Regulatory Agenda for Industrial Hygiene Issues

EEI Safety and Health Committee Conference
Spring 2015
Beryllium

"Proposed Rule"

**Summary:** On November 26, 2002 OSHA issued a “Request for Information” and began to evaluate the best ways of reducing employee exposure to beryllium. OSHA is identifying processes, industries and kinds of businesses that involve the use of beryllium. In the “Request for Information”, OSHA identified abrasive blasting with coal slag as a potential occupational exposure.

**Impact:** Coal slag and coal ash may contain trace quantities of beryllium. Some other possible exposure routes would be machining spark resistant tools or other exotic metals. A full substance specific standard will provide for all the related requirements (PEL, AL, medical surveillance, training, etc.). Impact will depend on PEL and housekeeping provisions. Reportedly the proposed PEL is .2ug/m3 which would present a challenge to current detection/analysis methods.

**Time Table:**
- Request for information November, 2002
- Started Peer Review March, 2009
- Complete Peer Review November, 2010
- Proposed Rule Expected – Early to Mid 2015
**Summary:** Most Permissible Exposure Limits (PELs) were adopted in 1971. An update effort in 1989 was overturned in court action. OSHA is developing a Request for Information (RFI) seeking input to help the agency identify effective strategies for addressing the issue.

**Impacts:** Updating PELs that are 40 years old would result in significant re-sampling to determine exposure and additional new controls. Some analysis methods might need to be refined to achieve appropriate detection.

**Time Table:**
- Request for Information – Oct. 2014
- RFI Comment Period Ends – April 2015
Quantitative Fit Test Protocol: Amendment to Respiratory Protection Rule
(Proposed Rule – First Time on Agenda)

- **Summary:** In the final revised Respirator Standard 29 CFR 1910.134, OSHA included a mechanism for acceptance of new fit test protocols. OSHA has received three new quantitative fit test protocols which reduce the time needed to fit test. This rule making will allow for the incorporation of the new methods into 1910.134.

- **Impact:** Might save time for fit testing. Could require additional training for personnel doing fit testing.

- **Time Table:** Proposed Rule – March 2015
Infectious Disease
Prerule

Summary: OSHA is considering the need for a standard creating infection control program that would protect employees from infectious disease (i.e. TB, SARS, Pandemic Flu). Note: The Ebola crisis has increased interest in this regulation.

Impacts: Directed towards Health Care workers, but like the Blood Borne Pathogen Standard, it could carry surprises for on-site first aid and medical staff.

Time Table:
- Request for Information – April 2010
- RFI Comment Period Ends – July 2010
- Stakeholder meeting in mid - 2011
- Small business review – Late 2014
Blood Borne Pathogens
Pre-rule

**Summary:** OSHA performed a “look back” review of the Blood Borne Pathogen Standard to identify any changes required to improve the standard. The review is complete and there was a request for comments. They may re-open the standard for changes.

**Industry Impact:** Intent was to review for duplication, overlap and conflicts with other regulations and degree that technology, economics or other factors may have changed in the interim. Could change compliance requirements, but historically these reviews have not created any changes to the standards reviewed.

**Time Table:**
Opened review Oct. 2009
Comment Period May – Aug. 2010
End Review and Issue Findings – May 2015
Confined Spaces in Construction

“Proposed Rule”

Summary: Current Rule for General Industry does not apply to Construction. As a settlement agreement for the general industry standard, OSHA agreed to issue a proposed rule to extend confined-space protection to construction workers appropriate to their work environment. The proposed rule was published in 2007.

Impact: The proposed standard is different than current General Industry Standard. Differences could lead to confusion and compliance difficulty – particularly when Construction and General Industry confined spaces are on the same site.

Time Table:
Proposal Published - November 28, 2007
Written Comments Due - February 28, 2008
Public Hearing - July 22, 2008
Closed Record - November, 2008
Final Rule expected in March, 2015
Process Safety Management and Prevention of Major Chemical Accidents
(Prerule)

- **Summary:** In accordance with Executive Order #13650, Improving Chemical Facility Safety and Security, OSHA issued a Request for Information (RFI) to identify issues related to modernizing the PSM and related Standards.

- **Impact:** Depending on changes it could expand requirements of PSM Standard or include additional chemicals. EPA is also reviewing RMP Standard

- **Time Line:**
  - Request for Information - Dec. 2013
  - Initiated SBREFA – Jun. 2015
Emergency Response and Preparedness

**Summary:** Based on responses to a Request for Information (RFI) in 2007 OSHA recognized that some of the standards regulating emergency response were promulgated decades ago and do not reflect the full range of hazards and concerns facing responders or the major performance changes in equipment and clothing. Recent chemical and rail car events has reaffirmed the importance of improved Emergency Responder Safety.

**Impacts:** Personnel involved in emergency response and emergency planning operations

**Time Table:**
- First time on the agenda – 2014
- Stakeholder meetings - July 2014
- NACOSH Work Group – April 2014
Lead Renovation, Repair & Painting for Public and Commercial Buildings

Summary: EPA is expanding current regulations on lead renovation, repair and painting in child occupied facilities to now cover “public and commercial” building.

Impacts: Similar to previous asbestos requirements. For Asbestos “public and commercial” buildings include utilities.

Time Table:
Proposed Rule Date Set – July 2015

Note: This rule has been a long time in the making by EPA. It has been postponed numerous times, but under court order for release by Jan. 2018.
Crystalline Silica
(Proposed Rule)

Summary: Crystalline silica is a significant component of the earth’s crust and many workers are exposed to it. The current PEL was based upon guidance from 1971. OSHA lowered the PEL in the proposed rule to 50 ugm3 believing this level would protect workers from developing chronic silicosis. OSHA made this PEL consistent across all sectors. OSHA also believes that the provisions provided by the comprehensive standard, such as engineering controls, were necessary to reduce worker exposure to crystalline silica.

Impact: Will significantly effect activities that generate dust, concrete dust, fly ash dust and other silica containing dust. There will be additional engineering control costs, training costs and monitoring costs.

Time Table:
- Completed SBREFA Report - December 2003
- Complete Peer Review - February 2009
- Completed peer review - Jan 2010
- NPRM – February 2012
- Proposed Rule - Spring 2014 (EEI Provided Commented)
- No Date Published for Final Rule
Questions ???