

APRIL 18, 2024 | LEGISLATIVE & STANDARDS BOARD UPDATES

Latest Updates from Today's Cal/OSHA Standards Board Meeting

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While today's Standards Board meeting did not have the same drama of the last one, it was not without newsworthy topics.

Indoor Heat

Eric Berg, Deputy Chief of Health at Cal/OSHA, provided an update on the status of the indoor heat standard. If you recall during the last Standard Board meeting, the regulation was unexpectedly pulled from the agenda in a last-minute, late-night move. We later found out that the Department of Finance determined that the compliance costs for state prisons were too high. The Standards Board nonetheless voted to approve the regulation, leaving stakeholders wondering what would happen next. For a more thorough discussion of last meeting, see our previous blog post [here](#).

Today, we learned that Standards Board staff submitted the regulation package to the Office of Administrative Law for final review and approval. Cal/OSHA expects the package to be rejected based on the Department of Finance refusal to sign the required Form 399.

That said, Eric Berg reported that Cal/OSHA will use a Government Code provision that allows a rejected regulation package to be revised and resubmitted within 120 days. Cal/OSHA will revise the regulation to exclude state prisons and resubmit the package with no other changes. Cal/OSHA will then work to draft an indoor heat standard specifically for correctional facilities.

Cal/OSHA expects the indoor heat for general industry standard to be in effect by summer and employers should continue to prepare for the regulation to take effect. More information on the regulation is available [here](#).

Residential Fall Protection

The stand off between the Standards Board and Fed/OSHA related to residential fall protection also continued during today's meeting. As a reminder, Fed/OSHA has notified Cal/OSHA that its residential fall protection standard is not "as effective" as the Fed/OSHA standard. You can find additional context to this issue in our prior blog post [here](#).

Both labor and management representatives spoke during public comment, unified in their position that

California's current regulation is safer and more effective than Fed/OSHA's 6-foot trigger height. Many cited California's lower injury rates from falls compared to Fed/OSHA states with similar numbers of construction workers.

Standards Board members questioned a Fed/OSHA representative about what "as effective" means, citing the lower injury rates from public comment. The Fed/OSHA representative replied that measures of efficacy are listed in the OSH Act, and injury rates are not one of the factors listed. Fed/OSHA took the position that the language of the regulation, not the results, determines whether it is "as effective."

The Standards Board concluded the discussion by saying that Fed/OSHA is putting them in a "really bad position" because the Standards Board should not be required to make changes that make workers less safe.

The next Standards Board meeting will take place on May 16, 2024 in Sacramento, California.