

Memorandum

To : ALL STANDARDS BOARD MEMBERS

Date : March 27, 2007

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

Subject : **Shipyards Safety Orders, Land-Side Fire Protection-Update of National Fire Protection Association (NFPA) Standards**

At the March 15, 2007, Public Hearing, the Occupational Safety and Standards Board considered revisions to California Code of Regulations, Title 8, Ship Building, Ship Repairing and Ship Breaking Safety Orders, Section 8397.16, Shipyards Safety Orders, Land-Side Fire Protection-Update of National Fire Protection Association (NFPA) Standards. 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 and 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.

There were no oral or written comments received with the exception of a letter from federal OSHA which stated that this proposed standard is at least as effective as the federal standard. There were no changes made to the original proposal.

SUMMARY OF WRITTEN AND ORAL COMMENTS

I. Written Comments

Christopher Lee, Acting Regional Administrator, Region IX, Occupational Safety and Health Administration, by letter dated February 14, 2007

Comment:

Mr. Lee stated that the proposed amendment is at least as effective as the federal standard.

Response:

The Board thanks Mr. Lee for his participation in the rulemaking process.

II. Oral Comments

There were no oral comments received at the March 15, 2007, Public Hearing.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.