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April 11, 2023

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
SARAH MONEY
2520 VENTURE OAKS WAY, SUITE 350
SACRAMENTO, CA 95833

RE: Revisions to Lead Standards

Dear Ms. Money,

I write to you in regard to the Occupational Safety and Health Standards Board's proposed amendments to Title 8, CCR, section 1532.1 of the Construction Safety Orders, and sections 5155 and 5198 of the General Industry Safety Orders.

While there are significant issues that must be addressed before implementing any changes, I would like to focus on one:

Lead is ubiquitous and can easily be found over the proposed action level in the simplest of settings such as soil (3 to 263 µg/kg lead content). In the construction industry, specifically demolition and excavation, passing this proposed standard is overreaching and will create more burdens on a non-existing problem rather than help employees as it alleges to attempt to do.

Federal EPA does not list lead in soils as a hazard or concern at levels less than 400 µg/kg (PPM). Yet the proposed regulation does not have any definition of a base or level where the lead standard should not be implemented. This proposed regulation creates a global requirement for lead training, assessments, and physical examinations for any entity attempting to do business in California. Therefore, contractors, enterprises, and manufacturers will be imposed a burden that has already been listed to be of no concern.

The proposed regulation will cost small businesses an extra financial burden where resources could be spent on protecting employees. The current standard already requires personal protective equipment, training, and exposure control methods. The proposed regulation would require additional medical assessments and physical examinations for companies, yet it does not define the qualifications for the professionals needed to evaluate exposure or prescribe personal protective equipment or other control measures. Identifying professionals who have the training and would have the liability to protect the employees and employers should be in the regulation. However, a better use of resources would be to remove the proposed changes and focus on employee training that makes them aware of the effects of exposure.

Thank you for your time and consideration on this matter.

Sincerely,

John Corcoran

JC/km/op