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OFFICE OF RISK SERVICES—
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OFFICE OF THE PRESIDENT
1111 Franklin Avenue, 10th Floor
Oakland, California 94607-5200

January 8, 2015

RECEIVED

Michael Nelmidia
Senior Safety Engineer
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

JAN 12 2015

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

RE: Petition File No. 545

Dear Mr. Nelmidia:

The Regents of the University of California hereby amends its petition (Petition No. 545) to the Occupational Safety and Health Standards Board to amend Title 8, Section 5538 of the California Code of Regulations. The Regents withdraw their letter dated December 17, 2014 and submit this letter to support their petition.

The Regents respectfully request that Section 5538 be amended to harmonize outdated provisions of the section with the recently amended Section 5532 and modern building and fire code provisions.

Section 5538 was originally enacted in 1976 and reflected the building and fire codes of its era. In May 2014, the Standards Boards amended Section 5538 for the first time, for the sole purpose of replacing outdated references to "Class I and Class II liquids" with references to "Category 1, 2 or 3 flammable liquids," to utilize GHS terminology

However, the Standards Board in 2014 declined to consider other needed updates to Section 5538. Many problematic issues still remain. First, there are no applicable regulatory definitions of "educational occupancy" or "laboratory." Second, although there are regulatory definitions of "office occupancy" and "institutional occupancy," the nomenclature for the categories of occupancies used in this Section is obsolete and is no longer used in California building and fire codes.

The Regents request that Section 5538's regulation of quantity limits be updated and harmonized with Section 5532 and current building and fire codes. In particular, Section 5538(a)(1) should be amended to remove its antiquated requirements and instead reference the requirements of

Section 5532, Table FL-2, which was updated in May 2014. Reference to Table FL-2 provides for more appropriate, hazard-based container size limits based on the degree of contents flammability (e.g. Category 1/2/3/4) and the durability of the container's construction (e.g. Glass, Metal, etc). Section 5538 now conflicts with Section 5532 and should be updated to provide clarity for the regulated community.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Smith", written over a horizontal line.

Ken Smith
Interim Director of Environment, Health & Safety
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