

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

REGULATIONS PROCESS

PRESENTED BY:

RUTH IBARRA

REGULATIONS UNIT MANAGER



Regulation Life Cycle



CONCEPT



DEVELOPMENT



REVIEW



**OFFICIAL RULEMAKING
(OAL PROCESS)**



**FINAL
DECISION**

CONCEPT

- Federal Changes
- Statutory Changes
- Petition Decisions
- Court or Appeals Board Decisions
- Variance Decisions
- Complaint About State Program Administration (CASPA)
- Standards Board or Staff
- Cal/OSHA Requests
- OAL Order of Repeal

Types of Rulemaking

• Regular

• Emergency

- in response to a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare, or if a statute deems a situation to be an emergency under the APA.
- substantially abbreviated process compared to the regular rulemaking process because they are intended to avoid serious harm and require immediate action.
- Finding of Emergency – must describe specific facts supported by substantial evidence that demonstrate the existence of an emergency and the need for immediate adoption of the proposed regulation.
- if the emergency existed and was known by the agency in sufficient time to have been addressed through nonemergency regulations, the finding of emergency shall include facts explaining the failure to address the situation through nonemergency regulations.
- A finding of emergency based only upon expediency, convenience, best interest, general public need, or speculation, is not adequate to demonstrate the existence of an emergency.

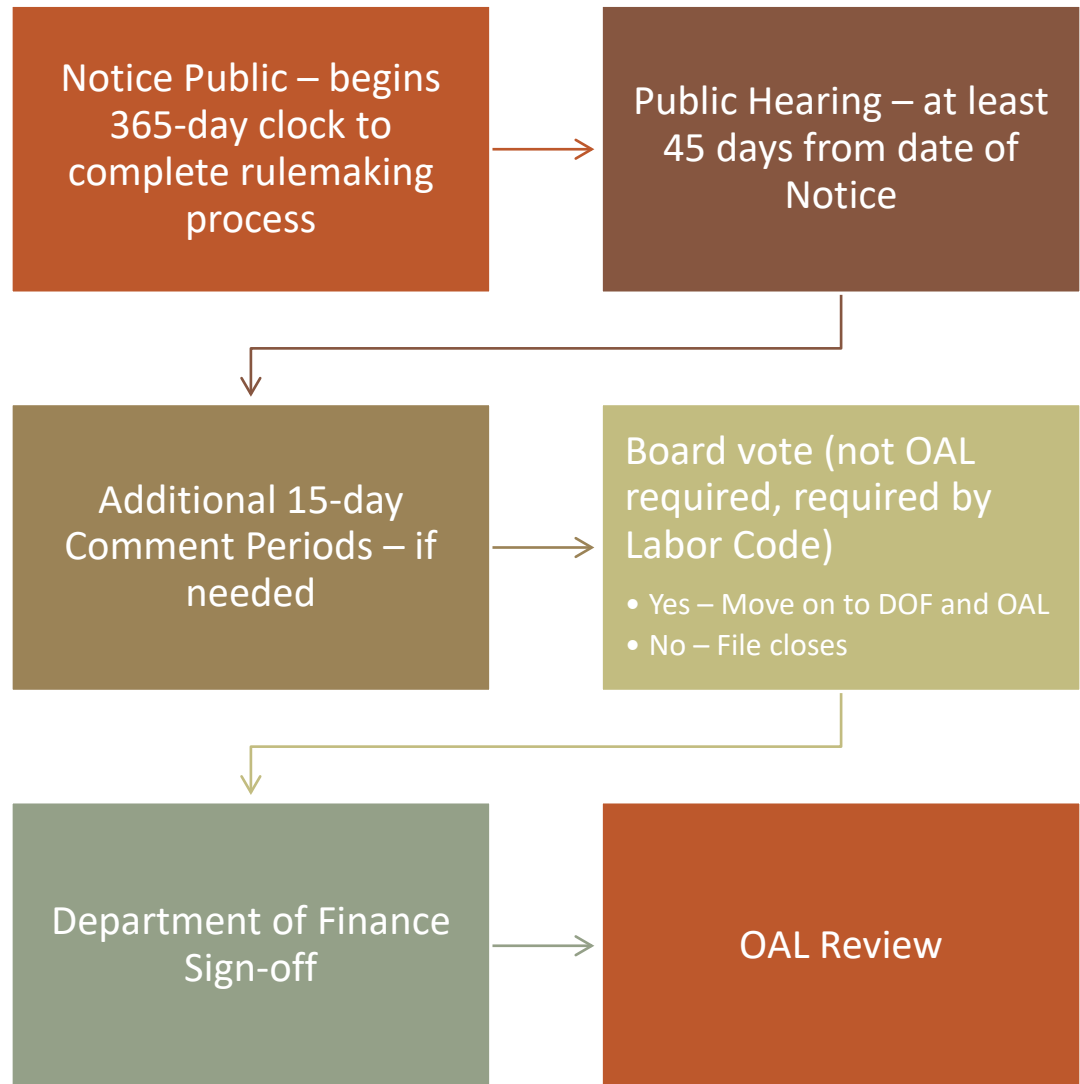
• Print and File

• Section 100

- Nonsubstantive changes
 - Grammar, renumbering, relocating, etc.
 - Deleting a regulatory provision for which all statutory or constitutional authority has been repealed.
 - Deleting a regulatory provision held invalid in a judgment.
 - Making consistent with a changed CA statute if it is inconsistent and superseded by the changed statute, and there is no discretion to adopt a change which differs in substance from the one chosen.

FORMAL RULEMAKING PROCESS

TIMEFRAME: 365 DAYS



APPROVED

Filed with Secretary of State, Effective Quarterly unless stated otherwise

- January 1: If filed between September 1 and November 30.
- April 1: If filed between December 1 and February 29.
- July 1: If filed between March 1 and May 31.
- October 1: If filed between June 1 and August 31.

DENIED

If OAL does not approve, file is closed, or department has 120 days to address the issue and go back to 15-day comment period.

**OAL
FINAL DECISION**