STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

EDMUND G. BROWN JR., Governor

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
1006 FOURTH STREET
SACRAMENTO, CA 95814
(916) 322-3640

PLAINTIFF'S EXHIBIT
UC-5357

SUMMARY

PUBLIC HEARING

May 29, 1980
Fresno

CALL TO ORDER AND INTRODUCTIONS

Chairman Gerald P. O'Hara called the Public Hearing of the Occupational Safety and Health Standards Board to order at 10:26 a.m. on May 29, 1980 in the Assembly Room of the California State Building, located at 2550 Mariposa Street, Fresno, California.

BOARD MEMBERS PRESENT

Gerald P. O'Hara
Edward Ashton
Jack Brantley
William Donnelly
Margaret O'Grady

BOARD MEMBERS ABSENT

Raymond Rodriguez

BOARD STAFF PRESENT

R. T. Rinaldi
Dr. Clint Vanneman
John L. Bobis
Mark Ashcraft
GeorgAnn Duarte

DIVISION REPRESENTATIVES

Mike Schneider, Deputy Chief
Dr. Alvin Greenberg
Milton Terry

OTHERS PRESENT

Felix Lollar, Management Safety Consultants
Paul Henson, Associated General Contractors
William Foster, Crane Rental Co.
Bill Manhard, Dixon Crane
Charles Ray, Western Plastering
George Blase, Dow Chemical Co.
Bill James, Oregon Workers Comp.
H. A. Polk, Kaiser Steel Corp.
John Vocke, PG&E
Emmons McClung, CLAPA
Ray Piantranida, Industrial Indemnity
Gary Bloom, Chas. H. Bloom Company
Harry Naquin, Calif. Compress Co.
J. C. Hill, Calwest Compress
Frank Petrill, Frank Petrill, Inc.
H. Wayne Edwards, M. Crane, Inc.
S. K. Dixon, Dixon Crane
W. R. Owens, ITT Phillips Drilling
W. H. Shaw, CAL/OSHA Office
Jim Guenther, Federal OSHA, Region IX
David Smith, Producers Cotton Oil
Bill Hutchison, PG&E
Glenn Kirk, CLAPA
Bill Bible, Pacific Telephone
Ed Maher, Pacific Telephone

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OTHERS PRESENT (continued):

C. S. Gariboldi, Agro-Enterprises
John Yewell, California Chamber of Commerce
George Voll, Calif. Cotton Ginners
David Kandel, Kaiser Steel Corp.
Dan Salceda, Plastering Industry
Al Shankle, Donald F. Shaw, Inc.
Neil Holt, The Burke Company
Pat Detches, The Burke Company
Ted Salceda, Plasters's Union 489
F. D. Griffith, Riverside Cement Co.
Gary Eachus, Engineering Tilt-Up
Robert Truitt, Superior Construc.
Ron Brown, Calcot Compress
Bill Tunnell, Calcut Compress
Hal Adelman, So. Calif. Edison
Eddie Story, Asbestos Workers
Dale Hayte, Operating Engineers
Diane Middleton, Attorney for White Lung Association
Jack Short, Operating Engineers
Bruce Summers, Granite Construction
Harry Wallace, CAL/OSHA Consultation
Frank Larson, S.C.R.T.D.
Steve Debuskey, Wickes Forest
Richard Warner, So. Calif. Edison
Jack Suite, Pacific Maritime Assoc.
Dave Discher, San Jose Medical
P. J. Wakelyn, Nat'l Cotton Council
John Myers, Union Carbide
Roy Siegrist, Anderson Clayton
Bob Roy, Oltmans Construction Co.
Steve Tyreman, E. J. Tyreman Co.
David Kelly, The Burke Company
Ray Grage, Grage & Associates
Tim Summers, M. E. Summers & Sons
Steve Lyons, Crane Owners Assoc.
Bill Magee, Crane & Rigging
E. Gropp, Calcott, LTD.
F. Heydt, Hilti
C. B. Aydelotte, Producers Cotton
R. D. Quaresma, W.O.G.A.
Sam Coburn, Operating Engineers
H. Simmross, H. Molrey Inc.
Ray Helmick, Local No. 3
Bill Dorresteyn, Operating Engineer
John Banister, Assoc. Roofing Contractors
Juliann Sum, IBEW, Local 1245
Anne Bell, CAL/OSHA REPORTER
Hal Lindsey, So. Calif. Edison
Milton Terry, CAL/OSHA, S.F.

A. TITLE 8: CONSTRUCTION

1504(a), Definitions for Tilt-Up

B. Proposed new Section 1715 "Tilt-Up Concrete Construction

The Chair opened the introduction of testimony concerning Section 1715 by stating that there was an indication from representatives of the construction industry and the affected labor unions on the proposed new Section 1715. In their opinion, the new proposal on the agenda for public hearing is less acceptable to them than that of the original emergency standard (which is proposed to be repealed on page 1 of 5).

The Chair welcomed comments from the audience, particularly the industry and labor officials and requested their input in perhaps reinstating the original text of Section 1715 which is proposed to be repealed.

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Agenda Items A and B
1715, Tilt-Up (continued)

Mr. Paul Henson, Associated General Contractors, indicated that his Association had discussed this issue with the Operating Engineers, particularly with the issue on "suicide" picks. Both the Association and the Operating Engineers are satisfied that the existing emergency standard is acceptable and the Operating Engineers agree that Subsection (c)(2) of the existing standard would alleviate any problems with the "suicide" pick.

Mr. Jack Short, Operating Engineers Local No. 3, agreed with Mr. Henson's remarks and concurred that the existing standard (proposed to be repealed) is more acceptable than that of the proposed new Section.

DOSH withdraws new Proposal

Dr. Greenberg indicated that the Division of Occupational Safety and Health is willing to withdraw the proposed new Section 1715 in view of the numerous objections with the new proposal on today's agenda; however, he did state that the Division will undoubtedly write "administrative interpretation" in the enforcement of the existing emergency standard to clarify enforcement procedures.

The Chair indicated that pages 2 through 5 of the proposed hearing packet have been withdrawn; however, he requested testimony from the audience on this issue and on the existing standard.

Crane Owners Object to the term "Registered Civil Engineer"

Mr. Bob Truitt, Superior Concrete Assessories, and representing crane owners and contractors, stated that he objects to the term "registered civil engineer" in Subsection (a) of the existing Section. He stated the standard should not preclude those people who are "qualified" who are not "registered". Mr. Truitt indicated that the advisory committee did vote to allow "other persons acceptable to the Division qualified and experienced in tilt-up construction" to prepare the manual. He recommended that the Board incorporate the above phrase into the existing Section.

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Agenda Items A and B
Tilt-Up; 1715 (continued)

Mr. Ashton, Board Member questioned Mr. Truitt's recommendation and inquired how the contractor would know that the individual he had chosen to supervise the manual would be "acceptable".

Dr. Greenberg, DOSH, stated that the advisory committee had discussed this issue and the Division would be willing to keep a list of those persons who had previously been trained in this type of work.

Staff Assigned to Follow-Up and Schedule for Public Hearing

At this time, Chairman O'Hara assigned the Board's staff to inquire with the construction and labor union officials on this recommendation by Mr. Truitt; and if no objections from either one, the Chair instructed the staff to consider incorporating the phrase into the existing standard and schedule for a future public hearing to be considered by the Board.

Both Mr. Henson and Jack Short agreed with the recommendation as proposed by Mr. Truitt.

Crane Owners Object to the Existing Standard

Mr. Steve Lyons, Crane Owners Association, indicated that his Association objects to the existing emergency standard, Section 1715. He recommended that the original standard prior to the emergency standard which is now existing be reinserted into the Construction Orders; or further study be made on this issue by an advisory committee. In his opinion he thought that the advisory committee's proposal (pages 2 through 5) were a consensus of agreeable language.

Record Left Open for 15 Days

Mr. O'Hara indicated that the Board will keep the record open for fifteen (15) days on this standard to allow interested persons to submit documentation to the Board.

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Agenda Items A and B
1715, Tilt-Up (continued)

Mr. Bill McGee, Northern California Crane Owners Association, objected to the existing emergency standard concerning the primary issue on potential problems in "rigging attachments". In his opinion, safety to employees would be enhanced if the committee's proposal on pages 2 through 5 were incorporated into the standard. He stated that rigging contractors who would use the detailed plan (i.e. pages 2 through 5), and contractors would be able to comply and enforcement problems alleviated. Mr. McGee stated that the emergency standard now existing is too difficult to understand by the rigging contractors. He recommended that the phrase "or other supporting equipment" be deleted from Subsection (c)(2).

Controversy in deleting the phrase "or other supporting equipment" in (c)(2)

There was considerable controversy over the possible deletion of this phrase and, what if any, associated problems or clarification may be needed. At this time, the Chair called for a 5-minute recess for discussion among the audience and the Board.

The Division representative indicated that serious enforcement problems would be encountered if the phrase were deleted. Dr. Greenberg indicated that the existing subsection (c)(2) as written, is very difficult to interpret; however, in his opinion, it would be worse should the phrase be deleted as recommended.

Mr. Paul Henson also noted that should the phrase "registered civil engineer" be amended; the Board's staff should also note that the phrase appears in both Subsections (b) and (c)(1); and if any changes are made, the same change(s) should be incorporated into the other two Subsections. The Board Members agreed.

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Agenda Items A and B
Tilt-Up (continued)

Mr. Dave Kelly, The Burke Company, agreed with Mr. Truitt's recommendation to add the phrase "or other acceptable person" following "registered civil engineer" with one minor exception. He indicated his concern on any legal ramifications that may occur to the employer for practicing engineering without registration. He suggested the Board review the code of the Business and Professionals Act before the Board acts on this issue.

In closing, the Chairman indicated that the standard will be sent back to the staff for further detailed review and their recommendations sent to the Board.

C. TITLE 8: Low-Voltage
TITLE 24: Part 3

Articles 45, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57 and 58

Mr. Bill Bible, Chairman of the Board's Low-Voltage Electrical Advisory Committee briefly summarized the proposal before the Board today. He stated that these Articles are the remainder of the review conducted by the advisory committee concerning the review and updating of the entire Low-Voltage Electrical Safety Orders. He did indicate that he has a number of editorial revisions to the package and will address them page-by-page.

Page 1, cross reference to Title 24 is redundant

Mr. Dick Quaresma, W.O.G.A., and a Member of the Low-Voltage Advisory Committee, recommended that the proposed cross reference to Title 24 be deleted from Section 2305.2 since it is redundant. Subsection (d) makes an internal reference to Title 24 section. Mr. W. C. Bible agreed with this recommended deletion. The Board concurred.

Page 2, cross reference to Title 24 is redundant

Section 2305.4

Mr. Bible recommended that the proposed addition to the Title 24 cross reference be deleted from the Section. He indicated that the Section, Approvals, relates only to CAL/OSHA, and does not belong in Title 24, Building Standards Regulations.

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C. Low-Voltage (continued)

Page 4, 2480.1 add a phrase

Mr. Bill Bible recommended that the Section read as follows:

". . . apply to all switches and to circuit breakers~~.~~ when so indicated.".

The Board concurred with this amendment.

Change 2480.2 to read 2480.3

Mr. Bible also recommended that the the section be renumbered to 2480.3 to keep the numbering consistent with the 1978 National Electrical Code (NEC). Mr. Bible indicated that the addition of the Title 24 cross reference in parentheses should also be changed from 3-380.2 to 3-380.3. The Board concurred.

Change the number of proposed new Section 2480.3 to read 2480.20

Mr. Bible recommended that Section 2480.3 should be changed to read Section 2480.20 as well as the additional Title 24 cross reference in parentheses.

2480.3

Mr. Dick Quaresma, Member of the Low-Voltage Advisory Committee, indicated that on 9/22/78 the Committee deleted the words ". . . ~~switches shall comply with the following~~:".

The Committee also deleted the phrase of the Section which would read, in part, as follows:

". . . they are exposed to the danger of ~~short-circuiting or~~ accidental contact.". The Board concurred with these editorial revisions to the proposal.

2480.6, new (a)

Mr. Quaresma also indicated that the Committee's intent was not incorporated into the proposal and was inadvertently omitted. Subsection (a) should read as follows:

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C. Low-Voltage (continued)

2480.6, new (a) (continued)	". . . Single-throw knife switches, approved for use in the inverted position, shall be provided with ~~a locking device that~~ means which will ensure that the blades remain in the open position when so set.".
Page 5, 2480.7 add phrase	Mr. Bible recommended that the third line of the proposal should read as follows: ". . . if a conspicuous permanent sign is placed adjacent to the switch warning that the blades may be energized in any position.". The Board concurred with the recommende revision.
2480.8 resubstitute placement of the word "so"	Mr. Quaresma indicated that the word "so" in the first line of Subsection (a) should follow "located", which would then read, in part, as follows: ". . . used as switches shall be so located so that they may be. . . ".
Page 7, 2500.7(a) delete the last phrase	Mr. Quaresma stated that the last line in Subsection (a) the phrase "as permitted by Section 2565.2."should be deleted from the proposal. Consequently Subsection (a) would end after the word "cables". He indicated that this will enable the Committee to propose the deletion of Article 77 in which the internal reference of this section appears.
Page 8, 2500.11 Retain existing Title 24 cross reference of 400-11	Mr. Bible recommended that the existing cross reference listed in parentheses (i.e., (400-11)*) be reinserted in the proposal. The reference to 400-6 is an incorrect reference to the 1978 NEC.

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C. Low-Voltage (continued)

Page 11, 2522.12
add word "that"
in first paragraph

Mr. Quaresma requested the last line before the "exception" read as follows:

". . .to indicate that the power is on. . . ".

Page 18, 2530.81
"Suitable"

Mr. Harry Wallace, Region 3 of CAL/OSHA's offices, objected to the term "suitable" in Section 2530.81, General. In his opinion the term "suitable" is ambiguous and may be misinterpreted and difficult to enforce by the compliance officers. He recommended that the first paragraph in Section 2530.81 be replaced with the first paragraph of Section 2530.83 which appears on page 19 of the hearing proposal. Section 2530.81 would then read, in part, as follows:

"The controller shall have a horsepower rating not lower than the horsepower rating of the motor. . . ".

Mr. Bible objected Mr. Wallace's recommendation to replace the phrase in Section 2530.81. In his opinion, the existing proposal to use the term "suitable" is adequately defined in the orders and he is not aware of any problems. It is the Committee's intent to use the term "suitable" and adequately covers the situation.

Mr. Mike Schneider, Deputy Chief of CAL/OSHA, took exception to Mr. Bible's remarks. Mr. Schneider indicated that there is a definite controversy over the term "suitable" and its potential for ambuguity and misinterpretation, particularly the difficulties associated with the CAL/OSHA Appeals Board. In his opinion, the term is unenforceable. In summary, Mr. Schneider agrees with Mr. Wallace's recommendation for replacement of Section 2530.81.

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C. Low-Voltage (continued)

Page 18, 2530.81
"Suitable"
(continued)

Mr. Quaresma disagees with the recommendation as outlined by Mr. Wallace. In his opinion the definition of the word "suitable" as developed by the Low-Voltage Committee adequately covers the situation as outlined in the proposal, and he, too, agrees with Mr. Bible's remark that the Committee's definition is adequate for this purpose.

Page 23, 2534.8
Bottom cross reference to Title 24 should read 460-8(c).

Mr. Bible suggested that the proposal to add the cross reference to Title 24 is an incorrect section number. The cross reference should read:

"(Title 24, Part 3, Section 460-8(c).)".

D. TITLE 8: GENERAL INDUSTRY (Asbestos)

5208(j)(1)(A) and (B); and new (n)

At the request of the Chairman, Dr. Alvin Greenberg of the Division's staff outlined the proposals on asbestos. He indicated this proposal has been submitted for public hearing as a result of a petition submitted by the asbestos workers union and also as a result of the Division's continuing review of the health hazards relative to the use of asbestos. The Standards Board had directed the Division to convene an advisory committee to develop the standard. The advisory committee was represented by both industry, labor, health professionals, members of the Division and the Board's staff.

Dr. Greenberg indicated that the proposed new Subsection (n), Employee Information and Training, was a general consensus of the committee members, which enacts a training program for all asbestos-exposed employees in the health hazards of asbestos and particularly the increase of lung cancer associated with cigarette smoking in asbestos exposure.

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D. Asbestos Revisions
(continued)

The proposal also revises the medical surveillance standards. One aspect of the revision concerns the use of sputum cytology examination. He indicated that the Division has reconsidered its position in mandating the requirement of sputum cytology examinations in the medical surveillance program as a result of numerous occupational health physicians' requests. The physicians question whether or not the yield is sufficient to warrant a full scale screening program; consequently the Division is of the opinion that it is inappropriate to mandate by law the sputum cytology examinations at this time; and thereby withdraws the proposals containing the references to sputum cytology.

Dr. Greenberg indicated that Federal OSHA, Region IX has approved the employee information and training proposals, but has not approved the revisions to the medical surveillance program; however, he stated that the Federal Program had just recently confirmed the Division's proposal on these revisions to the asbestos standard. He also indicated that NIOSH recommends lowering the PEL from 2 billion fibers/cc to 100,000 fibers/cc. Therefore, the Division will continue to review the asbestos standard and will undoubtedly submit additional revisions to the Board at some future public hearing.

Diane Middleton, Attorney representing the White Lung Association (asbestos victims)

Ms. Middleton addressed the Board on the issue of the lack of clarification in this standard and how this State can establish that asbestos exposure has occurred. In her opinion, she stated that this existing standard does not protect shipyard workers nor other workers who have been exposed in the past and requested clarification as to who is entitled to an examination and when.

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D. Asbestos Revisions
(continued)

David Discher, M.D. San Jose Medical Clinic and speaking on behalf of PG&E, commented on the medical aspects of the proposed new rectal and guaiac test procedures. He indicated that a 2-stage test process is pertinent; however the effectiveness of identifying individuals who would have a high risk of an abnormality on a rectal exam is inconclusive at this time by the medical community. However, the performance of a rectal exam is generally interpreted as one utilizing the expertise of the physician and he advocates that the employees be referred to a physician for this test procedure.

Dr. Discher indicated apparent conflicts with the use of the guaiac tests. He stated that this test procedure has been the subject of numerous debates in medical journels as recently in the last two weeks. He indicated there is currently an "evolution" in detection of occult blood and urged the Board to delete the reference to guaiac test for occult blood to enable the physicians to use the "state-of-the art" in the future. He indicated that in his opinion, there will be numerous Californi physicians who will object to the guaiac test procedure.

Dr. Greenberg agreed with Dr. Discher's remark for deletion of the guaiac test for blood occult but mentioned the advisory committee's intent of any misinterpretation for the possibility of using the benezidene test procedure.

Dr. Discher also recommended his standardized practice for taking occult blood in lieu of the digital rectal examination. He requests his patients to submit to his office samples from home on 3 successive days after a special diet, which is recommended procedure by the American Cancer Society.

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D. Asbestos Revisions (continued)

Page 1
(j)(1)(A)

In the proposed new Subsection (j)(1)(B) the internal cross references to Sections (j)(1)(B)1 and (B)2 do not define adequately those employees who are engaged in an occupation with exposure to asbestos. Ms. Middleton recommended that language should be incorporated that specifies those occupations as outlined in Region IX's interpretation and their requirements that affadavits be submitted by the employees of such exposures and not by measuring airborne concentrations of asbestos in their correspondence to the asbestos shipyard workers' union.

At the request of the Board Chairman, Ms. Middleton agreed to submit her comments in writing to the staff for further review.

(j)(1)(B)
PG&E's administrative problems with rectal and stool guaiac tests

Vocke, use a 2-stage approach

Mr. John Vocke, Attorney on behalf of Pacific Gas and Electric addressed the Board on their Company's administrative problems by the proposed inclusion of these additional medical test procedures. PG&E contends that by the incorporation of these new testing procedures; i.e., rectal and guaiac; will only cause additional lack of employee participation in the medical surveillance program. PG&E recommends the tests be deleted from the proposal due to medical refusals on the part of employees and the strict limitation of the guaiac testing procedure.

Mr. Vocke recommended that this issue be resubmitted to the staff for further consideration particularly among the medical community and propose a 2-stage approach in which PG&E is presently utilizing. Mr. Vocke indicated that PG&E uses the present required medical examinations as a broad base screening technique and then in the presence of symptomtology or positive findings of those examinations, these proposed additional medical examinations would be initiated by the physician.

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D. Asbestos Revisions
(continued)

Page 1

Dr. Greenberg indicated that the advisory committee did not consider this practice nor did they consider the personal reactions of certain medical procedures, but to review only useful and effective screening tests for asbestos workers, in the prominence of cancer associated with asbestos workers who run an increased risk in GI cancer.

The Chair advised the Division to review the alternative suggested by Dr. Discher which has been proven to be more effective, produces a a more sensitive test for detection of early cancer as well as a more personally acceptable method for patients.

At the request of the Chair, Mr. Discher indicated he would submit his comments in writing to the Board.

(j)(l)(B)
Delete the last line of proposal on page 1 "sputum cytology issue"

Mr. John Myers of Union Carbide Company asked for clarification on the last line of (j)(l)(B) and whether or not it should be deleted. Mr. O'Hara replied in the affirmative and instructed the audience that any reference to "sputum cytology" is to be deleted from the proposal.

Mr. Dave Kandel, Kaiser Corporation, and speaking on behalf of California Manufacturer's Association, indicated that CMA objects to the rectal and guaiac test methods. In their opinion these exams are not appropriate on a baseline exam; but should only be utilized in high risk groups.

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D. Asbestos Revisions (continued)

Page 1

Mr. John Yewell, California Chamber of Commerce, also agrees with Dr. Discher and in his opinion, the rectal and guaiac test methods would be fruitless on a baseline exam and supports PG&E's request for a stage 1 and 2 procedure for testing. To mandate this requirement would be costly and he supports the guaiac and rectal exam only for high risk groups, in a stage 1 and 2 category.

Retain the Added Exams

Julie Sum, representative for IBEW Local 1245 in Walnut Creek, indicated the local's support to leave the proposal as written with the rectal and guaiac test procedures. She indicated that the local has received many questions from their asbestos employees on their concerns and their desire for further protection in the diagnosis for asbestos cancer and urged the Board on behalf of her local union that these full examinations be made available to everyone.

Mr. Ed Story, Asbestos Local Union No. 16, indicated his support of the proposal as written. In his opinion, the full examinations as outlined is definitely needed and the issue of the rectal examination as being "uncomfortable", in his opinion, is inmaterial; however, he had no objection in perhaps finding an alternative method as suggested by Dr. Discher.

Dave Kandel agreed with PG&E's remarks concerning employee refusals and lack of participation in these test procedures. He indicated that in complying with CAL/OSHA's coke oven emissions standard, there has been a reduced rate in employee participation.

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D. Asbestos Revisions
(continued)

Page 2

Ms. Middleton, Attorney on behalf of White Lung Association, recommended that the second line of Subsection (j)(1)(B)1. read as follows:

". . . years since initial occupational exposure determined by sworn employee statements as to nature of their occupation and prior asbestos exposure, the medical examination. . . ".

Dr. Greenberg commented on Ms. Middleton' recommended phrase and stated that should it be incorporated, it would eliminate any requisite for environmental monitoring and the action level of 100,000 fibers/cc would not have to be sustained.

Mr. William Donnelly, Board Member, objected to the recommended addition, as proposed by Ms. Middleton and suggested that the record of the employer should be the basis of the determination.

Ms. Middleton indicated by incorporating her suggestion, the State standard would be comparable to that of the Federal policy.

"Note"

Ms. Middleton recommended that after the term "criteria" at the end of the note, the phrase should be inserted:

". . . criteria by a "B" reader (i.e. one who has taken and passed the ILO/UC examination.".

She stated that the reasoning for this additional rationale would set the criteria not only as to standard that would be used but the X-ray reader who ensures the qualified person is familiar with asbestos disease.

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D. Asbestos Revisions (continued)

Page 2 (continued)

Dr. Greenberg commented on Ms. Middleton's recommendation and for the record stated that "Notes" in our State standards are not enforceable; merely used as a "guideline"; however, he indicated he would be willing to review her suggestion.

Invite CMA Representatives to Advisory Committee Meetings

At this time, the Chair instructed both the staffs of the Division and the Board to make it a point to invite representatives of CMA to advisory committee meetings. Mr. Dave Kandel indicated that CMA was not invited to a few committees in the past, including the advisory committee meeting on these proposals.

Paragraph 2. Delete "Sputum Cytology" reference

Mr. John Vocke, PG&E Attorney, clarified that the phrase "sputum cytology" in paragraph 2 should be deleted. The Chair appreciated his comment and so instructed the the staffs and audience.

Mr. O'Hara indicated that a "period" would be inserted on line 5 after the word "years.".

Oblique X-ray views

Dr. Discher commented on the utilization of oblique X-rays and the possibility of additional exposures. He suggested that the educational/training unit of CAL/OSHA' program provide a guidance to patients (workers) to enable them to make a rationale decision, particularly those workers in the child bearing years.

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D. Asbestos Revisions
(continued)

Page 3, (n)(1)(A)

Ms. Middleton recommended that the following sentence be incorporated at the end of Subsection (A) to read:

"Said training program shall take place during working hours and/or no employee shall lose any pay as a result of participation in said training program.".

Employees are Protected under Labor Law Enforcement Regulations (i.e. working hours)

Dr. Greenberg indicated that under CAL/OSHA's authority and jurisdiction concerning "training of employees", there is no loss of pay to the employees. He stated that in his opinion this language as recommended is not necessary to be incorporated.

Mr. John Yewell of the California Chamber of Commerce objected to this proposal on the basis that the Board has no legal authority to set standards outlining "working hours" and in his opinion indicated this jurisdiction lies with the labor commissioner and their requirements.

Page 3, (n)(1)(A)

Mr. John Myers, Union Carbide; and speaking on behalf of the Asbestos Information Assocation of North America, requested further clarification on the wording on who is required to receive the training program. In his opinion the section requires training to be incorporated for office personnel and infrequent visitors. Subsequently, he recommended the following revision to the Subsection as follows:

". . . participation of, all employees ~~exposed-to-asbestos~~ assigned to work with asbestos or asbestos-containing materials and employees assigned to work in areas where such materials are being used, provided that such materials are being used in a manner in which exposures to asbestos may reasonably be expected to exceed the level such that medical examinations. ; "

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D. Asbestos Revisions
(continued)

Page 3, continued

Dr. Greenberg indicated that Mr. Myers' comments would be redundant since the internal reference to Section 5208 (j)(1) states that anyone exposed at the action level or above should have a training program.

Dr. Greenberg further stated that the advisory committee did address the issue of intermittent employees. The committee's consensus agreement was that should any employee who is exposed above the action level, no matter how great or how few, then it would be mandatory to initiate a training, education and medical surveillance program for that employee.

He indicated that the purpose for this requirement is to educate the employers on the hazards involved in asbestos and eliminate any undue casual exposure.

There being no further comments from the audience on this proposal, the Chair recessed for lunch at 1:00 p.m. for 1 hour.

E. TITLE 8: GENERAL INDUSTRY
Table AC-1

5155, Cotton Dust
Entry

Dr. Vanneman brief the Board on this proposed revision to Table AC-1. He stated the proposed revision does not represent the existing standard. He indicated that in March of 1980, the Division proposed numerous changes to Section 5155, Table AC-1 of which the proposed standard that appears here indicates .2 of a fiber and measured by means of the cotton dust vertical elutriator samples. He stated that he had inadvertently made changes only to the "footnote". The 0.2 mg/M^3 is not an appropriate value to appear in Section 5155 since that level would apply to all occupations where cotton dust exposures exist that are exempted from proposed new Section 5217.

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E. Cotton Dust Entry in Section 5155

Dr. Vanneman indicated that he would like to review this revision once again with the Division; and in his opinion, any testimony on this particular revision from the audience should be received.

Producers Cotton Oil Recommends Eliminating Reference to Raw Cotton Dust in 5155

Dave Smith, Producers Cotton Oil Company, indicated that he had previously submitted a letter to the Board in April, 1980. He commented on Dr. Vanneman's earlier remarks that this standard's permissible exposure level would apply to the industries that are not affected by the proposed adoption of new Section 5217. He indicated that the Division has had extreme difficulty in enforcing the original raw cotton dust permissible exposure level due to the clear definition that raw cotton dust does not include linter dust that is found in cottonseed oil mills. He also indicated by using a vertical elutriator would not adequately sample cotton dust since there is no definition in their use. Consequently, he recommended that the Board should consider the possible elimination to the reference to raw cotton dust from the table in Section 5155 due to its unenforceability in its present form.

Philip Wakelyn, National Cotton Council of America, concurred with Mr. Smith's recommendation and the TLV values are unnecessary in his opinion.

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F. New Section 5217, Cotton Dust

Dr. Vanneman indicated the proposed new Section 5217, Cotton Dust, is based on the Federal "cotton dust" standard which was adopted in 1978, however became effective at the Federal level this past March due to court stays. The standard reflects the Appellate Court decisions and removes the cottonseed oil industry from the application of this section, and the present stay affects cotton waste and batting in its manufacturing use. He also indicated that these two exemptions appear under Section 5217 (a)(2)(F) and (G); however, with these differences, the standard closely follows the Federal standard. The State's standard has been approved by Federal OSHA, Region IX and at the National level.

Page 1
5217(a)(2)(C)

Jack Suite, Pacific Maritime Association, indicated that he had recently submitted written comments to the Board concerning this standard's initial effects on the maritime industry and its potential impact. He stated under the Federal OSHA's standard the maritime industry has an exemption from this standard as outlined in 29CFR 1910.143. The proposed State standard does not reflect this exemption. He recommended that Federal OSHA's section 1918 be incorporated into the State proposal for 5217; and as an alternative from his written comments, he proposed that (a)(2)(C) read as follows:

". . .Ship and boatbuilding or ship repair and breaking operations, as defined by 8 Cal. Admin. Code 8347; and marine operations as defined by 29CFR Section 1918.".

Mr. Rinaldi questioned whether or not the Federal standards contain a definition for "maritime operations". He stated the Federal standards use the term freely but fail to adequately define the term.

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F. New Section 5217,
Cotton Dust (continued)

Page 1, continued

Mr. Suite indicated that the Federal standards do not define the "location", however, they do specify and outline the "type" of work that would apply under Section 1918 of the Federal regulations.

Dr. Vanneman indicated that one of the primary issues is whether or not marine operations in warehousing (dockside) would be exempt or included in this proposal.

There was considerable discussion concerning this issue; however, Mr. Suite indicated this was not his intent but that the International Longshoremen' Union.

Mr. Suite indicated that should Subsection (a)(2)(C) be deleted from the proposal, it would fully cover the cotton, dust regulations under longshoring operations. The way the proposal is written would involve all loading/unloading on dockside adjacent to the ship and back to the terminal.

Mr. Suite read into the record the Federal exemptions as outlined in 1910.143, Subpart 2, which reads:

"This section does not apply to:
(i) harvesting cotton;
(ii) ginning of cotton (exposure to cotton dust in cotton ginnings covered by 1910.1046;
(iii) maritime operations covered by 29CFR Parts 1915, 1916, 1917 and 1918.".

Mr. Suite stated that Federal Section 1918 is written to apply longshoring operations in loading/unloading ships.

Mr. Rinaldi indicated there is a problem in the interpretation of the Federal standard which uses the terms longshoring and marine operations interchangeability. He stated that warehousemen are also involved in marine operations and to exclude marine operations essentially the standard would exclude anyone who is involved in the loading/unloading of cargo from ship to ports.

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F. New Section 5217, Cotton Dust (continued)

Exemptions Back to Staff for Review

Mr. O'Hara instructed the Board's staff to further review the exemption portion of this standard and the staff will consider the comments as submitted by Mr. Suite.

Mr. Philip Wakelyn submitted two sets of documents relative to the cotton dust standard for the Board's review.

Mr. Egon Gropp, Calcut Limited, recommended that an exemption be added as a new Subsection (H) to exempt cotton classing in warehousing.

Page 2, Definition for Cotton Dust change "raw" to "waste"

Mr. David Smith, Producers Cotton Oil, recommended that the second line from the end of the definition of "Cotton Dust", the word "raw" should be deleted and replaced with the term "waste" to conform with the Federal standard. He also indicated that should the staff delete the cotton dust (raw) entry in Section 5155, Table AC-1 this definition's language would be unclear in the terminology.

Dr. Vanneman indicated that the proposed change from the Federal wording was primarily done by staff to conform to the exemption for cotton waste.

Problems with Vertical Elutriator sampling methods

Mr. Smith also commented on the the definition for "Vertical Elutriator sampling method"; and objects to the use of the 15 microns. He stated that with his past experience in sampling there is a definite problem in duplication of levels for measurement in this procedure.

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F. New Section 5217, Cotton Dust (continued)	Mr. Philip Wakelyn recommended that Subsection (d)(1)(B) should have language at the end of the subsection indicating that it shall be certified by Federal OSHA.
Page 3, (d)(1)(B)	
Page 4, (d)(2) Initial Monitoring Replace with Federal language?	Mr. Philip Wakelyn recommended that Subsection (d)(2) refers to an "eight-hour period" and in lieu of this phrase, he recommended that Federal OSHA's language be incorporated to read "an 8-hour time-weighted average.".
	Dr. Vanneman requested permission from the Board to review this suggestion by Mr. Wakelyn.
Page 5, (e)(3)(A)& (B)5. Compliance Program	Mr. Wakelyn indicated that the language as proposed limits work practices and requested the Board to perhaps review this subsection in its feasibility of applying its application in the State.
Page 7, (f)(1)(B)2. revise the subsection	Mr. David Smith recommended that the Board delete the term "and repair"; and to also the phrase "while processing cotton" after the term "activities"; which would read, in part, as follows:
	"2. During maintenance and repair activities while processing cotton in which engineering. . . ".
(f)(1)(B)4.	The Chairman requested the Board's staff to review the recommended revisions as outlined by Mr. David Smith.
	Mr. Smith also recommended that Subsection (f)(1)(B)4. read as follows:
	"4. In operations ~~specified under Section 5217(g)(1)~~ during blow-down;".

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F. New Section 5217,
Cotton Dust (continued)

Page 9, paragraph (C)	Mr. Smith recommended that the phrase ". . .the employer shall, upon the request of the employee, provide a powered air purifying respirator with a high efficiency particulate filter..." be deleted on the basis that in his opinion, the standard as written will result in a greater safety risk.
Page 11, (h), Medical Surveillance	Mr. Philip Wakelyn commented on the apparent difficulties in complying with this provision because of the lack of adequate medical personnel especially in the rural areas of the State and the insufficient amount of needed consulting firms. He recommended that the Board consider his comments and perhaps recognize these deficiencies in the promulgation and/or revision of the standard for Section 5217.
Page 12, paragraph (C) change "section" to "second" in third line	Mr. Wakelyn indicated a typographical error on the third line. The word "section" should be deleted and the the term "second" be incorporated.
ethnic classification	Mr. Wakelyn indicated that there are no table set-ups for the Mexican/ American origins. He indicated that it is not known whether they have the same values as a caucasion and recommended that the Board review this issue before they adopt the proposal.
Paragraph (D) "Schilling" system	Mr. Wakelyn stated that this particular classification is not outlined in the proposal and only references the classification system. He indicated that this system has been undergoing changes from 1950 through 1963. He indicated that as of April of this year, Professor Schilling has stated apparent problems in using this classification system. However, Mr. Wakelyn recommended that the Schilling system be incorporated into the proposal for easy reference.

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SUMMARY OF THE
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May 29, 1980

F. New Section 5217,
Cotton Dust (continued)

Page 12, item (3)(A) Periodic Exams	Mr. Egon Gropp objected the requirement of periodic examinations for employees who may be exposed "at any level". He indicated this would put an economic burden on the employers.
Page 13, Paragraph (4) "Information Provided to the Physician"	Dave Smith, Producers Cotton Oil, requested that the Division of Occupational Safety and Health to use this Subsection as a possible handout/training manual to be provided to the physicians to adequately inform them of the requirements.
DOSH Agrees to Provide Information to the Physician	Mr. O'Hara indicated that his suggestion was reasonable. He stated that this could probably be best handled by the Division's education/training staff to make a condensed manual available to the physicians. Mr. Mike Schneider, Deputy Chief, agreed with Mr. Smith's recommendation, and that the Division would be able to accommodate the physicians with a condensed manual.
Page 15, Training Materials should also be bilingual	Dr. Greenberg commented that it is the intent of the their staff that all training materials, warning signs, questionnaires, etc. be also incorporated for bilingual interpretation and be made upon request to the employers/ employees.
Producers Cotton Oil agrees with bilingual material but cautions the Board on proper interpretation	The Board agreed with this recommendation. Mr. Dave Smith, Producers Cotton Oil, also agreed but indicated there may be difficulties in applying the present proposed wording in proper bilingual interpretation (to translate precisely). He offered his assistance in this proper translation assignment should the Board agree with this proposal.

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F. New Section 5217,
Cotton Dust (continued)

Page 15, (j) Amend the Warning Sign	Dave Smith recommended that the the word "acute" in the third line of the warning sign be deleted. Dr. Vanneman of the Board's staff suggested that in lieu of Mr. Smith's recommendation, the phrase "Acute or Delayed" be omitted in its entirety in the warning sign. The Board concurred with the suggestion and requested the Board's staff to review this change with the Federal OSHA office for their concurrence.
Page 16, (k)(1)(B)2. Vague language--may be misinterpreted	Dave Smith stated that in his opinion, the subparagraph is vague and may lead to misinterpretation (i.e. "length of time worn"). He recommended that the phrase be deleted or more specific language be incorporated. Dr. Vanneman indicated that he would review the language in the Federal standard. The Board concurred and suggested our proposal be more specific.
Page 17, paragraph (3)(D)-- Possible Conflict with Labor Code?	Mr. Smith stated that in his opinion, this paragraph may be in conflict with the Labor Code. He stated that the Labor Code has a requirement that medical records can be provided only to the Division, the Department of Health or other authorized State agency and at the request of the employee's physician. The Labor Code does not include other individuals designated by such affected employees. Mr. O'Hara indicated that the Board's staff would review his comments on this issue.
Page 17, Subparagraph (3)(B)	Egon Gropp requested clarification with this proposal concerning a new placement exam if an employee were hired by a new employer and whether or not that employer would be obligated

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F. New Section 5217, Cotton Dust (continued)

Page 17, (3)(B) (continued)	to furnish an initial pre-placement examination should that employee had a previous examination by his former employer. He sought clarification on whether the former employer's records would be sufficient in lieu of a new examination.
Board Staff Instructed to Contact Mr. Gropp on this Issue	The Chairman instructed the Board's staff to notify Mr. Gropp on this issue and clarify the requirement for him concerning transferability of records from one employer to the other.
Page 18, (m) Startup Dates	Mr. Wakelyn indicated that the Federal Directive issued on March 23rd suggested enforcement of the cotton dust standard on the Federal level and directed to the States that startup dates should be the same as the Federal standards. He indicated the State proposal does not outline specific dates except in Section (m)(2). Dr. Vanneman indicated that this standard will not become effective until filed with the Secretary of State under California's statutes in the Administrative Code; ie. 30 days after filing with the Secretary of State. Mr. Wakelyn indicated there would be a conflict in (m)(1) in which the state standard indicates within 6 months; however, the Federal standard indicates an effective date for initial monitoring on September 27, 1980. He recommended the subsection read, in essence, that whereas, when classing should be required to make their sampling during the period processing is being done and not during the period when they are shut down.

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F. New Section 5217,
Cotton Dust (continued)

Page 18, (m) Start-Up Dates (continued) Respirators

Mr. Wakelyn also recommended that the effective date for the requirement of respirators be amended to require that dust monitoring has first been accomplished. Dr. Vanneman indicated that this proposal reflects that of what the Federal OSHA intends for the effective date of startup.

Page 28, Appendices & Questionnaire Cumbersome Language Recommends "Clean-Up"

Mr. Dave Smith indicated that the language in the questionnaire is need of clarification and there are some incorrect statements recorded in the Appendix. He indicated that Item 4, Social Security No. is not optional but mandatory for the employer. In Item No. 10, in his opinion, the category for "weight" is not mandatory and should be deleted from the questionnaire.

Page 29, clarify "significant"

Mr. Smith stated that in his opinion the term "significant" is too vague and also recommended that this table be revised since there are no adequate guidelines for the administering this type of questionnaire. The format should be revised.

Page 31, Item No. 18

Mr. Smith recommended that the term "mill" is confusing and limiting in its use and applicability. He recommended that the word be substituted with the word "job site", to alleviate confusion.

The Chairman requested the Board's staff to review this suggestion.

Page 32, Item 34 Clarify "textile mill"

Mr. Smith objected to the term "textile mill" in Item 34 of the questionnaire.

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F. Section 5217, Cotton Dust (continued)

Page 33, Item 47	Mr. Smith also objected to the terms "(for controls only)". He indicated that for enforcement tools, this is not being used for controls.
Page 34, "Area" designation on form	Mr. Smith objected to the abbreviated "area" designations in this chart and recommended they be deleted in entirely since they are not applicable to this industry, other than textile mills.
Page 35, internal inconsistencies in "grading"	Mr. Smith indicated this questionnaire he indicated there is an absence of any places for calling "grading"; consequently an internal inconsistency with this questionnaire and that of the proposal.

There being no further testimony, the Chaired adjourned the Public Hearing of the Standards Board at 4:00 p.m.

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