

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350

Sacramento, CA 95833

(916) 274-5721

Website address www.dir.ca.gov/oshsb**TITLE 8. CALIFORNIA CODE OF REGULATIONS****Construction Safety Orders, Section 1514
(Published on March 28, 2025)****Proper Fit of Personal Protective Equipment (HORCHER)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of title 8 of the California Code of Regulations in the manner described in the Informative Digest below.

PUBLIC HEARING

The Board has scheduled a public hearing during its Board Meeting on **May 15, 2025**, at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

- In Person:

Time: 10:00 AM

Location: City of Redding – City Council Chambers
777 Cypress Avenue
Redding, California 96049

- Video-conference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **March 28, 2025**, and closes at 5:00 p.m. on **May 15, 2025**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail: Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833; or

By e-mail: oshsbrulemaking@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code (LC) section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, LC 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Board intends to adopt the proposed rulemaking action pursuant to LC 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) promulgated regulations addressing the proper fit of personal protective equipment (PPE) in Construction on December 12, 2024, as 29 Code of Federal Regulations (CFR), Section 1926.95. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 89, No. 239 pages 100321-100346, December 12, 2024, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt a regulation which is the same as the federal regulation except for editorial and format differences.

Federal OSHA states that PPE must fit properly to provide appropriate protection to employees from workplace hazards. Improperly fitting PPE may fail to provide any protection to an employee, reduce the effectiveness of protection, present additional hazards, or discourage employees from using such equipment in the workplace.

The proposed regulation is substantially the same as the final rule promulgated by Federal OSHA. Therefore, LC 142.3(a)(3) exempts the Board from the provisions of article 5 (commencing with section 11346) and article 6 (commencing with section 11349) of chapter 3.5, part 1, division 3 of title 2 of the Government Code when adopting standards substantially the same as federal standards; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

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.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of

occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the LC to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemakings be channeled through the Board.

DOCUMENT RELIED UPON

1. Federal Register, Volume 89, Number 239, December 12, 2024. Pages 100321-100346. <https://www.osha.gov/sites/default/files/laws-regs/federalregister/2024-12-12.pdf>

This document is available for review BY APPOINTMENT Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Board office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California. Appointments can be scheduled via email at oshsbrulemaking@dir.ca.gov or by calling (916) 274-5721.

COST ESTIMATES OF PROPOSED ACTION

According to the Final Economic Analysis and Regulatory Flexibility Certification section of Volume 89 of the Federal Register, No. 239, December 12, 2024, there will not be a significant impact on any private- or public-sector entity. Federal OSHA estimates, on page 100339, there is anticipated to be a total initial cost to implement the new requirements of approximately \$5.5 million and an annual cost of less than \$0.5 million per year to affected construction employers. In California, the industry-wide cost could be in excess of \$700,000 initially and \$60,000 per year (California accounts for approximately 13 percent of the national workforce).

DETERMINATION OF MANDATE

The Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment(s) may affect small businesses. However, no economic impact is anticipated. The amendment of title 8 section 1514 is mandated by LC 142.3.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Ruth Ibarra, Staff Manager I or the back-up contact person, Amalia Neidhardt, Principal Safety Engineer at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5731.

AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file, and all the information that provides the basis for the proposed regulation, available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ruth Ibarra or Amalia Neidhardt at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all the timely and relevant comments received, the Board may adopt the proposed regulation(s) without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS

Upon its completion, copies of the Memorandum may be obtained by contacting Ruth Ibarra or Amalia Neidhardt at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.