

# Memorandum

Date: May 31, 2024

To: Autumn Gonzalez, Chief Counsel and Acting Executive Officer  
Amalia Neidhardt, Principal Safety Engineer  
Occupational Safety and Health Standards Board

From: Susan Eckhardt, Senior Safety Engineer  
Michael Wilson, Senior Safety Engineer  
Kevin Graulich, Principal Safety Engineer  
Eric Berg, Deputy Chief

Subject: Evaluation of Petition No. 602 to amend title 8 to require employers to provide opioid overdose reversal medication at worksites and to train employees on their use.

## 1.0 INTRODUCTION

On January 29, 2024, the Division of Occupational Safety and Health (Cal/OSHA) received a petition via the Occupational Safety and Health Standards Board (Standards Board) from Lorraine M. Martin, representing the National Safety Council (NSC) (Petitioner). The NSC is a national organization and a leading nonprofit safety advocate in the United States that has been in operation for 110 years. As a mission-based organization, the NSC works to eliminate preventable death and injury in the workplace and beyond.

The petitioner requests title 8 be amended to require employers provide opioid overdose reversal medication (opioid antagonist, e.g. Naloxone) at all worksites.

Labor Code Section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health and requires the Standards Board to consider such proposals. California Labor Code section 147 requires the Standards Board to refer to Cal/OSHA for evaluation of any proposed occupational safety and health standard.

## 2.0 PETITIONER'S PROPOSAL

The petitioner requests opioid overdose reversal medications be required at all worksites, either by amending title 8 sections 1512 of the Construction Safety Orders (CSO) and 3400 of the General Industry Safety Orders (GISO) to require opioid overdose reversal medications in first-aid kits, or by adding new requirements to title 8 that would require opioid overdose reversal medications be provided "elsewhere" in the workplace. The petitioner also requests that employees be trained on when and how to use these medications.

The petitioner did not offer any regulatory text for this proposed change.

### 3.0 BASIS FOR AMENDMENT OF TITLE 8 REGULATIONS

The Centers for Disease Control and Prevention (CDC) estimates that in the U.S. approximately 83,000 people died of an opioid overdose in 2022, including more than 7,000 deaths in California.<sup>1,2</sup> No industry or occupation is immune to this crisis as workplace overdose deaths have increased 619 percent since 2011.<sup>3</sup> Nationally, overdoses now account for nearly 1 in 11 worker deaths on the job.<sup>4</sup> In California, 23 percent of workplace fatalities in 2022 were due to an unintentional overdose.<sup>5</sup>

In California, between 2018 and 2022, the number of fatal occupational injuries due to unintentional overdoses that occurred at work rose from 23 to 117.<sup>6</sup> In addition, the proportion of overall fatalities in California from unintentional overdoses within the scope of Census of Fatal Occupational Injuries (CFOI) has increased rapidly. From 2014 to 2022, unintentional overdoses in California workplaces rose from 4% to 23% of all fatalities within the scope of CFOI.<sup>7</sup> In California in 2021, the majority of drug-related overdose deaths involved an opioid.<sup>8</sup>

Opioids can cause a person's breathing to slow down or stop. Opioid overdose reversal medications block opioids' effects, restore breathing, and often save lives.<sup>9</sup>

To date, the U.S. Food and Drug Administration (FDA) has approved two over-the-counter versions of opioid overdose reversal medications, making it easier to obtain them. These medications quickly and temporarily reverse overdoses from prescription and illicit opioids, can be administered by people without medical training, are non-habit forming, and are not harmful to people when administered.<sup>10</sup> Both are available to use as a nasal spray.<sup>11</sup> Including these medications at worksites, either in a first

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<sup>1</sup> Centers for Disease Control and Prevention (CDC). National Center for Health Statistics. Provisional Data Shows U.S. Drug Overdose Deaths Top 100,000 in 2022. May 18, 2023. Accessed February 13, 2024.

<https://blogs.cdc.gov/nchs/2023/05/18/7365/>

<sup>2</sup> California Department of Public Health (CDPH - Substance and Addiction Prevention Branch (SAPB). California Overdose Surveillance Dashboard. December 20, 2023. Accessed February 28, 2024.

<https://skylab.cdph.ca.gov/ODdash/?tab=Home>

<sup>3</sup> National Safety Council (NSC). Safety Topics: Overdose Deaths. 2023. Accessed March 14, 2024.

<https://injuryfacts.nsc.org/work/safety-topics/overdose-deaths/>

<sup>4</sup> Ibid.

<sup>5</sup> California Department of Industrial Relations, Division of Occupational Safety and Health, Census of Fatal Occupational Injuries (CFOI) Program. Fatal Occupational Injuries in California, 2013 – 2022. April 2024. Accessed May 23, 2024.

<https://www.dir.ca.gov/dosh/CFOI/California-Occupational-Fatalities.pdf>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Tanniru, N, Demeter, NE, Pinsker, EA. Opioid-Related Overdose Deaths in California, 2021, Sacramento, CA; California Department of Public Health, October 2023. Accessed May 31, 2024.

<https://www.cdph.ca.gov/Programs/CCDPHP/sapb/CDPH%20Document%20Library/MortalityDataBriefFinalADA.pdf>

<sup>9</sup> Wermeling, D.P., *Review of naloxone safety for opioid overdose: practical considerations for new technology and expanded public access*. Therapeutic Advances in Drug Safety, 2015. 6(1): p. 20-31. Accessed February 9, 2024.

<https://doi.org/10.1177/2042098614564776>

<sup>10</sup> Ibid.

<sup>11</sup> Substance Abuse and Mental Health Services Administration. SAMHSA Overdose Prevention and Response Toolkit. Publication No. PEP23-03-00-001. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2023. Accessed February 9, 2024.

<https://store.samhsa.gov/sites/default/files/overdose-prevention-response-kit-pep23-03-00-001.pdf>

aid kit or elsewhere, and training employees to use them will save many lives. Anyone at a workplace, including workers, clients, customers, and visitors, is at risk of overdosing if using opioids.<sup>12</sup>

#### **4.0 APPLICABLE TITLE 8 REGULATIONS**

Title 8 CSO section 1512 Emergency Medical Services includes requirements for first-aid kits. Similarly, title 8 GISO section 3400 Medical Services and First Aid includes requirements for first-aid kits. However, these sections do not contain requirements to provide opioid antagonists at workplaces. Opioid antagonists are also not included in future rulemaking planned to make sections 1512 and 3400 consistent with the national consensus standard – American National Standards Institute Z308.1-2021 Minimum Requirements for Workplace First Aid Kits and Supplies.

#### **5.0 APPLICABLE FEDERAL OSHA REGULATIONS**

Federal OSHA regulations related to medical services and first aid are in Title 29 Code of Federal Regulations, Safety and Health Regulations for Construction section 1926.50, and in the Safety and Health Regulations for General Industry section 1910.151. There are no Federal OSHA regulations that require opioid antagonists in workplaces.

#### **6.0 APPLICABLE CONSENSUS STANDARDS**

There are no applicable consensus standards regarding opioid antagonists.

#### **7.0 APPLICABLE GUIDANCE DOCUMENTS**

The Substance Abuse and Mental Health Services Administration (SAMHSA) publication SAMHSA Overdose Prevention and Response Toolkit (2023)<sup>13</sup> provides guidance for a broad audience on overdose causes, risks, and signs, as well as the steps to take when witnessing and responding to an overdose. It provides clear, accessible information on opioid overdose reversal medications, such as naloxone.

The White House’s “Challenge to Save Lives from Overdose” is an effort from the federal government to encourage stakeholders across all sectors to commit to saving lives by increasing training on and access to opioid overdose reversal medications. The White House is requesting employers and organizations commit to train employees on opioid overdose reversal medications, keep the medications in first-aid kits, and distribute medications to employees and customers so they might save a life at home, work, or in their communities.<sup>14</sup> Several employers and employer organizations have

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<sup>12</sup> CDC National Institute for Occupational Safety and Health (NIOSH). Using Naloxone to Reverse Opioid Overdose in the Workplace: Information for Employers and Workers. October 2018. Accessed February 28, 2024. <https://www.cdc.gov/niosh/docs/2019-101/pdfs/2019-101.pdf?id=10.26616/NIOSH-PUB2019101>

<sup>13</sup> Substance Abuse and Mental Health Services Administration. SAMHSA Overdose Prevention and Response Toolkit. Publication No. PEP23-03-00-001. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2023. Accessed February 9, 2024. <https://store.samhsa.gov/sites/default/files/overdose-prevention-response-kit-pep23-03-00-001.pdf><sup>14</sup> The White House. Save Lives from Overdose. Accessed on March 14, 2024. <https://www.whitehouse.gov/savelivesfromoverdose/>

agreed to have opioid overdose reversal medications at their worksites and to train employees on when and how to use the medications.<sup>15</sup>

## **8.0 ANALYSIS**

Requiring opioid overdose reversal medications to be available and readily accessible at worksites and requiring employee training on their use would lead to a significant reduction in opioid-related deaths in California as explained in part of 3.0 of this evaluation above.

Opioid overdose reversal medication requirements should be separate from first aid kit requirements. The goal of planned rulemaking for first-aid kits is to make sections 1512 and 3400 consistent with the ANSI national consensus standard. Adding additional items to sections 1512 and 3400 that are not in the ANSI Standard would conflict with the goal of consistency with national standards to make purchasing title 8 compliant first-aid kits as simple as possible for employers.

## **9.0 CONCLUSION**

Cal/OSHA recommends that Petition file No. 602 be GRANTED to the extent that Cal/OSHA is requested to propose a necessary amendment to title 8, separate from sections 1512 and 3400, that would require employers to provide ready access by employees to opioid antagonists, and to train employees on their safe use.

cc: Debra Lee, Cal/OSHA Acting Chief

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<sup>15</sup> The White House. Fact Sheet: Biden-Harris Administration Launches the White House Challenge to Save Lives from Overdose. Accessed March 14, 2024. <https://www.whitehouse.gov/briefing-room/statements-releases/2024/03/13/fact-sheet-biden-harris-administration-launches-the-white-house-challenge-to-save-lives-from-overdose/>