

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 35

Introduced by Assembly Members Kalra and Cristina Garcia
(Coauthor: Assembly Member Gonzalez)

December 3, 2018

An act to amend Section 105185 of the Health and Safety Code, and to add Section 147.3 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 35, as amended, Kalra. Worker safety: blood lead levels: reporting.

Existing law requires the Department of Industrial Relations, by interagency agreement with the State Department of Public Health, to establish a repository of current data on toxic materials and harmful physical agents in use or potentially in use in places of employment in the state. That repository is known as the Hazard Evaluation System and Information Service (HESIS). Existing law requires the HESIS, among other things, to provide information and collect and evaluate data relating to possible hazards to employees resulting from exposure to toxic materials or harmful physical agents. Existing law establishes the Division of Occupational Safety and Health within the Department of Industrial Relations and requires the division to, among other things, monitor, analyze, and propose health and safety standards for workers. *Existing law authorizes the Division of Occupational Safety and Health to adopt regulations to implement health and safety standards.*

This bill would require the State Department of Public Health (*department*) to consider a report from a laboratory of an employee’s blood lead level at or above ~~25~~ 20 micrograms per deciliter to be

injurious to the health of the employee and to report that case within 5 business days *of receiving the report* to the Division of Occupational Safety and ~~Health~~. *Health (division)*. The bill would further provide that the above-described report would constitute a serious violation and subject the employer or place of employment to an investigation, as provided, by the division, and would require the division to make any citations or fines imposed as a result of the investigation publicly available on an annual basis. *The bill would specify that the blood lead levels identified in these provisions that trigger action by the department and the division do not supersede any lower blood lead levels established by regulations adopted by the division that would trigger required action by an employer.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 105185 of the Health and Safety Code
- 2 is amended to read:
- 3 105185. (a) The department shall establish and maintain an
- 4 occupational lead poisoning prevention program, including, but
- 5 not limited to, the following:
- 6 (1) Developing a system for monitoring laboratory reports of
- 7 cases of adult lead toxicity, to create an occupational lead poisoning
- 8 registry.
- 9 (2) Following up reported cases of occupational lead poisoning
- 10 to ascertain the source of lead exposure.
- 11 (3) Conducting investigations in cases where take-home
- 12 exposure may be occurring, where there is a likelihood of
- 13 identifying additional cases, or where a previously unidentified
- 14 risk factor may be present.
- 15 (4) Conducting training of employers, employees, and health
- 16 professionals regarding prevention of occupational lead poisoning.
- 17 (5) Making recommendations for the prevention of lead
- 18 poisoning.
- 19 (b) In any situation where the activities specified in subdivision
- 20 (a) may duplicate or overlap the activities of any other state
- 21 department or agency, including the Department of Industrial
- 22 Relations, the department shall coordinate with the other

1 departments or agency and take actions to avoid program and
2 service duplication.

3 (c) As part of the department's Occupational Lead Poisoning
4 Prevention Program, the department shall consider a report from
5 a laboratory of an employee's blood lead level at or above 25 20
6 micrograms per deciliter to be injurious to the health of the
7 employee and shall report that case within five business days of
8 *receiving the report* to the Division of Occupational Safety and
9 Health.

10 (d) The department may adopt regulations to implement this
11 section and Sections 105190 and 105195. Any regulations adopted
12 shall be considered and adopted as emergency regulations in
13 accordance with Section 11346.1 of the Government Code.

14 (e) *The employee blood lead level established by this section is*
15 *not intended to supersede any lower blood lead level that may be*
16 *actionable under the Division of Occupational Safety and Health's*
17 *lead standards in its general industry safety order (Section 5198*
18 *of Title 8 of the California Code of Regulations) or construction*
19 *safety order (Section 1532.1 of Title 8 of the California Code of*
20 *Regulations). For purposes of this subdivision, an actionable*
21 *employee blood lead level means a level that triggers an employer*
22 *obligation to reduce lead exposure in the workplace or an*
23 *investigation by the division.*

24 SEC. 2. Section 147.3 is added to the Labor Code, to read:

25 147.3. (a) When the Division of Occupational Safety and
26 Health receives a report from the State Department of Public Health
27 pursuant to subdivision (c) of Section 105185 of the Health and
28 Safety Code, the report shall constitute a complaint from a
29 government agency representative charging a serious violation
30 and shall subject the employer or place of employment to the
31 requirements of subdivision (a) of Section 6309 for the Division
32 of Occupational Safety and Health to initiate an investigation
33 within three working days. Upon completion of the investigation,
34 any citations and fines imposed by the division shall be made
35 publicly available on an annual basis pursuant to subdivision (d)
36 of Section 6309.

37 (b) *The blood lead level established in subdivision (c) of Section*
38 *105185 of the Health and Safety Code is not intended to supersede*
39 *any lower blood lead level that may be actionable under the*
40 *Division of Occupational Safety and Health's lead standards in*

1 *its general industry safety order (Section 5198 of Title 8 of the*
2 *California Code of Regulations) or construction safety order*
3 *(Section 1532.1 of Title 8 of the California Code of Regulations).*
4 *For purposes of this section, an actionable employee blood lead*
5 *level means a level that triggers an employer obligation to reduce*
6 *lead exposure in the workplace or an investigation by the division.*

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9 REVISIONS: _____

10 **Heading—Line 2.**

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