

# REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED  
IN THE OFFICE OF

STD. 400 (REV. 01-2013)

REGULATORY ACTION NUMBER 2013 0520 045	EMERGENCY NUMBER
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NOTICE FILE NUMBER Z-2013-0219-01	For use by Office of Administrative Law (OAL) only 2013 MAY 20 PM 4:01 OFFICE OF ADMINISTRATIVE LAW
RECEIVED FOR FILING PUBLICATION DATE FEB 19 '13 MAR 01 '13 Office of Administrative Law	NOTICE
	REGULATIONS

2013 JUL -1 PM 3:32

*Debra Bowen*  
DEBRA BOWEN  
OFFICE OF SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY  
Occupational Safety and Health Standards Board

AGENCY FILE NUMBER (if any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE GISO 3329 & 5197, SBSRSBSO 8352	TITLE(S) Title 8	FIRST SECTION AFFECTED 3329	2. REQUESTED PUBLICATION DATE March 1, 2013
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Marley Hart, Executive Officer	TELEPHONE NUMBER (916)-274-5721	FAX NUMBER (Optional) (916)-274-5743
OAL USE ONLY <input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2013 9-2	PUBLICATION DATE 3/1/2013	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Laboratory Accreditation for Diacetyl Analysis	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND Section 5197- Appendix A
TITLE(S) 8	REPEAL

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §911349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
	<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Marley Hart, Executive Officer	TELEPHONE NUMBER 916-274-5721	FAX NUMBER (Optional) 916-274-5743	E-MAIL ADDRESS (Optional) mhart@dir.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Marley Hart</i>	DATE May 16, 2013
TYPED NAME AND TITLE OF SIGNATORY Marley Hart, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 01 2013

Office of Administrative Law

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 5197 Appendix A as follows:

§5197. Appendix A. Diacetyl Sampling and Analytical Protocol (Mandatory)

\* \* \* \* \*

(c) Analytical Procedures.

(1) All samples shall be analyzed by a laboratory accredited in accordance with the program of the American Association for Laboratory Accreditation, the American Industrial Hygiene Association (AIHA) Laboratory Accreditation Programs, LLC or other International Laboratory Accreditation Cooperation mutual recognition signatory.

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(4) All laboratories as part of their accreditation shall participate in an appropriate national sample testing scheme such as the Proficiency Analytical Testing Program (PAT) for organics that is sponsored by the ~~American Industrial Hygiene Association (AIHA)~~.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.