

Department of Labor and Industries
 DOSH Lead Rulemaking – May 4, 2018 Stakeholder Meeting

Significant Changes

The draft lead rule dated April 20, 2018 is a second draft prepared in response to petitions for rule making and information provided on the current science of lead toxicology. In this draft, several changes are made to address current exposure trends and improvements to the application of the rule requirements.

This table compares the draft to the current rule. Those areas where there are significant differences from the first discussion draft (dated 6/29/2017) are marked with an asterisks (*).

| Draft Change | Issues |
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| Single rule | Currently the department has separate rules for general industry and construction. Combining the rules provides consistent protection for all workers. |
| All lead compounds covered* | All forms of lead and all lead compounds are covered by the draft rule. The exemption of organic lead compounds has been removed. |
| Reduction of the blood lead criteria for medical removal and | In the past 50 years the average blood lead level in the adult population has dropped significantly. Workers experiencing elevated blood lead levels above current background levels are found to suffer measurable medical effects and risk of permanent impairment at levels that could not be evaluated when the current standards were put in place. Recommendations from the CDC/NIOSH, public health, and ACOEM were considered. |
| Adding lower blood lead management criteria | Current rules do not require employer action on elevated blood lead levels prior to removal of the workers from the exposure. Additional criteria are proposed to implement management of blood lead levels prior to workers experiencing levels requiring medical removal. |
| Lowering of the Permissible Exposure Limit and Action Level | Analysis of exposure and resulting blood lead levels indicates that a lower Permissible Exposure Level is necessary to ensure employers are able to manage exposures and prevent medical removal with the proposed blood lead criteria. The triggers for activities at the Action Level have been revised. |
| Establishing a Secondary Permissible Exposure Limit* | A higher level is used for full requirements for respiratory protection, hygiene practices, and capital expenses for control of lead. This is |
| TWA _{8e} | Airborne exposure criteria are expressed as equivalent 8-hour exposure levels. This terminology addresses extended work shifts in a manner that matches the current PEL adjustment. |
| Additional Action Level criteria* | The draft establishes exposure action levels for: <ul style="list-style-type: none"> • Handling lead containing metal alloys • Handling other lead containing materials • Disturbing materials • Aerosolizing materials • Surface contamination |

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| Multi-employer worksites | Language is added to address multi-employer worksites based on legal precedent. |
| Exemption of low exposure activities | Current rules are applied to all lead exposures. Advances in monitoring and detection have generated questions about circumstances that would not have been considered at the time of the rules were promulgated and where the department routinely does not require compliance. |
| Expanded direction for initial classification of worker exposures | Specific requirement to assess exposure on start of work or where work has not been previously assessed. Trigger task model currently used in the construction standard has been expanded to all industries. |
| Table of Presumed Initial Protection* | Task based information is being provided to assist employers in selecting protections and controls prior to starting work. The table is still being redrafted to focus on employer actions required for the task. |
| Basic Rules | Requirements for housekeeping (cleaning), training, and handwashing are clearly required for all work under the rule. |
| Voluntary Respirator Use | Direction to allow worker's voluntary use of respirators for exposures above the monitoring level. |
| Exposure control areas | Required for all exposures above the permissible exposure level. |
| Exposure control plan | Required for all potential exposures above the permissible exposure level, required periodic review for exposures that remain above the permissible exposure level. |
| Exposure controls | Added detail on monitoring and maintenance of mechanical ventilation systems. |
| Surface sampling protocol | Additional specifications are provided for assessment of surface cleanliness. |
| Blood lead testing* | Criteria for conducting initial blood lead testing are expanded to include all workers covered by the rule. |
| ZPP testing not included | Criteria for routine blood lead testing do not include ZPP, which is not as relevant with the lower blood lead criteria. This is consistent with ACOEM recommendations and other medical guidance. |
| Blood lead test reporting* | Employers are required to provide a copy of the worker information record when arranging for blood lead testing. |
| Employer follow-up on elevated blood lead levels | Employers must document actions that will be taken to address elevated worker blood lead levels |
| Compliance Protocols: <ul style="list-style-type: none"> • Incidental Lead Paint in Construction • Gun Ranges • Clean Areas* • Well-Managed Blood Lead* • Maintenance and Repair* | Alternate rule language that employers may use for two industry sectors that should involve low to moderate exposure, but routinely have elevated blood lead reports. These protocols provide stringent, tailored specifications for cleaning and controls and reduce the requirements for air monitoring. |