

Memorandum

To : ALL STANDARDS BOARD MEMBERS

Date: April 16, 2020

From : **Occupational Safety and Health Standards Board**
David Kernazitskas, Senior Engineer - Standards

Subject : Process Safety Management of Acutely Hazardous Materials, Appendix A List of Acutely Hazardous Chemicals, Toxics and Reactives (HORCHER)

At the February 20, 2020, Public Hearing, the Occupational Safety and Standards Board (Board) considered revisions to California Code of Regulations, Title 8, General Industry Safety Orders, Section 5189, Process Safety Management of Acutely Hazardous Materials, Appendix A List of Acutely Hazardous Chemicals, Toxics and Reactives (HORCHER). This standard is substantially the same as the federal standard.

Labor Code Section 142.3(a)(3) exempts the Board from providing a comment period when adopting a standard substantially the same as a federal standard. However, as indicated in the Notice and Informative Digest, the Board still provided a comment period for the purpose of identifying only issues related to the following areas:

1. Identify any clear and compelling reasons for California to deviate from the federal standard; and,
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking.

As a result of public comments, there were no changes made to the original proposal.

SUMMARY OF WRITTEN AND ORAL COMMENTS

I. Written Comments

Amber Rose, CIH, Area Director, US Department of Labor, Occupational Safety and Health Administration, Oakland Area Office.

Comment:

The Area Office has completed their review of the proposed occupational safety and health standard regarding Process Safety Management of Acutely Hazardous Materials, Appendix A List of Acutely Hazardous Chemicals, Toxics and Reactives (HORCHER) and determined that the proposed standard appears to be commensurate with the federal standard.

Response:

The Board thanks Ms. Rose and the OSHA Oakland Area Office for their participation in the rulemaking process.

II. Oral Comments

No oral comments received at the February 20, 2020, Public Hearing in Rancho Cordova, California.

DETERMINATION OF MANDATE

These standards do not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.