OSHA’s Proposed PEL for Hexavalent Chromium: Update & Outlook

HCAT
San Diego, CA
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14. ABSTRACT

15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:

<table>
<thead>
<tr>
<th>a. REPORT</th>
<th>b. ABSTRACT</th>
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<td>unclassified</td>
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17. LIMITATION OF ABSTRACT
Same as Report (SAR)

18. NUMBER OF PAGES
10

19a. NAME OF RESPONSIBLE PERSON

Standard Form 298 (Rev. 8-98)  
Prescribed by ANSI Std Z39-18
Latest Developments: 
January 2006

- Deadline Extension – Federal Court Granted OSHA’s Request
  - Original – January 18, 2006
  - New – February 28, 2006
  - Agency Discretion – Court did NOT dictate what PEL is protective

- Status
  - Rule package at White House for review
  - Interagency discussion within Administration

- Issues
  - Technical Feasibility
  - Compliance Cost
  - Economic Analysis
  - Health Studies

- Potential for Revisions from:
  - Proposed Rule (October 2004)
  - Final OSHA Package (December 2005)
Industry Impacts:
Selected Industry Sectors

**High Impact**
- Plating & Surface Finishing
- Stainless Steel & Welding
- Aerospace / Defense
- Shipbuilding

**High to Moderate Impact**
- Chromate Production
- Chemical Proc & Distribution
- Pigments & Catalysts
- Portland Cement
- Refractory Brick
- Industrial Laundries
- Fiberglass Mfg.
- Electric Utilities
- Auto Body & Repair
- Construction
Extension Issues: Interagency Concerns

- Scope of Discussion & Review
  - Dept of Commerce – U.S. competitiveness
  - Small Business Administration – health studies
  - Dept of Defense – scope of impact (Navy & Air Force comments)

- Persisting Analytical Concerns in PEL Package
  - Compliance – underestimated costs
  - Sectors – missed industry processes (Cr conversion, POPs)
  - Sampling – link between facility sampling & proposed PEL limit
  - Impacts – economics of targeted industry sectors
    - OSHA re-analysis
## Compliance Cost of Proposed PEL: Aerospace Manufacturing
($ annualized, industry-only)

<table>
<thead>
<tr>
<th>Impacts</th>
<th>PEL @ 1 ug/m³</th>
<th>PEL @ 10 ug/m³</th>
<th>PEL @ 20 ug/m³</th>
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</thead>
<tbody>
<tr>
<td><strong>COST</strong></td>
<td>$1.06 billion</td>
<td>$379 million</td>
<td>$269 million</td>
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</tbody>
</table>
## Compliance Cost of Proposed PEL: Electroplating
($ annualized – hard cr, deco cr, anodizing, others)

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<tr>
<th>Impacts</th>
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<th>PEL @ 10 ug/m³</th>
<th>PEL @ 20 ug/m³</th>
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</thead>
<tbody>
<tr>
<td>Facilities Affected</td>
<td>90 %</td>
<td>60 %</td>
<td>25 %</td>
</tr>
<tr>
<td><strong>COST</strong></td>
<td><strong>$ 1.026 billion</strong></td>
<td><strong>$ 614 million</strong></td>
<td><strong>$244 million</strong></td>
</tr>
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</table>
Compliance Cost of Proposed PEL: General Welding
($ annualized)

<table>
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<tr>
<th>Impacts</th>
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<td>Cost</td>
<td>$524 million</td>
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Outlook:
Potential Policy Options

**Limits**

- Variable PEL – tailored framework with different limits by sector
- Higher PEL – 5 ug/m$^3$ or higher applicable to some sectors

**Compliance Schedule**

- Longer Compliance Schedule – deadline extended beyond 2 years
- Graduated Schedule – lower PEL over time (per NIOSH study)
Outlook:
Action After Publication

**Litigation**

- Litigation – Nearly a certainty, regardless of selected PEL approach
  - Plaintiffs have argued science dictates 0.25 ug/m$^3$ PEL

**Congressional Action**

- Legislation to overturn under Congressional Review Act unlikely
  - Key differences vs. Ergonomics rule (2001)
NEW OSHA DEADLINE

- FEBRUARY 28, 2006
- No Further Extensions…