



Memorandum

Date: June 9, 2026

To: Millicent Barajas, Executive Officer
Occupational Safety and Health Standards Board

From: Steven Honjio, Senior Safety Engineer
Susan Eckhardt, Senior Safety Engineer
Kevin Graulich, Principal Safety Engineer
Eric Berg, Deputy Chief of Health
Division of Occupational Safety and Health

Subject: Evaluation of petition no. 612 to amend title 8, section 5155(e)(3), regarding clarification that a certified industrial hygienist (CIH) is considered competent in industrial hygiene practice

1.0 INTRODUCTION

On February 19, 2026, the Division of Occupational Safety and Health (Cal/OSHA) received a petition submitted through the Occupational Safety and Health Standards Board (OSHSB or Standards Board), from Pamela Murcell, Legislative and Regulatory Consultant for the California Industrial Hygiene Council (CIHC) (petitioner). The petitioner requests an amendment to title 8, California Code of Regulations (CCR), section 5155(e)(3), to add a statement explicitly recognizing that a Certified Industrial Hygienist (CIH) is considered competent in the practice of industrial hygiene.

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

2.0 PETITIONER'S REQUEST AND BASIS FOR AMENDMENT OF TITLE 8, SECTION 5155

The petitioner proposes to amend section 5155 by adding a new sentence to subsection (e)(3). The petitioner proposes adding the following underlined text to section 5155(e)(3):

For the adequate protection of employees, the person supervising, directing or evaluating the monitoring and control methods shall be versed in this standard and shall be competent in industrial hygiene practice. A Certified Industrial Hygienist as codified in California's Business and Professions Code sections 20700-20705 is considered competent in industrial hygiene practice.

The petitioner states that the current regulation lacks much-needed clarification regarding who qualifies as “competent in industrial hygiene practice” under subsection 5155(e)(3). The petitioner further states that the proposed amendment will improve workplace conditions for California workers, assist employers in fulfilling their responsibility to provide a safe and healthful work environment, and aid Cal/OSHA in enforcing evaluations of workplace conditions.

The petitioner identifies four factors that form the basis for the petition:

1. Competent exposure monitoring and evaluation are critical, as they serve as the basis—or trigger—for all other elements of compliance, including exposure control and medical evaluation.
2. Collecting samples is only one aspect of monitoring exposures; exposure evaluation is more nuanced, and assessment and exposure control represent core competencies of the industrial hygiene profession.
3. Poor exposure evaluations can lead to worker injuries and illnesses, uncontrolled overexposures, and costly over-control of acceptable exposures.
4. The Certified Industrial Hygienist (CIH) credential is the global standard for certification of competency in industrial hygiene.

The petitioner provides precedents from state and federal regulations where the CIH is referenced in various contexts:

- **Title 8 section 5157, Permit-Required Confined Spaces**— Confined space evaluations per Appendix B – Procedures for Atmospheric Testing states: “(1) Evaluation testing. The atmosphere of a confined space should be analyzed using equipment of sufficient sensitivity and specificity to identify and evaluate any hazardous atmospheres that may exist or arise, so that appropriate permit entry procedures can be developed and acceptable entry conditions stipulated for that space. Evaluation and interpretation of these data, and development of the entry procedure, should be done by or reviewed by a technically qualified professional (e.g., Cal/OSHA consultation service, or certified industrial hygienist, registered safety engineer, certified safety professional, certified marine chemist, etc.) based on evaluation of all serious hazards.”
- **Title 8 section 5197, Occupational Exposure to Food Flavorings Containing Diacetyl , subsection (b)(24)** states: “Program reviewer” means a certified industrial hygienist or licensed professional engineer who is knowledgeable in both industrial ventilation design and the control of hazardous exposures, and who is responsible for certifying the effectiveness of the employer's diacetyl control program in accordance with subsection (e)(6).

- **Title 8 section 5204, Occupational Exposures to Respirable Crystalline Silica**, subsection (b)(11) defines “Qualified Person” (for purposes of this section only), as a third-party independent of the employer who, by extensive instruction, knowledge, training, and experience, has demonstrated the ability to effectively perform and interpret the results of representative air monitoring for occupational exposure to respirable crystalline silica. The qualified person shall be knowledgeable in this standard and shall be competent in industrial hygiene practice. A Certified Industrial Hygienist, as codified in California's Business and Professions Code sections 20700–20705, is considered competent in industrial hygiene practice. Subsection 5204(d)(3)(E) requires that high-exposure trigger tasks be monitored by a qualified person at least every 12 months or more frequently as required in this section.
- **Federal Occupational Safety and Health Administration (OSHA) Asbestos Regulations 29 CFR 1910.1001(j)(8)(ii)(B) and 1926.1101(k)(5)(ii)(B)** state that asbestos bulk sampling must be conducted by an accredited inspector or by a certified industrial hygienist (CIH).

3.0 APPLICABLE TITLE 8 REGULATIONS

Section 5155(e)(3) implements Labor Code section 142.3(c) by requiring monitoring of employee exposure to airborne contaminants in a way that protects workers.

Section 5155(e)(3) has three key elements:

1. Purpose: to achieve adequate protection of employees.
2. Who it applies to: persons who supervise, direct, or evaluate monitoring and control methods.
3. Required qualifications: these persons must be knowledgeable in section 5155 and competent in industrial hygiene practice.

The regulation does not:

- Define “competent in industrial hygiene practice.”
- Provide examples or criteria for competence.
- Require a specific credential (e.g., CIH).

It includes a non-binding note encouraging employers to use appropriate devices for workplace screening by any authorized person.

The petitioner cited three title 8 regulations referencing Certified Industrial Hygienist (CIH), one (section 5204) directly states that a CIH is considered “competent in industrial hygiene practice.”

- **Section 5157 Permit-Required Confined Spaces:** requires a “technically qualified professional” (CIH is listed as an example) for atmosphere testing — which is not the same as being “competent in industrial hygiene practice.”

- **Section 5197, Occupational Exposure to Food Flavorings Containing Diacetyl:** requires the program reviewer to be a CIH or licensed PE with specific ventilation/exposure knowledge, but this individual is not required to be competent in industrial hygiene practice.
- **Section 5204, Occupational Exposures to Respirable Crystalline Silica:** states that a “qualified person” for exposure monitoring can be a CIH (referencing Business & Professions Code competence), but this is limited to monitoring/interpretation (not control methods as required in section 5155) and applies only to section 5204.

No other regulations in title 8 were found that define “CIH” or require that a CIH (or equivalent) be “competent in industrial hygiene practice”. The term remains undefined.

4.0 APPLICABLE FEDERAL OSHA REGULATIONS

The federal OSHA standard 29 CFR 1910.1000, Air Contaminants requires that workplace exposures to toxic and hazardous substances first be controlled using engineering or administrative measures; only then may personal protective equipment (PPE) or other protective measures be used. The regulation further states that “any equipment and/or technical measures used for this purpose must be approved for each particular use by a competent industrial hygienist or other technically qualified person.” The regulation does not define “competent industrial hygienist,” nor does it refer to a Certified Industrial Hygienist (CIH) as an example of one who is competent.

29 CFR 1910.1001(j)(8)(ii)(B), Asbestos and 1926.1101(k)(5)(ii)(B), Asbestos require tests, evaluation and sample collection to be conducted by an accredited inspector or by a CIH, however there is no mention that the individual is to be “competent in industrial hygiene practice.”

5.0 ANALYSIS OF PETITION TO AMEND SECTION 5155

Cal/OSHA concurs with the petitioner that the term “competent in industrial hygiene” should be further defined to better effectuate the regulation’s purpose. Cal/OSHA agrees with the petitioner that the accurate evaluation of exposures and control methods forms the basis for protecting employees from harmful exposures. A person who supervises, directs, or evaluates industrial hygiene monitoring and control methods must be clearly defined in terms of their ability to anticipate, recognize, evaluate, and control harmful exposures.

6.0 CONCLUSION

Cal/OSHA recommends that Petition No. 612 be GRANTED to the extent that the Standards Board request Cal/OSHA to convene an advisory meeting to review title 8 section 5155(e)(3) and the rulemaking changes requested by the petitioner.

Cc: Debra Lee, Chief