

HF4713 - 0 - Acceptable Blood Lead Levels for Workers Rules

Chief Author: **Brion Curran**
 Committee: **Labor and Industry Finance & Policy**
 Date Completed: **3/14/2024 10:36:24 AM**
 Lead Agency: **Labor and Industry Dept**
 Other Agencies:
 Administrative Hearings Health Dept

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	-	-	-
Health Dept						
General Fund	-	-	116	58	-	-
Labor and Industry Dept						
Workers Compensation	-	-	279	143	-	-
State Total						
Administrative Hearings	-	-	-	-	-	-
General Fund	-	-	116	58	-	-
Workers Compensation	-	-	279	143	-	-
Total	-	-	395	201	-	-
Biennial Total			395			201

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Health Dept					
General Fund	-	-	.6	.3	-
Labor and Industry Dept					
Workers Compensation	-	-	1	1	-
Total	-	-	1.6	1.3	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karl Palm **Date:** 3/14/2024 10:36:24 AM

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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2	Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Health Dept					
General Fund	-	-	116	58	-
Labor and Industry Dept					
Workers Compensation	-	-	279	143	-
Total	-	-	395	201	-
Biennial Total			395		201
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	12	-	-
Health Dept					
General Fund	-	-	116	58	-
Labor and Industry Dept					
Workers Compensation	-	-	279	143	-
Total	-	-	407	201	-
Biennial Total			407		201
2 - Revenues, Transfers In*					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	12	-	-
Health Dept					
General Fund	-	-	-	-	-
Labor and Industry Dept					
Workers Compensation	-	-	-	-	-
Total	-	-	12	-	-
Biennial Total			12		-

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 Committee: **Labor and Industry Finance & Policy**
 Date Completed: **3/14/2024 10:36:24 AM**
 Agency: **Labor and Industry Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Dollars in Thousands					
Workers Compensation	-	-	279	143	-
Total	-	-	279	143	-
Biennial Total			279		143

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Workers Compensation	-	-	1	1	-
Total	-	-	1	1	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karl Palm **Date:** 3/14/2024 9:28:28 AM
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State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Workers Compensation	-	-	279	143	-
Total	-	-	279	143	-
Biennial Total			279		143
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Workers Compensation	-	-	279	143	-
Total	-	-	279	143	-
Biennial Total			279		143
2 - Revenues, Transfers In*					
Workers Compensation	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

SF4600 requires the commissioner of labor and industry to engage in rulemaking to lower the acceptable blood lead levels above which require removal of workers from lead exposure and to lower the acceptable blood lead levels required before a worker is allowed to return to work. The thresholds established must be based on the most recent public health information on the safety of lead exposure. The commissioner must consult with the commissioner of health in this rulemaking.

Assumptions

DLI's Minnesota Occupational Safety and Health Administration (MNOSHA) and the Minnesota Department of Health (MDH) would collaborate to change the following current standards:

- the Blood Lead Level (BLL) at which an employee is required to be removed from lead exposure, currently at least 50 µg/dL, for both general industry and construction

- the BLL at which an employee may be returned to work involving lead exposure, currently < 40 µg/dL for both general industry and construction.

MNOSHA anticipates a medium rule expenditure (\$136,496) associated with this bill.

Several states have updated their Occupational Lead Standards. Michigan OSHA (MIOSHA) was used as a guideline to determine what resources MNOSHA would require implementing the changes required by this bill. MIOSHA has updated their lead standards for both general industry and construction. Their changes included reducing the BLL at which an employee is required to be removed from lead exposure from 50 µg/dL to 30 µg/dL for both general industry and construction. MIOSHA also changed the BLL at which an employee may be returned to work involving lead exposure from < 40 µg/dL to 15 µg/dL for both general industry and construction standards. MIOSHA's revisions followed recommendations developed by a group of stakeholders over the course of meetings held in 2017 and 2018. The group's proposed revisions to the occupational standards were the subject of public hearings in August 2018 and the rules became final in March 2021.

Considering MIOSHA's experience, an Advisory Committee would need to be established by MNOSHA. The committee would be comprised of representatives from the Minnesota Department of Health, industry, labor, management, MNOSHA Advisory Council Member, and health/medicine. The Advisory Committee would be charged with updating MNOSHA's existing blood lead levels to reflect today's level of public health knowledge. The committee would also research proposals and draft rule revisions for consideration by the Department of Labor and Industry and the Department of Health.

Similar to MIOSHA's process, MNOSHA anticipates six meetings to determine the new proposed levels. Initial steps would include researching existing standards, agreeing on proposed MNOSHA rule changes, creating final draft documents, submitting for promulgation, and likely conducting a public hearing. Like MIOSHA, this process could take as long as 2 years. Six Advisory Committee meetings are project to be needed and may take up to 18 months to complete. It is estimated that it will take an additional four to eight months to complete the rule adoption process, including a public hearing and review of the rule by the Office of Administrative Hearings.

MNOSHA and DLI Office of General Counsel will participate using existing staff with the exception of an Industrial Hygienist 3 position. MNOSHA would need one Industrial Hygienist 3 position for two years to lead the Advisory Committee, gather data, conduct research and analysis, and assist in the completion of the MNOSHA rulemaking process. The position would also inform Federal OSHA of any MN rule changes to ensure that MNOSHA remains as effective as Federal OSHA as required by the federal grant.

Expenditure and/or Revenue Formula

Cumulative Expenditures	2024	2025	2026	2027
Industrial Hygeinist 3 (MAPE 16L)	-	142,647	142,647	-
Medium Rulemaking	-	136,496	-	-
Total	-	279,143	142,647	-

Long-Term Fiscal Considerations

Local Fiscal Impact

Since the standard will apply to cities and counties as employers, they will have to comply with the standard when their employees work with lead above the exposure limits set.

References/Sources

MNOSHA and Federal OSHA Lead Standard-1910.1025 - Lead. | Occupational Safety and Health Administration (osha.gov)

Michigan OSHA Lead Standards:
 GI 310 (michigan.gov)
 CS 603 (michigan.gov)

Federal OSHA Proposed Rulemaking- Federal Register:: Advance Notice of Proposed Rule Making (ANPRM)-Blood Lead Level for Medical Removal MIOSHA Reference Start Printed Page 38345

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HF4713 - 0 - Acceptable Blood Lead Levels for Workers Rules

Chief Author: **Brion Curran**
 Committee: **Labor and Industry Finance & Policy**
 Date Completed: **3/14/2024 10:36:24 AM**
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		
		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 3/14/2024 9:33:21 AM
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State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total						-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Administrative Hearings		-	-	12	-	-
Total		-	-	12	-	-
Biennial Total						12
2 - Revenues, Transfers In*						
Administrative Hearings		-	-	12	-	-
Total		-	-	12	-	-
Biennial Total						12

Bill Description

SF4600 authorizes the Department of Labor and Industry (DLI) to conduct rulemaking pursuant to Section 1 to lower the threshold of acceptable blood lead levels required for a worker to be removed from the lead exposure and to lower the threshold of acceptable blood lead levels required for a worker to return to work.

Assumptions

The Office of Administrative Hearings (OAH) in consultation with Minnesota Management and Budget (MMB) assesses agencies the cost of services rendered to them. All agencies shall include in their budgets provisions for such assessments.

OAH has used DLI’s assumption that a medium rulemaking will be required to meet the requirements of Sec. 1. Based on past practices, OAH assumes that a medium rulemaking under chapter 14 will require an estimated 50 hours of administrative law judge (ALJ) time for activity related to rulemaking procedures. Of the total rulemaking amount of \$136,496 estimated by DLI, \$12,250 is for the 50 hours of ALJ time for a medium rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$245 per hour (see Minn. Stat. § 16A.126, subd. 1 (2022)).

Expenditure and/or Revenue Formula

Estimated 50 hours of ALJ time for rulemaking activities related to implementing the requirements of Sec. 1 = 50 hours x \$245/hr = \$12,250 charged to DLI in FY2025 pursuant to the requirements of Minn. Stat. § 14.53.

Long-Term Fiscal Considerations

Costs associated with rulemaking activities are a one-time occurrence.

Local Fiscal Impact

References/Sources

Agency Contact: Denise Collins

Agency Fiscal Note Coordinator Signature: Denise Collins

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Chief Author: **Brion Curran**
 Committee: **Labor and Industry Finance & Policy**
 Date Completed: **3/14/2024 10:36:24 AM**
 Agency: **Health Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		
		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	116	58	-	-
Total	-	-	116	58	-	-
Biennial Total			116			58

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	.6	.3	-
Total	-	-	.6	.3	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Shannon Zila **Date:** 3/14/2024 10:17:40 AM
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State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	116	58	-
Total	-	-	-	116	58	-
Biennial Total				116		58
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	-	116	58	-
Total	-	-	-	116	58	-
Biennial Total				116		58
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total				-		-

Bill Description

The bill directs the commissioner of labor and industry (DLI), in consultation with the commissioner of health, to adopt rules to lower the blood lead level threshold which would trigger mandatory removal of workers from a worksite with lead exposure and lower the blood lead level threshold where a removed employee is allowed to return to work.

The bill doesn't include an appropriation or effective date.

Assumptions

The department assumes that DLI will lead the rulemaking effort and MDH will provide technical assistance specific to public health information regarding the safety of lead exposure. MN Statute, section 14.125, requires state agencies to publish a notice of intent to adopt new rules within 18 months of the effective date of the law. Because of this, we assume that DLI will need our technical assistance for 18 months to develop these rules.

Technical assistance for rulemaking includes reviewing existing scientific literature on the topic, advising DLI on development of the new, lower regulatory value, participating in the rule advisory committee, and providing technical assistance for comments received during rulemaking process. This type of analysis often requires study beyond typical health analysis, including economic feasibility and risk assessment on a variety of factors. Based on our experience developing regulatory standards for similar regulations and the information DLI gathered from Michigan, which implemented similar rules., we estimate that it will take 0.6 full-time equivalent staff hours over 18 months to complete this work.

Expenditure and/or Revenue Formula

Expenditure (Actual Dollars)	Amount		FY 2024	FY 2025	FY 2026	FY 2027
Full-time Equivalent (FTE) Staff		New or	FTE	FTE	FTE	FTE

		Maintained?				
Epidemiologist Senior	191,468	New		0.50	0.25	
Epidemiologist Supervisor Senior	202,040	New		0.10	0.05	
	FTE		0.00	0.60	0.30	0.00
	Subtotal		0	115,938	57,969	0
Information Technology:						
	Subtotal		0	0	0	0
Other Operating Costs:						
	Subtotal		0	0	0	0
Grants, Aids, and Subsidies:	Number of Grants	Per Grant Amount				
	Subtotal		0	0	0	0
Total Expenditures	Total		0	115,938	57,969	0
Fiscal Tracking (Dollars in Thousands)			FY 2024	FY 2025	FY 2026	FY 2027
1000 - General Fund (GF)						
Health Protection BACT 03			0	116	58	0
Administration			0	116	58	0
Grants			0	0	0	0

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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