

2017 Rule Making—Lead

Significant changes in the First Draft Stakeholder Meeting: June 29, 2017

This draft has been prepared in response to petitions for rule making and information provided on the current science of lead toxicology. In this draft, several changes are made to address current understanding of the health effects of lead exposure and improvements to the application of the rule requirements.

First Draft Change	Issues
Single rule	Currently the department has separate rules for general industry and construction. Combining the rules provides consistent protection for all employees.
Reduction of the blood lead criteria for medical removal	In the past 50 years, the average blood lead level in the adult population has dropped significantly. Current toxicology reports on lead find adverse effects for adults for any level of lead in the blood. Recommendations from the CDC/NIOSH and ACOEM were considered. The Department of Defense has also recently revised criteria used for for evaluation of blood lead levels consistent with the ACOEM recommendations and first draft.
Adding lower blood lead management criteria	Current rules do not require employer action on elevated blood lead levels prior to removal of the employee from the exposure. Additional criteria are proposed to implement management of blood lead levels prior to employees experiencing levels requiring medical removal.
Lowering of the Permissible Exposure Limit and Monitoring Level	Analysis of exposure and resulting blood lead levels indicates that a lower Permissible Exposure Level is necessary to ensure employers are able to manage exposures and prevent medical removal with the proposed blood lead criteria. The triggers for activities at the current Action Level have been revised and this has been renamed the Monitoring Level, which better describes the significance of this criterion.
TWA _{8e}	The current rules use a formula for reducing the permissible exposure limit for work shifts longer than 8 hours. In the first draft, the permissible exposure limit and monitoring level are given in terms of an equivalent 8-hour time weighted average. Employers are required to compute the employee dose for their entire shift and give the results in terms comparable to this standard. The two methods produce the same assessments of overexposure. The first draft also expresses the monitoring limit in these terms, which effectively adjusts this criterion for extended work shifts as well.
Multi-employer worksites	Language is added to address responsibilities at multi-employer worksites based on legal precedent.

Exemption of low exposure activities	Current lead rules are applied to all lead exposures. Advances in monitoring and detection have generated questions about circumstances that would not have been considered at the time of the rules were promulgated and where the department routinely does not require compliance.
Table of presumed exposures	The first draft increases requirements for low level exposures, so it is more important to define the scope of the rule for low level exposures.
Expanded direction for initial classification of employee exposures	Specific requirement to assess exposure on start of work or where work has not been previously assessed. Trigger task model currently used in the construction standard has been expanded to all industries.
Basic Rules	Requirements for housekeeping (cleaning), training, and handwashing are clearly required for all work under the rule.
Cleaning Criteria	Safe harbor levels are given for cleaning of surfaces below which no further cleaning is required.
Voluntary Respirator Use	Direction to allow employees voluntary use of respirators for exposures above the monitoring level.
Exposure control areas	Required for all exposures above the permissible exposure level.
Exposure control plan	Required for all potential exposures above the permissible exposure level, required periodic review for exposures that remain above the permissible exposure level.
Exposure controls	Added detail on monitoring and maintenance of mechanical ventilation systems.
Surface sampling protocol	Additional specifications are provided for assessment of surface cleanliness.
Blood lead testing	Criteria for conducting initial blood lead testing are expanded
ZPP testing not included	Criteria for routine blood lead testing do not include ZPP, which is not as relevant with the lower blood lead criteria. This is consistent with ACOEM recommendations and other medical guidance.
Blood lead reporting	Requirements to ensure appropriate exposure and work data is included with blood lead testing results. Adult blood lead results are currently reported to the department under Department of Health rules.
Compliance Protocols: <ul style="list-style-type: none"> • Incidental Lead Paint in Construction • Gun Ranges 	Alternate rule language that employers may use for two industry sectors that should involve low to moderate exposure, but routinely have elevated blood lead reports. These protocols provide stringent, tailored specifications for cleaning and controls and reduce the requirements for air monitoring.