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DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
Michigan Occupational Safety & Health Administration
(MIOSHA)

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DIRECTOR

**MIOSHA OCCUPATIONAL HEALTH STANDARDS
PART 301/601 AIR CONTAMINANTS ADVISORY COMMITTEE MEETING**

**MEETING AGENDA for:
March 18, 2011 – 9:00 a.m.**

State Secondary Complex -- General Office Building
7150 Harris Drive -- Conference Room A
Lansing

1. Call to Order by Co-Chair Timothy Kearney
2. Approval of Minutes from January 14, 2011
3. Discussion on:
 - a. Asphalt Fumes
 - b. Portland Cement
 - c. Grain Dust
 - d. Flour Dust
4. Schedule Next Meeting Date(s)
5. Public Comment
6. Adjournment

**MEETING MINUTES for:
January 14, 2011**

PRESENT:

Peggy Brady, Brady & Associates
John Cikal, Dow Chemical Co.
Kim Gasche, Ford Motor Co.
Timothy Kearney, Argus-Hazco
William Kilgore, General Motors
Robert Lieckfield, Bureau Veritas North America
Richard McLonis, Marsh USA Inc.

Dennis O'Brien
Cynthia Ostrowski, CAO Consulting
Ken Rosenman, Michigan State University
Scott Shepherd, East Jordan Iron Works
Jessie Simpson (Morning Session Only)
William Watt, Wayne State University
Bernard Hennessy, UAW (Morning Session Only)

MIOSHA STAFF PRESENT:

Dan Dykstra, Standards Section
Jeff Silva, Construction Safety & Health Division
Debbie Merryfield, Standards Section

Bart Pickelman, GI Safety & Health Division
Ron Ray, Laboratory & Equipment Services

ABSENT:

Tom Kinman, UAW
Dennis Emery, Consultant
William Robert, BASF Corporation

Phillip Peterson, Fibertec IHS
William Bishop, DT Energy
Oscar Rodriguez-Franco, Board of Water & Light

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Call to Order

The January 14, 2011 MIOSHA OH Part 301/601 Air Contaminants Advisory Committee meeting was called to order by Co-Chair Dennis O'Brien.

Approval of Minutes from December 1, 2010 Meeting

The Advisory Committee reviewed the section of the minutes regarding Manganese exposure limits. It was determined that the minutes did not clearly reflect that the last two motions regarding Manganese superseded the original two motions. [For further information on withdrawal of motions made at the December 1, 2010 meeting, see page 4.]

A motion was made by Cynthia Ostrowski and seconded by Scott Shepherd to accept the amended minutes of the December 1, 2010 Advisory Committee meeting. **MOTION CARRIED UNANIMOUSLY.**

Update from Commission Meeting

Mr. Tim Kearney advised the OHSC that the Advisory Committee for Air Contaminants has been meeting since June 2010 and that they have repeatedly run into discussions they could not settle and they would like to ask for advice from the OHSC. They have come across some ACGIH TLV changes that were more conservative than the Committee thought might be needed and some information is quite dated. Mr. Kearney reviewed some specific examples of levels with the OHSC. The Committee felt it would be more beneficial if they could use some of the previous TLV and not the current, however, the scope of their mission may not allow them to look at those numbers. Therefore, they would like the latitude to consider previous TLV's if there is good information indicating those amounts would be favorable. In addition they have been attempting to make recommendations so that construction and general industry standards would be equivalent when possible. Mr. Kearney discussed the problems the Committee has encountered and that they want latitude to adopt for construction equivalency. Therefore they are requesting the commission allow them these options if there is technical information to support their recommendation and further that when there are best practices available they be allowed to make use of that information as well.

At the Commission Meeting a motion was made by Commissioner Comai and seconded by Commissioner Torbert that the committee be allowed to consider a definition or specify an improved contaminant definition for example metalworking fluids (MWF) or to consider best practices that exist for exposure assessment. **MOTION CARRIED UNANIMOUSLY.**

At the Commission Meeting a motion was made by Commissioner Torbert and seconded by Commissioner Comai that the committee be allowed to recommend TLV's other than the current ACHIG TLV's recommended in 2009 and to look at different resources. **MOTION CARRIED** with one no vote from Commissioner Glynn.

Further discussion was held by the Commission with regard to the third item the Committee was requesting. A motion was made by Commissioner Miller and seconded by Commissioner Novak for the committee to recommend adding a "welding fume" limit for construction. A clarification was made that this would be adding an element to OH Part 601. Mr. Kearney advised that there was a compliance officer for CSHD at the Advisory Committee meetings who stated this would be helpful to them and that Dr. Ken Rosenman who is on this Advisory Committee as a technical advisor had prioritized adding welding fumes to OH Part 601 as one of his top concerns. After further discussion a roll call vote was taken. In favor were Commissioners Ross, Miller and Comai. Opposed were Commissioners Novak, Glynn and Torbert. **MOTION FAILED.** Ms. Marsha Parrott-Boyle recommended that the Advisory Committee should discuss recommending that the Commission consider convening a separate Advisory Committee to discuss this issue.

Discussion on Toluene

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The Advisory Committee revisited the exposure limits for Toluene since the OHSC is allowing the committee to consider an ACGIH TLV other than those recommended in 2009.

A motion was made by Cynthia Ostrowski and seconded by Kim Gasche to adopt the 1996-2006 ACGIH TLV of 50 ppm for General Industry Toluene exposure limits as a TWA. **MOTION CARRIED.**

A motion was made by Cynthia Ostrowski and seconded by Jessie Simpson to adopt the same General Industry Toluene exposure limits of 50 ppm as a TWA and 150 ppm as a STEL for the Construction Toluene exposure limits. **MOTION CARRIED.**

Discussion on Trichloroethylene

The Advisory Committee reviewed the TLV Documentation and discussed the current General Industry Trichloroethylene exposure limits which are 50 ppm as a TWA and 200 ppm as a STEL. ACGIH current recommended exposure limits are 10 ppm as a TWA and 25 ppm STEL.

A motion was made by Cynthia Ostrowski and seconded by Bernard Hennessy to adopt the current ACGIH TLV to 10 ppm as a TWA for Trichloroethylene. **MOTION CARRIED.** (It was noted that two advisory committee members expressed opposition to this motion.)

A motion was made by Robert Lieckfield and seconded by Cynthia Ostrowski to lower the General Industry STEL for Trichloroethylene to 25 ppm. **MOTION CARRIED.** (It was noted that two advisory committee members expressed opposition to this motion.)

Discussion on Cobalt Metal

The Advisory Committee reviewed the TLV Documentation and discussed the current General Industry Cobalt exposure limit which is 0.05 mg/m³ as a TWA. ACGIH current recommended exposure limit is 0.02 mg/m³ TLV and the NIOSH REL in 0.05 mg/m³.

A motion was made by Peggy Brady and seconded by Jessie Simpson to lower the General Industry Cobalt exposure limit to the ACGIH recommended level of 0.02 mg/m³ as a TWA. **MOTION CARRIED.**

A motion was made by Jessie Simpson and seconded by Kim Gasche to adopt the same Cobalt exposure limit of 0.02 mg/m³ as a TWA for Construction. **MOTION CARRIED.**

Discussion on Iron Oxide

The Advisory Committee reviewed the TLV Documentation and discussed the current Construction Iron Oxide exposure limit which is 10 mg/m³ (total) as a TWA. ACGIH current recommended exposure limit is 5 mg/m³ (respirable) TLV and the NIOSH REL is 5 mg/m³.

A motion was made by Jessie Simpson and seconded by Cynthia Ostrowski to adopt the NIOSH REL for the Construction Iron Oxide exposure limit which is 5 mg/m³ as a TWA. **MOTION CARRIED.**

Ken Rosenman proposed asking the OHSC to consider opening up the iron oxide General Industry PEL for review by the Advisory Committee. The Advisory Committee determined this is not necessary because General Industry has a PEL for welding fume.

At this time Bernard Hennessy and Jessie Simpson left for the balance of the meeting. Bernard Hennessy designated Dennis O'Brien as his proxy voter. Jessie Simpson designated Jeff Silva as his proxy voter.

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Rescinding of Action Taken at December 1, 2010 Meeting

A motion was made by Cynthia Ostrowski and seconded by Scott Shepherd to rescind motions 3A through 3D from the December 1, 2010 meeting. **MOTION CARRIED.**

It was also discussed that in the final presentation to the OHSC the Committee would like to propose that, where feasible, general industry and construction exposure limits should be the same.

Discussion on Metal Working Fluid

A motion was made by Scott Shepherd and seconded by Peggy Brady reopen discussion on Metal Working Fluid (MWF). **MOTION CARRIED.**

Dr. Rosenman stated MWF is a leading cause in work-related asthma. According to MIOSHA occupational disease reporting data, many cases have come from machining and stamping operations.

Advisory committee discussed the financial impact a 0.5 mg/m³ exposure limit for MWF would have on manufacturing businesses. Dennis O'Brien stated that engineering controls are already in place in most businesses. John Cikalo asked if engineering controls were already in place, why is exposure to MWF still a problem? Kim Gasche stated that brand new equipment at Ford Motor Co. is still approaching 0.5 mg/m³ and that it would not be feasible to expect smaller businesses to adhere to an exposure limit of 0.5 mg/m³.

A motion was made by Peggy Brady and seconded by Jeff Silva via proxy vote for Jessie Simpson to adopt the NIOSH REL of 0.5 mg/m³ extractable fraction using NIOSH method 5524 or equivalent. In favor were Jeff Silva via proxy vote for Jessie Simpson and Dennis O'Brien via proxy vote for Bernard Hennessy. Opposed were Kim Gasche, Cynthia Ostrowski, and William Kilgore. Scott Shepherd, John Cikalo, and Peggy Brady abstained. **MOTION FAILED.**

A motion was made by Cynthia Ostrowski and seconded by Robert Lieckfield to ask the OHSC to consider creating a separate standard for metal working fluids. **MOTION CARRIED.**

Upcoming Meeting Dates

The Wednesday, February 2, 2011 MIOSHA OH Part 301/601 Air Contaminants Advisory Committee meeting was cancelled due to scheduling conflicts with several committee members.

The Wednesday, March 7, 2011 MIOSHA OH Part 301/601 Air Contaminants Advisory Committee meeting was **rescheduled for Friday, March 18, 2011 from 9:00 am to noon** in Conference Room A of the General Office Building.

Adjournment

With no further business before the Advisory Committee, the meeting was adjourned.