

The logo for the Occupational Safety and Health Administration (OSHA) is centered on a background of a stylized American flag. The flag's stars and stripes are visible, with the stars appearing as white and light blue shapes against a dark blue field. The stripes are red and white, running diagonally across the image. The OSHA acronym is rendered in a large, bold, serif font. The letter 'O' is a 3D sphere with a blue and white gradient. The letters 'S', 'H', and 'A' are white with a slight shadow. A registered trademark symbol (®) is located to the upper right of the 'A'.

OSHA[®]

**Occupational Safety
and Health Administration**

OSHA Peer Review of Beryllium Risk Assessment and Health Effects

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BHSC

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Setting an OSHA PEL

- Section 6(b)(5) of the OSH Act states that:

“The Secretary...shall set the standard which most adequately assures, **to the extent feasible**, on the basis of the best available evidence, that no employee will suffer **material impairment of health or functional capacity** even if such employee has regular exposure to the hazard with the hazard dealt with by such standard **for the period of his working life**”

Significant Risk

- The Supreme Court concluded in its “Benzene Decision” that:

“...before he can promulgate any permanent health standard, the Secretary is required to make a threshold finding, that a place of employment is unsafe in the sense that **significant risks** are present and can be eliminated or lessened by a change in practices.”

Significant Risk

- The Supreme Court added in their decision:

“Some risks are plainly acceptable and others are plainly unacceptable. If for example the odds are one in a billion that a person will die from cancer by taking a drink of chlorinated water, the risk clearly could not be considered significant. On the other hand, if the odds are one in a thousand... a reasonable person might well consider the risk significant and take the appropriate steps to decrease or eliminate it.”

Challenges in establishing significant risk and feasibility for beryllium

- Availability of data
 - Data access due to confidentiality
 - Willingness of employers to share data
 - Lack of data in other exposure metrics
- Determining what constitutes “material impairment of health”

Peer Review Status

- OSHA conducted a peer review of the beryllium Quantitative Risk Assessment and Health Effects in 2010.
- This process was completed in November 2010

Next Steps

- Publication of the Beryllium NPRM
 - Risk Assessment/Health Effects will be available
 - It will reflect the comments of the peer reviewers
 - Peer review comments will be available
 - OSHA will provide a summary of the comments and how they were addressed
 - The public is invited to comment

The background of the entire image is a stylized American flag, with the stars and stripes visible. The OSHA logo is prominently displayed in the upper half. The 'O' is a large, stylized circle with a blue outer ring and a white inner ring. The letters 'S', 'H', 'I', and 'A' are in a white, serif font with a slight 3D effect. A registered trademark symbol (®) is located to the upper right of the 'A'.

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