

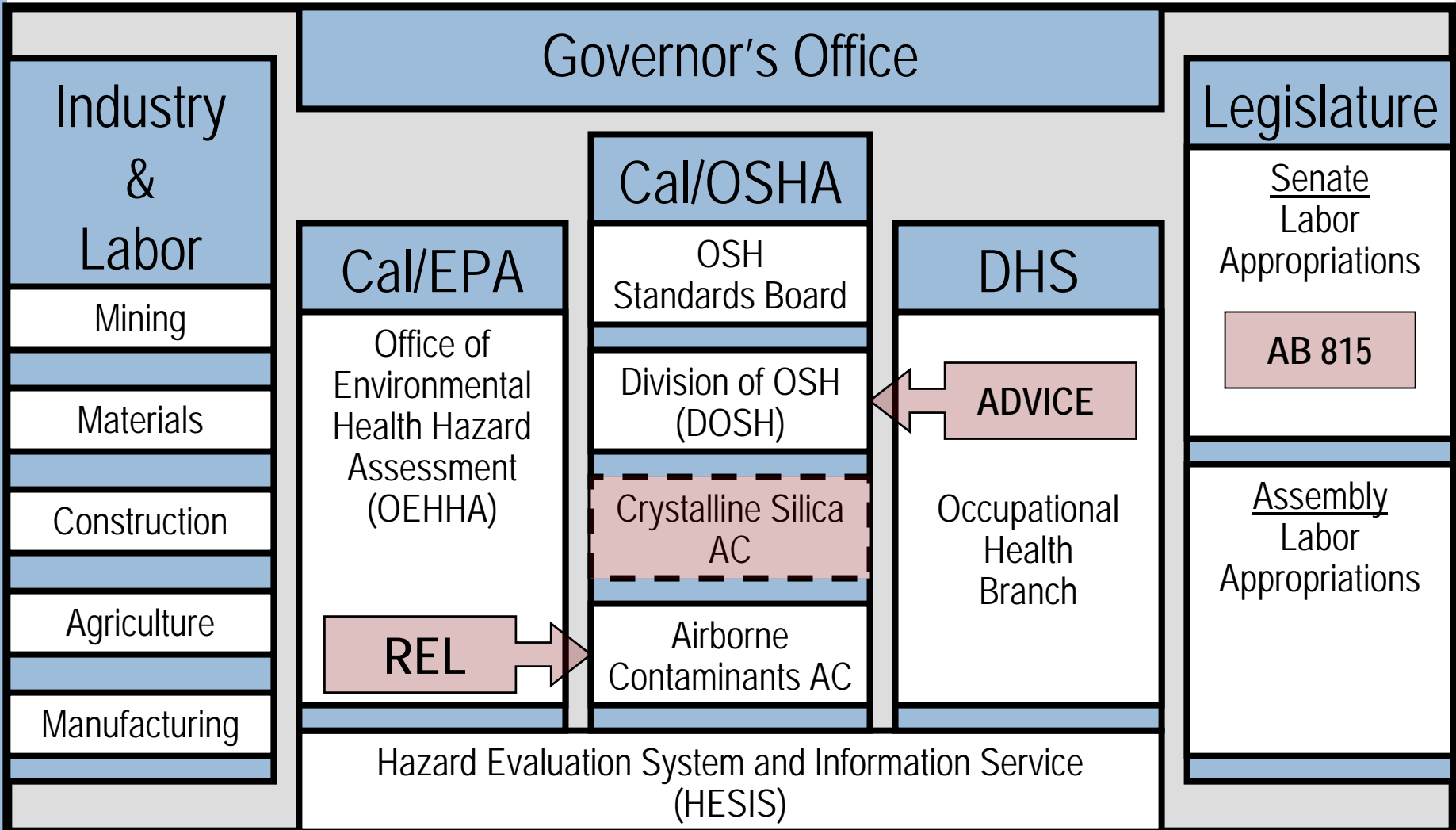


**ARMA
Industry Affairs
Committee Meeting
March 15-16, 2006**

**California
Crystalline Silica
Standard**

California Crystalline Silica Standard

PLAYERS IN THE PROCESS



California Crystalline Silica Standard

Relevant Exposure Limits (micrograms/meter³)

- Current Cal/OSHA Limits
 - 100 for quartz
 - 50 for cristabolite & tridymite
- ACGIH TLV
 - 25
 - Recently down from 50
- ACAC Recommendation to DOSH
 - 10
 - Based on OEHHA REL

California Crystalline Silica Standard

California Time Line

- 2003
 - ACGIH proposed to lower the TLV from 50 to 25
 - OEHHA recommends a REL of 3
- 2004
 - ACAC recommends a PEL of 10 based on OEHHA REL
- 2005
 - OEHHA adopts REL of 3
 - See www.oehha.ca.gov/air/chronic_rels/index.html
 - DOSH convenes supplemental advisory meeting (May)
 - Legislature passes AB 815 through the Assembly
- 2006
 - ACGIH TLV of 25 becomes official (Jan)
 - DOSH engaged in a review of its PEL process
 - See www.dir.ca.gov/dosh/doshreg/5155Meetings2005.html
 - DOSH expected to convene a crystalline silica meeting/committee

Presentation by Daniel Leacox of Greenberg Traurig, Sacramento

California Crystalline Silica Standard

Coalition Position

- Health Effects
 - Current level is protective
 - PEL & REL based on numerous errors including a disconnect between the particle sizes of "respirable" silica in studies (<4 micrometers) versus compliance (<10 micrometers)
 - Cases of silicosis stem from exposures greater than current PEL
- Technical Feasibility
 - Monitoring technology is too unreliable for a lower PEL
 - Background levels sometimes approach and exceed the REL
- Economic Feasibility
 - Affected industries have shift exposures at and above the current PEL despite best efforts to control exposures
 - The cost of compliance with a lower PEL is prohibitive

California Statutes Regarding PELs

- In promulgating standards dealing with toxic materials or harmful physical agents, the board shall adopt that standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to a hazard for the period of his working life... (Section 144.6 of the Labor Code)
- An initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation. This statement of reasons shall include, but not be limited to, all of the following:...(4) Facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business. (Section 11346.2(b) of the Government Code)