

OSHA Lead Update
AIHCE-Chicago
May 14-18, 2006

Maureen O'Donnell, CIH
Office of Physical Hazards
Directorate of Standards and Guidance
OSHA

Objectives

- Discuss Lead National Emphasis Program (NEP)
- Discuss 610 “Lookback” Review

National Emphasis Program Lead

- Based on Goals of Strategic Management Plan

- Abate Specific Hazards such as:

- Lead

- Silica

- Amputations

- Ergonomics

- Better Targeting and Innovative Interventions

Towards Better Targeting NIOSH - ABLES Data

■ Targeting information for OSHA Field Offices

Current NEP:

- CA, Mass, Washington State
- OSHA Severity Data
- “Historic” Standard Industry Classification (SIC) codes

Proposed NEP:

- Data from 27 States (2002 ABLES Data)
- Over 6,500 data points
- “Historic” Standard Industry Classification (SIC) codes

ABLES Data

- Four ranges of Blood Lead Levels (BLLs):

 - 25-39ug/dL

 - 40-49 ug/dL

 - 50-59 ug/dL

 - > 60 ug/dL

- Set Administrative Benchmark

ABLES Data – Proposed format

■ Presenting SIC Data in Tables

- Area Offices will choose SICs represented w/in their jurisdiction
- Compile inspection list for all establishments within those SICs
- Use of Random Numbers tables to select establishments for inspection

Lead National Emphasis Program

■ STATUS:

- Currently in review process.
- Completion forthcoming.

Lookback Studies, *aka “610 Review”*

- Required by Regulatory Flexibility Act & Exec Order on Reg. Planning and Review (1993)
- Importance of 610 review or “look-back” studies reinforced in SBREFA (Small Business Reg. Enforcement Fairness Act of 1996)

Lookback Studies

■ Purpose

- Determine if final standards should be:
 - Maintained w/o change
 - Rescinded
 - Modified
- Make standards ***more effective*** or ***less burdensome***
- Determine if ***unjustified or unnecessary*** due to change of circumstances

Lookbacks...

■ Selection Criteria

- Number of Small Businesses effected/Impact
- Number of Workers Exposed
- Length of Time Since Promulgation
- Severity of Hazard

■ Agency Considers

- Continued Need for Rule
- Duplication/Overlap with other Rules
- Changes in technology, economic conditions, etc.

Lead-in-Construction Lookback

- 2002 OMB Solicited Suggestions from Public on Regulations for review
- National Association of Home Builders asked OSHA to review L-I-C standard to:
 - Determine necessity
 - Seek stakeholder input
 - Assess economic input on small businesses
- Federal Register Notice June 6, 2005

Lead-in-Construction Lookback

Lead Use in Construction

■ Residential R&R:

- 1978 Ban on LBP in residences
- 1988 Ban on lead solder & piping in public water systems and buildings
- Regional & socio-economic differences in prevalence of lead in housing stock

■ Industrial Construction

- Structural Steel (bridges, storage tanks, etc.)
- Municipal Water Supply Systems
- Others

Lead-in-Construction Lookback *Request for Comments*

- Agency asked 28 questions:
 - *Cost*
 - *Compliance*
 - *Renovation/Remodeling Issues*
 - *Construction Issues*
 - *Health Issues*

- Requirements imposed by other Federal Agencies

- Anything else relevant to technical issues, need for revision, or justifies standard

Lookback

- *Particularly helpful to address how requirements of LIC standard could be changed or tailored to address differences in potential exposures to varying groups of workers...*

Comments

Type of Commenter	Number of Comments
Government	8
Trade Association	8
Advocacy Groups	3
Industry	13
Union	1
Individual	2
Other	1

Commenters

- National Association of Home Builders
- AFL-CIO (Building & Const Trades Dept)
- Federal Agencies (NIOSH, HUD)
- State Governments (NY, CA)
- NYC; CoC; NPCA; SBA; BMC; NCHH;
others

Comments

- Cost of compliance with lead testing and employee protection:
 - NAHB: over 40% to project cost
 - BCTD: 15-20% of repainting cost
 - Others: Prohibitive; 1% of operating expenses; submitted actual figures
- Cost of compliance to the consumer:
 - NAHB: Twice as much
 - Consultant A: 15%
 - Consultant B: 5%

Comments, con't.

■ Exposure Data...

- NAHB: Depends on remodeling activity, highest exposure in studies $10.2\text{ug}/\text{m}^3$
- NYSOHCN: Remodeling old farmhouse; wet scraping resulted gross overexposures ($2,300\text{ug}/\text{m}^3$, 116 minutes)

Lead-in-Construction Lookback *Comments*

■ Data on worker BLLs:

– 2003 ABLES data indicate elevations in...

- Paint and Paperhanging (SIC 1721)
- Special Trade Contractors, NEC (SIC 1799)
- Bridge & Tunnel Workers (SIC 1622)
- Heavy Construction, NEC (SIC 1629)
- Wrecking & Demolition (SIC 1795)

Comments: *Any conflicting, confusing, duplicative requirements that need to be clarified?*

HUD

- Specify de minimis area below which initial exposure assessment would not apply when using lead-safe work practices (LSWP)
- Exempt residential housing if competent person determines:
 - Built after 1977 or no LBP as defined by EPA
 - Acceptable report indicates 0.5% or 1 mg/cm²
 - LSWP used & negative exposure assessment

Comments: *Any conflicting, confusing, duplicative requirements that need to be clarified?*

■ BCTD:

- Three sets of standards confusing
- Consultation w/sister agencies and adopt approaches where applicable
- Develop comprehensive guide for employers

■ NAHB:

- OSHA (any exposure) v. EPA (threshold)
- OSHA (interim controls) v. HUD (prohibition)
- Training

Topic: Training/Compliance Assistance

- Agencies coordinate training requirements
- Develop comprehensive guide for employers
- Provide guidance aimed at small business to help meet S&H needs
- Quality Assurance for worker training
- Training documents in Spanish/other languages

Topic: Data

- *Definitions of objective/historical data*
- *Remove de minimis violation if using other er's data*
- *Eliminate prohibition on historical data over one year old*
- Reduce reliance on historical data – cited overexposures from wet scraping

Biological/Medical Monitoring

- Improved biological monitoring (increase frequency)
- Remove 30-day trigger for medical surveillance
- Use BLLs to determine protection level
- *Testing for BLL and ZPP at less than one year costly, administratively difficult*

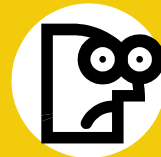
Additional ideas/employee protections?

- Tiered approach to construction tasks
- Universal handwashing, regardless of exposure level
- Require wipe samples for change/eating areas below $200\mu\text{g}/\text{m}^3$
- Consistency w/Health People 2010

Health Effects...

- Symptoms of toxicity at $<40\text{ug/dL}$
- IQ effects on ≤ 5 y.o. children at $\leq 10\text{ug/dL}$
- Adult blood pressure effects at $\leq 10\text{ug/dL}$
- Does not appear to be no-effect lower level

Last Slide...



It's QUESTION TIME !!