



OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

506 FOURTH STREET
SACRAMENTO, CA 95814
(916) 322-3640

**NOTICE OF PUBLIC MEETING AND HEARING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES
TO TITLE 8, CALIFORNIA ADMINISTRATIVE CODE
AND TITLE 24, CALIFORNIA ADMINISTRATIVE CODE**

Notice is hereby given pursuant to the provisions of Section 142.1 of the Labor Code, that the Occupational Safety and Health Standards Board of the State of California has set the time and place hereinafter set forth for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On April 26, 1979, at 10:00 a.m. in Room 1036 of the California State Building, at 2550 Mariposa Street, Fresno, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety or health.

PUBLIC HEARING: On April 26, 1979, following the Public Meeting, in Room 1036 of the California State Building at 2550 Mariposa Street, Fresno, California.

At the Public Hearing, the Board will consider the proposed changes noticed below to occupational safety and health regulations in Title 8 and/or Title 24 of the California Administrative Code.

BUSINESS MEETING: On April 26, 1979, following the Public Hearing in Room 1036 of the California State Building, at 2550 Mariposa Street, Fresno, California.

At the Business Meeting, the Board will conduct its monthly business.

In the event it becomes necessary to continue the Public Meeting, Public Hearing, or Business Meeting, the meetings or hearing will be continued on May 3, 1979 at 10:00 a.m. in Room 1036 of the California State Building at 2550 Mariposa Street, Fresno, California.

**NOTICE OF PROPOSED CHANGES TO TITLE 8
AND TO TITLE 24, CALIFORNIA ADMINISTRATIVE CODE
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

CHEV
BB 010329

Notice is hereby given pursuant to the provisions of Section 142.1 and Section 142.3 of the Labor Code that the Occupational Safety and Health Standards Board will consider the following proposed revisions to the safety orders in Title 8, California Administrative Code and to the Building Standards in Title 24, California Administrative Code, as indicated below, at its Public Hearing on April 26, 1979:

CH 00849

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Proposed revisions to Sections 3319(a), Fueling; editorial revisions to change the word "motor" to "engine"; 4309(d) and (f), Horizontal Pull Saw, Sometimes referred to as "Contractor's Saw" or "Radial Arm Saw" (Class A), editorial revisions to (d), repeals subsection (f) regarding lower blade guards; 4924, Load Safety Devices, adds exception for boom-type excavators used exclusively in excavation, pile driving, or log handling from requirement to have load safety device; 5001(d), Signals, editorial revision to delete the phrase "manual hand" signals and refers to these signals as hand signals; 5021(c), Note, Equipment Over Three Tons Rated Capacity, adds a "note" to clarify that the requirement of this section does not apply to backhoes or other boom-type equipment; 5022(d), Unit Proof Test and Examination of Cranes and Their Accessory Gear, deletes the requirements to examine the clamshell buckets or similar equipment, rennumbers remaining requirements; 5025, Certificates, adds cross-reference to include Section 5021 for certificates for operation of crane or derrick; and Plate V, Certificate of Unit Test or Examination of Crane, Derrick or Other Material Handling Device, editorial revisions to certificates to correspond to proposed changes of Sections 5021, 5022 and 5025, above.

2.

TITLE 8: CONSTRUCTION SAFETY ORDERS
TITLE 24: PART 2, BASIC BUILDING REGULATIONS

Proposed revisions to Title 8, Construction Safety Orders, Section 1528(c), Spraying of Asbestos, repeals subsection (c) regarding the prohibition of spraying of asbestos-containing products on buildings; and proposed adoption of new subsection (c); AND

Proposed revisions to Title 24, Section B1750, Spraying of Asbestos, repeals subsection (c) regarding the prohibition of spraying of asbestos-containing products on buildings and proposes adoption of new subsection (c).

3.

TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Asbestos)

Proposed revisions to the General Industry Safety Orders, Sections 5208(c), Work Practices, repeals existing subsection (c) and adopts new (c), which retains old provisions and adds new requirements for asbestos-containing products; 5208(g), Monitoring and Recordkeeping, repeals existing subsection (g) and adopts new subsection (g) on same subject to correspond to the Federal standards on these subjects; 5208(i)(1), Caution Labels, Labeling, editorially revises the section for clarity; 5208(j), Medical Examinations, repeals and adopts Federal language for these requirements effectively removing the action level by which medical surveillance provisions were initiated, medical surveillance will be required at any exposure level to airborne asbestos; and 5208(l), Reports of Use, revises subsection (l) to reference the new agency name of the Division of Occupational Safety and Health Administration.

CHEV
BB 010330

CH 00850

APRIL 26, 1979

4. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Carcinogens)

Proposed revisions to the General Industry Safety Orders, Section 5209(f)(1), Reports, Carcinogen Operations; clarifies reporting requirements for carcinogen users; additionally requires reporting of the name and address of each place of employment where carcinogens are present and the name and addresses of collective bargaining representatives.

5. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Employee Exposure to Lead)

Proposed revisions to the General Industry Safety Orders to include new Section 5216, Lead; this section establishes requirements for occupational exposures to lead with exemption to construction work and agricultural operations; Sections 5216(a), Scope and Application; (b), Definitions; (c), Permissible Exposure Limit (PEL); (d), Exposure Monitoring; (e), Methods of Compliance; (f), Respiratory Protection; (g), Protective Work Clothing and Equipment; (h), Housekeeping; (i), Hygiene Facilities and Practices; (j), Medical Surveillance; (k), Medical Removal Protection; (l), Employee Information and Training; (m), Signs; (n), Recordkeeping; (o), Observation of Monitoring; (p), Effective Date; (q), Appendices; and (r), Start-up Dates.

Notice is also given that pursuant to Section 106, Chapter 1284, Statutes of 1974, the above orders do not create any obligation for reimbursement by the State to any local agency under Section 2231 of the Revenue and Taxation Code for costs that may be incurred by it in complying with these orders because these orders merely implement Federal law and regulations.

These orders do contain Building Standards, as noted above.

A copy of the above proposed changes is available to any interested person from the Occupational Safety and Health Standards Board's Office, 1006 Fourth Street, Third Floor, Sacramento, California 95814. Copies will also be available at the Public Hearing. Inquiries may be directed to R. T. Rinaldi, Executive Officer at (916) 322-3640.

Notice is also given that any interested person may present statements or arguments orally or in writing to these safety orders under consideration, in person or prior thereto in writing. Written comments should be submitted no later than fifteen (15) days prior to the Hearing date. The Occupational Safety and Health Standards Board, upon its own motion or at the instance of any interested person, may thereafter adopt the above proposals substantially as set forth above without further notice.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD


GERALD P. O'HARA, Board Chairman

CHEV
BB 010331

Date: March 1, 1979

CH 00851

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

TITLE 8: CONSTRUCTION SAFETY ORDERS

TITLE 24: PART 2, BASIC BUILDING REGULATIONS

<u>TITLE 8 SECTION</u>	<u>TITLE 24 SECTION</u>	<u>SUBJECT</u>
1528(c)	B1750.	Spraying of Asbestos. Repeals Subsection (c) regarding the prohibition of spraying of asbestos-containing products on buildings; and adopts new Subsection (c).

- There are building standards contained in this order.

Pursuant to Section 106, Chapter 1284, Statutes of 1974, the above orders do not create any obligation for reimbursement by the State to any local agency under Section 2231 of the Revenue and Taxation Code for costs that may be incurred by it in complying with these orders because these orders merely implement Federal law and regulations.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Title 8:

Repeal Subsection (c) of Section 1528 and adopt new Section 1528(c) to read:

Article 4. Dust, Fumes, Mists, Vapors, and Gases

1528. General. (a) Whenever harmful dusts, fumes, mists, vapors, or gases exist or are produced in the course of employment in quantities giving rise to harmful exposure of employees, such hazards shall be controlled by removing the employees from exposure to the hazard, by limiting the daily exposure of employees to the hazard, or by application of engineering controls. Whenever such controls are not practicable or fail to achieve full compliance, respiratory protective equipment shall be provided as prescribed in Section 1531. Substances which may give rise to harmful exposure include, but are not limited to, those substances listed in General Industry Safety Orders, Title 8, Section 5155.

(b) When ventilation is used as an engineering control method, the system shall be installed and operated according to the requirements of this Article.

Note: Whenever any employee is exposed to airborne asbestos dust, the requirements of General Industry Safety Orders, Title 8, Section 5208 shall apply.

~~(c) The spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair shall not be permitted.~~

~~Exceptions:~~

- ~~1. Cold process cutback asphalt roof coatings.~~
- ~~2. Until July 1, 1978—Portland cement plaster containing less than one-half of 1 percent asbestos.~~
- ~~3. Until July 1, 1978—Exterior and interior coatings and laminating resins containing encapsulated asbestos fibers bound within the finished product from manufacture through application.~~

(c) The spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair is prohibited.

EXCEPTIONS:

1. Until July 1, 1980, Portland cement plaster containing less than one-half of 1 percent asbestos.

2. Exterior and interior coatings and laminating resins containing asbestos incorporated during the manufacture of the finished product.

3. Cold process cutback asphalt roof coatings.

4. Substances containing less than one-quarter of 1 percent asbestos solely as a result of naturally occurring impurities in the substance or its components

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

TITLE 24:

Repeal Section 81750 and adopt new Section 81750. to read as follows:

81750. Spraying of Asbestos. The spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair shall not be permitted.

Exceptions:

1. Cold process cutback asphalt roof coatings
2. Until July 1, 1978—Portland cement plaster containing less than one-half of 1 percent asbestos.
3. Until July 1, 1978—Exterior and interior coatings and laminating resins containing encapsulated asbestos fibers bound within the finished product from manufacture through application.

81750. Spraying of Asbestos. The spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair is prohibited.

EXCEPTIONS:

1. Until July 1, 1980, Portland cement plaster containing less than one-half of 1 percent asbestos.
2. Exterior and interior coatings and laminating resins containing asbestos incorporated during the manufacture of the finished product.
3. Cold process cutback asphalt roof coatings.
4. Substances containing less than one-quarter of 1 percent asbestos solely as a result of naturally occurring impurities in the substance or its components.

STANDARDS PRESENTATION
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Asbestos)

<u>SECTION</u>	<u>SUBJECT</u>
5208(c)	Work Practices. Repeals existing Subsection (c) and adopts new (c), which retains old provisions and adds new requirements for asbestos-containing products.
5208(g)	Monitoring and Record Keeping. Repeals existing Subsection (g) and adopts new Subsection (g) on same subject to correspond to the Federal standards on these subjects.
5208(i)(1)	Caution Labels. Labeling. Editorially revises the section for clarity.
5208(j)	Medical Examinations. Repeals and adopts Federal language for these requirements effectively removing the action level by which medical surveillance provisions were initiated. Medical surveillance will be required at any exposure level to airborne asbestos.
5208 (z)	Reports of Use. Revises Subsection (z) to reference the new agency name of the Division of Occupational Safety and Health Administration.

There are no building standards contained in this order.

Pursuant to Section 106, Chapter 1284, Statutes of 1974, the above orders do not create any obligation for reimbursement by the State to any local agency under Section 2231 of the Revenue and Taxation Code for costs that may be incurred by it in complying with these orders because these orders merely implement Federal law and regulations.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Repeal Subsection (c) of Section 5208 and adopt new Subsection (c) to read:

5208. Asbestos. (a) The 8-hour time-weighted average concentration of airborne asbestos fibers to which any employee may be exposed shall not exceed 2 fibers, longer than 5 micrometers, per cubic centimeter of air as determined by the membrane filter method using phase contrast illumination and 400 to 450X magnification. The ceiling or short time concentration to which employees are exposed shall not exceed 10 fibers, longer than 5 micrometers, per cubic centimeter of air.

(b) **Engineering Controls.** Controls such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection shall be used to meet the exposure limits in Section 5208 (a). All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of such limit shall be provided with local exhaust ventilation systems. The American National Standards Institute Z92-1971 Standard Governing the Design and Operation of Local Exhaust Systems shall be used as a guide to design, construct, install, and maintain exhaust ventilation and dust collection systems.

Repeal (c) **Work Practices.** Asbestos shall be mixed, handled, applied, removed, cut, or otherwise worked wet insofar as practicable. Asbestos spills shall be cleaned up promptly. Asbestos-containing cement, mortar, coating, grout, plaster, or similar material shall not be removed from bags, cartons, or other containers without being wetted, unless it is enclosed and/or ventilated to effectively control airborne fibers as specified in Section 5208 (a). Asbestos waste, scrap, debris and asbestos contaminated materials ~~contaminated for disposal~~ shall be collected and disposed in sealed impermeable bags or containers.

NEW (c) **Work Practices.** (1) Asbestos shall be mixed, handled, applied, removed, cut, or otherwise worked wet insofar as practicable.

(2) Asbestos spills shall be cleaned up promptly.

(3) Asbestos-containing cement, mortar, coating, grout, plaster, or similar material shall not be removed from bags, cartons, or other containers without being wetted, unless it is enclosed and/or ventilated to effectively control airborne fibers as specified in Section 5208(a).

(4) The applying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair is prohibited.

EXCEPTIONS:

(A) Until July 1, 1980, Portland cement plaster containing less than one-half of 1 percent asbestos.

(B) Exterior and interior coatings and laminating resins containing asbestos incorporated during the manufacture of the finished product.

(C) Cold process cutback asphalt roof coatings.

(D) Substances containing less than one-quarter of 1 percent asbestos solely as a result of naturally occurring impurities in the substance or its components.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NEW

(5) Asbestos waste, scrap, debris and asbestos-contaminated materials consigned for disposal shall be collected and disposed in sealed impermeable bags or containers, which shall be labeled in accordance with Section 5208(i).

(d) **Respiratory Protective Equipment.** When engineering controls and wet handling methods are not feasible or are incapable of controlling the concentration or in an emergency, respiratory protection shall be provided and worn in accordance with provisions of Section 5144 and the following requirements:

(1) Reusable or single-use air filtering respirators shall be used when the concentration exceeds the levels specified in Section 5208 (a), but may not be used when the concentration may reasonably be expected to exceed 10 times the limit.

(2) Powered air filtering respirators may be worn for lower concentrations, but shall be worn when the asbestos fiber concentration is reasonably expected to exceed 10 times, but not 100 times the limit in Section 5208 (a).

(3) Continuous flow or pressure demand air-line respirators or self-contained breathing apparatus may be worn for lower concentrations, but shall be worn when the asbestos fiber concentration is reasonably expected to exceed 100 times the limit in Section 5208 (a).

(4) No employee shall be assigned to tasks requiring the use of respirators if based on his most recent examination an examining physician determines that the employee will be unable to function normally wearing a respirator or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to an equivalent job whose duties he is able to perform, if such a position is available.

(e) **Change Rooms and Special Clothing.**

(1) The employer shall provide and require the use of special clothing such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in Section 5208 (a).

(2) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a), the employer shall provide change rooms for employees working regularly at the place, and shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employees' street clothes from his work clothes.

(f) **Laundering.**

(1) Laundering of asbestos-contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a).

(2) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the

requirement in Section 5208 (f) (1) to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a).

(3) Contaminated clothing shall be transported in sealed impermeable bags or other closed, impermeable containers, and labeled in accordance with Section 5208 (i).

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Repeal Subsection (g) of Section 5208.

(g) Monitoring and Record Keeping.

(1) **Monitoring.** (A) The employer shall sample the air and determine the concentration of asbestos fibers within the breathing zone of employees whose exposure to airborne asbestos may exceed an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter due to work assignment(s) at or near operations with asbestos or asbestos-containing products which result in the release of asbestos fibers.

(B) Following any change in control, process, or production method which may alter the airborne concentration of asbestos, the employer shall monitor the level of any employee's exposure which may have been affected by such change.

(C) Monitoring shall be repeated at least once every 6 months where exposure to airborne asbestos may exceed an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter.

(D) The sampling of airborne asbestos required by this paragraph shall be performed in a manner which will assure a reasonably accurate determination and shall be made without regard to employee use of respiratory protective equipment.

(E) All determinations of airborne concentrations of asbestos fibers performed under requirements of this section shall use the membrane filter method with phase contrast illumination, 400 to 450 $\times$ magnification, and 4 millimeter objective.

(2) **Record Keeping.** Every employer shall maintain records of any personal or environmental monitoring required by this subsection. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Chief of the Division of Industrial Safety, the Director of the State Department of Health, and to authorized representatives of either. Upon written request of an employee, a former employee, or an employee representative of either, the employer shall furnish the monitoring record of that employee or former employee. In the event the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education and Welfare, and each employee shall be notified in writing of this transfer.

Repeal

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Adopt new Subsection (g) into Section 5208 to read:

X
(g) Monitoring and Recordkeeping.

(1) Monitoring.

(A) Initial Determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure, without regard to the use of respirators, is below the limits prescribed in Section 5208(a). If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with Sections 5208(b), (c), (d), (e), and (f).

(B) Personal Monitoring.

1. Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average concentrations and of the ceiling concentrations of airborne asbestos fibers.

2. After the initial determinations required by Section 5208(g)(1)(B) 1., samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by Section 5208(a).

(C) Environmental Monitoring.

1. Samples shall be collected from areas of a work environment which are representative of the concentrations of airborne asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average concentrations and of the ceiling concentrations of airborne asbestos fibers.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

2. After the initial determinations required by Section 5208(g)(1)(C)1., samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in Section 5208(a).

(D) Method of Measurement. All determinations of concentrations of airborne asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) with phase contrast illumination.

(E) Employee Observation of Monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(2) Recordkeeping.

(A) Exposure Records. Every employer shall maintain records of any personal or environmental monitoring required by this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to authorized representatives of the Division.

(B) Employee Access. Every employee and former employee shall have reasonable access to any record required to be maintained by Section 5208(g)(2)(A), which indicates the employee's own exposure to asbestos fibers.

 CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

(h) Caution-Signs.

(1) **Posting.** Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in Section 5208 (a). Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers.

(2) **Sign Specifications.** The warning signs required by subparagraph (h)(1) shall conform to the requirements of format signs specified in Section 6003 (d)(4) of the General Industry Safety Orders and to this subparagraph. The signs shall display the following legend in the lower panel, with the letter sizes and styles of a visibility at least equal to that specified in this subparagraph.

Legend	Notation
Asbestos.....	1" Sans Serif, Gothic or Block
Dust Hazard.....	1" Sans Serif, Gothic or Block
Avoid Breathing Dust.....	1" Gothic
Wear Assigned Protective Equipment.....	1" Gothic
Do Not Remain In Area Unless Your Work Requires It.....	1" Gothic
Breathing Asbestos Dust May Be Hazardous To Your Health.....	14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of any two lines.

Repeal Subsection (i)(1) of Section 5208 and adopt new Subsection (i)(1) to read:

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

(i) Caution Labels.

(1) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a) will be released. For large outdoor storage such as mine ore tailings piles, labeling shall not be required if properly posted.

(i) Caution Labels.

(1) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers or to their containers.

EXCEPTIONS: 1. No label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne asbestos fibers in excess of the exposure limits prescribed in Section 5208(a) will be released.

2. No label is required for large outdoor storage such as mine ore tailings piles, if properly posted.

(2) Label Specifications. Caution labels required by this subsection shall be conspicuous and legible and shall contain the following or equivalent warning:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause

Serious Bodily Harm

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Repeal Subsection (i) of Section 5208.

~~(i) Medical Examinations.~~

(1) The employer shall provide or make available at no cost to the employee a comprehensive preplacement medical examination by a licensed physician for each employee engaged in an occupation where exposure to airborne asbestos, without regard to the use of respiratory protective equipment, has been determined to exceed, or may be reasonably expected to exceed, an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter.

The examination shall be provided or made available within 30 calendar days of an employee's initial assignment to such occupation and shall include as a minimum a 14-inch by 17-inch chest X-ray (posterior-anterior), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(2) At least annually every employer shall provide or make available at no cost to the employee a medical examination to employees as specified in paragraph (j)(1). The employer shall provide or make available, within 30 days of termination of employment of any employee exposed to airborne asbestos, a medical examination as specified in paragraph (j)(1), if such examination has not been taken within the previous year of termination.

NOTE: Pursuant to authority granted by Labor Code Section 6305(b), the Division, upon the advice of the Department of Health, may require an employer to make additional diagnostic test(s) available during medical examinations performed under the provisions of this paragraph when a preponderance of evidence indicates the advisability of such supplemental testing.

(3) Records shall be kept of medical examinations required by this subsection for each employee; such records shall be maintained by the employer for at least 30 years. Access to records of medical examinations required by this subsection shall be made available for inspection and copying to the Division of Industrial Safety, the Department of Health, and to authorized physicians or medical consultants of either of them. Upon written request of an employee or former employee, the employer shall provide a copy of the medical examination record to the employee's or former employee's physician. Any physician who conducts a medical examination required by this subsection shall furnish the employer of the examined employee or former employee all the information required by this subsection and any other medical information related to occupational exposure to asbestos.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Adopt new Subsection (j) into Section 5208 to read as follows:

(j) Medical Examinations.

(1) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) Preplacement. The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(3) Annual Examinations. At least annually, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(4) Termination of Employment. The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(5) Recent Examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

(6) Medical Records.

(A) Maintenance. Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 30 years.

NEW (B) Access. The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the Chief of the Division of Occupational Safety and Health Administration, the Director of the National Institute for Occupational Safety and Health, to authorized physicians and medical consultants of either of them, and upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Amend Subsection (2) of Section 5208 to read as follows:

(1) Reports of Use. Not later than September 1, 1977, employers shall report the information required by Subsection (1)(2) to the Chief of the Division of Industrial Safety, Occupational Safety and Health Administration,

455 Golden Gate Avenue, San Fran-

cisco, California 94102. After September 1, 1977, the information required by Subsection (1)(2) shall be reported prior to the commencement of any new, unreported operation or process covered by these Orders.

Note: It is not intended that each activity listed in paragraph (1)(1) involving asbestos or asbestos-containing products be reported upon each use or activity. Anticipated present and future use reported initially is sufficient to comply with this Section.

(1) Operations and Processes Requiring Reporting.

(A) Any use, handling, disposal, processing, manufacturing, packaging or repackaging of asbestos or asbestos-containing products which require labeling by Subsection (i) of this section.

(B) Brake repair and clutch repair operations where asbestos-containing frictional materials are processed in a manner which may produce airborne asbestos fibers, such as: grinding, sanding, drilling, brake shoe arcing and beveling, or removing asbestos-containing dust with compressed air. Automotive repair facilities which are registered with the State Bureau of Automotive Repairs meet the registration requirements of this subparagraph, but are not otherwise exempt from this Section.

(C) Maintenance, construction, repair, renovation, demolition or salvage activities in which any materials containing more than 1% asbestos (dry weight) are sanded, ground, abrasive blasted, sawed, cut, shoveled, removed, or otherwise handled in such a manner that asbestos dust would be raised.

(D) Any other use where employee exposure exceeds the concentrations of airborne fibers given in Subsection (a)

Note: The ordinary use, handling, or installation of products which do not require labeling under Subsection (i) are exempt from the reporting requirements. Examples of non-labeled products include but are not limited to, vinyl-asbestos floor tile, resilient sheet flooring, packings and gaskets, fibrated asphalt coatings and coated asbestos cloth.

Operations such as retail, wholesale, warehousing, transportation or distribution of products requiring labeling are exempt from reporting requirements providing such products are handled or stored in sealed or unbroken containers.

(2) Reporting Requirements.

(A) The name of the employer and the address(es) of the place(s) of employment.

Where there are multiple locations where employees may be exposed to asbestos-containing materials infrequently (such as public utility vaults), the employer may provide a general description of such potential exposures and the nature and type of such locations in lieu of identifying each separate location.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Amend Subsection (Z)--(continued)

(B) A brief description of the way(s) in which the asbestos or asbestos-containing product(s) are to be processed, handled, used or transported.

(C) The estimated number of employees potentially exposed.

(D) The asbestos-containing product(s) being used or manufactured or the type(s) of structure(s) being constructed, demolished or repaired.

(E) The names and addresses of any collective bargaining representatives or other representatives of the affected employees.

(F) Employers with temporary jobsites, such as construction or demolition need register with the Division only once. Such registration is valid only on condition that the work is performed by the same employer and that prior to the commencement of each work when known in advance, the employer notifies the appropriate District Office by telegram, letter, or a telephone call which shall be confirmed in writing indicating the location and commencement of the activity.

(3) Incidents. Any incident, accident or emergency resulting in a known exposure of an employee, unprotected by an appropriate respirator, to asbestos fibers in excess of the limits prescribed by Section 5208(a), shall be reported in writing to the Chief of the

Division of ~~Industrial Safety~~ Occupational Safety and Health Administration

within 15 days of the incident. The report shall include the following information:

(A) The number of employees over-exposed.

(B) The circumstances surrounding the over exposure, including the process, operation or job involved.

(C) The results of any environment analyses done to monitor employee exposure or to define the hazard.

(D) The steps taken, or being taken to prevent a recurrence or to avoid future over-exposures.

(E) The product being manufactured or the type of structure being repaired, constructed or demolished.

(4) Posting. A copy of each report required by this Subsection shall be posted by the employer in the location or locations where asbestos is used, or where other notices are normally posted, which shall be conspicuous to affected employees.

REVISE

MR. I. H. GILMAN:

Please note. We plan to send a representative to the April 26, 1979, hearing in Fresno.

J. H. MACPHERSON

4-6-79

RCN/saf

RCNunn:saf

Encl. - Ltr Union Carbide(HBRhodes)-
PBeemer et al - 3-30-79

IHGilman-1
GSKent-1
MAWiggs-1
DRJones-1
JHDotter-1
RGCongdon-1
HLGraul-1
SLDryden-1
RDCavalli-1
MVHunter-1
EJGratz-1
RLFerm-1
DGLesnini-1
WHEllis-1
RCNunn-1
File-3(152.30)

Endorsing letter as listed above.

ENVIR. HEALTH & TOXICOLOGY			
APR 9 '79			
JAS	☒	KW	
JKK	☒	ZAW	
JAM		RAZ	
JRB			
JMB			
JEF			
JL			
JRN			
RETURN	CIRC.	FILE	☒

*Received
May 2*



UNION CARBIDE CORPORATION • METALS DIVISION • P. O. BOX 579 • NIAGARA FALLS, N.Y. 14302 • TEL: 716-278-3376

March 30, 1979

To: See Distribution List on Back Page of This Letter

Enclosed for your information is a copy of the proposed revisions to the California asbestos standard to be considered at a public hearing in Fresno on April 26, 1979. The wording shown represents the recommendations of the Board advisory staff and can be accepted, modified, or rejected by the Board as they see fit.

The Board hearing on November 8, 1978 addressed only the spraying question mandated by SB-1591. The Board took no action after this hearing because of an extensive change in membership. The new hearing has been expanded to also cover substantive changes in monitoring and medical examination requirements. Basically, an initial monitoring would be required "at every place of employment where asbestos fibers are released" with annual medical examinations required for "any occupation exposed to airborne concentrations of asbestos." In essence, the present 1 fiber/cc >5 μ TWA action level for monitoring and medical examinations would be reduced to any exposure, no matter how small.

As described in my letter of January 26, 1979, the proposed changes in action levels are the result of heavy pressure by the Federal Government to make the California regulations the same as Federal OSHA and by the shipyard unions to make workers who were formerly exposed to high levels of asbestos (but are not now so exposed) eligible for medical examinations at employer expense. The wording throughout the suggested changes is taken directly from the Federal Code.

Examination of the proposed changes reveals some good news and some bad news. The good news is that continued use of the sprayed products of particular interest to our group has been recommended. It appears that these products will be treated like any other asbestos-containing material for regulatory compliance purposes. As might be expected from the conflicting testimony on November 8, phase-out of Portland cement plaster is suggested.

The bad news is the lowering of the "action level" to "any exposure." The detection and quantitative measurement of asbestos fibers in the environment at very low levels is imprecise to say the least. Erroneous results can be obtained for several reasons, including: asbestos is ubiquitous in the environment, particularly in California; and fibers which look like asbestos but are not asbestos are included in the count.

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Under an action level triggered by any exposure, citations could be given to anyone working with asbestos or asbestos-containing products. Although the data presented at the November hearing showed that the exposure levels for the products of interest were generally very low, values of several tenths of a fiber/cc >5u, or higher, were not uncommon. We believe that all of the fibers counted were frequently not asbestos. If Cal/OSHA elects to pursue vigorous enforcement of the new action level (any exposure), you and more particularly your customers can expect serious problems and disagreements with enforcement personnel.

This leaves us with a strategy decision on the best approach to take at the hearing. A very low profile will enhance the acceptance of the entire staff recommendation. Efforts to modify the "action level" changes incur the risk of delay or further changes in the spraying proposal. Recent contacts in California suggest that the climate for modification may be reasonably good. On this basis we plan to proceed, with some caution, as follows:

1. A written presentation will be prepared expressing our concern over the proposed changes in the "action level." Reasons will include but are not limited to:
 - a. Uncertainties in the monitoring procedure.
 - b. The tremendous monitoring and medical examination burden imposed on industry and government.
 - c. The impracticality of compliance or effective enforcement in transient workplaces and/or with transient workers, e.g. construction.
 - d. The inefficient use of limited resources, i.e. emphasis is placed on low exposure, low risk occupations instead of situations where substantial exposures can occur.
2. Mr. Myers will discuss our concerns with a number of key governmental and industry people in California during the week of April 9th.
3. If it is judged to be appropriate, a presentation of our concerns will be submitted by April 11, as required, for distribution to the Standards Board. An oral presentation would also be planned for the Hearing.
4. A brief discussion supporting the staff recommendations for the spraying proposal and emphasizing the need for prompt action by the Board will be prepared, submitted in writing, and presented at the Hearing. The in-depth testimony given at the November 8 hearing will not be repeated. We will be fully prepared to respond to questions as needed.
5. We will explore the possibility of having our testimony presented in the name of the Asbestos Information Association/North America or by the CMA.

As a final point, it should be emphasized that this hearing will probably have a very different atmosphere than the one held on November 8. The earlier hearing covered a very limited question on spraying and was accompanied by little publicity or controversy. In contrast, the "action level" question is of strong interest to the unions and it would be very surprising if they did not turn out in force to testify.

We believe that Hearing attendance is very important and urge that you are represented and that you contact others who would support our position.

We encourage your comments and suggestions by April 6 so that we can proceed. Attached is a listing of the Board members. If you are personally acquainted with any of them, please let us know so that we can consider having Mr. Myers contact them before the Hearing.

Very truly yours,



Harrison B. Rhodes

/rmm
Attachments

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Mr. Bruce Radebough
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Lorraine Lou, Secretary
William Becker, Chief Deputy Director, DIR, 415-557-3355

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Mark K. Powers, Member
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Robert Heron, Chief Counsel
Irma Haussler, Appeals Assistant
Phyllis (Mrs. Howard) Naese, Secy.
Kathleen Lazarsky, Secy.
Laura L. Felt, Secy.

Robert L. Harvey, Presiding Administrative Law Judge
H.W. Sherbourne, Adm. Law Judge
August F. Cetti, Adm. Law Judge
Jonah Lebell, Acting in Charge Adm. Law Judge (L.A.)
Douglas M. Phillips, Adm. Law Judge (L.A.)
Adolph Loeb, Adm. Law Judge (L.A.)
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James L. Quillin, Chief

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OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

1006 FOURTH STREET
SACRAMENTO, CA 95814
(916) 322-3640

NOTICE OF PUBLIC MEETING AND HEARING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES
TO TITLE 8, CALIFORNIA ADMINISTRATIVE CODE
AND TITLE 24, CALIFORNIA ADMINISTRATIVE CODE

Notice is hereby given pursuant to the provisions of Section 142.1 of the Labor Code, that the Occupational Safety and Health Standards Board of the State of California has set the time and place hereinafter set forth for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On April 26, 1979, at 10:00 a.m. in Room 1036 of the California State Building, at 2550 Mariposa Street, Fresno, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety or health.

PUBLIC HEARING: On April 26, 1979, following the Public Meeting, in Room 1036 of the California State Building at 2550 Mariposa Street, Fresno, California.

At the Public Hearing, the Board will consider the proposed changes noticed below to occupational safety and health regulations in Title 8 and/or Title 24 of the California Administrative Code.

BUSINESS MEETING: On April 26, 1979, following the Public Hearing in Room 1036 of the California State Building, at 2550 Mariposa Street, Fresno, California.

At the Business Meeting, the Board will conduct its monthly business.

In the event it becomes necessary to continue the Public Meeting, Public Hearing, or Business Meeting, the meetings or hearing will be continued on May 3, 1979 at 10:00 a.m. in Room 1036 of the California State Building at 2550 Mariposa Street, Fresno, California.

NOTICE OF PROPOSED CHANGES TO TITLE 8
AND TO TITLE 24, CALIFORNIA ADMINISTRATIVE CODE
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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Notice is hereby given pursuant to the provisions of Section 142.1 and Section 142.3 of the Labor Code that the Occupational Safety and Health Standards Board will consider the following proposed revisions to the safety orders in Title 8, California Administrative Code and to the Building Standards in Title 24, California Administrative Code, as indicated below, at its Public Hearing on April 26, 1979:

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Proposed revisions to Sections 3319(a), Fueling; editorial revisions to change the word "motor" to "engine"; 4309(d) and (f), Horizontal Pull Saw, Sometimes referred to as "Contractor's Saw" or "Radial Arm Saw" (Class A), editorial revisions to (d), repeals subsection (f) regarding lower blade guards; 4924, Load Safety Devices, adds exception for boom-type excavators used exclusively in excavation, pile driving, or log handling from requirement to have load safety device; 5001(d), Signals, editorial revision to delete the phrase "manual hand" signals and refers to these signals as hand signals; 5021(c), Note, Equipment Over Three Tons Rated Capacity, adds a "note" to clarify that the requirement of this section does not apply to backhoes or other boom-type equipment; 5022(d), Unit Proof Test and Examination of Cranes and Their Accessory Gear, deletes the requirements to examine the clamshell buckets or similar equipment, renumbers remaining requirements; 5025, Certificates, adds cross-reference to include Section 5021 for certificates for operation of crane or derrick; and Plate V, Certificate of Unit Test or Examination of Crane, Derrick or Other Material Handling Device, editorial revisions to certificates to correspond to proposed changes of Sections 5021, 5022 and 5025, above.

2. TITLE 8: CONSTRUCTION SAFETY ORDERS
TITLE 24: PART 2, BASIC BUILDING REGULATIONS

Proposed revisions to Title 8, Construction Safety Orders, Section 1528(c), Spraying of Asbestos, repeals subsection (c) regarding the prohibition of spraying of asbestos-containing products on buildings; and proposed adoption of new subsection (c); AND

Proposed revisions to Title 24, Section B1750, Spraying of Asbestos, repeals subsection (c) regarding the prohibition of spraying of asbestos-containing products on buildings and proposes adoption of new subsection (c).

3. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Asbestos)

Proposed revisions to the General Industry Safety Orders, Sections 5208(c), Work Practices, repeals existing subsection (c) and adopts new (c), which retains old provisions and adds new requirements for asbestos-containing products; 5208(g), Monitoring and Recordkeeping, repeals existing subsection (g) and adopts new subsection (g) on same subject to correspond to the Federal standards on these subjects; 5208(i)(1), Caution Labels, Labeling, editorially revises the section for clarity; 5208(j), Medical Examinations, repeals and adopts Federal language for these requirements effectively removing the action level by which medical surveillance provisions were initiated, medical surveillance will be required at any exposure level to airborne asbestos; and 5208(l), Reports of Use, revises subsection (l) to reference the new agency name of the Division of Occupational Safety and Health Administration.

APRIL 26, 1979

4. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Carcinogens)

Proposed revisions to the General Industry Safety Orders, Section 5209(f)(1), Reports, Carcinogen Operations; clarifies reporting requirements for carcinogen users; additionally requires reporting of the name and address of each place of employment where carcinogens are present and the name and addresses of collective bargaining representatives.

5. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Employee Exposure to Lead)

Proposed revisions to the General Industry Safety Orders to include new Section 5216, Lead; this section establishes requirements for occupational exposures to lead with exemption to construction work and agricultural operations; Sections 5216(a), Scope and Application; (b), Definitions; (c), Permissible Exposure Limit (PEL); (d), Exposure Monitoring; (e), Methods of Compliance; (f), Respiratory Protection; (g), Protective Work Clothing and Equipment; (h), Housekeeping; (i), Hygiene Facilities and Practices; (j), Medical Surveillance; (k), Medical Removal Protection; (l), Employee Information and Training; (m), Signs; (n), Recordkeeping; (o), Observation of Monitoring; (p), Effective Date; (q), Appendices; and (r), Start-up Dates.

Notice is also given that pursuant to Section 106, Chapter 1284, Statutes of 1974, the above orders do not create any obligation for reimbursement by the State to any local agency under Section 2231 of the Revenue and Taxation Code for costs that may be incurred by it in complying with these orders because these orders merely implement Federal law and regulations.

These orders do contain Building Standards, as noted above.

A copy of the above proposed changes is available to any interested person from the Occupational Safety and Health Standards Board's Office, 1006 Fourth Street, Third Floor, Sacramento, California 95814. Copies will also be available at the Public Hearing. Inquiries may be directed to R. T. Rinaldi, Executive Officer at (916) 322-3640.

Notice is also given that any interested person may present statements or arguments orally or in writing to these safety orders under consideration, in person or prior thereto in writing. Written comments should be submitted no later than fifteen (15) days prior to the Hearing date. The Occupational Safety and Health Standards Board, upon its own motion or at the instance of any interested person, may thereafter adopt the above proposals substantially as set forth above without further notice.

request for

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Gerald P. O'Hara
GERALD P. O'HARA, Board Chairman

Date: March 1, 1979

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CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

TITLE 8: CONSTRUCTION SAFETY ORDERS

TITLE 24: PART 2, BASIC BUILDING REGULATIONS

<u>TITLE 8 SECTION</u>	<u>TITLE 24 SECTION</u>	<u>SUBJECT</u>
1528(c)	81750.	Spraying of Asbestos. Repeals Subsection (c) regarding the prohibition of spraying of asbestos-containing products on buildings; and adopts new Subsection (c).

- There are building standards contained in this order.

Pursuant to Section 106, Chapter 1284, Statutes of 1974, the above orders do not create any obligation for reimbursement by the State to any local agency under Section 2231 of the Revenue and Taxation Code for costs that may be incurred by it in complying with these orders because these orders merely implement Federal law and regulations.