Cal/OSHA Health, Safety, and Administrative Rulemaking Updates
January 10, 2019

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. Advisory committee discussion drafts, supporting documentation, and meeting minutes are available at http://www.dir.ca.gov/dosh/doshreg/Antineoplastic-Drugs/. Cal/OSHA and Director’s Office staff are researching the economic impact of the proposal and preparing documents for a proposed rulemaking package that is expected to be submitted to Standards Board staff in 2019.

Boilers and Fired Pressure Vessel Permitting Fees. Cal/OSHA and Director’s Office staff have prepared an emergency rulemaking package under recent amendments to Labor Code section 7721 to implement permit fee increases. On October 12, 2018, the Labor and Workforce Development Agency approved the filing of the package with the Office of Administrative Law (OAL). Cal/OSHA filed the package with OAL on November 8, 2018, and OAL approved the package on November 15, 2018. The text of the emergency regulations and other related information are available at https://www.dir.ca.gov/dosh/doshreg/Pressure-Vessel-Fees/.

Boilers and Fired Pressure Vessel Safety Orders. Cal/OSHA held advisory committee meetings in September 2015 and February and August 2016 and expects to send the draft rulemaking package to Standards Board staff in 2019. Advisory committee discussion drafts are available at http://www.dir.ca.gov/dosh/doshreg/Pressure-Vessel-Safety-Orders/.

Elevator Safety Orders. Cal/OSHA held advisory committee meetings in April 2014 and February, April, and June 2015. DIR and DOSH initially identified the draft regulation as a major regulation, and a Standardized Regulatory Impact Assessment (SRIA) was submitted on July 14, 2017, to the Department of Finance (DOF) for review and comment. DOF completed its review of the SRIA and provided comments on August 4, 2017. DOSH subsequently revised the draft regulation, and DIR and DOSH no longer consider the draft regulation to be a major regulation. A new economic and fiscal impact statement (form 399) was submitted to DOF for review. A draft rulemaking package was submitted to Standards Board staff on December 17, 2018. Advisory committee discussion drafts are available at http://www.dir.ca.gov/dosh/doshreg/elevators/ac-meetings.html.

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 is currently reviewing the proposed rulemaking package. Once approved, formal rulemaking will begin. 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. The Cleaning Product Right to Know Act of 2017 (SB 258) added provisions to the Labor Code and Health and Safety Code. The changes conflicted with...
existing regulatory requirements under Cal. Code Regs., title 8, section 5194. The proposed section 100 changes (under Cal. Code Regs., title 1, section 100) were sent to the Office of Administrative Law (OAL), but were withdrawn on January 30, 2018, to address OAL questions. Cal/OSHA and Standards Board staff are working to resubmit the section 100 changes to OAL this year.


**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 (SRIA) to the Department of Finance (DOF). After DOF approves the SRIA, Cal/OSHA and Director’s Office staff will revise the Initial Statement of Reasons (ISOR) accordingly. Cal/OSHA anticipates submitting a draft rulemaking package to Standards Board staff in late 2019. Advisory committee discussion drafts, supporting documentation and meeting minutes are available at [http://www.dir.ca.gov/dosh/doshreg/5198Meetings.htm](http://www.dir.ca.gov/dosh/doshreg/5198Meetings.htm).

**Marijuana (Medical).** As provided in Labor Code section 147.5, Cal/OSHA convened an advisory committee on October 25, 2016, to evaluate whether there is a need to develop industry-specific regulations related to the activities of facilities issued a license pursuant to the Medical Marijuana Regulation and Safety Act (AB 243 and AB 266). Cal/OSHA presented findings and recommendations based on advisory committee input to the Standards Board at their June 15, 2017, meeting in Sacramento. The Standards Board agreed that there is no need to develop industry-specific regulations related to the activities of medical cannabis facilities at this time. Advisory committee meeting announcements, minutes, written report, and other documents are available at [https://www.dir.ca.gov/dosh/doshreg/marijuana/](https://www.dir.ca.gov/dosh/doshreg/marijuana/).

**Marijuana (Recreational and Medical).** As provided in Labor Code section 147.6, Cal/OSHA convened an advisory committee on January 31, 2018, to evaluate whether there is a need to develop industry-specific regulations related to the activities of licensees under Division 10 (commencing with section 26000) of the Business and Professions Code, including, but not be limited to, whether specific requirements are needed to address exposure to second-hand marijuana smoke by employees at facilities where on-site consumption of marijuana is permitted under subdivision (d) of section 26200 of the Business and Professions Code, and whether specific requirements are needed to address the potential risks of combustion, inhalation, armed robberies, or repetitive strain injuries. On September 7, 2018, Cal/OSHA staff submitted a written report to the Standards Board on 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 another advisory committee meeting to consider a proposal to change Cal. Code Regs., 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/.

**Minimum and Maximum Penalty Increases.** Cal/OSHA submitted a file-and-print rulemaking package to the Office of Administrative Law (OAL) on December 17, 2018, to increase the maximum civil penalties set forth in Cal. Code Regs., title 8, section 336 for Regulatory, General, and Repeat citations and the minimum and maximum civil penalties for Willful citations. The new penalty amounts went into effect on January 1, 2019. Annual civil penalty increases, based on the increase (if any) in the Consumer Price Index between October of the prior year and October of the current year, are mandated by amendments to Labor Code sections 6427, 6429, and 6431, enacted as part of the 2017-2018 Budget Bill. The Division completed a file-and-print rulemaking and submitted it to OAL on December 17, 2018, adjusting the maximum civil penalties according to the Consumer Price Index increase for the last year.

**Mine Safety Orders.** Cal/OSHA staff held advisory committee meetings in 2013 and 2014 and are drafting proposed revisions to the current Mine Safety Orders. Cal/OSHA expects to send a draft rulemaking package to Standards Board staff in 2019. Advisory committee discussion drafts are available at http://www.dir.ca.gov/dosh/doshreg/Mining-Safety-Orders/index.html.

**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 working on construction projects from hazards of exposure to asbestos as a naturally occurring constituent. Cal/OSHA is in the process of planning the first advisory meeting for 2019. 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.

**Permanent Amusement Rides Safety Orders.** Cal/OSHA held advisory meetings with industry representatives in October 2015; February and October 2016; February and October 2017; and January, February, June, October, and November 2018. Cal/OSHA is reviewing the comments and making revisions to a 110-page draft of proposed safety orders, and expects to send a draft rulemaking package to Standards Board staff early 2019. Draft materials will be posted at http://www.dir.ca.gov/dosh/doshreg/PAR-Safety-Orders/.

**Permissible Exposure Limits (PELs).** The Health Effects Advisory Committee (HEAC) is being convened quarterly to evaluate hazardous substances and recommend exposure limits based on health effects and feasibility. The next meeting will be in Oakland on March 5, 2019, to discuss PEL updates for tert-butyl acetate, tert-butanol and sulfur dioxide. Substances for HEAC review in 2019 will also 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 include the following:

- **Trichloroethylene:** Cal/OSHA sent draft trichloroethylene proposed rulemaking documents to Standards Board staff for review in April 2016 and replied to Standards Board staff comments in September 2016. Cal/OSHA is responding to additional comments received from Standards Board staff in November 2016 and will resubmit the rulemaking document to the Standards Board staff in 2019.
• **Other substances:** Cal/OSHA is preparing rulemaking proposals for tetrabromoethane, n-propanol, cyclohexane, trimelitic anhydride, peracetic acid, 2-butoxyethyl acetate, 2-butoxyethanol, and hydrogen sulfide. The draft rulemaking proposal packages for these substances will be sent to the Standards Board in 2019.

**Portable (Temporary) Amusement Ride Inspection and Permitting Fees.** Following the completion of emergency rulemaking, a regular rulemaking package to establish a $206 hourly fee for inspections and other services performed by the Division was submitted to the Office of Administrative Law on August 29, 2018. The Office of Administrative Law approved the rulemaking package on October 10, 2018.

**Recording and Reporting Occupational Injuries and Illnesses.** On October 18, 2018, Cal/OSHA issued an amended notice of proposed emergency action, proposing to adopt emergency amendments to sections 14300.35 and 14300.41 of title 8 of the California Code of Regulations. The emergency action was approved by the Office of Administrative Law, and went into effect on November 1, 2018. The emergency regulations require designated employers in California to submit electronically certain occupational injury and illness information to federal OSHA, with the submission of 2017 data due by December 31, 2018. On November 30, 2018, the Division submitted a request to the Labor and Workforce Development Agency to pursue regular rulemaking to make these emergency regulations permanent. The request is still pending with LWDA. The text of the emergency regulations and other related information are available at [https://www.dir.ca.gov/dosh/doshreg/Recording-and-Reporting/](https://www.dir.ca.gov/dosh/doshreg/Recording-and-Reporting/).

**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 potential occupational hazards posed by surgical plume and smoke. Cal/OSHA held the first advisory meeting on November 8, 2018. Written comments regarding the discussion draft are due by January 15, 2019. Meeting documents and the discussion draft are available at [https://www.dir.ca.gov/dosh/doshreg/Surgical-Plume-and-Smoke/](https://www.dir.ca.gov/dosh/doshreg/Surgical-Plume-and-Smoke/).

**Tramway Safety Orders.** Current draft regulations will update the tramway safety orders and move the tramway administrative regulations to a different chapter of title 8 of the California Code of Regulations. Cal/OSHA staff held an advisory committee meeting in July 2012 and continued to collect advisory input through the end of 2016. Cal/OSHA sent the technical portion of the rulemaking package to the Standards Board on July 20, 2017, and is currently responding to comments received from Standards Board staff. Cal/OSHA expects that by February 1, 2019, it will submit a revised draft of the technical regulations to the Standards Board and a draft of the amended administrative regulations to the Director’s Office. Final draft materials will be available at [http://www.dir.ca.gov/dosh/doshreg/Tramway-Safety-Orders/](http://www.dir.ca.gov/dosh/doshreg/Tramway-Safety-Orders/).

**Tunnel Safety Orders.** Cal/OSHA held advisory committee meetings and obtained further advisory input in the period 2008-12, and is currently drafting proposed revisions to the current Tunnel Safety Orders. Cal/OSHA expects to send a draft rulemaking package to Standards Board staff in 2019. Revising the Tunnel Safety Orders, which will include updated rules about the use of tunnel boring machines in gassy ground, is important because California is facing a big increase in subway projects and water projects involving the boring of tunnels.
**Unfired Pressure Vessel Safety Orders.** Cal/OSHA held advisory committee meetings in February and August 2016 and expects to send a draft rulemaking package to Standards Board staff in 2019. Advisory committee discussion drafts are available at [http://www.dir.ca.gov/dosh/doshreg/Pressure-Vessel-Safety-Orders/](http://www.dir.ca.gov/dosh/doshreg/Pressure-Vessel-Safety-Orders/).

**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/](http://www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/).