


FEBRUARY 5, 2024 | LEGISLATIVE & STANDARDS BOARD UPDATES

Latest Cal/OSHA Updates- Standards Board Vote on the Revised Lead Regulations Expected on February 15th

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Standards Board Updates

While the latest Cal/OSHA Standards Board (the Board) meeting covered a wide range of topics, the upcoming vote on the controversial draft revised lead regulations was a main topic for both Cal/OSHA and other stakeholders. 

Lead

Like previous meetings, the debate around the draft revised lead regulations again took center stage. A full summary of the draft revised lead regulations can be found in our previous [blog post](#).

Cal/OSHA defended the revisions by highlighting the Environment Protection Agency's position that no lead exposure level is safe and that the current permissible exposure level ("PEL") of 50 $\mu\text{g}/\text{m}^3$ and Action Level of 30 $\mu\text{g}/\text{m}^3$ are outdated. Cal/OSHA also emphasized the various modeling methods that justify the proposed Action Level of 2 $\mu\text{g}/\text{m}^3$ and PEL of 10 $\mu\text{g}/\text{m}^3$. Although the California Department of Public Health has recommended a PEL range of 0.5 $\mu\text{g}/\text{m}^3$ to 2.1 $\mu\text{g}/\text{m}^3$, due to feasibility concerns Cal/OSHA has proposed a higher PEL.

The Board has noticed a vote on the revised regulations for its February 15, 2024, meeting. If adopted, the Board is also expected to propose a delay to the regulations' effective date until January 1, 2025. The delay is meant to provide employers additional time to conduct exposure assessments and monitoring for their employees.

Fall Protection in Residential Construction

The Board also held a public hearing on a potential amendment to the fall protection in the residential construction standard. This was spurred by Fed/OSHA notifying California that its standard was not "as effective" as the Fed/OSHA regulation for a variety of reasons. Relevant to the hearing, Cal/OSHA's proposed amendments include a reduction in the trigger height to 6 feet and permitting the use of ladders and harnesses tied off.

Both labor and management representatives provided comment vehemently opposing Fed/OSHA's position.

They argued that California's standard is far safer than Fed/OSHA's regulation, especially in the early phases of home building. Specifically, they say it is safer for employees to stand on top of framework than on a ladder or wearing a harness that is tied off. Further, they argued that Fed/OSHA does not adequately enforce their standard, that employers subject to the Fed/OSHA standard are routinely out of compliance, and that employees subject to the Fed/OSHA standard know it is unsafe.

A Fed/OSHA representative at the meeting indicated that Fed/OSHA could assert enforcement jurisdiction and start enforcing the residential construction regulations if Cal/OSHA did not align its standard.

Crane Operator Certification

A petition to amend California's Crane Operator Certification, specifically related to exams and required hours for recertification was also on the Board's agenda. Crane operators have been on opposite sides of the debate, some arguing the California standard needs to be amended while others arguing that it does not.

Nonetheless, the Board decided to grant the petition, but only to establish an advisory committee for stakeholders to help determine whether any changes to the California standard are necessary.

Other Cal/OSHA Updates

Effective January 16, 2024, Cal/OSHA increased most penalty amounts in order to keep up with inflation. General and regulatory violation penalties increased from \$15,375 to \$15,873. Minimum penalties for willful violations increased from \$10,981 to \$11,337. Maximum penalties for willful and repeat violations increased from \$153,744 to \$158,727. Maximum penalties for serious violations remain at \$25,000.

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