

NOTICE PUBLICATION/REGULATION SUBMISSION

REGULAR

Instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0821-12	REGULATORY ACTION NUMBER 2018-1221-115	EMERGENCY NUMBER
------------------	---	--	------------------

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 06 2019

1:36P

RECEIVED DATE AUG 21 '18	PUBLICATION DATE AUG 31 '18	2018 DEC 21 P 4: 35
Office of Administrative Law NOTICE		OFFICE OF ADMINISTRATIVE LAW REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY Occupational Safety and Health Standards Board	AGENCY FILE NUMBER (if any)
---	-----------------------------

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Life Rings and Personal Flotation Devices	TITLE(S) Title 8	FIRST SECTION AFFECTED 3389(a)	2. REQUESTED PUBLICATION DATE August 31, 2018
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Lara Paskins, SSM I	TELEPHONE NUMBER (916)-274-5721	FAX NUMBER (Optional) (916)-274-5743
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2018, 35-2	PUBLICATION DATE 8-31-2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Life Rings and Personal Flotation Devices (PFD) in Marine Terminal Operations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND 3389
REPEAL
TITLE(S) 8

3. TYPE OF FILING
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
 Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal
 Other (Specify) _____

7. CONTACT PERSON Lara Paskins, SSM I	TELEPHONE NUMBER (916) 274-5721	FAX NUMBER (Optional) (916) 274-5743	E-MAIL ADDRESS (Optional) lpaskins@dir.ca.gov
---	---	--	---

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Marley Hart</i>	DATE Nov. 15, 2018
TYPED NAME AND TITLE OF SIGNATORY Marley Hart, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 06 2019

Office of Administrative Law

per agency request **JE, 2/6/2019**

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 3389 to read:

§ 3389. Life Rings and Personal Flotation Devices.

(a) Except as specified in subsection (a)(1) for marine terminal operations, At least one U.S. Coast Guard approved 30-inch life ring with not less than 90 feet of 600 pound capacity line attached shall be kept in a conveniently readily accessible place where employees' work exposes them to the hazard of drowning or each employee so exposed shall wear a U.S. Coast Guard approved personal flotation device (PFD).

(1) Marine terminal operations regulated by Group 3, Article 14 (commencing with Section 3459) shall have at least one life ring kept in a readily accessible place where employees' work exposes them to the hazard of drowning and each employee so exposed shall also wear a PFD as specified in subsection (a).

EXCEPTION to Section 3389(a):

Flume Patrol. The life ring or the PFD specified in subsection (a) is not required for patrol of flumes provided with caps as described in Section 3207, sufficient to guard against exposure to the hazard of drowning.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.