

FACTSHEET: AB 553 (Monning)

STREAMLINING THE PEL SETTING PROCESS

The Process of Adopting Standards to Protect Workers from Toxics

Existing law:

Labor Code § 144.6 requires the Occupational Safety and Health Standards Board - for toxic substances - to promulgate a standard “which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity” even if he or she has regular exposure during his or her working life.

This bill:

Amends the Labor Code to streamline the process for setting permissible exposure limits (PELs). The goal is to achieve worker protection from certain toxic substances, reduce the cost for issuing PELs, and avoid duplication of effort by utilizing information and findings developed by other California and national regulatory and research agencies regarding what is a protective health-based exposure level. This bill focuses on ensuring that workers will be protected against the effects of toxic substances that may cause cancer or reproductive, developmental or other serious physical harm when there already exists a quantitative risk assessment (QRA) for those particular toxic materials. It also requires the OSH Standards Board to start with the most protective health-based exposure level should there be differences among the agencies before it determines what adjustment needs to be made based on feasibility.

Need for AB 553:

The process for setting PELs in California can take years. One reason for the delay is that before the chemicals are even brought to the OSH Standards Board for a public hearing, these chemicals are re-evaluated by numerous advisory committees made up of volunteers with varying credentials and interests. The volunteers re-evaluate the research and findings regarding what is a protective health-based exposure limit, findings that were made previously by expert staff scientists from the governmental agencies specified in this bill, not by volunteers. In essence, the current process “reinvents the wheel” and often does so without sufficient expertise and control for conflict of interest.

This bill will:

- Streamline the standard-setting process and save money by avoiding duplication of effort when setting PELs for certain toxic substances. A limited number of substances are affected by this bill: ones for which a QRA exists from the following agencies: the California Environmental Protection Agency, the United States National Institute for Occupational Safety and Health, the United States Environmental Protection Agency, or the United States National Toxicology Program Center for Evaluation of Risks to Human Reproduction. Should there be a difference among these agencies, this bill requires reliance on the most protective QRA data.
- Require that for chemicals that cause cancer, the PEL should protect workers so that there is not more than one excess cancer per 100,000 workers exposed to that carcinogen over a working lifetime.
- When determining feasibility, require the most cost effective available approach, such as substituting an identified safer alternative or setting a reasonable phase-in period to achieve the most protective exposure level.
- This bill will not interfere with Cal/OSHA seeking advice from advisory committees at its discretion.

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