

INITIAL STATEMENT OF REASONS
PROPOSED CHANGES TO REGULATIONS OF THE
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Title 8, Chapter 3.2
Subchapter 2 Regulations of the Division of Occupational Safety and Health
Article 2.6 Asbestos Consultants and Site Surveillance Technicians

Amend section 341.15 Certification of Asbestos Consultants and Site Surveillance Technicians.

PROBLEM ADDRESSED BY THE PROPOSED ACTION

Pursuant to Labor Code sections 9021.5 and 9021.8 and 8 CCR section 341.15, individuals performing services of an asbestos consultant or site surveillance technician must apply for and obtain certification from the Division of Occupational Safety and Health (the Division) to perform such services, and must renew their certification annually. Pursuant to the same provisions, the Division may charge a fee to those applying for certification and those who renew their certification, and the fees charged must be sufficient to cover the cost of administering the certification program.

SPECIFIC PURPOSE AND FACTUAL BASIS OF THE PROPOSED ACTION

Currently, the fees charged by the Division are as follows:

(1) Fees for asbestos consultant.

Application and Examination Fee: \$375

Annual Renewal Fee: \$150

(2) Fees for site surveillance technician.

Application and Examination Fee: \$275

Annual Renewal Fee: \$125

Because these fees are now insufficient to cover the cost of administering the program, the Division is proposing to increase the application/examination and renewal fees for consultants to \$500 and \$325 respectively, and the application/examination and renewal fees for site surveillance technicians to \$400 and \$270 respectively.

The asbestos consultant certification program has operated with the original fee structure in place since it began in 1992. At the present time, expenditures

exceed revenues by about \$200,000 on an annual basis. The Division proposes to recover this amount by increasing both new application/examination fees and annual renewal fees for both asbestos consultants and site surveillance technicians.

The proposed increases are based in part on the number of certified consultants and technicians in the program. Examination pass rates also influence fee income, because each applicant who does not pass, is permitted to retake the examination one time for one-half the initial application fee. The consultant renewal fee established in existing 341.15 is greater than the technician renewal fee by a factor of 1.2. The same ratio is maintained in the proposed renewal fees.

Based on past experience, it is expected that about 85 consultant exams, 40 consultant re-exams, 70 technician exams, and 50 technician re-exams will be given on an annual basis. Since the fee for a re-exam is one-half the initial application fee, the proposed increases to application/examination fees will generate about \$25,000 per year.

The annual renewal fee increases will generate the remaining \$175,000 of the shortfall based on the current numbers of certified individuals – approximately 775 Consultants and 300 Technicians.

TECHNICAL DOCUMENTS RELIED UPON

None.

IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS

No alternatives considered would lessen economic impact. It is anticipated that there will be no adverse economic impact on small businesses due to implementation of these proposed regulations.

Specific Technology or Equipment

This proposal will not mandate the use of specific technologies or equipment.

Business Impact

This regulation will not have a significant adverse economic impact on businesses.