

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 610)****I. INTRODUCTION**

On December 29, 2025, the Occupational Safety and Health Standards Board (Board or OSHSB) received a petition from Shourish Mukherjee, to amend title 8 of the California Code of Regulations¹ (CCR), section 5144 Respiratory Protection, subsection (a), “Permissible Practice,” to add a new requirement for mandatory signage at all construction sites where respiratory hazards exist.

The Petitioner further requests that employers be required to post such signage at construction sites where respiratory hazards—such as dust, respirable crystalline silica, fumes, vapors, asbestos fibers, and gases—are present.

Additionally, the Petitioner proposes revisions to various language in the document titled “Working Safer and Easier for Janitors, Custodians, and Housekeepers,” which is referenced in Appendix A (Non-Mandatory) of section 3345.

II. SUMMARY

The Petitioner proposes amending section 5144 by adding new subsection (a)(3), as follows:

In construction operations where respiratory protection is required under this section, the employer shall post clearly visible and conspicuous signage (including infographics) at all points of entry to the affected work area. Signs shall meet the visibility requirements of Section 3340. Such signs shall notify employees and entrants of the respiratory hazard. Signs shall be in English and the dominant language(s) of the workforce.

¹ All references are to title 8 of the California Code of Regulations, unless otherwise noted.

Additionally, with respect to the Cal/OSHA document referenced in Appendix A (Non-Mandatory) of section 3345, the Petitioner proposes revisions that include section title changes and the creation of a visual section specifically for respiratory protection.

- Modify Chapter 13 under the section “Hazardous chemical can make you sick” to “Those solvents pose many hazards: from mild health effects, such as skin and eye irritation, to long-term diseases, such as heart and kidney failures, disease of respiratory track, sterility, or cancer.”
- Modify Chapter 15 to add a new section titled “Respiratory Protection” and add the following to this section:
 - Add pictures showing janitors wearing masks while cleaning floors, walls, bathrooms, handling garbage and cleaning supplies, and performing their duties.
 - Modify and move the following statement to this new section: “For ~~some~~ all tasks you ~~may~~ will need respiratory protection, which requires specialized procedures and training.”

The Petitioner asserts that these signage requirements and document revisions would enhance hazard awareness among employees, contractors, and transient workers. The Petitioner proffers these proposed changes would also help align practices with other title 8 CCR standards, including those governing asbestos, silica, personal protective equipment, respiratory protection, and aerosol transmissible diseases. Furthermore, the inclusion of infographics is intended to overcome language barriers and ensure that employers communicate respiratory hazards effectively to all workers.

III. RELEVANT STANDARDS

A. Federal Regulations

The following existing federal regulations related to respiratory hazard signage in the construction industry include:

- 29 CFR 1926.103 – Respiratory Protection (Construction Industry)
- 29 CFR 1926.200 – Accident Prevention Signs and Tags
- 29 CFR 1926.1101 – Asbestos in Construction
- 29 CFR 1926.1153 – Respirable Crystalline Silica
- 29 CFR 1910.134 – Respiratory Protection (General Industry)

B. California Regulations

The following are California regulations under title 8 of the California Code of Regulations (CCR):

- Section 3340 – Accident Prevention Signs, Tags, and Labels

- Section 1529 – Asbestos
- Section 1532.1 – Lead
- Section 1532.3 – Silica
- Section 1544 – Respiratory Protection
- Section 5194 – Hazard Communication

Specifically:

- Section 3340 establishes the general standards for accident prevention signs, tags, and labels.
- Sections 1529 and 1532.1 require signage in areas with potential exposure to asbestos or lead, such as “Warning: Asbestos” or “Danger: Lead Work Area.”
- Section 5194 outlines signage requirements for inhalation hazards more broadly, ensuring employees are aware of chemical and airborne respiratory risks.

IV. CAL/OSHA’S EVALUATION

In its evaluation, Cal/OSHA noted in addition to respiratory protection in construction under section 5144, other regulations also cover respiratory protection, such as sections 3203 and 1509 (Injury and Illness Prevention Program (IIPP)).

Further, pursuant to section 5194 (Hazard Communication) employers on multiemployer worksites are required to develop methods to communicate with any other employers sharing the same work area regarding the hazardous chemicals to which their employees may be exposed while performing their work. Section 5194 requires that warnings be legible, in English, and prominently displayed. Information in other languages may also be used, but is not required, for employees who speak those languages.

Employers are required to demarcate regulated areas where respiratory hazards exist or could reasonably be expected to exist in the following sections: 1532.1 (Lead), 5200 (Ethylenediamine), 5201 (1,3-Butadiene), 5202 (Methylene Chloride), 5204 (Crystalline Silica), 5205 (Beryllium), 5207 and 1532 (Cadmium), 5208 and 1529 (Asbestos), 5208.1 (Non-asbestiform [tremolite, anthophyllite, actinolite]), 5209 (Carcinogens), 5210 (Vinyl Chloride), 5211 (Coke Oven Emissions), 5212 (1,2-Dibromo-3-Chloropropane), 5213 (Acrylonitrile), 5214 (Inorganic Arsenic), 5215 (4,4'-Methylenebis(2-chloroaniline)), 5217 (Formaldehyde), 5218 (Benzene), and 5220 (Ethylene Oxide).

Employers are required to post signs requiring respirators in regulated areas in the following sections: 5190 (Cotton Dust), 5200 (Ethylenediamine), 5204 (Crystalline Silica), 5205 (Beryllium), 5207 and 1532 (Cadmium), 5208 and 1529 (Asbestos), 5208.1 (Non-asbestiform [tremolite, anthophyllite, actinolite]), 5209 (Carcinogens), 5210 (Vinyl Chloride), 5212 (1,2-Dibromo-3-Chloropropane), 5213 (Acrylonitrile), 5214 (Inorganic Arsenic), 5215 (4,4'-Methylenebis(2-chloroaniline)), 5218 (Benzene), and 5220 (Ethylene Oxide).

Given the extensive respiratory protections already provided by current regulations, Cal/OSHA believes adding additional provisions would be non-productive.

Lastly, because the advisory document published by Cal/OSHA is not subject to review and approval by the Board, Cal/OSHA will refer the Petitioner’s request to revise the publication to the Consultation Unit and Publication Unit for review and future update.

V. STAFF’S EVALUATION

Board staff review of the Petitioner’s request to amend section 5144(a) shows title 8 sections already cover respiratory signage.

| Title 8 Section | Safety Concern | Hazard Signs Required |
|------------------------|---|--|
| Section 3340 | Accident Prevention Signs, Tags, and Labels | Defines several categories of signs—Danger (immediate hazards that could cause death or serious injury), Warning (potentially hazardous situations), Caution (minor hazards or unsafe practices), General Safety Instructions (safety reminders such as PPE requirements), and Biological Hazard signs. The standard also specifies color schemes, wording, and design features to ensure signs are easily recognized and understood, helping workers quickly identify hazard severity and take appropriate precautions. |
| Section 1529 | Asbestos | “WARNING – LEAD WORK AREA – POISON – NO SMOKING OR EATING” signs at entrances |
| Section 1532.1 | Lead | “DANGER ASBESTOS CANCER AND LUNG DISEASE HAZARD AUTHORIZED PERSONNEL ONLY RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA.” Signs must be posted at each entrance. |
| Section 1532.3 | Silica | Signs at all entrances: “DANGER RESPIRABLE CRYSTALLINE SILICA MAY CAUSE CANCER CAUSES DAMAGE TO LUNGS WEAR RESPIRATORY PROTECTION IN THIS AREA AUTHORIZED PERSONNEL ONLY.” |

The Petitioner also proposes to amend the reference material in Appendix A (Non-Mandatory) section of 3345 titled “Working Safer and easier for Janitors, Custodians, and Housekeepers.” This document is linked to section 3345 as non-mandatory guidance produced by Cal/OSHA’s Publication Unit.

Board staff consulted with the Cal/OSHA Publication Unit and determined that updating the reference material is possible, but any revisions would be subject to Cal/OSHA approval. This document is not a Standards Board publication.

VI. DISCUSSION

A. Additional Signs in Construction Areas are Redundant and Possibly Confusing

The Board agrees with Cal/OSHA and Board staff that the current regulations together already establish a comprehensive framework requiring employers to evaluate airborne hazards, communicate those hazards to employees, train employees regarding respirator use, and ensure respirators are used when necessary.

Additionally, the Board also agrees that generic signage posted more broadly than required regulated areas may result in employees and other employers misunderstanding the extent of the restricted area and the conditions under which respirator use is mandatory. This could reduce the clarity of respiratory protection requirements and undermine the purpose of the more precise regulated area provisions already contained in title 8.

While the Board does not dispute the potential value of infographics, there are alternative methods to enhance language accessibility. It is the responsibility of employers to provide routine, effective training in a language and vocabulary commonly understood by employees. Various regulations mandate that safety training be delivered in a manner employees can understand. The following regulations outline that employers must provide effective training to employees in language and vocabulary commonly understood by their employees:

- Section 5194 – Hazard Communication
- Section 13821 – General Industry Safety Orders
- Section 1956 – Confined Spaces

These provisions ensure that training is effective for non-English speakers without requiring changes to section 5144 signage requirements.

B. The Standards Board Does Not Have Jurisdiction Over Cal/OSHA Reference Materials.

The Board concurs with Cal/OSHA and Board staff that the Petitioner's request to revise the Cal/OSHA advisory document not within the Board's purview.

VII. CONCLUSION AND ORDER

The Board has considered the petition of Shourish Mukherjee. The Board has also considered the recommendations of Cal/OSHA and Board staff. For reasons stated in the preceding discussion, the Petition is hereby DENIED.