

September 6, 2011

Occupational Safety and Health Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, California 95833

**SUBJECT: PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS REGARDING RULES OF THE OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**

Dear Board Members:

The California Chamber of Commerce and the below signed organizations appreciate the opportunity provided for stakeholder participation in the development of these regulations to address concerns regarding continuances and expedited appeals to address abatement issues. We want to thank the board for incorporating our comments and concerns into the final product.

We support the proposed regulations, as follows:

**Section 371.1. Motions Concerning Hearing Dates (Continuances)**

Prior experience with hearing continuance requests has been challenging, resulting in a lack of continuances granted for good cause. The clarification in this regulatory proposal of what constitutes good cause for rescheduling the hearing is helpful for all parties to an appeal which should result in the granting of continuances for good cause.

**Section 373. Expedited Proceeding**

Conscientious employers are undermined by employers that do not comply with Cal/OSHA regulations by allowing a serious hazard to go unabated while appealing. Employers that do not invest in safety compliance unfairly compete with compliant employers. Therefore, based on the successful implementation of the pilot project to test the expedited appeal process, we support addressing abatement issues that are on appeal and serious in nature by moving the appeal 'to the front of the line.' Thus, an employer that is not abating in order to evade compliance will be held accountable and appeals with real abatement issues will be resolved expeditiously.

We have no position regarding the other provisions of the proposed regulations.

Please contact Marti Fisher at CalChamber, (916) 444-6670 if you wish to discuss the matter further or have questions regarding our comments.

Thank you,

California Chamber of Commerce  
Associated General Contractors of California  
Associated Roofing Contractors of the Bay Area Counties, Inc.  
California Professional Association of Specialty Contractors  
California Construction & Industrial Materials Association  
California Framing Contractors Association  
Residential Contractor's Association  
Walter & Prince, LLP

CC: Michael Wimberly, Executive Officer  
Jeff Mojcher, Chief Counsel  
Christine Baker, Department of Industrial Relations  
Mark Woo-Sam, Department of Industrial Relations  
Ralph Lightstone, Department of Industrial Relations  
Ellen Widess, Cal/OSHA