

## Manieri, Mike@DIR

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**From:** Rose, Amber - OSHA <Rose.Amber@dol.gov>  
**Sent:** Tuesday, October 04, 2016 11:18 AM  
**To:** Manieri, Mike@DIR  
**Cc:** Gaydos, Patricia - OSHA  
**Subject:** 29 CFR 1910.38(c)(5), Procedures to be Followed by Employees Performing Rescue/Medical duties

Good morning Mike,

Thank you for providing the 2002 date as a reference for me, I was able to locate the FR quickly. The intent of the OR is not that a person has to do only one of those duties, but to cover a person who may do one or another, not necessarily both. Below is the information from FR # 67:67949-67965 that was published 11/07/2002.

"In final paragraph 1910.38(c)(5), which requires that the plan include procedures for rescue or medical duties, OSHA has added language to clarify that the requirements only apply to those employees who will be performing such duties. This language parallels more closely the current subpart E language (paragraph 1910.38(a)(2)(iv)). The Agency has also changed "rescue and medical duties" in the proposal to "rescue or medical duties" (emphasis added) since employees may do one or the other but not necessarily both."

This excerpt can be found about halfway down in the below web link:

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FEDERAL\\_REGISTER&p\\_id=17456](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=17456)

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**From:** Manieri, Mike@DIR [mailto:MManieri@dir.ca.gov]

**Sent:** Wednesday, September 28, 2016 1:46 PM

**From:** Rose, Amber - OSHA

**Subject:** 29 CFR 1910.38(c)(5), Procedures to be Followed by Employees Performing Rescue/Medical duties

Hi Amber; we have a prospective rulemaking project that seeks to amend T8 CCR Section 3220(b)(4) of the GISO to read like the subject federal rule and specify that rescue personnel and medical personnel may only perform a single function but not both. Board staff believes this change from and to or was made by the Feds in 2002 (?). Can you provide documentation from the FR, or other document to support this? Our current standard in Section 3220 reads "and" and we propose to Horcher the change from and to or in Title 8.

Your assistance on this is greatly appreciated.

Mjm