

ACTION ALERT: UCON CONTRACTORS ARE URGED TO OPPOSE DRASTIC PROPOSED LEAD STANDARD REVISIONS

Cal/OSHA Proposed Lead Standards Pose Significant & Unnecessary Burden to Contractors & Construction Workers

The proposed revisions to the Lead in *Construction Standard, Construction Safety Orders, 8CCR 1532.1* will present **significant compliance cost burdens** to contractors and **invasive medical and privacy requirements for workers** without any evidence of being necessary to protect worker safety.

Background: Cal/OSHA Standards Board has proposed changes to the *California Code of Regulations, Title 8, Section 1532.1* related to Lead. The Division of Occupational Safety and Health has framed the proposal as necessary to be in compliance with Federal OSHA regulations. However, **the proposed regulatory changes include several provisions that go far beyond current Federal requirements**. Cal/OSHA's proposed changes would reduce the lead Action Level (AL) from 30 to 2 micrograms per cubic meter of air and the Permissible Exposure Limit (PEL) from 50 to 10 micrograms per cubic meter of air. These <u>extremely</u> low thresholds raise fundamental questions about necessity, attainability, and practicality. Compliance with these levels would pose significant cost burdens for the construction industry **and trigger physically intrusive actions on workers**.

Action: Construction Labor Unions & Contractors are URGED to contact Cal/OSHA and the Administration and <u>oppose</u> these proposed regulatory changes.

✓ Would Drastically Increase Construction Costs for CA Businesses.

The proposed lead regulations would lead to dramatic cost increases for contractors of all sizes. The frequent blood lead level (BLL) testing, the requirement to provide portable "decontamination showers" on job sites (*which employees who are "presumed" to be doing lead work above the PEL will be required to use after completion of work), and the record-keeping mandates, in addition to other requirements, will significantly drive-up construction costs. Many contractors will incur costs in the hundreds of thousands of dollars or more to comply. Larger companies could incur costs in the millions. Small contractors, including DBE, DVBE, and women-owned businesses, will be most negatively impacted, with many being put out of business by the untenable cost increases.*

✓ Will Impact Nearly Every Construction Worker on All Types of Construction Projects.

The proposed PEL and AL levels are so low that nearly all types of construction work will trigger compliance. This will include work on state highway and road systems, demolition, excavation, tenant improvements and building retrofits, refinery work, and more. This new regulation will impact thousands of construction workers, including laborers, operating engineers, carpenters, cement masons, electricians, and more, in the following ways:

✓ <u>Requires Workers to Undergo Frequent Blood Draws:</u>

The planned reductions in the PEL and AL will require workers to be Blood Lead Level (BLL) tested frequently. Even infrequent tasks will require medical surveillance (employee physical exams) and for employees to undergo pre-exposure BLL testing before the project begins. And this is only the beginning of what the new regulations will require of workers. Additionally:

- Until an exposure assessment proves that the lead work is below the Action Level, workers must have <u>four BLL</u> <u>blood draw tests on a new project in the first six months</u>.
- Workers who are identified with BLLs over 20 Micrograms/Deciliter will be **required to have** <u>monthly</u> BLL blood **tests** until the level goes below this threshold.

✓ Requires Workers to Take "Decontamination Showers" on the Jobsite Every Day.

Any employee who is presumed to be doing work above the PEL will be required to take a "decontamination shower" after the completion of work each day. Decontamination showers are far more complicated and burdensome than a typical shower, and workers will be required to follow strict shower protocols, including having to undress and shower while on the job site and then re-dress before going home.

In addition, these showers are extremely expensive, in limited supply, and will significantly raise business costs.

✓ **Extremely Intrusive to Workers' Privacy.**

The frequent BLL testing of hundreds of thousands of construction workers will compile data on workers' health, and the results must be filed. Under the newly proposed lead regulations, **workers' personal medical data for medical surveillance and BLL testing will be reported to the California Department of Public Health and contained in a registry**. In addition, employers responsible for administering the medical surveillance program on their employees are required to maintain employees' personal medical records for 30 years after the employees' last day of employment.

The Proposed Changes Are Unnecessary and Contradict the Facts.

According to comments by Cal/OSHA, "The vast majority of California's 930,000 construction workers have no lead exposure whatsoever." In addition, according to Federal OSHA, there is a decline in the prevalence of elevated Blood Lead Levels (BLLs) in the United States. OSHA has provided data in the Federal Register to show that the national prevalence rate of BLLs greater than 10 mg/dL has declined from 2010 to 2016. These statements by OSHA and Cal/OSHA contradict the expedited process Cal/OSHA is using to revise the lead in construction standards and the extra costs the standards present to the industry.

Conclusion: The proposed lead standard revisions will significantly negatively impact construction companies and their workers. More analysis is needed, including demonstrating that the extreme reduction in PELs is necessary and backed by science.

TAKE ACTION: For all the reasons noted above, **UCON Contractors are urged to oppose the current version of the proposed Lead Standards regulations.**