

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Industrial Relations**

**Regulatory Action:**

**Title 8, California Code of Regulations**

**Adopt sections: 344.76, 344.77**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL File No. 2013-1021-01 E**

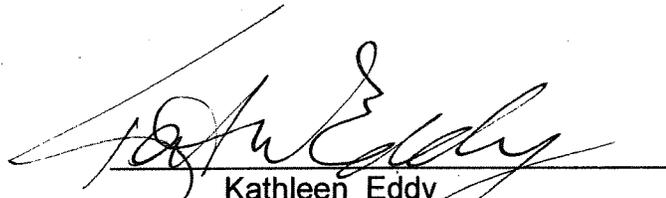
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This emergency regulatory action establishes the Annual Process Safety Management Program Assessment.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/29/2013 and will expire on 4/29/2014. The Certificate of Compliance for this action is due no later than 4/28/2014.

Date: 10/29/2013

  
Kathleen Eddy  
Senior Counsel

For: DEBRA M. CORNEZ  
Director

Original: Christine Baker  
Copy: James Robbins

# EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

ENDORSED FILED  
IN THE OFFICE OF  
2013 OCT 29 PM 3:46

STD. 490 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2013-1021-01E</b>
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For use by Office of Administrative Law (OAL) only

2013 OCT 21 AM 8:37

OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Industrial Relations, Division of Occupational Safety and Health

AGENCY FILE NUMBER (if any)

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Process Safety Management Program Assessment	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 344.76, 344.77
	AMEND
	REPEAL
TITLE(S) 8	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

James M. Robbins	TELEPHONE NUMBER 510-286-0544	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) JRobbins@dir.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Juliann Sum</i>	DATE 9/27/2013
TYPED NAME AND TITLE OF SIGNATORY Juliann Sum, Acting Chief, Division of Occupational Safety and Health	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 29 2013

Office of Administrative Law

## Process Safety Management Program Assessment

### Title 8. Industrial Relations

#### Division 1. Department of Industrial Relations

#### Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA)

#### Subchapter 2. Regulations of the Division of Occupational Safety and Health

#### Article 12.5. Process Safety Management Program Assessment

#### § 344.76. Determination of the Annual Process Safety Management Program Assessment

(a) On or before November 8, 2013 and thereafter September 1 of each year, the division shall, in accordance with Labor Code section 7870, determine the total amount of funds required to support the direct and indirect expenses and cash flow requirements of the Division of Occupational Safety and Health's process safety management program for the following fiscal year. The division's process safety management program includes, but is not limited to, the provision of consultation services, conduct of inspections, and the adoption of standards. This amount shall be the process safety management assessment collected for the following year.

(b) On or before November 15, 2013 and thereafter October 1 of each year, the division shall obtain the following data from the California Energy Commission, for the prior calendar year, as reported to the California Energy Commission and the United States Energy Information Administration:

(1) the aggregate total amount of crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to all oil refineries located in the state of California, and

(2) the aggregate total amount of crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to each oil company's refinery (or refineries) located in the state of California.

(c) On or before November 22, 2013 and thereafter November 1 of each year, the division shall determine, for each oil company with an oil refinery (or refineries) located in California, the total crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to each individual oil company divided by the aggregate total amount of crude oil and unfinished oil input to all oil companies located in California. The result of this calculation shall be the process safety management assessment factor for that company.

(d) The process safety management assessment to be collected for each oil refinery located in California shall be determined by multiplying the total assessment amount calculated in subdivision (a) of this section by the assessment factor calculated in subdivision (c) of this section for each oil company with an oil refinery or refineries located in California.

Authority: Sections 6307, 6308, and 7870, Labor Code.

Reference: Sections 7855-7870, Labor Code.

## Process Safety Management Program Assessment

### § 344.77. Collection of the Process Safety Management Assessment.

(a) On or before December 1 of each year the Division shall levy each company owning an oil refinery (or refineries) subject to this assessment for the total amount due from that company for its proportional share of the Process Safety Management Assessment as determined in section 5189.1(d) of these regulations. The levy shall include the calculations used to determine the company's proportional individual assessment.

(b) The full amount of the assessment shall be paid to the division within 30 days of the billing. Payment shall be made by using the Process Safety Management Assessment electronic payment option on the division's electronic payment portal at: [http://www.dir.ca.gov/dosh/Payment\\_options.html](http://www.dir.ca.gov/dosh/Payment_options.html)

Authority: Sections 6307, 6308, and 7870, Labor Code.

Reference: Sections 7855-7870, Labor Code.