

Title 8. Industrial Relations
Division 1. Department of Industrial Relations
Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA)
Subchapter 2. Regulations of the Division of Occupational Safety and Health
Article 12.5. Process Safety Management Program Assessment

§ 344.76. Determination of the Annual Process Safety Management Program Assessment.

(a) On or before November 8, 2013 and thereafter September 1 of each year, the division shall, in accordance with Labor Code section 7870, determine the total amount of funds required to support the direct and indirect expenses and cash flow requirements of the Division of Occupational Safety and Health's process safety management program for the following fiscal year. The division's process safety management program includes, but is not limited to, the provision of consultation services, conduct of inspections, and the adoption of standards. This amount shall be the process safety management assessment collected for the following year.

(b) On or before November 15, 2013 and thereafter October 1 of each year, the division shall obtain the following data from the California Energy Commission, for the prior calendar year, as reported to the California Energy Commission and the United States Energy Information Administration:

- (1) the aggregate total amount of crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to all oil refineries located in the state of California, and
- (2) the aggregate total amount of crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to each oil company's refinery (or refineries) located in the state of California.

(c) On or before November 22, 2013 and thereafter November 1 of each year, the division shall determine, for each oil company with an oil refinery (or refineries) located in California, the total crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to each individual oil company divided by the aggregate total amount of crude oil and unfinished oil input to all oil companies located in California. The result of this calculation shall be the process safety management assessment factor for that company.

(d) The process safety management assessment to be collected for each oil refinery located in California shall be determined by multiplying the total assessment amount calculated in subdivision (a) of this section by the assessment factor calculated in subdivision (c) of this section for each oil company with an oil refinery or refineries located in California.

Authority: Sections 6307, 6308, and 7870, Labor Code.
Reference: Sections 7855-7870, Labor Code.

§ 344.77. Collection of the Process Safety Management Assessment.

(a) On or before December 1 of each year the Division shall levy each company owning an oil refinery (or refineries) subject to this assessment for the total amount due from that company for its proportional share of the Process Safety Management Assessment as determined in section 5189.1(d) of these regulations. The levy shall include the calculations used to determine the company's proportional individual assessment.

(b) The full amount of the assessment shall be paid to the division within 30 days of the billing. Payment shall be made by using the Process Safety Management Assessment electronic payment option on the division's electronic payment portal at:
http://www.dir.ca.gov/dosh/Payment_options.html

Authority: Sections 6307, 6308, and 7870, Labor Code.

Reference: Sections 7855-7870, Labor Code.