

DEPARTMENT OF INDUSTRIAL RELATIONS  
Occupational Safety and Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
Tel: (916) 274-5721 Fax: (916) 274-5743  
Website address [www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



## **FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 3.5, Subchapter 1  
Section 411

### **Applications for Permanent Variances**

#### **MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

#### **Summary of and Responses to Written and Oral Comments:**

##### **I. Written Comments**

Matthew Kuzemchak, CIH, Area Director, United States Department of Labor, Occupational Safety and Health Administration, Region IX, by letter dated January 5, 2022.

##### **Comment:**

Mr. Kuzemchak stated the proposal appears to be at least as effective as the federal standard.

##### **Response:**

The Board thanks Mr. Kuzemchak for his comment and participation in the rulemaking process.

Philip W. Grone, Vice President, Government Affairs, National Elevator Industries, Inc. (NEII), by letter dated January 20, 2022.

##### **Comment:**

Mr. Grone stated that NEII fully supports the proposed reduction in the number of paper copies required to support a variance application. Electronic distribution has eliminated the need for additional paper copies of the original. The proposed amendments, if adopted, will reduce the burden and cost of compliance with the administrative process without compromising the

integrity of the process itself. This is a welcome change in administrative procedures and NEII encourages the OSHSB to adopt the amendments.

Response:

The Board thanks Mr. Grone for his comments and participation in the rulemaking process.

II. Oral Comments

Oral comment received at the January 20, 2022 Public Hearing via Webex.

Dan Leacox, on behalf of the National Elevator Industries, Inc. (NEII).

Comment:

Mr. Leacox expressed support for the proposed regulation. He stated that anything that makes the process simpler and easier is much appreciated.

Response:

The Board thanks Mr. Leacox for his comments and participation in the rulemaking process.

**ADDITIONAL DOCUMENTS RELIED UPON**

None.

**ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE**

None.

**DETERMINATION OF MANDATE**

This standard does not impose a mandate on local agencies or school districts.

**ALTERNATIVES CONSIDERED**

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be (1) more effective in carrying out the purpose for which the action is proposed; or (2) would be as effective as and less burdensome to affected private persons than the adopted action, or (3) would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Board staff were unable to come up with any alternatives or no alternatives were proposed by the public that would have the same desired regulatory effect.