



# Cal/OSHA Updates: Upcoming Regulations

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26<sup>th</sup> Annual California Industrial Hygiene Council  
Professional Development Seminar  
San Diego, CA  
December 7, 2016

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# Steps to Develop a Regulation

1. Mandated or initiated
2. Preparation for rulemaking
3. Formal rulemaking
4. Review and approvals
5. Approved



# 1. Mandated or initiated by:

- Federal  OSHA

- Legislature



- Governor

- Interested persons

- Staff
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## 2. Preparations for rulemaking

- Research
  - Advisory input
  - Draft language
  - Economic impact analysis
  - Public notice of proposed rulemaking
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### 3. Rulemaking

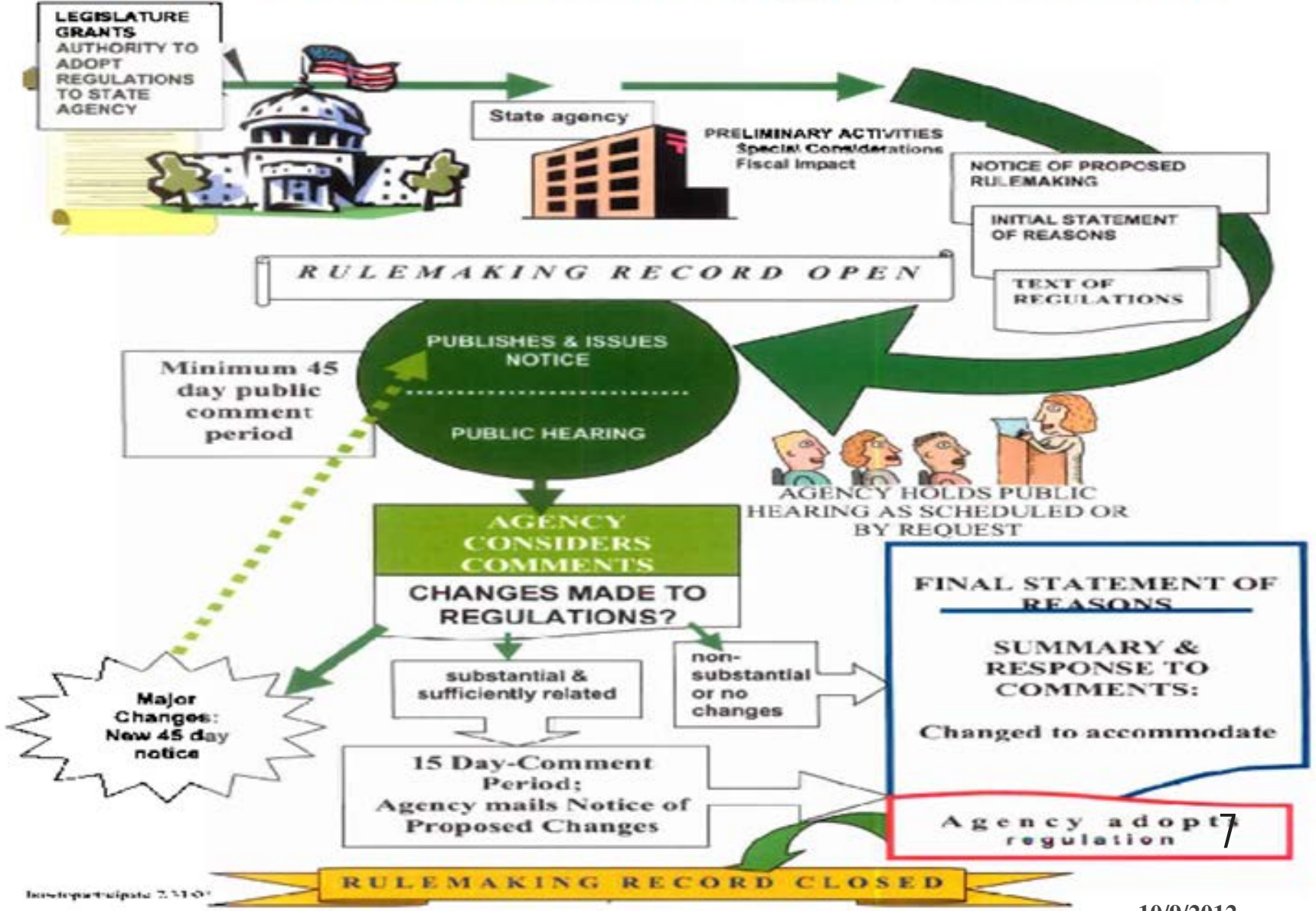
- Written comments
- Public hearing
- Modifications
- Responses to all public comments



## 4. Reviews and approvals

- Department of Finance
  - Standards Board
  - Office of Administrative Law (OAL)
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# The Rulemaking Process



## 5. Approved

- Secretary of State filing
- Public information and outreach
- Enforcement







What Cal/OSHA regulations are on the horizon?

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# Approved

## Definition of “repeat violation”:

- Effective Jan. 1, 2017
  - Earlier violation occurred in California
  - New violation involves a substantially similar regulatory requirement
  - New violation involves essentially similar conditions or hazards (except for regulatory violations)
  - Citation is issued within 5 years after the earlier citation became final
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# Under review for approval

## Workplace violence in healthcare:

- OAL is reviewing
- WPVP plan – based on IIPP elements
- WPV incident log
- Training
- Active involvement of employees





# In the formal rulemaking process

## **Process safety management for petroleum refineries:**

- Responding to comments after public hearing
  - Refinery processes include the use, storage, manufacturing, handling, piping, and movement of highly hazardous materials
  - The proposed regulation will eliminate or minimize process safety hazards and reduce the risk of major incidents
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# In the formal rulemaking process (cont'd)



## Wood dust:

- Western red cedar
  - PEL 0.5 mg/M<sup>3</sup>
- Other wood dusts
  - PEL 1 mg/M<sup>3</sup>
  - STEL 5 mg/M<sup>3</sup>

# Preparing for rulemaking

- Antineoplastic drugs
  - Boilers and fired pressure vessels
  - Elevators
  - First aid kits contents
  - Hotel housekeeping
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# Preparing for rulemaking (cont'd)

- Lead in construction and general industry
  - Medical marijuana
  - Mine safety
  - Permissible exposure limits (**PELs**)
  - Portable amusement ride inspection fees
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# PELs:

- Advisory committee with expertise in toxicology, epidemiology or biostatistics, occupational medicine, and industrial hygiene
  - Cal/OSHA staff compile scientific literature and suggest updated PELs
  - Meetings include input from interested parties regarding feasibility and practical impact
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# Preparing for rulemaking (cont'd)

- Reporting of injury and illness data electronically, with anti-retaliation provisions
  - Sexually transmitted infections in adult film industry
  - Tramway safety
  - Tunnel safety
  - Unfired pressure vessels
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# Mandated activity

## **Indoor heat - Senate Bill 1167:**

- Regulation must be based on environment temperatures and work activity levels
  - Must consider 2016 ACGIH guidelines
  - Must propose regulation to Standards Board by Jan, 1, 2019
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The screenshot shows the website for the State of California Department of Industrial Relations, specifically the Cal/OSHA Advisory Meetings page. The page features a navigation menu with options like Home, Labor Law, Cal/OSHA - Safety & Health, Workers' Comp, Self Insurance, Apprenticeship, Director's Office, and Boards. A search bar is located at the top right. The main content area includes a section titled "Attend an Advisory Meeting" with a sub-section for "Subject-matter advisory meetings". This section contains a table with the following data:

8 CCR Section	Subject	Meeting dates & locations	Staff contact
5155	Airborne Contaminant Permissible Exposure Limits (PELs) • <a href="#">Meeting announcements and handouts</a>	December 6, 2016 10:30 am to 3:30 pm  Harris State Building 1515 Clay St. 2nd Floor, Rm 2 Oakland, CA	<a href="#">Garrett Keating</a> 510-286-6874  <a href="#">Mike Horowitz</a> 510-286-7009
New Section	Antineoplastic Drugs in Healthcare • <a href="#">Meeting announcements and documents</a>	TBA	<a href="#">Grace Delizo</a> 619-278-3770

On the right side of the page, there are "Quick Links" such as "File a workplace safety complaint" and "Obtain a free consultation", and "Cal/OSHA Branches & Units" including "Enforcement", "Consultation", "Amusement Ride and Tramway", "Asbestos and Carcinogen", "Crane", "Elevator", and "Heat and Agriculture Program". A "FEEDBACK" button is visible in the bottom right corner.

Public participation in advisory meetings to develop a proposed regulation

The screenshot shows the website for the Occupational Safety & Health Standards Board (OSHSB). The page title is "Proposed Regulations Occupational Safety & Health Standards Board". The main content area contains two paragraphs of text explaining the board's meeting schedule and the regulatory process. A table at the bottom lists proposed regulations and their public hearing dates.

State of California  
Department of Industrial Relations

Occupational Safety & Health Standards Board (OSHSB)

### Proposed Regulations

#### Occupational Safety & Health Standards Board

Pursuant to Government Code section 11346.4 and Labor Code sections 142.1, 142.3, 142.4, 144.5, the Occupational Safety and Health Standards Board will conduct a monthly board meeting at the following times and locations. During this meeting the board will hold an open public meeting, consider proposed revisions of the California Code of Regulations at its monthly public hearings, and conduct its business. As public hearing regulations, their supporting documents (an informative digest and initial statement of reasons), and agenda of the meeting become available they will be posted below as underlined links to the related documents.

Once adopted by the Board, the regulation is submitted to the Office of Administrative Law (OAL) for approval and submittal to the Secretary of State. OAL has 30 working days to approve or deny the regulation. If approved and submitted to the Secretary of State, the regulation becomes effective on a quarterly basis (January 1, April 1, July 1 or October 1) depending on the date OAL approves and submits to Secretary of State, unless it is a "Horchler," in which case the effective date is the same as the date the regulation is submitted to the Secretary of State.

Proposed Regulation	Status
<a href="#">Sections 1711, 1712, 1713, 1717 and 1721</a>	Public Hearing: <a href="#">Date: 10/20/2010</a>

Quick Links

- Standards Board public hearings
- Rulemaking proposals scheduled for hearing or adoption
- Recently approved standards
- The petition process
- The variance process
- Search for Cal/OSHA regulations
- Title 8 Index
- Upcoming advisory committees
- Recent Cal/OSHA advisory committees
- Learn about Cal/OSHA enforcement

Public submission of comments on proposed regulations



QUESTIONS?

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