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improve the health and safety
of workers and the community.*

March 19, 2007

Assemblymember Sally Lieber
State Capitol
Sacramento, CA 95814

Re: Opposition to AB 515 (PEL Process)

Dear Assemblymember Lieber,

On behalf of the California Industrial Hygiene Council (CIHC), I regret to inform you of our opposition to your measure AB 515 relating to process for permissible exposure limits. (PEL)

Pursuant to California Labor Code Section 144.6 the Division of Occupational Safety and Health (DOSH) in response to a request from the Cal/OSHA Standards Board, convened an Advisory Committee and will very soon publish its Policy and Procedure for the Advisory Committee Process for Permissible Exposure Limit (PEL) Updates to Title 8, Section 5155, Airborne Contaminants. The purpose of this PEL process document is to ensure transparency in the process of developing consensus standards..

The final draft of the process document, as presented to the Cal/OSHA Standards Board on March 15, 2007, copy attached, establishes the Health Expert Advisory Committee (HEAC) and Feasibility Advisory Committee (FAC). The role of the HEAC is to consider the need and scientific basis for recommending to the Division new or revised health-based exposure levels for airborne contaminants. The HEAC, with the assistance of DOSH staff, is tasked to research current scientific literature and sources that include government agencies such as National Institute of Occupational Safety and Health (NIOSH), Office of Environmental Health Hazard Assessment (OEHHA), United States Environmental Protection Agency (USEPA) and the National Toxicology Program (NTP). Recommendations and studies of private industries, the military and international organizations may also be used as reference sources.

The role of the FAC is to provide an opportunity for interested parties to comment on technical and economic feasibility and reasonableness of HEAC recommended PELs.

AB 515 would require that any PEL adopted by the Cal/OSHA Standards Board for a given substance be the same as the health-based occupational exposure level determined for that substance by OEHHA.

This bill would effectively establish OEHHA as the HEAC and eliminate the scientific consensus process. OEHHA is not, and should not be, the only scientific resource that contributes to the occupational exposure standards development process. As can be seen in the DOSH PEL process document, OEHHA is an important resource, but still only one of several resources that the HEAC uses in determining its health-based recommendations for PELs.

Because AB 515 (2/20/07) would negate the scientific consensus PEL process, California Industrial Hygiene Council (CIHC) stands in opposition to the bill. However, we understand why standard setting, especially for carcinogens and teratogens, has been difficult and even contentious in the past. We agree that OEHHA's quantitative risk assessment estimates, as may be adjusted for workplace exposure duration, can be important contributions to such rulemaking. We also agree that so-called Proposition 65 listed chemicals deserve priority, especially where no PEL has been established or when PELs are reviewed and updated. We object, however, to AB 515, which would place inappropriate limitations on the scientific consensus process for setting PELs, from which California has become a national leader in workplace exposure standard setting. We would support a bill that is consistent with scientific consensus rulemaking and are available to assist in crafting such a bill.

CIHC is comprised of the five California Local Sections of the American Industrial Hygiene Association. "Industrial Hygiene" is the science and practice devoted to the anticipation, recognition, evaluation and control of those environmental factors and stresses arising in or from the workplace that may cause sickness, impaired health and well-being, or significant discomfort among workers and which may also impact the general community.

Respectfully,

Howard B. Spielman, PE, CIH, CSP, REHS
CIHC Vice President