ALASKA DEPARTMENT OF LABOR

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

DOSH Program Directive No. 80-9

December 2, 1980

To: All DOSH Personnel

Subject: 04.0304, Occupational Exposure to Lead - Inspection and Compliance Procedures.

1. Purpose: This program directive sets forth the guidelines to assure the uniform inspection and compliance procedures for the occupational exposure to lead.

2. Directives Affected: None.

3. Background: On July 25, 1980, Alaska's Lead standards, 04.0304 became effective. Federal OSHA recently issued an OSHA Instruction to assist their CSHOs to properly inspect and cite for lead exposures. DOSH has decided to adopt this OSHA Instruction to its program and the Alaska Lead standard.

4. Program for Enforcement.

A. Compliance Procedure.

(i) Inspections to assess compliance with 04.0304 must be conducted by, or under the guidance of, an Industrial Hygienist prepared for doing inspections in the lead industry. Guidelines for determining if the employer is in compliance with the standard, and for classifying and grouping violations, are presented in Appendix A of this instruction. [Also, see Industrial Hygiene Operations Manual (IHOM) and the Compliance Manual (CM)].

(ii) In cases where deviations from the recommended guidelines for classifying and grouping of violations seem to be warranted, the Chief IH will consult the Director. The reasons for the deviations will be noted in the case file.

(iii) If there are any areas where this instruction differs from the IHOM and/or CM, then this instruction (in that it presents a special program limited to lead) takes precedence.

B. Unresolved Lead-related Violations Prior to OH&EC 04.0304.

Before March 1, 1979, occupational exposure to lead in general industry employment was covered by various provisions in OH&EC 04.0101. These provisions were contained in the following: OH&EC 04.0101(a), GSC 01.1002(f)(7), CC 05.040(f), CC 05.100(d)(3)(A)(ii), etc.

(i) It is possible that an employer may still be under an order to correct a violation cited under one of the provisions contained in a standard listed above, or under the general duty clause, after the OH&EC 04.0304 effective date (July 25, 1980). During the next lead-related inspection of such a plant inspect for:

(a) Failures to abate previous violations if the abatement date has passed.

(b) Violations of OH&EC 04.0304 involving new or more stringent requirements than the violated provision the employer is under order to abate. For example, issue a new citation for violating OH&EC 04.0304 (c)(1) or (2) even where the employer is already under order to correct a violation of OH&EC 04.0101(b) that involves the same employee, job classification, or work area.

(c) Violations of OH&EC 04.0304 involving requirements identical to the violated provisions of the standard the employer is under order to correct, but involving different job classifications or work areas. For example, if an employer is under order to correct a violation of 01.0401 GSC, issue a new citation for a repeated violation of the identical provision under OH&EC 04.0304(g) which now applies to that condition, when different job classifications or work areas are involved.

(ii) The issuance of a new citation will not suspend or otherwise affect the employer's obligation to correct the previous violation. However, in the event the requirements of the new citation would be more stringent than the requirements of the previous order to correct, the Chief, I.H. should be consulted before issuing a "failure to abate" notice and proposed penalty. For example, if an employer is under an obligation to provide a dust, mist respirator under a previous order to abate, and is now subject to a citation for not providing the same employee with a powered air-purifying respirator, issue the new citation but consult with the Chief, I.H. before issuing a failure to abate notice and proposing a penalty for failing to abate the less stringent requirement.

(iii) Do not cite the employer for a violation under the provision of OHEC 04.0304 if the corrective action required by that provision is identical to that required for the violation which the employer is now under order to abate. For example, if an employer is under order to abate a violation of 01.0403 GSC, do not cite the employer for violating the identical

provision under 04.0304(f) which now applies to that condition, unless different job classifications, work areas or more stringent requirements (powered air-purifying respirators versus dust, mist respirators) are involved. Under such circumstances (where the employer is not subject to a citation for violating an identical provision under 04.0304(f) issue a citation for failure to abate 01.0403 GSC if the correction date has passed (see 4.B.(i)(a).

C. Petitions for Modifications of Abatement Dates for Violations of OH&EC 04.0101(b)(1) and (6). In lead cases where extensions longer than one year seem to be warranted, the Chief, I.H. shall consult the Director before establishing correction dates.

D. Biological Monitoring. If biological testing is determined necessary for DOSH to document a violation of OH&EC 04.0304, the Chief, I.H. shall arrange for medical support through the Director.

E. Monitoring Citations.

(i) The Chief, I.H. shall discuss all alleged medical removal protection violations and any other novel or complex situations involving enforcement of the new lead standard with the Director before citations are issued.

(ii) Until further notice, each Chief, I.H. shall notify the Director of all contested cases involving the new lead standard.

(iii) The Chief, I.H. and the Director will work with the Attorney General in coordinating these cases and in assisting the Division in the handling of these cases.

5. Action. This directive is effective immediately.

6. Filing. This directive will remain in effect until modified, superseded, or rescinded.

Robert D. Miller

Robert D. Miller, Director

Reviewed and Approved

Glenn A. Lundell

for Edmund N. Orbeck, Commissioner