**Cal/OSHA Health, Safety, and Administrative Rulemaking Updates**

**July 25, 2017**

**Antineoplastic Drugs**. Labor Code section 144.8 requires Cal/OSHA to develop a regulation to protect employees exposed to antineoplastic drugs. Advisory committee meetings were held in June 2014 and October 2015. Advisory Committee discussion drafts, supporting documentation, and meeting minutes are available at: http://www.dir.ca.gov/dosh/doshreg/Antineoplastic-Drugs/. Cal/OSHA and Director’s Office staff are preparing documents for a draft rulemaking package that is expected to be submitted to Occupational Safety and Health Standards Board (Standards Board) staff in 2017.

**Boilers and Fired Pressure Vessel Permitting Fees**. Cal/OSHA and Director’s Office staff are preparing an emergency rulemaking package under recent amendments to Labor Code section 7721 to implement permit fee increases.

**Boilers and Fired Pressure Vessel Safety Orders**. Cal/OSHA held advisory committee meetings in September 2015 and February and August 2016 and expects to send the draft rulemaking package to Standards Board staff in Spring 2018. Advisory committee discussion drafts are available at: <http://www.dir.ca.gov/dosh/doshreg/Pressure-Vessel-Safety-Orders/>.

**Conveyance Fee Reduction**. Cal/OSHA and Director’s Office staff filed an emergency rulemaking package under amendments to Labor Code section 7314 The package was approved by OAL, and the emergency regulation is in effect for 180 days commencing February 1, 2017. A Notice of Intent to Readopt the Emergency Regulation for an additional 90 days pending formal rulemaking was filed with OAL on July 12, 2017.

**Elevator Safety Orders**. Cal/OSHA held advisory committee meetings in April 2014 and February, April, and June 2015. DIR and DOSH have identified the draft regulation as a major regulation, and a Standardized Regulatory Impact Assessment (SRIA) was submitted on July 14, 2017, to the Department of Finance for review and comment. A draft rulemaking package is expected to be sent to Standards Board staff in Fall 2017. Advisory committee discussion drafts are available at: <http://www.dir.ca.gov/dosh/doshreg/elevators/ac-meetings.html>.

**First Aid Kit Contents**. In response to Petition 519, an advisory committee meeting was held on June 29, 2011. The advisory committee discussion draft, supporting documentation, and meeting minutes are available at: <http://www.dir.ca.gov/dosh/doshreg/MedServFirstAid.html>.The draft proposed text and economic impact statement have been submitted to Standards Board staff for review to begin formal rulemaking.

**Hotel Housekeeping**. In response to Petition 526, Cal/OSHA held advisory committee meetings from October 2012 to December 2015. Advisory committee discussion drafts, supporting documentation, and meeting minutes are available at: <http://www.dir.ca.gov/dosh/doshreg/Hotel_Housekeeping.html>.

The proposed regulation was published on March 31, 2017, and the Standards Board held a public hearing on the proposal on May 18, 2017. Cal/OSHA staff are reviewing and preparing responses to all comments received onthe proposal. The rulemaking documents are available at: <https://www.dir.ca.gov/OSHSB/HotelHousekeeping-Musculoskeletal-Injury-Prevention.html>.

**Indoor Heat**. Labor Code section 6720 requires Cal/OSHA to propose an indoor heat regulation to the Standards Board by January 1, 2019. Cal/OSHA convened the first advisory committee meeting on February 28, 2017, in Oakland. A second advisory committee meeting was held in on May 25, 2017, in Ontario, CA. Cal/OSHA staff reviewed written and oral comments received during and after the advisory committee meeting and are preparing changes to the draft text. Advisory committee meeting information and documents are available at: [http://www.dir.ca.gov/dosh/doshreg/Heat-illness- prevention-indoors/](http://www.dir.ca.gov/dosh/doshreg/Heat-illness-%20prevention-indoors/).

**Lead in Construction and General Industry**. Three advisory meetings were held in 2015 to consider future rulemaking to update both the general industry and construction lead exposure standards in response to recommendations from the California Department of Public Health to lower the PEL for lead in addition to lowering the blood lead level requirements. The advisory meeting process started in 2011. No further advisory meetings are anticipated. Advisory committee discussion drafts, supporting documentation and meeting minutes are available at: http://www.dir.ca.gov/dosh/doshreg/5198Meetings.htm. Cal/OSHA is preparing a standardized regulatory impact analysis (SRIA) for the Department of Finance (DOF). After DOF approves the SRIA, Cal/OSHA and Director’s Office staff will revise the Initial Statement of Reasons (ISOR) accordingly. Cal/OSHA anticipates submitting a draft rulemaking package to Standards Board staff in 2018.

**Marijuana (Medical)**. As provided in Labor Code section 147.5, Cal/OSHA convened an advisory committee on October 25, 2016, to evaluate whether there is a need to develop industry-specific regulations related to the activities of facilities issued a license pursuant to the Medical Marijuana Regulation and Safety Act (AB 243 and AB 266). Advisory committee meeting announcements and documents are available at: <http://www.dir.ca.gov/dosh/doshreg/Medical-Marijuana/>. Cal/OSHA’s findings and recommendations based on advisory committee input were presented to the Standards Board at their June 15, 2017, meeting in Sacramento. The Board agreed that there is no need to develop industry-specific regulations related to the activities of medical cannabis facilities at this time.

**Marijuana (Recreational)**. As required by Labor Code section 147.6, Cal/OSHA will convene an advisory committee prior to March 1, 2018, to evaluate whether there is a need to develop industry specific regulations related to the activities of licensees under Division 10 (commencing with Section 26000) of the Business and Professions Code, including, but not be limited to, whether specific requirements are needed to address exposure to second-hand marijuana smoke by employees at facilities where on-site consumption of marijuana is permitted under subdivision (d) of Section 26200 of the Business and Professions Code, and whether specific requirements are needed to address the potential risks of combustion, inhalation, armed robberies, or repetitive strain injuries.

**Minimum and Maximum Penalty Increases**. Cal/OSHA is preparing a rulemaking package to increase the maximum civil penalties for non-serious, willful, regulatory, and posting/recordkeeping citations under amendments to Labor Code sections 6427, 6429, and 6431 enacted as part of the 2017-2018 Budget Bill. Cal/OSHA expects to submit the rulemaking package to the Office of Administrative Law under the streamlined process under 1 CCR 100 for changes without regulatory effect.

**Mine Safety Orders**. Cal/OSHA staff held advisory committee meetings in 2013 and 2014 and are drafting proposed revisions to the current Mine Safety Orders. Cal/OSHA expects to send a draft rulemaking package to Standards Board staff by the end of 2017. Advisory committee discussion drafts are available at: <http://www.dir.ca.gov/dosh/doshreg/Mining-Safety-Orders/index.html>.

**Permanent Amusement Rides Safety Orders**. Cal/OSHA held advisory meetings with industry representatives in October 2015, February 2016, October 2016, and February 2017. Cal/OSHA expects to send a draft rulemaking package to Standards Board staff by the end of 2017. Draft materials will be posted at: <http://www.dir.ca.gov/dosh/doshreg/PAR-Safety-Orders/>

**Permissible Exposure Limits (PELs)**. The Health Effects Advisory Committee (HEAC) is being convened quarterly to evaluate hazardous substances and recommend exposure limits based on health effects and feasibility. The next meeting will be held in Oakland on September 5, 2017, to discuss PEL updates for aluminum, hydrogen sulfide, manganese, peracetic acid, and 2- butoyxethyl acetate. Advisory committee schedule, support documentation, and meeting minutes are available at <http://www.dir.ca.gov/dosh/doshreg/5155Meetings.html>. Specific substance rulemaking includes the following:

•Wood Dust: On February 16, 2017, the Standards Board adopted more protective worker exposure limits related to wood dust. For all wood dusts (except red cedar), the PEL was reduced from 5 mg/m3 to 2 mg/m3 , and the short term exposure limit (STEL) was reduced from 10 mg/m to 5 mg/m3 . For red cedar dust, the PEL was reduced from 2.5 mg/m3 to 0.5 mg/m3 . The Office of Administrative Law (OAL) approved the rulemaking and the new PELs and STEL went into effect on July 1, 2017.

• Trichloroethylene: Cal/OSHA sent draft trichloroethylene rulemaking documents to Standards Board staff for review in April 2016 and replied to Standards Board staff comments in September 2016. Cal/OSHA is responding to additional comments received from Standards Board staff in November 2016.

• Benzyl chloride: Cal/OSHA sent draft rulemaking documents to Standards Board staff in October 2015 and replied to Standards Board staff comments in June, September, and December 2016. Standards Board staff finalized and sent the rulemaking documents to the Labor and Workforce Development Agency (LWDA) in January 2017 and received approval from LWDA in July 2017 to submit the proposal to OAL for publication and the scheduling of a public hearing later this year.

• Other substances: Cal/OSHA is preparing a rulemaking proposal for tetrabromoethane, n-propanol, cyclohexane, and trimelitic anhydride, which have gone through the advisory committee process. The draft rulemaking package will be sent to the Standards Board later this year.

**Portable (Temporary) Amusement Ride Inspection and Permitting Fees**.Under recent amendments to Labor Code section 7904, Cal/OSHA and Director’s Office staff filed an emergency rulemaking package that was approved by the Office of Administrative Law on June 29, 2017. The emergency regulation will be in effect for 180 days pending formal rulemaking.

**Process Safety Management for Petroleum Refineries**. The Office of Administrative Law (OAL) published the proposed regulation on July 15, 2016, and the Standards Board held a public hearing on the proposal on September 15, 2016. A 15-day notice of revisions to the proposed regulation was issued on February 10, 2017. The Standards Board adopted the proposedregulation at its May 18, 2017, meeting in Oakland and submitted the proposal to OAL for approval. OAL’s decision was pending as of July 25, 2017. Rulemaking documents, including the proposed regulation text, are available at: <http://www.dir.ca.gov/OSHSB/Process-Safety-Management-for-Petroleum-Refineries.html>

**Recording and Reporting Occupational Injuries and Illnesses, with Anti- Discrimination Provisions**. Cal/OSHA staff drafted a proposed rulemaking package to conform to revised federal OSHA regulations (1) requiring electronic submission of Log 300 records of injuries and illnesses and (2) incorporating an existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. The package is currently under review within the Administration. In the meantime, California employers are not required to follow the federal requirements. Additional information is posted at <http://www.dir.ca.gov/dosh/caloshaupdates/log300-reporting.html>.

**Sexually Transmitted Infections (STI)**. The Standards Board did not adopt the Cal/OSHA proposed standard during its February 18, 2016, meeting. Petitions 557 and 560 for new STI standards for workers in the adult film industry, filed by the AIDS Healthcare Foundation and the Free Speech Coalition, respectively, were granted by the Standards Board at its August 2016 meeting. In response to the two petitions, Cal/OSHA convened an advisory committee meeting on January 31, 2017, in Oakland. Advisory committee support documentation and meeting minutes will be available at: [http://www.dir.ca.gov/dosh/doshreg/5193Meetings.htm](%20http:/www.dir.ca.gov/dosh/doshreg/5193Meetings.htm). More recently, Cal/OSHA has been meeting and collaborating with both petitioners to address the petitioners’ concerns through education, outreach, and enforcement of existing requirements to observe universal precautions and use of barrier protection, in lieu of new rulemaking.

**Tramway Safety Orders**. Cal/OSHA held one advisory committee meeting and obtained further advisory input in the period 2012-16. After review by Director’s Office staff, Cal/OSHA sent the draft rulemaking package to Standards Board staff on July 20, 2017. Draft materials will be posted at: [http://www.dir.ca.gov/dosh/doshreg/Tramway-Safety-Orders/](http://www.dir.ca.gov/dosh/doshreg/Tramway-Safety-Orders/%20)

**Tunnel Safety Orders**. Cal/OSHA held advisory committee meetings and obtained further advisory input in the period 2008-12, and is currently drafting proposed revisions to the current Tunnel Safety Orders. Cal/OSHA expects to send a draft rulemaking package to Standards Board staff by the end of 2017.

**Unfired Pressure Vessel Safety Orders**. Cal/OSHA held advisory committee meetings in February and August 2016 and expects to send a draft rulemaking package to Standards Board staff in Spring 2018. Advisory committee discussion drafts are available at: <http://www.dir.ca.gov/dosh/doshreg/Pressure-Vessel-Safety-Orders/>.

**Workplace Violence in General Industry**. The Standards Board granted Petition 542 in December 2014 and requested that Cal/OSHA hold advisory committee meetings to assist in developing a workplace violence prevention standard for general industry. On May 29, 2015, Cal/OSHA sent the Standards Board a report discussing how benefits and lessons learned from the workplace violence in healthcare rulemaking could benefit the rulemaking process for general industry. Cal/OSHA convened an advisory committee meeting on January 12, 2017. Cal/OSHA reviewed all written and oral comments and is preparing draft text for a second advisory committee meeting to be held later in 2017. Advisory committee support documentation, meeting minutes and dates for future meetings will be available at: <http://www.dir.ca.gov/dosh/doshreg/WorkplaceViolence-in-General-Industry/>.