

DEPARTMENT OF INDUSTRIAL RELATIONS

**OCCUPATIONAL SAFETY
AND HEALTH APPEALS BOARD**

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Tel: (916) 274-5751 Fax: (916) 274-5786



NOTICE OF 15 DAY AVAILABILITY AND COMMENT PERIOD
FOR PROPOSED CHANGE TO AMENDMENTS OF THE
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.8 and Title 1, California Code of Regulations, section 44, the Occupational Safety and Health Appeals Board of the State of California hereby makes available and gives notice that it is considering additional changes to the proposed amendment to section 354(b), Tit. 8, Cal. Code of Regs., previously published in the Notice register on August 3, 2012, Register No. 2012, No 31-Z. The Board held a public hearing on September 17, 2012 and received written comments until September 17, 2012. These proposed changes are a result of comments received and Board review of the original proposed changes.

NOTICE OF COMMENT PERIOD:

The Appeals Board will receive comments concerning the proposed changes to the proposed amendment of section 354(b) of Title 8 of the California Code of Regulations from January 10 through 25, 2013 at 5:00 p.m.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is contained in this Notice and is available upon request made to the Occupational Safety and Health Appeals Board's Office, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833, (916) 274-5751. Persons identified in Tit. 1, Cal Code Regs section 44 have been mailed a copy of this notice and proposed changes.

Also, the Board's notice and the other materials associated with this proposal are available on the Appeals Board's website at <http://www.dir.ca.gov/oshab>.

Written comments should be mailed to the address provided above, submitted by fax to (916) 274-5785 or e-mailed to oshab@dir.ca.gov. The Occupational Safety and Health Appeals Board may thereafter adopt the above proposed change substantially as set forth without further notice.

CONTACT PERSON

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Kari M. Johnson, Acting Executive Officer, at (916) 274-5751.

Language initially proposed for deletion from the existing regulation appears as strike through only. Initially proposed language is underlined. Changes to the original proposed changes are indicated by double underline text for new language not previously proposed, and underline and strike-through text for language initially proposed as changes and now proposed to be removed from the proposed changes.

TEXT OF PROPOSED CHANGES TO THE PROPOSED AMENDMENT TO
TIT. 8, CAL. CODE REGS, SECTION 354(b) :

(b) An affected employee or authorized representative of an affected employee shall be made a party to a proceeding upon motion made ~~may move to participate as a party to a proceeding by filing a motion~~ in accordance with Section 371. ~~If the interests of justice require, both an affected employee and an authorized employee representative, as defined in section 347, may be granted party status in the same proceeding.~~ When more than one affected employee or more than one authorized employee representative qualify for party status in a proceeding, each may be granted party status in accordance with Section 350.1.

Note: Authority cited: Sections 148.7, 6603 Labor Code. Reference: Sections 148.7, 149.5, and 6603, Labor Code.

OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

KARI M. JOHNSON, Acting Executive Officer