

# Memorandum

To : ALL STANDARDS BOARD MEMBERS

Date : March 17, 2017

From : **Occupational Safety and Health Standards Board**  
Mark Kaphle, MS, CSP, Senior Engineer, Board Staff

Subject : **Emergency Action Plan (HORCHER)**

At the February 16, 2017 Public Hearing, the Occupational Safety and Standards Board considered revisions to California Code of Regulations, Title 8, General Industry Safety Orders, Section 3220, Emergency Action Plan. These standards are substantially the same as 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 (Informative Digest), the Board still provided a comment period for the purpose of identifying only issues related to 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. Oral Comments at the February 16, 2017 Public Hearing in Sacramento, California:

Elizabeth Treanor, Director of Phylmar Regulatory Roundtable.

#### Comment:

Ms. Treanor commented that the proposal makes sense, is appropriate for clarity, and represents improvement. She also encouraged the Board to adopt this proposal.

#### Response:

The Board thanks Elizabeth Treanor for her comment and participation in the Board's rulemaking process.

Bruce Wick, California Professional Association of Specialty Contractors.

#### Comment:

Mr. Wick commented that he is in support of the proposal, and the proposal is reasonable. He also mentioned even though the proposal included no significant change, it provided an opportunity to remind the regulated public of the importance of emergency action plans.

Response:

The Board thanks Bruce Wick for his comment and participation in the Board's rulemaking process.

II. Written Comments:

Daniel J. O'Connell, ASP, CET, CHMM, CHCM, CHST, REA, Principal Safety Engineer, Chief Hazmat-Rescue Operations, SAFETRAN Site Safety Support Services, LLC (SAFETRAN), by letter dated January 2, 2017.

Comment:

Mr. O'Connell mentions in the letter that the proposed changes in Section 3220(b) provide clarity and simplification for compliance by employers and employees, in concert with the Federal OSHA standard. He also mentions that the proposal will be most effective if it provides more easily understood "language" critical to the separation of rescue duties from the medical duties.

Response:

The proposed amendments contain what the Board believes to be time-tested and easily understood language that is sufficiently clear for the regulated public to understand with regards to the separation of rescue duties from the medical duties. The Board believes the introduction of less simplistic, less familiar language would not improve clarity.

The Board thanks Daniel J. O'Connell for his comment and participation in Board's rulemaking process.

Amber Rose, CIH, Area Director, Occupational Safety and Health Administration, Oakland Area Office, by letter dated January 10, 2017.

Comment:

Ms. Rose mentions in the letter that the proposed occupational safety and health standard appears to be commensurate with the federal standard.

Response:

The Board thanks Amber Rose for her comment and participation in the Board's rulemaking process.

DETERMINATION OF MANDATE

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