**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

**Subject: Pressure Vessel Fees**

TITLE 8 of the CALIFORNIA CODE OF REGULATIONS
Division 1. Department of Industrial Relations
Chapter 3.2. California Occupational Safety and Health Regulations
Subchapter 2. Regulations of the Division of Occupational Safety and Health
Article 5. Boiler and Tank Permit and Inspection Fee Schedule
Section 344. Shop and Resale Inspection Fees, Consultation and Audit Fees, Boilers and Tanks
Section 344.1. Air Tank, Liquefied Petroleum Gas (L.P.G.), and Boiler Inspection Fees
Section 344.2. Boiler, Tank and Resale Inspection Reports and Permits to Operate

**UPDATED INFORMATIVE DIGEST**

The originally noticed proposed rulemaking was silent and unclear as to whether travel time would be billed at the new hourly rate and whether travel expenses might still be billed separately. The Director of Industrial Relations, Division of Occupational Safety and Health (“Division”) made substantive changes to the proposed regulations to clarify that travel time will be billed at the hourly rate and that nothing else will be charged for. There have been no changes in applicable statutes or to the effect of the proposed regulations since publication of the Notice. The Informative Digest in the Notice of Proposed Rulemaking is incorporated as if fully set forth in this section.

**FINAL STATEMENT OF REASONS**

**UPDATE OF INITIAL STATEMENT OF REASONS**

The Proposed Rulemaking as originally noticed to the public underwent one modification to clarify that travel time will be billed at the hourly rate and that nothing else will be charged for to make the proposed regulatory text consistent with the Initial Statement of Reasons. The Division published a 15-day “Notice of Modifications to Text of Proposed Regulations” on January 19, 2021, and received no comments in response.

There are no updates to provide as there is no new data or any technical, theoretical or empirical study, report, or similar document on which the agency is relying on in proposing the amendments to sections 344, 344.1 and 344.2 that was not identified in the initial statement of reasons. The Final Statement of Reasons incorporates herein the Initial Statement of Reasons.

**LOCAL MANDATE DETERMINATION**

The Proposed Rulemaking does not impose any mandate on local agencies or school districts.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE NOTICE PERIOD AND RESPONES THERETO**

On November 22, 2019, the Division sent via e-mail the Notice of Proposed Regular Rulemaking, Initial Statement of Reasons, Text of Proposed Regulations, and Appendix A (“Proposed Rulemaking documents”) to all persons who had attended prior related rulemaking events or requested notice of such rulemakings. On November 25, 2019, the Division published the Proposed Rulemaking documents on its website. The Notice of Proposed Rulemaking was published in the California Regulatory Notice Register on December 6, 2019, Number 49-Z.

The public hearing occurred on January 24, 2020. No oral comments were made, and no written comments were submitted at the hearing.

The written comment period closed on January 24, 2020 at 11:59 PM.

No oral comments were made, and no written comments were submitted prior to or after the hearing.

**ALTERNATIVES DETERMINATION**

The Division did not receive any oral or written comments, including proposed alternatives, during the notice period. The Department of Industrial Relations, Division of Occupational Safety and Health (“the Division”) has determined that there is no alternative that it considered before or during the comment period that would be (1) more effective in carrying out the purpose for which the action is proposed, (2) as effective as and less burdensome to affected private persons than the proposed action, or (3) more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law under which the Division exercises jurisdiction.

**ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS**

The Division did not receive any oral or written comments, including proposed alternatives, during the notice period. The Division has determined that there is no alternative that it considered before or during the comment period which would lessen any adverse impact on small businesses. The Division has determined that the proposed fee increases are minimal and anticipates that they will not significantly affect owners/operator of pressure vessels and boiler in California. The Division has determined that the Proposed Rulemaking will not have a significant statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states. Further, pursuant to Labor Code section 7721, the Division’s fees must be in amount sufficient to cover the Division’s costs in administering its pressure vessel program. The proposed fee increases to sections 344 and 344.2 are necessary to fund the Division’s pressure vessel program to ensure occupational and public safety.

**PROPOSED REGULATIONS AND GOVERNMENT CODE SECTION 11346.2(a)(2) and (3)**

The originally noticed text of the Proposed Rulemaking (express terms) contains newly adopted language. This language does not exist in title 8, of the California Code of Regulations. There were no modifications during the rulemaking process.