



DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY & HEALTH
LEGAL UNIT
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August 5, 2022

**NOTIFICATION OF PROPOSAL FOR 2nd READOPTION OF EMERGENCY ACTION
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

California Code of Regulations, Title 8, New Section 340.70
Definition of Normal Consumption
Reference OAL File #2021-0615-05E

Pursuant to the requirements of Government Code section 11346.1(a)(1), notice is hereby given that the Department of Industrial Relations, Division of Occupational Safety and Health (“the Division”) proposes to readopt, for an additional ninety (90) days, the emergency regulation “Definition of Normal Consumption,” which became effective on July 26, 2021 and was re-adopted for the first time on May 25, 2022. (OAL Matter No. 2021-0615-05E.) The emergency regulation created a new section 340.70 under Division 1, Chapter 3.2, Subchapter 2, Article 1.7 of Title 8 of the California Code of Regulations (8 CCR), with the objective of defining the term “normal consumption” used in California Labor Code section 6403.3. This proposal for a second readoption will be submitted to the Office of Administrative Law (“OAL”) on August 12, 2022.

Included with this notice is the specific regulatory language currently in place and a revised Finding of Emergency. Copies of such documents are available on the Division’s website at the following address: [Definition of Normal Consumption](#)

Submission of Comments

Government Code section 11346.1(a)(2) requires that, at least five (5) working days prior to submission of the proposed readoption action to OAL, the adopting agency issue a notice of the proposed readoption action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed readoption to OAL, OAL shall allow interested persons five (5) calendar days to submit comments on the proposed readoption as set forth in Government Code section 11349.6(b). Comments must state that they are about an emergency rulemaking action currently under OAL review and include the topic of the emergency. (Title 1, CCR, section 55(b)(1) through (4).) Please reference submitted comments as regarding the following topic: “Definition of Normal Consumption.”

Upon filing, OAL will have ten (10) calendar days within which to review and make a decision on the proposed readoption. OAL may approve up to two (2) readoptions, each for a period not to exceed ninety (90) days.

The Division has complied with the provisions of Government Code section 11346.1(a)(2). This Notice was sent electronically on August 5, 2022 to all members of the public who have requested notice of regulatory action. Copies of such documents have also been posted on the Division's website at the following address: [Definition of Normal Consumption](#)

If you have any questions regarding this proposed emergency action, please contact Lisa Brokaw at lbrokaw@dir.ca.gov or (510) 286-6958.