal of the harmful material the hazardous substances from skin surfaces;** ~~and~~

(C) ~~D~~ Have a readily available supply of single use towels **or a warm-air blower;** ~~and~~

(D) ~~Be maintained in a clean and sanitary condition.~~

(D) ~~Be maintained in a clean and sanitary condition.~~

STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

(3) Showers. When showering is required by the employer or these orders, the shower shall meet the requirements of Section 3366(f).

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

SUMMARY AND RESPONSE TO COMMENTS

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS

I. Written Comments

List of Commenters:

1. Julianne Broyles, Director, Insurance, Employee Relations and Small Business, California Chamber of Commerce. Source of Comment: Letter dated February 13, 2002.
2. Michael Murray, Director, State Governmental Affairs, Sempra Energy. Source of Comment: Letter dated February 21, 2002.
3. Richard M. Warner, Corporate Safety and Industrial Hygiene Manager, Southern California Edison. Source of Comment: Letter dated February 12, 2002.
4. Tom Konecni, Chair, Safety & Health Council, Associated General Contractors of America – California Chapter. Source of Comment: Letter dated January 16, 2002.
5. Joseph Kukla, Manager, Pick Your Part. Source of Comment: Letter dated January 21, 2002.

Comment 1. Julianne Broyles

The proposal does not satisfy the requirement of necessity contained in the California Administrative Procedures Act because there is no statute or federal rule requiring amendment of the Construction Safety Orders for washing facilities.

Response: The commenter is correct that there is currently no federal rule requiring amendment of the Construction Safety Orders for washing facilities. While the Administrative Procedures Act provides an abbreviated rulemaking process when a state agency adopts or amends a regulation mandated by federal law or regulation, the absence of a state or federal statute or regulation by itself does not invalidate a regulation on the basis of necessity.

Comment 2. Julianne Broyles

The proposal does not satisfy the requirement of authority contained in the California Administrative Procedures Act. The Initial Statement of Reasons (ISOR) asserts that the action taken by the state Industrial Welfare Commission in January 2001 adopting new Wage Order 16 requires amendment of T8 CCR 1527. Actions taken by another commission can have no bearing on what the Cal/OSHA Standards Board does on a health and safety issue. This is because California Labor Code Section 142.3(a)(1) specifically provides that, “The board is the only agency in the state authorized to adopt safety and health standards.”

Response: The commenter correctly points out that reference was made in the Summary section of the Initial Statement of Reasons to Industrial Welfare Commission Wage Order 16. However, Wage Order 16 was merely referred to in the ISOR as being a related regulation addressing the provision of washing facilities at construction jobsites during meal periods. The ISOR does not assert that action taken by the state Industrial Welfare Commission in January 2001 adopting new Wage Order 16 requires amendment of Title 8, Section 1527. The commenter is correct that Labor Code Section 142.3(a)(1) is the basis of the Board's authority to adopt occupational safety and health standards.

Comment 3. Michael Murray

There is no need to be consistent with Wage Order Number 16 of the Industrial Welfare Commission because it is strictly limited to providing hand washing facilities in conjunction with a meal period and not work sites or toilet facilities.

Response: As noted in the response to Comment 2, Wage Order 16 of the Industrial Welfare Commission is referred to in the Initial Statement of Reasons for this proposed regulation only in the interest of informing the public of an existing regulation that is related to the proposal.

Comment 4. Julianne Broyles

The Initial Statement of Reasons contends that federal Occupational Safety and Health Standard 29 CFR 1926.51(f) Washing Facilities provides another basis of authority. However, a letter from the Occupational Safety and Health Administration (OSHA) dated February 10, 1994 indicates that paragraphs 1926.51(f)(2) through 1926.51(f)(4) only apply to permanent places of employment. The general scope statement (29 CFR 1910.141(a)(1)) limiting the application of these provisions was inadvertently omitted in the June 30 [1994] Federal Register publication. The proposal should not be adopted as currently drafted because it goes well beyond the provisions of 29 CFR 1926.51(f)(1).

Response: The commenter is correct that federal OSHA issued a letter dated February 10, 1994 indicating that paragraphs 1926.51(f)(2) through 1926.51(f)(4) of Title 29 of the Code of Federal Regulations (CFR) only apply to permanent places of employment. However, as indicated in the response to Comment 1 above, the absence of a state or federal statute or regulation by itself does not invalidate a regulation on the basis of necessity. With respect to authority, it is California Labor Code Section 142.3 which provides the Standards Board authority to adopt, amend or repeal occupational safety and health standards and orders.

It should also be noted that a number of the substantive provisions of 29 CFR 1926.51(f)(2) through (f)(4) that were included in the original proposal were discussed at the advisory meeting convened by the Division of Occupational Safety and Health (Division) on May 13, 2002. For example, it was the consensus of those present at that meeting to delete from the proposal, with respect to washing facilities for hazardous materials, the provision of 29 CFR 1926.51(f)(3)(ii) for hot and cold running water or tepid running water. See the response to Comment 13 below for additional details on this aspect of the revised proposal.

Comment 5. Julianne Broyles, Richard Warner

In the present absence of a more specific requirement in the Construction Safety Orders, the General Industry Safety Orders (GISO) standard for washing facilities at Title 8, Section 3366 would apply to construction jobsites so there is no need for the regulatory proposal. For clarity and consistency, the appropriate section of the GISO should be referenced or repeated in the Construction Safety Orders to maintain consistency between the requirements for general industry employers and construction employers. In addition, where providing running water for washing is not feasible, allowance should be made for use of waterless cleaners/sanitizers.

Response: The Board agrees with the apparent spirit of this comment that, in the interests of health and safety, as well as ease of understanding, the washing facilities required to be provided to construction employees should be as consistent as possible with those required to be provided to employees in general industry.

With regard to the comment about running water, please refer to the response to Comment 10 where the Board has modified the proposal to remove the originally proposed requirement for provision of “a flow of water sufficient for effective washing” and has replaced it with a requirement to provide “an adequate supply of water sufficient for effective washing.” Thus, the proposed standard as modified does not require “running water.” This modification addresses at least one of the primary concerns of this comment.

With respect to waterless cleaners/sanitizers, the Board has concluded that these products would not be an adequate substitute for soap and water in fulfilling the health-related purposes for which the amendments to Section 1527 are proposed.

In reaching this conclusion the Board is relying on the determination made by federal OSHA in 1987 in considering provisions to be included in the standard for field sanitation in agriculture. In that instance, federal OSHA specifically requested public comment on possible alternatives to water and soap. OSHA found the comments received in response to this request were not persuasive. OSHA rejected moistened towelettes and equivalent materials as being acceptable alternatives to water and soap for washing facilities. In its notice of final rule for the field sanitation standard (52 Fed Reg 16050-16096 May 1, 1987), included in Documents Relied Upon in the Initial Statement of Reasons, on page 16091, OSHA stated:

“The Agency believes the evidence from health professionals is conclusive. The use of soap and water effectively reduces multiple hazards, while the use of soap-and-water substitutes could increase them. Farmworkers’ hands accumulate plant and produce juices, agricultural chemical residues and pathogenic organisms that often are embedded in thick layers of dirt, resulting in a grimy substance which cannot be removed by a few wipes of a tiny towel, regardless of the cleansing compound it may contain.”

The Board observes that while work in the construction industry may not subject workers to the same types of materials as those encountered by agricultural workers, construction workers frequently encounter materials which can build up on the hands, arms, face and head, and must be removed in order to effectively cleanse and sanitize those areas of the body.

Based upon the logic of the OSHA decision noted above, the Board has determined that a requirement for provision of water and soap is necessary to assure that construction employees are able to reliably wash and sanitize.

Comment 6. Michael Murray

Construction activities are dissimilar from both general industry and agricultural operations and requirements in either of those sections cannot be applied to construction activities.

Response: In the absence of specific stated concerns it is not possible to respond directly to this comment with respect to what aspects of the proposed amendments cannot be applied to construction activities. The response to Comment 5 above notes a number of potential differences between construction worksites and those in general industry and in agriculture with respect to provision of washing facilities.

Comment 7. Michael Murray

The proposed change is not consistent with the stated Federal 29 CFR 1926.51 exclusion for mobile crews that allow employees with transportation readily available to use nearby washing facilities. The proposed change is not consistent with the stated Cal-OSHA Construction Safety Orders Section 1526 exclusions for mobile crews that allow employees with transportation readily available to use nearby toilet facilities. A specific exclusion for mobile crews from the proposed requirement for provision of washing facilities should be included in the proposed regulation.

Response: The Board agrees that in the interest of clarity the proposed regulation should contain an exception for mobile crews that would allow employees with transportation readily available to use nearby washing facilities which would otherwise be in compliance with Title 8.

Comment 8. Michael Murray

The cost impact estimates for companies with mobile crews are incomplete if the standard does not specifically state the exclusion for mobile crews.

Response: As explained in the response to Comment 7 above, an exception for mobile crews has been added to the regulatory proposal.

Comment 9. Julianne Broyles

The language of proposed Section 1527(a)(1)(A) for washing facilities to be “as close as reasonably feasible to the toilet facilities” is not defined and is vague and unclear.

Response: The Board has chosen to modify the language of the proposal with respect to the location of the washing facilities. At the advisory meeting of May 13, 2002, there was no disagreement with the general proposition that, in the interest of greater availability and

sanitation, when provided in conjunction with nonwater carriage toilet facilities, washing facilities should be located outside of and unattached to the toilet facilities. At that meeting there was also discussion of an exception to allow employers at worksites with only a small number of employees to provide the washing facilities inside of the toilet facilities in the interest of cost control. While labor representatives at that meeting proposed that such an exception should apply only to worksites with fewer than 5 employees, portable sanitation rental vendors suggested that the exception should be allowed for worksites with up to 10 employees.

Taking into account the discussion at the advisory meeting of May 13, 2002, the Board believes that it is necessary, in the interests of achieving the goal of personal sanitation for which the proposal is intended, that washing stations provided with nonwater carriage toilet facilities be located outside of such facilities. However, the Board believes that on worksites with fewer than 5 employees where only a relatively small number of employees may ever be needing to use the washing facility at the same time, and where the sanitation and servicing of nonwater carriage toilet facilities is likely to be more consistently sufficient to maintain reasonably sanitary conditions, that allowing the location of washing stations inside of such facilities does not unreasonably compromise the goal of personal sanitation for construction employees. This exception for location of the washing station inside of a nonwater carriage toilet facility appears after proposed subsection (a)(1)(F)1. in the revised proposal.

In addition to the location of the washing station inside or outside of nonwater carriage toilet facilities, the Board has included in the revised proposal at subsection (a)(1)(E) a requirement that washing stations be located and arranged so that any time a toilet is used the user can readily wash. The Board believes that this performance-oriented provision is necessary to ensure that washing stations are located in such a manner that a facility for washing will always be readily available to users of every toilet facility provided for employee use. This provision is especially important for large construction sites which can have toilet facilities dispersed over a large area or on many different floors or levels of a project.

Comment 10. Julianne Broyles, Richard Warner

The language of proposed Section 1527(a)(1)(B) is unclear. Specifically, the proposed requirement for employers to provide “a flow of water sufficient for effective washing” is unclear.

Response: The Board agrees with the commenters that the clarity of the proposed requirement for provision of water for washing could be improved. The Board has chosen to revise the originally proposed language by adding the concept of an “adequate supply” of water consistent with the language of existing Title 8, Section 1524(a)(1) and deleting reference to “a flow of water.”

Comment 11. Tom Konecsni

When running water is not available or is infeasible due to freezing weather or other conditions, use of disinfectant products for washing should be an option. The underlined phrase should be added so that proposed Section 1527(a)(1)(B) reads as follows:

If water is provided, provide a flow of water sufficient for effective washing.

Response: With regard to an allowance for use of waterless hand cleaners or sanitizers as an alternative to water, this comment is addressed in the response to Comment 5 above. The commenter's concern with respect to the provision of running water in freezing weather conditions was a topic of discussion at the advisory meeting convened by the Division on May 13, 2002. It is apparent from the discussion at that meeting that in possible freezing conditions the provision of washing water in the types of portable sinks used in non-freezing conditions could in some situations involve additional costs. Labor representatives at the advisory meeting suggested however, that the small percentage of construction jobsites in freezing conditions should not warrant an exception. The Board has chosen not to include an exception to the requirement for provision of a supply of water for washing in potentially freezing weather conditions. However, employers are free to provide waterless cleaners or sanitizers to employees as an additional option for washing in cold weather or in any other situations where some employees may have a preference for use of such alternative or supplemental cleaning methods.

The Board notes that the proposed standard does not include detailed specifications for the washing stations that would be required to be provided to employees. For example, as long as soap and single-use towels are also provided in clean and sanitary conditions, the washing station required to be provided can be as simple as individual bottles of drinking water or, for example, a 3-gallon or 5-gallon insulated container of the type that many construction employers already use to provide employees with water for drinking. It is important to note that existing Title 8, Section 1524(a)(3) requires that any container used to store or dispense drinking water must be clearly marked as to the nature of its contents and shall not be used for any other purposes. Thus, separate containers must be provided for drinking water and for washing water.

Comment 12. Julianne Broyles, Richard Warner

The requirements of proposed Sections 1527(a)(1)(D) and (a)(2)(C) for washing facilities to have a readily available supply of single use towels is inconsistent with the existing requirement of Title 8, Section 3366 for washing in general industry which allows use of cloth towels and warm air blowers, in addition to single use towels. The result is that a construction employer working in and using the washing facilities at a worksite in general industry would be out of compliance if that facility did not provide single-use towels.

Response: The Board agrees with the commenters that as in the requirements for lavatories in the General Industry Safety Orders, warm-air blowers should be an acceptable means of drying after washing and the language of the original proposal has been modified to reflect this. The Board believes that the term single-use towels is broad enough to encompass the full range of

towels provided by employers for drying after washing, i.e., paper towels, continuous-roll towel dispensers, and individual cloth towels.

Comment 13. Richard Warner

The requirement of proposed Section 1527(a)(2)(A) for “hot and cold running water or tepid running water” for washing facilities for hazardous materials is not clear and is inconsistent with current requirements in the General Industry Safety Orders. The term “tepid” does not adequately describe what temperature is expected.

Response: The proposal considered by the Board at public hearing on February 21, 2002 included a new provision requiring that washing facilities for use by employees to remove hazardous substances from the skin provide hot and cold running water or tepid running water for washing. It was the consensus of the advisory meeting, convened on May 13, 2002, that the requirement for hot and cold running water or tepid running water for hazardous materials washing facilities be deleted from the proposal because such a requirement was more appropriately addressed in other Title 8 regulations addressing control of exposures to hazardous substances. Therefore, in the revised proposal the requirement for hot and cold running water or tepid running water for hazardous materials washing facilities has been deleted.

Comment 14. Joseph Kukla

The hazardous materials for which washing facilities are to be provided fall into the same conditions as stated in T8 CCR 3366(d) for general industry. That section states a specific water temperature of at least 85 degrees Fahrenheit. It would be more appropriate to have the proposed standard for construction be compatible with Section 3366(d) as far as the water temperature requirement.

Response: As indicated in the response to Comment 13 above, the proposed amendment, which is the subject of the comment, is being deleted.

Comment 15. Joseph Kukla

Proposed Section 1527(a)(3) references the provisions of Title 8, Section 3366(f) for provision of shower facilities when required by the employer or a provision of Title 8. It would be appropriate for this proposed section to specifically adopt the temperature requirements of running water to enable employees to remove hazardous materials from their personage. If the requirement of proposed Section 1527(a)(2)(A) prevails, then existing Section 3366(d) should be changed to meet the same temperature requirements of running water in a washing facility available to employees handling hazardous substances.

Response: The Board thanks the commenter for this recommendation. However, the Board believes that the referenced language of existing Title 8, Section 3366(f) for provision of shower facilities is sufficiently clear to enable employers to understand their responsibilities for providing shower facilities to employees.

The Board thanks the commenters for their participation in the Board's rulemaking process.

II. Oral Comments

Oral comments received at the February 21, 2002, Public Hearing, Sacramento, California.

Terry Thedell, Sempra Energy and Peter Robertson, California Department of Transportation

Comment: The proposed change is not consistent with the provisions in federal OSHA's standard 29 CFR 1926.51 and Title 8, Section 1526 allowing an employer's mobile crews to use transportation readily available to nearby toilet facilities. A specific exclusion for mobile crews should be included in the proposed regulation.

Response: See the response to written Comment 7 above.

Peter Robertson, California Department of Transportation

Comment: New technologies are available for addressing the water temperature issue, for sanitary devices, and for paper towel uses. He suggested that these and other issues should be explored with an advisory committee.

Response: In the absence of specifics as to what new technologies are being referred to it is not possible to respond to this comment. However, an advisory meeting was held on May 13, 2002 in which Mr. Robertson participated. At that meeting the issues noted in his comment were discussed.

Gregg DeLong, Western Area Manager, PolyJohn

Comment: Manufacturers and service companies in the portable sanitation industry have addressed the problem of washing at construction sites through the products and services they can provide. However, many construction contractors do not want to pay for the additional service of maintaining a truck, a hand washing facility, and ensuring that the water is of decent quality.

Response: The Board has attempted to craft a standard which balances the need to provide washing facilities to employees in the construction industry with the needs of the employers in that industry to operate in a cost-efficient manner.

Gregg DeLong, Western Area Manager, PolyJohn

Comment: Responding to a question from Board Member Arioto regarding the types of facilities available to provide heated water for washing at construction jobsites, Mr. DeLong responded that there are many types of hot water facilities and the type used is dependent on the nature of the jobsite but that it can be difficult at times if water and electricity is not readily available.

Response: The proposal considered by the Board at public hearing on February 21, 2002 would have included a new provision requiring hot and cold running water or tepid running water for washing facilities provided to employees to remove hazardous substances from the skin. In the revised proposal this requirement has been deleted as discussed above in the response to written Comment 13.

Standards Board Chairman Ingram, Standards Board Members Bradshaw and Arioto

Comment: Chairman Ingram said that the number and nature of comments received in writing and verbally warrant formation of an advisory committee to consider possible changes to the proposal before it is submitted to the Board for adoption. Board Members Bradshaw and Arioto supported the formation of an advisory committee to further consider the proposal.

Response: The Division agreed to hold an advisory meeting to discuss possible modifications of the rulemaking proposal. An advisory meeting was held on May 13, 2002.

Fran Schreiber, WORKSAFE!

Comment: The proposed amendments to Section 1527 are needed out of concern for safety and health, related both to bacteria and hazardous materials. There is also a concern for basic human rights and the ability to work safely. She urged the Board to adopt the proposal as presented. She also urged that if an advisory meeting is held it should be given a short timeframe in order to resolve the issue quickly.

Response: The Board appreciates the commenter's concerns and notes that she participated actively in the advisory meeting convened by the Division on May 13, 2002 which contributed to development of the revised proposal.

Standards Board Member Mueller

Comment: The advisory committee meeting on this proposal should be held in a timely manner.

Response: An advisory meeting on this proposal was convened by the Division on May 13, 2002.