

Assembly Bill No. 35

CHAPTER 710

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.

[Approved by Governor October 10, 2019. Filed with Secretary of State October 10, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 35, 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 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 (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.

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

SECTION 1. Section 105185 of the Health and Safety Code is amended to read:

105185. (a) The department shall establish and maintain an occupational lead poisoning prevention program, including, but not limited to, the following:

(1) Developing a system for monitoring laboratory reports of cases of adult lead toxicity, to create an occupational lead poisoning registry.

(2) Following up reported cases of occupational lead poisoning to ascertain the source of lead exposure.

(3) Conducting investigations in cases where take-home exposure may be occurring, where there is a likelihood of identifying additional cases, or where a previously unidentified risk factor may be present.

(4) Conducting training of employers, employees, and health professionals regarding prevention of occupational lead poisoning.

(5) Making recommendations for the prevention of lead poisoning.

(b) In any situation where the activities specified in subdivision (a) may duplicate or overlap the activities of any other state department or agency, including the Department of Industrial Relations, the department shall coordinate with the other departments or agency and take actions to avoid program and service duplication.

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

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

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

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

147.3. (a) When the Division of Occupational Safety and Health receives a report from the State Department of Public Health pursuant to subdivision (c) of Section 105185 of the Health and Safety Code, the report shall constitute a complaint from a government agency representative charging a serious violation and shall subject the employer or place of employment

to the requirements of subdivision (a) of Section 6309 for the Division of Occupational Safety and Health to initiate an investigation within three working days. Upon the completion of the investigation, any citations and fines imposed by the division shall be made publicly available on an annual basis pursuant to subdivision (d) of Section 6309.

(b) The blood lead level established in subdivision (c) of Section 105185 of the Health and Safety Code is not intended to supersede any lower blood lead level that may be actionable under the Division of Occupational Safety and Health's lead standards in its general industry safety order (Section 5198 of Title 8 of the California Code of Regulations) or construction safety order (Section 1532.1 of Title 8 of the California Code of Regulations). For purposes of this section, an actionable employee blood lead level means a level that triggers an employer obligation to reduce lead exposure in the workplace or an investigation by the division.