

State of California
Department of Industrial Relations
M e m o r a n d u m

To : ALL STANDARDS BOARD MEMBERS

Date : November 30, 2011

From : **Occupational Safety and Health Standards Board**
Michael J. Manieri Jr., Principal Engineer-Standards

Subject : **Federal Final Rule, Standards Completion Project-Phase III**

At the November 17, 2011, Public Hearing, the Occupational Safety and Standards Board considered revisions to California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 7, Article 9, Section 3361, Article 101, Sections 5042, 5044, 5045, 5047, and 5049, Article 107, Section 5144, Article 109, Sections 5191, 5198 and 5209 of the General Industry Safety Orders, Chapter 4, Subchapter 18, Article 4, Section 8355 of the Ship Building, Ship Repairing and Ship Breaking Safety Orders, Chapter 4, Subchapter 4, Article 4, Section 1532.1, and Article 15, Section 1615.7 of the Construction Safety Orders. These standards are substantially the same as the equivalent federal standards.

Labor Code Section 142.3(a)(3) exempts the Board from providing a comment period when adopting a standard substantially the same as a federal standard. However, as indicated in the Notice and Informative Digest, the Board still provided a comment period regarding the following three areas: 1) any clear and compelling reasons for California to deviate from the federal standards; 2) any issues unique to California related to this proposal which should be addressed in this rulemaking and/or subsequent rulemaking; and, 3) solicit comments on the proposed effective date.

As a result of public comments, there were no changes made to the original proposal.

SUMMARY OF WRITTEN AND ORAL COMMENTS

I. Written Comments

Mr. David Y. Shiraishi, MPH, Area Director, U.S. Department of Labor, Occupational Safety and Health Administration, by letter dated October 31, 2011.

Comment:

Mr. Shiraishi stated the proposal is commensurate with the federal standards.

Response:

The Board acknowledges Federal OSHA's opinion regarding the proposal.

II. Oral Comments

There were no oral comments received at the November 17, 2011, Public Hearing in Costa Mesa, California.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.