

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
www.dir.ca.gov/oshsb

**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 3389(a) of the General Industry Safety Orders

Life Rings and Personal Flotation Devices (PFD) in Marine Terminal Operations**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons except for non-substantive punctuation modifications.

Section 3389(a)

A punctuation correction by adding an apostrophe after the term “employees” in subsection (a) and (a)(1).

Summary of and Responses to Written and Oral Comments:**I. Written Comment**

Ms. Amber Rose, CIH, Area Director, United State Department of Labor, Occupational Safety and Health Administration, Region IX, by letter dated September 17, 2018.

Comment:

Ms. Rose stated the proposal appears to be commensurate with federal standards.

Response:

The Board thanks Ms. Rose for her comments and participation in the rulemaking process.

Mr. Mark A. Mendoza, President, Local 13; Mr. Joe Gasperov, President, Local 63; and Mr. Daniel G. Miranda, President, Local 94 of the International Longshore and Warehouse Union (ILWU), by letter to the Occupational Safety and Health Standards Board (Board) dated October 17, 2018.

Comment:

Mr. Mendoza, Mr. Gasperov, and Mr. Miranda express support for the proposed regulation by ILWU's Los Angeles and Long Beach locals, Local 13, Local 63, and Local 94.

Response:

The Board acknowledges the comments from Mr. Mendoza, Mr. Gasperov, and Mr. Miranda, and thanks them for their support and participation in the rulemaking process.

Ms. Nicole Marquez, Senior Staff Attorney, Worksafe, by e-mail to the Occupational Safety and Health Standards Board (Board) dated October 18, 2018.

Comment:

Ms. Marquez suggested to add an apostrophe after the term "employees" in the proposed subsection 3389(a)(1).

Response:

The Board accepts this recommendation and has modified the proposal accordingly, and thanks Ms. Marquez for her support and participation in the rulemaking process.

II. Oral Comment

Oral comment received at the October 18, 2018 Public Hearing in Sacramento, California.

Mr. Michael Hall, representing Pacific Maritime Association.

Comment:

Mr. Hall stated that his organization had no opposition to this proposal, and recommended the Board move forward with the proposal.

Response:

The Board thanks Mr. Hall for his comment and participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be (1) more effective in carrying out the purpose for which the action is proposed; or (2) would be as effective as and less burdensome to affected private persons than the adopted action, or (3) would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Board staff were unable to come up with any alternatives or no alternatives were proposed by the public that would have the same desired regulatory effect.