

JUNE 21, 2024 | LEGISLATIVE & STANDARDS BOARD UPDATES

June Cal/OSH Standards Board Meeting: Approval of Indoor Heat Illness Regulation and More

BY MEGAN STEVENS SHAKED

Newly appointed Standards Board Chair Joseph Alioto, Jr. led a very full monthly Standards Board meeting that touched on a wide range of rulemaking and legislative updates. Mr. Alioto began the meeting by recognizing outgoing chair Dave Thomas and outgoing member Laura Stock on their combined 26 years of service on the Board. Mr. Thomas remains on the Board as a Labor Representative. Ms. Stock's removal from the Board by Governor Newsom leaves open the Occupational Safety Member seat. Board members and public speakers expressed thanks for their service and disappointment in the Governor's decision to remove Ms. Stock.

Indoor Heat Regulation Approved; Awaiting OAL Review

Following a thorough presentation by Division staff on the years long history of the Indoor Heat Illness Prevention regulation, the Board voted to adopt the proposed regulation, as modified in May. The regulation will now go to the Office of Administrative Law for approval. OAL has 30 working days to review the regulation, though the Board has requested OAL expedite review in light of the higher temperatures experienced in the summer season. Cal/OSHA's Publications Unit is developing fact sheets, guidance documents, and FAQs and will be updating its Heat Illness Prevention Model Plan to include a combined indoor/outdoor plan. Employers should prepare now to ensure their indoor heat illness prevention programs are in place by the effective date.

Petition 601 (Process Safety Management)

The Board reviewed Petition 601 requesting the expansion of the Process Safety Management regulation (Section 5189.1) to cover refineries that are now processing renewable feedstocks in place of petroleum. The scope of the current PSM standard references petroleum and specific NAICS codes. In defining the scope this way, refineries processing renewable feedstocks are technically not covered. Division staff acknowledged that it did not envision the emergence of a renewables sector when the PSM standard was promulgated. The Board approved the Petition, which will trigger an expedited rulemaking process to update the PSM regulation. Assembly Bill 3520 is also working through the legislature to address the same issue.

Silica

Division staff presented to the Board on the status of amendments to the silica regulation (Section 5204) to

permanently address the current silica emergency temporary standard. Yesterday marked the close of the initial 45-day comment period for the rulemaking, as well as the public hearing on the initial proposed amended regulation.

Petition 602 (Opioid Reversal Medication)

As proposed Assembly Bill 1976 works through the legislative process in Sacramento, the Standards Board discussed Petition 602, which calls for amendments to section 3400 (Medical Services and First Aid) and Construction Safety Order section 1512 (Emergency Medical Services) to require opioid overdose reversal medication at jobsites along with worker training. The Board had many questions, including whether there are any risks involved with the medication and the storage needs of such medication. The Board also engaged in discussion about the appropriate way for the Occupational Safety and Health Board to address an issue that is not being created by the employer/occupation. Division staff acknowledged that while it does not make sense to require such medication in all first aid kits, having such medication available to some extent does make sense considering the public data on overdoses. The Board, which was up against a six-month deadline to address the Petition by July, ultimately voted to approve the Petition to the extent an advisory committee meeting will be convened to review the issue. This will allow additional time to monitor the Assembly Bill, which could dictate next steps. The Assembly Bill contemplates requiring all first aid kits in a workplace to include nasal spray naloxone hydrochloride.

The next Standards Board meeting is scheduled for July 18, 2024.