

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
Website address www.dir.ca.gov/oshsb



Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 4, Article 2, Section 1504 of the Construction Safety Orders and Subchapter 7, Article 1, Section 3207 of the General Industry Safety Orders.

Definition of Certified Safety Professional (CSP)**SUMMARY**

The proposed amendments are the result of the Occupational Safety and Health Standards Board (Board) decision regarding OSHSB Petition File No. 515 dated October 21, 2010, submitted by Mr. John McCullough, Assistant Vice President of Wells Fargo Insurance Services USA, Inc. The Petitioner requested the Board adopt a definition of the term "Certified Safety Professional" (CSP) and place it in Title 8. The Petitioner noted that while Certified Industrial Hygienist, Registered Engineer (Professional Engineer), and Certified Marine Chemist definitions are easily found in Title 8 and elsewhere in California Statutes, the term "Certified Safety Professional" and/or the acronym "CSP" are not. In the course of evaluating the Petitioner's request, Board staff confirmed that the CSP acronym represents a number of certified professionals in disciplines other than occupational safety. The Board of Certified Safety Professionals (BCSP) is the only body authorized to bestow the Certified Safety Professional designation.

Board staff notes that Federal Occupational Safety and Health Administration standards and the American National Standards Institute (ANSI Z590.2-2003, Criteria for Establishing the Scope and Functions of the Professional Safety Position) refer to the designation Certified Safety Professional, but fail to define the term.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Existing Section 1504 defines a broad category of words and terms used throughout the Construction Safety Orders (CSO). The amendment adds the BCSP definition of "Certified Safety Professional" or "CSP". The proposed amendment is necessary to ensure consistency throughout Title 8 in defining "Certified Safety Professional" and to eliminate confusion with other qualified professionals.

Existing Section 3207 of the General Industry Safety Orders (GISO), defines terms for general use in the application of these orders. An amendment is proposed to add the BCSP definition of the term "Certified Safety Professional" or "CSP" to Section 3207. The amendment is necessary to clarify the meaning of a "Certified Safety Professional" or "CSP" and provide consistency

with other credentialed professionals defined in Title 8 of the California Code of Regulations and to eliminate confusion with other qualified professionals.

The definition of “Certified Safety Professional” is placed in Section 1504 of the CSO as this section is the source for defining terminology utilized in the Construction Safety Orders. Similarly, the “CSP” definition is added to Section 3207 of the GISO for reference when not covered by other applicable safety orders for a specific industry or operation.

DOCUMENTS RELIED UPON

1. American National Standards Institute/American Society of Safety Engineers (ANSI/ASSE) Z590.2-2003, Criteria for Establishing the Scope and Functions of the Professional Safety Position.
2. BCSP Certifications at a Glance, from Board of Certified Safety Professionals (BCSP), 208 Burwash Avenue, Savoy, IL 61874, Definition of CSP, Internet website: <http://bcsp.org>.
3. Petition letter to the Occupational Safety and Health Standards Board dated June 14, 2010, from Mr. John R. McCullough, Assistant Vice President of Wells Fargo Insurance Services USA, Inc., Sacramento, California..
4. Board’s Petition Decision for Petition File No. 515 dated October 21, 2010.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

DOCUMENTS INCORPORATED BY REFERENCE

None.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No adverse impact is anticipated as this proposal simply provides clarity and consistency in defining a term already used in Title 8.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All state, local and private employers - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.