

DIVISION OF OCCUPATIONAL SAFETY & HEALTH

455 Golden Gate, 10th Floor
San Francisco, CA 94102
(415) 703-5100



November 14, 2001

**NOTICE OF MODIFICATIONS TO PROPOSED REGULATIONS
CALIFORNIA CODE OF REGULATIONS
TITLE 8: Division 1, Chapter 7, Subchapter 1, Article 2
Repealing Sections 14300-14400 and Adopting New Sections 14300-14300.48 and
Appendices A through G**

Employer Records of Occupational Injury or Illness

Pursuant to Government Code Section 11346.8(c), the Division of Labor Statistics and Research (DLSR), hereby gives notice of the opportunity to submit written comments on modifications to the above-named regulations, which are proposed to be adopted by DLSR.

On September 14, 2001, DLSR initiated a rulemaking proceeding to consider the adoption of new provisions in Title 8, California Code of Regulations, to be numbered as Sections 14300-14300.48, which would replace existing Sections 14300-14400. On that date, DLSR announced the initiation of the rulemaking proceeding and the beginning of a 45-day period during which the public was invited to provide written comments on the proposed regulations. DLSR also announced that a public hearing would be held on the last day of the 45-day comment period, October 29, 2001, during which DLSR would receive any oral comments members of the public wished to provide. The hearing was held and the comment period ended on that date. As a result of the written and oral comments received, the proposed regulations have been modified.

A copy of the full text of the proposed modifications, including associated forms and appendices, is included with this notice for your information. The full document is entitled "PROPOSED 15-DAY MODIFICATIONS." Proposed modifications to the regulatory text and to Appendices D and E are indicated by double strike-outs and double underlines. Proposed modifications to the three forms included in the proposal as Appendices A through G are indicated by single strike-outs and single underlines. Also included with this notice are DLSR's summaries of, and responses to, the oral and written comments received during the 45-day comment period.

For your convenience, the following is a summary of changes to proposed regulatory text in the document "PROPOSED 15-DAY MODIFICATIONS:"

1. 14300.2 Partial Exemptions for Establishments in Certain Industries
subsection (a)(1)
2. 14300.10 Recording Criteria for Cases Involving Occupational Hearing Loss
3. 14300.12 Recording Criteria for Cases Involving Work-Related Musculoskeletal Disorders.
4. 14300.29 Forms
subsection (b)(7)(F) Note added
5. 14300.30 Multiple Business Establishments
subsection (b)(2)(A) Exception added
6. 14300.35 Employee involvement
subsections (b)(2)(C) and (b)(2)(E)1. Exceptions added
7. 14300.40 Providing Records to Government Employees
subsection (a) Exceptions added
8. 14300.46 Definitions
definition of “certify” deleted
9. Appendix A Cal/OSHA Form 300
part M columns (2) and (6) deleted
10. Appendix B Cal/OSHA Form 300A
part M entries (2) and (6) deleted
11. Appendix C Cal/OSHA Form 301
minor changes in instructions
12. Appendix D Required Elements for the Cal/OSHA 300 Equivalent Form
two recording references deleted
13. Appendix E Required Elements for the Cal/OSHA Form 300A
two recording references deleted
14. Other minor changes to text throughout the document are made for the purpose of clarity or internal consistency.

Please also be advised that a copy of the document entitled “Federal Register,

October 12, 2001, Volume 66, pages 52031-52034" has been added to the rulemaking file and is available for inspection with the rest of the rulemaking file as indicated below.

Any written comments on these modifications must be received by 5:00 p.m. on Friday, November 30, 2001. Comments can be sent by mail, fax, or e-mail as follows:

By mail to: Bob Barish, Senior Industrial Hygienist, Department of Industrial Relations, Division of Occupational Safety and Health, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102.

By fax to: Bob Barish at fax number (415) 703-5114.

By e-mail to: DOSHInfo@dir.ca.gov

The rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the offices of the Division of Occupational Safety and Health, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102.

The original 45-day notice and proposal and the 15-day notice and modified proposal, are also available at the Internet website of the Division of Occupational Safety and Health >www.dir.ca.gov/DOSH<. Click on "Proposed Regulations," and then at the resulting page, click on "Employer Records of Occupational Injury and Illness."

Inquiries concerning the proposed changes may be directed to Bob Barish, Senior Industrial Hygienist, Department of Industrial Relations, Division of Occupational Safety and Health, at the above address. Mr. Barish can be reached by telephone at (415) 703-5161. The designated back-up contact person is Ramon Cruz, Research Manager, Department of Industrial Relations, Division of Labor Statistics and Research, 455 Golden Gate Avenue, 8th Floor, San Francisco, California 94102. Mr. Cruz can be reached by telephone at (415) 703-4757.

Thank you for participating in the Recordkeeping Rulemaking.