



OFFICE OF RISK SERVICES—
CHIEF RISK OFFICER

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December 17, 2014

Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

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**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

RE: Flammables storage

To Whom It May Concern:

The Regents of the University of California hereby petition the Occupational Safety and Health Standards Board to amend Title 8, Section 5538 of the California Code of Regulations, as set forth herein, to harmonize this outdated section with the recently amended Section 5532 and modern building and fire code provisions.

Section 5538 has apparently not been amended since it was enacted in 1976 and states:

§5538. Office, Educational and Institutional Occupancies.

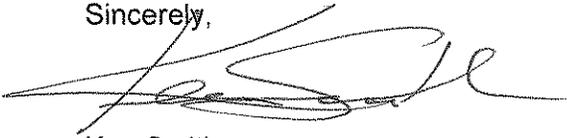
- (a) *Storage shall be limited to that required for operation of office equipment, maintenance, demonstration, treatment, and laboratory work. All liquids in laboratories and at other points of use shall meet the following storage provisions:*
- (1) *No container for Class I or Class II liquids shall exceed a capacity of one gallon except that safety cans can be of two gallons capacity.*
 - (2) *Not more than 10 gallons of Class I and Class II liquids combined shall be stored outside of a storage cabinet or storage room, except in safety cans.*
 - (3) *Not more than 25 gallons of Class I and Class II liquids combined shall be stored in safety cans outside of a storage room or storage cabinet.*
 - (4) *Not more than 60 gallons of combustible liquids shall be stored outside of a storage room or storage cabinet.*
 - (5) *Quantities of flammable and combustible liquids in excess of those set forth in this section shall be stored in an inside storage room or storage cabinet.*

The problems with this regulation are manifold. First, there are no applicable regulatory definitions of "educational occupancy" or "laboratory." Second, although there are regulatory definitions of "office occupancy" and "institutional occupancy", the nomenclature for the categories of occupancies used in this Section is obsolete and is no longer used in California building and fire codes. The nomenclature for

chemicals (Class I/II) is similarly outdated and inconsistent modern building and fire codes. In contrast, Section 5532 properly uses the Category 1/2/3/4 classification.

Section 5538's regulation of quantity limits should also be updated and harmonized with Section 5532 and current building and fire codes. Section 5532 was recently amended to modernize the container size limits for various categories of chemicals. Section 5538 now conflicts with Section 5532 and should be updated to provide clarity for the regulated community.

Sincerely,



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