

State of California
Department of Industrial Relations
M e m o r a n d u m

To : ALL STANDARDS BOARD MEMBERS

Date :April 22, 2010

From : **Occupational Safety and Health Standards Board**
Martin Tamayo, Associate Safety Engineer-Standards

Subject : **Adopt Title 8, Article 76, Section 4650; Article 81, Section 4797; and Article 85, Section 4823, Acetylene**

At the April 15, 2010, Public Hearing, the Occupational Safety and Standards Board considered revisions to California Code of Regulations, Title 8, General Industry Safety Orders, Section 4650, Storage, Handling, and Use of Cylinders; Section 4797, Approval and Marking; and Section 4823, Acetylene Piping. These standards are substantially the same as federal Acetylene standards.

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 two areas: 1) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking and, 2) solicit comments on the proposed effective date.

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

SUMMARY OF WRITTEN AND ORAL COMMENTS

I. Written Comments

Ken Atha, Regional Administrator, U.S. Department of Labor, Occupational Safety and Health Administration by letter dated March 17, 2010

Comment: The proposed modification adopts the Acetylene Final Rule, 29CFR 1910.102, published in Federal register, volume 74 on August 11, 2009. The proposed modification is at least as effective as the federal program.

Response: The Board thanks Mr. Atha for his comment and participation in the rulemaking process.

II. Oral Comments

There were no oral comments received at the April 15, 2010, Public Hearing held in Sacramento, California.

DETERMINATION OF MANDATE

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