

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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FINAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS
TITLE 8: Chapter 4, Subchapter 1, Article 1, Sections 450 and 453; and
Article 5, Sections 471, 475, 477, 486, 487, 494, and new Appendix D
of the Unfired Pressure Vessel Safety Orders

Liquefied Petroleum Gas Systems

There are no modifications to the information contained in the Initial Statement of Reasons.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS

I. Written Comments

None.

II. Oral Comments

Oral comments received at the August 16, 2001 Public Hearing in Sacramento, California.

Mr. John Bobis, representing Aerojet.

Comment:

Mr. Bobis stated that the language in the proposed "exception" to Section 471 should be deleted. Mr. Bobis stated that only the Occupational Safety and Health Standards Board, and not the Division of Occupational Safety and Health, is authorized to grant variances. Mr. Bobis concluded by saying that specific regulations should be developed so that the regulated community will know what regulations apply.

Response:

This rulemaking action proposes to rephrase existing Section 471 which allows the safety order to be waived by the Division upon written application when the LP-Gas is to be used exclusively in a process where the presence of an odorant would make the LP-Gas unfit for use in the process and for deliveries between refineries or between producing wells and refineries. The revised language is proposed as an "exception" to Section 471.

Granting a waiver by the Division to the requirements of a safety order, when the safety order allows for such waiver, is not construed as the same as the Standards Board granting a variance. Modification to the proposed regulation is unnecessary.

The Board thanks Mr. Bobis for his concerns, comments and participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

ADDITIONAL DOCUMENTS RELIED UPON

None.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board 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 adopted action.