DEPARTMENT OF INDUSTRIAL RELATIONS

CAL-OSHA

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California's Occupational Safety and Health Administration (Cal-OSHA) is part of the cabinet-level Department of Industrial Relations (DIR). The agency administers California's programs ensuring the safety and health of California workers.

Cal-OSHA was created by statute in October 1973 and its authority is outlined in Labor Code sections 140-49. It is approved and monitored by, and receives some funding from, the federal OSHA. Cal-OSHA's regulations are codified in Titles 8, 24, and 26 of the California Code of Regulations (CCR).

The Occupational Safety and Health Standards Board (OSB) is a quasi-legislative body empowered to adopt, review, amend, and repeal health and safety orders which affect California employers and employees. Under section 6 of the Federal Occupational Safety and Health Act of 1970, California's safety and health standards must be at least as effective as the federal standards within six months of the adoption of a given federal standard. Current procedures require justification for the adoption of standards more stringent than the federal standards. In addition, OSB may grant interim or permanent variances from occupational safety and health standards to employers who can show that an alternative process would provide equal or superior safety to their employees.

The seven members of the OSB are appointed to four-year terms. Labor Code section 140 mandates the composition of the Board, which is comprised of two members from management, two from labor, one from the field of occupational health, one from occupational safety, and one from the general public. In January, Governor Wilson appointed Gwendolyn Berman of Placentia to serve as the occupational safety representative on OSB; other current members are Chair Jere Ingram, John Baird, James Grobaty, John Hay, and William Jackson. At this writing, OSB continues to function with a labor representative vacancy.

The duty to investigate and enforce the safety and health orders rests with the Division of Occupational Safety and Health (DOSH). DOSH issues citations and abatement orders (granting a specific time period for remedying the violation), and levies civil and criminal penalties for serious, willful, and repeated violations. In addition to making routine investigations, DOSH is required by law to investigate employee complaints and any accident causing serious injury, and to make follow-up inspections at the end of the abatement period.

The Cal-OSHA Consultation Service provides on-site health and safety recommendations to employers who request assistance. Consultants guide employers in adhering to Cal-OSHA standards without the threat of citations or fines.

The Appeals Board adjudicates disputes arising out of the enforcement of Cal-OSHA's standards.

MAJOR PROJECTS

Newspaper Exposé Reports Unsafe Conditions for Latino Workers in Los Angeles' Manufacturing Industry. In September, the *Los Angeles Times* published "Sweat and Blood," a three-part series detailing the plight of Latinos in the manufacturing industry of Los Angeles County. Among other things, the report indicated that Latinos suffer work-related death and injury at a much higher rate than other workers. For example, between 1988 and 1992, 67% of the workers killed in on-the-job accidents in the manufacturing industry were Latino workers, who comprise 44% of the manufacturing workforce.

According to the report, cultural and institutional barriers combine to preclude a safe and healthy working environment for Latinos in Los Angeles' manufacturing industry. The cultural barriers include a language difference between English-speaking management and Spanish-speaking employees, which often results in ineffective training for highly dangerous jobs requiring use of heavy machinery or exposure to toxic chemicals. In addition, because many Latinos are undocumented immigrants, they do not complain about potential job-related health and safety problems because they fear termination and possible deportation. Finally, many Latino workers have experienced equally or even more dangerous working environments in their own countries, so they have already been conditioned to accept harsh working environments without complaint.

According to the report, the institutional problems are connected to the recent history of Cal-OSHA. In 1987, then-Governor George Deukmejian eliminated funding for Cal-OSHA's health and safety enforcement programs in California's private sector, claiming that Fed-OSHA could do the work just as effectively. In 1989, the California electorate approved Proposition 97, which restored Cal-OSHA's ability to monitor the private sector. *[9:1 CRLR 79]* However, its budget has been cut; the *Times* reported that Cal-OSHA has only 160 compliance inspectors—20 fewer than in 1982. "Ten years ago, there were 17 Cal-OSHA inspectors for every one million workers in California. Today, the ratio is 12 for every one million workers." Due to decreased staffing levels, Cal-OSHA inspected only about 4% of the factories in its Los Angeles administrative region in 1992.

According to the report, Cal-OSHA's limited resources are utilized ineffectively; among other things, the *Times* contends that inspectors are assigned to regions of the state on the basis of the number of complaints received from that region. In Region II, consisting of Redding, Sacramento, Stockton, Fresno, and Bakersfield, Cal-OSHA has assigned 38 inspectors to protect 131,050 workers in 3,870 manufacturing facilities; in Region IV, consisting of Ventura, Los Angeles, Van Nuys, and Covina, 42 inspectors are assigned to protect 911,912 workers in 20,581 manufacturing facilities. There is one inspector for every 490 manufacturing facilities in the Los Angeles region. In the Sacramento region, the ratio is 1-to-102. The report also indicates that Cal-OSHA assigns its inspectors based on number of complaints with knowledge that white collar workers are aware of their right to complain and do so frequently, whereas many blue collar—often immigrant—workers are less likely to file complaints.

Another problem related to budgetary constraints is Cal-OSHA's ability to respond to serious complaints. Under the California Labor Code, Cal-OSHA is required to investigate within three days any formal complaint alleging a "serious" hazard, and must respond within fourteen days to "non-serious" hazards. However, due to a backlog, the report contends that complaints are increasingly being downgraded from "serious" to "non-serious." In addition, few Cal-OSHA inspectors based in the heavily Latino Los Angeles region speak Spanish; as a result, the inspectors often rely on the companies they are in-

vestigating to provide translations after a worker injury or death.

In response to the *Times* series, DOSH Chief John Howard wrote a letter claiming that the articles "paint a less than accurate picture of Cal-OSHA's current inspection performance and staffing patterns." With regard to the agency's budget problems, Howard noted that Governor Wilson recently signed AB 110 (Peace) (Chapter 121, Statutes of 1993), a workers' compensation bill which Howard said "will provide several million dollars in additional funding to enable Cal-OSHA to hire more compliance and consultation personnel to target high-hazard manufacturing sites in L.A. County for injury prevention activities." (*See* LEGISLATION for more information on AB 110.)

Immediately after the *Times* articles appeared, Senator Art Torres asked the Senate Industrial Relations Committee to investigate whether Cal-OSHA is failing to adequately protect the health and safety of Latinos working in the Los Angeles area. Committee Chair Senator Patrick Johnston agreed to conduct hearings to look into the matter; at this writing, the first hearing is scheduled for October 19.

Excavation Access and Egress. On June 4, OSB published notice of its intent to amend sections 1541(c)(2) and 1541(l)(1), Title 8 of the CCR, regarding safe walkways and egresses in and around trench excavations. Section 1541(c)(2) currently specifies that a stairway, ladder, ramp, or other safe means of egress shall be located in trench excavations that are four feet or more in depth; it does not indicate a minimum excavation depth for any other kind of excavation. OSB's proposed amendment would specify that the provisions for safe egress shall apply to all excavations, including trenches, that are four feet or more in depth.

Section 1541(l)(1) currently provides that where employees are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided, regardless of excavation depth. OSB's proposed amendment would require walkways or bridges over excavations only if the excavation is six feet or more in depth.

OSB held a public hearing on this rulemaking on July 22; at this writing, the amendments await adoption by OSB and review and approval by the Office of Administrative Law (OAL).

Permit to Operate Elevators. On June 4, OSB published notice of its intent to amend section 3001(c)(4), Title 8 of the CCR, to implement Labor Code section 7304(b), which allows the issuance of a two-year permit if an elevator is subject to a full service maintenance contract. Section 3001(c)(4) requires elevator service companies to submit specified information within thirty days of notification to allow DOSH to determine if an elevator qualifies for a two-year permit. According to OSB, many elevator service companies have had trouble meeting the thirty-day deadline, leading to rejection of many otherwise qualified permit applications. OSB's proposed revision would allow elevator service companies sixty days instead of thirty days to prepare and submit the necessary information.

OSB conducted a public hearing on this proposal on July 22; no public comment was received. On August 26, OSB adopted the proposed amendment, which awaits review and approval by OAL.

Cleaning, Repairing, Servicing, and Adjusting Prime Movers, Machinery, and Equipment. On July 9, OSB published notice of its intent to amend section 3314(a) and (b), Title 8 of the CCR. Existing section 3314(a) requires that machinery or equipment capable of movement be stopped and the power source de-energized or disengaged, and that movable parts be blocked or locked where necessary to prevent inadvertent movement during cleaning, servicing, or adjusting operations unless continuous energization is required to perform a specific task. OSB's proposed revisions to section 3314(a) would specifically include unjamming activities as part of cleaning, repairing, servicing, and adjusting activities conducted on prime movers, machinery, and equipment, and would require employers to address unjamming machinery and equipment in their hazardous energy control procedures.

Existing section 3314(b) requires that prime movers and power driven machines equipped with lockable controls be locked out or positively sealed in the "off" position during repair and setting-up activities; section 3314(b) further specifies that machines or prime movers not equipped with lockable controls or not readily adaptable to such controls must be de-energized or disconnected from their source of power or other steps must be taken to prevent inadvertent movement during repair work, and also requires that accident prevention signs and/or tags be placed on the machine or prime mover controls during repair work. OSB's proposed revisions to section 3314(b) would, among other things, provide that for the purpose of section 3314, the term "locked out" means the use of devices, positive methods, or procedures which will result in the isolation or securing of prime movers, machinery, and equipment from mechanical, hydraulic, pneumatic, chemical, electrical, thermal, or other energy source.

OSB conducted a public hearing on the proposed changes on August 26. As a result of public comments received, staff agreed to make minor revisions to the proposal and release the changes for an additional fifteen-day public comment period; at this writing, the changes await adoption by OSB and review and approval by OAL.

Leg Protection for Chain Saw Operators in Logging Operations. On July 9, OSB published notice of its intent to amend section 6283(a), Title 8 of the CCR, to specify that certain employees who are required to operate chain saws during logging operations must use leg protection (such as chaps, pads, or inserts); section 6283(a) currently requires only that employers shall make leg protection available. The proposed changes would exempt certain employees and permit the incidental use of chain saws, with the employer's concurrence, without requiring the operator to use leg protection.

On August 26, OSB held a public hearing on the changes, which await adoption by OSB and review and approval by OAL.

Wood-Frame Construction Regulatory Changes. On August 6, OSB published notice of its intent to amend section 1710, Title 8 of the CCR, which provides procedures for safely erecting substructure components such as trusses, beams, and floors during structure construction. However, no existing provisions address procedures for raising wood-framed walls in structures. OSB's proposed addition of new subsection 1710(i) would require that certain temporary restraints, such as cleats or straps, be installed on the foundation/floor system or framed wall bottom plate of wood-framed walls ten feet or more in height before the wall is raised. The proposed amendment would require that safeguards be used to prevent the framed wall from sliding or kicking out while it is being raised, and would specify that anchor bolts shall not be used for blocking or bracing the wood-framed walls being raised.

On September 23, OSB conducted a public hearing on its proposed changes, which await adoption by OSB and review and approval by OAL.

Toilets at Construction Jobsites. On September 3, OSB published notice of its intent to amend section 1526, Title 8 of the CCR, which contains requirements addressing the minimum number of separate toilet facilities employers must supply when sanitary services or a water supply is not available, maintenance of toilet facilities (including adequate toilet paper

supply), and an exemption for mobile crews from section 1526's requirements when employee transportation to nearby toilet facilities is available. Section 1526(d) requires the employer to keep toilet facilities clean, operable, and provided with an adequate supply of toilet paper. OSB's proposed amendment to section 1526(d) would require employers to provide jobsite toilet facilities which provide toilet users with privacy and are maintained so as to provide users with privacy. At this writing, OSB is scheduled to conduct a public hearing on the proposed amendments on October 21 in San Francisco.

Rulemaking Update. The following is a status update on other OSB regulatory proposals reported in detail in previous issues of the *Reporter*.

• ***Wheelchair Access Lifts***. OSB's amendments to section 3000, Title 8 of the CCR, and section 7-3000, Title 24 of the CCR, regarding wheelchair access lifts, which it forwarded to the Building Standards Commission (BSC) for approval in April 1992 *[12:1 CRLR 131]*, have not yet been formally approved by the Commission. However, on June 10, OSB Executive Officer Steven Jablonsky informed BSC that upon further review of the matter, OSB has concluded that "the subject regulatory changes adopted by the Standards Board and brought to the Commission for approval have in fact been approved by operation of law under Health and Safety Code section 18931(a)," which allows BSC 120 days to review the standards of adopting agencies and permits the Commission to approve the standards, return the standards for amendment with recommended changes, or reject the standards. If BSC returns the standards for amendment or rejects them, it is required to inform the adopting agency of the reasons for recommended changes or rejection, citing the criteria required under Health and Safety Code section 18930. According to OSB, BSC did not meet this requirement.

Further, section 18931(a) provides that when standards are not acted upon by the Commission within 120 days, the standards shall be approved, including codification and publication in the California Building Standards Code, without further review or without return or rejection by the Commission. According to OSB, BSC took up the issue and then tabled it, which does not—according to Jablonsky—qualify as "taking action" under the Health and Safety Code. Therefore, Jablonsky stated that "the Standards Board can only conclude that amendments to Title 24, Part 7, Section 7-3000 of the State Elevator Safety Regulations submitted to the Commission on April 16, 1992, were approved by operation of the law on August 14, 1992, and therefore respectfully requests that they be published in the California Building Standards Code as transmitted to the Commission."

At OSB's July 22 meeting, staff reported that the Commission had not responded formally to the Board's June 10 letter; however, in an informal communication, BSC Executive Director Richard Conrad indicated that the Commission has chosen not to publish the regulation in spite of the Health and Safety Code provision.

• ***Hand Protection***. At its May 27 meeting, OSB adopted a proposed amendment to section 3384(b), Title 8 of the CCR, which prohibits the use of hand protection where there is a danger of it becoming entangled in moving machinery or materials. *[13:2&3 CRLR 148–49]* OAL approved the amendments on July 8.

• ***Hazards Associated with the Use of Reinforcing Steel and Other Projections***. At its September 23 meeting, OSB adopted amendments to section 1712, Title 8 of the CCR, regarding the safety of employees working above protruding reinforcing steel or similar hazards. *[13:2&3 CRLR 149]* At this writing, these amendments await review and approval by OAL.

• ***Tire Inflation***. At its July 22 meeting, OSB adopted proposed amendments to sections 3325 and 3326, Title 8 of the CCR, regarding proper instruction and guidelines for tire inflation. *[13:2&3 CRLR 149]* These amendments were approved by OAL on August 27.

• ***Process Safety Management of Acutely Hazardous Materials***. On April 22, OSB held a public hearing to discuss proposed amendments to section 5189, Title 8 of the CCR, regarding the management of processes using highly hazardous chemicals, flammables, and explosives; thereafter, OSB reopened the public comment period on the proposed regulatory changes. *[13:2&3 CRLR 149–50]* At this writing, OSB is scheduled to consider the adoption of the proposed changes at its November 11 meeting.

• ***Industrial Truck Fuel Conversion***. At its June 24 meeting, OSB adopted proposed amendments to section 3560(g), Title 8 of the CCR, specifying that industrial trucks originally approved for using gasoline may be converted to liquified petroleum gas fuel, subject to specified national standards. *[13:2&3 CRLR 150]* OAL approved the changes on July 21.

• ***Occupational Exposure to Serious Safety and Health Hazards in Confined Spaces***. On May 27, OSB conducted a public hearing on its proposed amendments to sections 5156–5159, Title 8 of the CCR, regarding the control of exposure to serious safety and health hazards in confined spaces; the proposed revisions are designed to bring California's standards up to the level of effectiveness provided by the federal standard. Among other things, the proposed revisions would separate what is currently defined as a "confined space" into separate categories by providing definitions for the terms "confined space," "non-permit confined space," and "permit-required confined space"; replace the current definition of the term "dangerous air contamination" with the broader definition of the term "hazardous atmosphere"; add definitions for several other terms; replace the current written operating procedures requirement with an elaborate written permit entry program and system; replace the general employee training requirements with a more specific training subsection; replace the pre-entry requirements with a hierarchical type of pre-entry specifications in the general requirements and permit-required confined space program subsections; replace the confined space operation and entry requirements with the program and system requirements mentioned above along with specific provisions outlining the duties of entrants, attendants, supervisors, and emergency response and/or rescue personnel. *[13:2&3 CRLR 150]*

At the May 27 hearing, OSB received a significant number of comments regarding the proposed changes. In response to the comments, the Board modified its initial proposal and released the revised text for an additional fifteen-day public comment period, which ended on August 17. According to OSB staff, the modified proposal establishes permit-required confined spaces standards for general industry that are similar to and at least as effective as federal OSHA's standards.

However, at its September 23 meeting, the Board agreed by a 3–2 vote to reject the proposed changes and directed staff to prepare a side-by-side comparison of the present requirements of Cal-OSHA and federal OSHA to determine if California's existing standards are already at least as effective as the federal standard. OSB also directed that staff indicate exactly what, if anything, is deficient in California's current standard and which employees, if any, are at risk of injury.

• ***Above-Ground Storage Tank Regulations***. On June 24, OSB conducted a public hearing on its proposed amendments to sections 5415 and 5595, Title 8 of the CCR. OSB's proposed amendments to section 5415 would add a definition for the term "integral secondary contain-

ment," which describes a method of above-ground tank storage which utilizes an inner tank and outer containment barrier providing containment of spills in the event of inner tank rupture and fire resistivity. Among other things, OSB's proposed amendments to section 5595 would exclude above-ground storage tanks (ASTs) equipped with integral secondary containment from the diking/drainage requirements stated in section 5545(a) for Class I, II, or IIIA liquids where overfill protection, prevention, and other features are provided, but require such exempt ASTs to be equipped with a metallic spill container for each tank fill pipe; require spill containers to have a capacity of not less than five gallons and to be equipped with a drain valve which can drain overfilled liquids back into the primary tank; require ASTs to be equipped with an overfill prevention system which warns of tank overfilling; require employers to provide mechanical damage protection to the ASTs; require the conspicuous posting of signs at the AST prohibiting simultaneous tank filling and dispensing of Class I, II or IIIA liquids; require ASTs equipped with integral secondary containment which have external, below-tank-level fill pipes to have an anti-siphon device installed in each pipe; and require ASTs with integral secondary containment to have a visual or automatic means of detecting interstitial tank leakage and emergency venting for the space between the primary and secondary containment. *[13:2&3 CRLR 150]*

At this writing, these proposed changes await adoption by OSB and review and approval by OAL.

• ***Electrical Regulations Pertaining to Elevators.*** Also on June 24, OSB held a public hearing on its proposed amendments to sections 3011, 3012, 3016, 3020, 3040, 3050, 3071, 3073, 3078, 3090, 3092, 3093.41, 3093.42, 3100, and 3112, Title 8 of the CCR, and sections 7-3040, 7-3073, 7-3093.41, 7-3093.42, and 7-3100, Title 24 of the CCR, regarding electrical regulations pertaining to elevators. [13:2&3 CRLR 150] Essentially, this proposed rulemaking action would repeal section 3112(b) and all cross-references to it; this would ensure that only the most up-to-date electrical regulations will be referenced. At this writing, the proposed changes await adoption by OSB and review and approval by OAL.

• ***Back-Up Alarms for Loading Machines at Log Landing Areas.*** At its May 27 meeting, OSB adopted its proposed amendment to section 6329, Title 8 of the CCR, which requires that loading machines used in landing areas to sort, deck, and/or load log trucks be equipped with an automatically-operated back-up warning device. *[13:2&3 CRLR 150]* On July 6, the change was approved by OAL.

• ***Skylight Safety Standard.*** On August 26, OSB adopted its proposed amendments to section 3212(e), Title 8 of the CCR, which would specify certain methods of fall protection for employees exposed to the hazard of falling through skylights. *[13:1 CRLR 92]* At this writing, the rulemaking file is being reviewed by OAL.

LEGISLATION

AB 110 (Peace) is one of a package of workers' compensation bills signed by Governor Wilson on July 16 (Chapter 121, Statutes of 1993). Among other things, AB 110 creates the Cal-OSHA Targeted Inspection and Consultation Fund, and requires DOSH to establish a program for targeting employers in high hazardous industries with the highest incidence of preventable occupational injuries and illnesses and workers' compensation losses, and to establish procedures for ensuring that the highest hazardous employers in the most hazardous industries are inspected on a priority basis. The bill authorizes DOSH to send a letter to identified high hazardous employers informing them of their status and directing them to submit a plan, including the establishment of joint labor-management health and safety committees, within a time determined by DOSH for reducing their occupational injury and illness rates.

AB 110 also requires Cal-OSHA to expand the activities of its existing consultation unit to proactively target employers with the greatest injury and illness rates and workers' compensation losses. The targeted inspection program and the expansion of the consultation services would be financed by a surcharge to the workers' compensation insurance premium of employers with a workers' compensation experience modification rate of 1.25 or more (1.0 is average and higher rates reflect worse losses). This assessment is capped at not more than 50% of the amount appropriated to Cal-OSHA from the general fund in 1993–94, adjusted for inflation. Finally, the bill requires Cal-OSHA to adopt standards for ergonomics in the workplace designed to minimize the instances of injury from repetitive motion by January 1, 1995. (*See* agency report on DEPARTMENT OF INSURANCE for related discussion of AB 110.)

SB 147 (Johnston). Existing law (*see* AB 110 above) provides that the Cal-OSHA Targeted Inspection and Consultation Fund shall consist of any money from the general fund or federal trust fund appropriated for purposes relating to the Cal-OSHA Targeted Inspection Program, assessments made on certain insured employers, and fees collected for certifying occupational safety and health loss control consultation services provided by workers' compensation insurers. As amended September 8, this bill instead provides that the Cal-OSHA Targeted Inspection and Consultation Fund shall consist of any money appropriated for purposes relating to the Cal-OSHA Targeted Inspection Program, assessments made on certain insured employers, and fees collected for certifying occupational safety and health loss control consultation services provided by workers' compensation insurers. This bill was signed by the Governor on October 11 (Chapter 1241, Statutes of 1993).

SB 1005 (Lockyer), as amended May 11, restructures the Health and Safety Commission within the Department of Industrial Relations, renames it the Commission on Health and Safety and Workers' Compensation, and charges it with conducting an ongoing examination of the workers' compensation system and the state's activities to prevent occupational injury and disease. (*See* agency report on DEPARTMENT OF INSURANCE for related discussion.) This bill was signed by the Governor on July 27 (Chapter 227, Statutes of 1993).

AB 395 (Hannigan). Labor Code section 6401.7 requires every employer to establish, implement, and maintain an effective written Injury Prevention Program (IPP) that includes specified elements, to correct unsafe and unhealthy conditions and work practices, to train employees in safe and healthy work practices, and to keep appropriate records regarding implementing and maintaining the injury prevention program. As amended August 25, this bill permits specified employers in the construction industry, beginning January 1, 1994, to use employee training provided to the employer's employees under a construction industry occupational safety and health training program approved by DOSH to comply with the provisions requiring the training of employees in general safe and healthy work practices, but requires those employers to provide training on hazards specific to an employee's job duties. It further permits specified employers in the construction industry, beginning January 1, 1994, to use records relating to employee training provided to an employer in connection with an occupational safety and health training program approved by the Division to comply with the provisions requiring the keeping of appropriate records of steps taken to implement and maintain the IPP, but requires those employers to keep

records of steps taken to implement and maintain the IPP with respect to hazards specific to an employee's job duties.

This bill provides, with certain exceptions, that no civil penalty shall be assessed against any new employer in the state for a violation of any standard developed pursuant to section 6401.7 for a period of one year after the date the new employer establishes a business in the state, as provided.

This bill requires DOSH to prepare a Model Injury and Illness Prevention Program for Non-High-Hazard Employment, and to make copies of the model program available to employers, upon request, for posting in the workplace. It provides that an employer who adopts and implements the model plan in good faith shall not be assessed a civil penalty for the first citation issued thereafter for a violation of section 6401.7. It requires the Division to establish, by June 30, 1994, a list of non-high-hazard industries, using data from specified sources.

This bill also requires DOSH to prepare a Model Injury and Illness Prevention Program for Employers in Industries with Intermittent Employment, and to determine which industries have historically utilized seasonal or intermittent employees. It provides that an employer in an industry determined by the Division to have historically utilized seasonal or intermittent employees shall be deemed to have complied with section 6401.7 if the employer adopts the model program prepared by DOSH and complies with any instructions relating thereto.

Existing law authorizes the assessment of a civil penalty of up to $7,000 for each violation against any employer who violates any occupational safety or health standard, order, or special order, or a specified provision, if the violation is not determined to be of a serious nature. It provides that employers who do not have an operative IPP shall receive no penalty adjustment for good faith of the employer or history of previous violations, as provided. This bill deletes the provisions relating to penalty adjustments for employers who do not have an operative IPP. This bill was signed by the Governor on October 7 (Chapter 928, Statutes of 1993).

AB 1930 (Weggeland). Existing law requires every employer to establish, implement, and maintain an effective written IPP that includes specified elements, and to provide specified training of employees in general safe and healthy work practices. Existing law further requires OSB to adopt a standard setting forth the employer's duties under these provisions, and permits the Board to adopt less stringent criteria for employers with few employees and for employers in industries with insignificant occupational safety or health hazards. As amended August 19, this bill require OSB, for employers with fewer than twenty employees who are in industries that are not on a designated list of high hazard industries and who have a workers' compensation experience modification rate of 1.1 or less, and for any employers with fewer than twenty employees who are in industries that are on a designated list of low hazard industries, to adopt the same standard as adopted for all other employers, except that the employer need keep only limited written records, as specified. It would also require DOSH, for purposes of these provisions relating to the IPP, to establish a list of high hazard industries using prescribed methods for identifying and targeting employers in high hazard industries. This bill was signed by the Governor on October 7 (Chapter 927, Statutes of 1993).

SB 877 (Marks), as amended September 7, excludes from the definition of the term "asbestos-related work," the installation, repair, maintenance, or nondestructive removal of asbestos cement pipe used outside of buildings, as specified, if the employees and supervisors involved in the operations have received training through a task-specific training program and written certification of completion of that training from the training entity responsible for the training. The bill requires DOSH to establish an advisory committee to develop and recommend, for action by OSB, specific requirements for those hands-on, task-specific training programs. It also requires DOSH to approve training entities to conduct hands-on, task-specific training programs that meet these requirements for craft employees who may be exposed to asbestos-containing construction materials and for employees and supervisors involved in operations pertaining to asbestos cement pipe, as specified.

Existing law establishes a process for certifying asbestos consultants, and provides that DOSH may charge a fee to each consultant certified by the process. Existing law provides that the fees are deposited in the Asbestos Consultant Certification Fund, which is continuously appropriated for the purpose of administering the asbestos consultant certification process. The bill requires DOSH to charge fees, sufficient to cover the cost of the approval process, to the training entities approved by the Division pursuant to the provisions of this bill. It renames the Asbestos Consultant Certification Fund as the Asbestos Training and Consultant Certification Fund, and creates within the fund two accounts, the Asbestos Training Approval Account and the Asbestos Consultant Certification Account. It provides that the fees collected by the Division, as provided, shall be deposited in the respective accounts within the Asbestos Training and Consultant Certification Fund. It also provides that the moneys in each account of the fund shall be available, upon appropriation by the legislature, for expenditure for the purpose of administering the training approval process and the consultant certification process, respectively. It also provides that amounts deposited in the Asbestos Training Approval Account in the 1993–94 fiscal year are hereby appropriated to the Department of Industrial Relations for operating costs in the 1993–94 fiscal year. This bill was signed by the Governor on October 10 (Chapter 1075, Statutes of 1993).

SB 144 (Calderon). Existing law requires the Department of Health Services (DHS) to establish by regulation standards of education and experience for professional and technical personnel employed in local health departments. Pursuant to this authority DHS has established education and experience standards for industrial hygienists employed in local health departments. As amended July 8, this bill defines the terms "industrial hygiene" and "certified industrial hygienist" and allows any certified industrial hygienist to obtain a stamp from an industrial hygiene certification organization certifying that the industrial hygienist has passed an industrial hygiene examination and has met the certification maintenance requirements of the organization. The bill also provides that no entity of state or local government shall by rule or otherwise regulate the practice of industrial hygiene by any certified industrial hygienist, except where authorized by state statute to regulate a specific activity that may include the practice of industrial hygiene. This bill provides, except as specified, that it is an unfair business practice for any person to represent themselves as a certified industrial hygienist or a "CIH" unless they comply with the requirements of this act. This bill was signed by the Governor on October 9 (Chapter 1021, Statutes of 1993).

SB 193 (Marks). Existing law authorizes DOSH, after inspection or investigation, to issue to an employer a citation with respect to an alleged violation. As amended September 3, this bill authorizes DOSH to also issue a citation if, after inspection or investigation, the Division finds an employer has falsified any materials posted in the workplace or distributed to employees related to the California Occupational Safety and Health Act; requires

a copy of the citation to be displayed, as provided; provides that any employer served with a citation pursuant to this act may appeal to the Occupational Safety and Health Appeals Board pursuant to specified provisions of existing law; and specifies that the provisions of this act are in addition to any other criminal penalty or civil remedy that may be applicable.

This bill also provides that if, upon inspection or investigation, DOSH finds no violations pursuant to specified provisions of law, it shall issue a written notice to the employer specifying the areas inspected and stating that no violations were found; the bill also requires the DIR Director to prescribe procedures for the issuance of this notice. This bill was signed by the Governor on September 28 (Chapter 580, Statutes of 1993).

AB 383 (Lee). Existing law requires DHS to establish and maintain a program on occupational health and occupational disease prevention, including provision of technical assistance to DIR and other agencies in matters of occupational disease prevention and control. As amended September 1, this bill establishes within DHS a program to meet the requirements of certain federal hazard and safety laws, and requires DHS, in consultation with DIR, to adopt regulations thereunder with respect to, among other things, workers who engage in lead-related construction work. It requires DHS, not later than August 1, 1994, to adopt regulations establishing fees for the accreditation of training providers, the certification of individuals, and the licensing of entities engaged in lead-related occupations, as provided.

This bill defines the term "lead-related construction work," and requires DOSH, on or before February 1, 1994, to propose to OSB for its review and adoption, a standard, including certain specified requirements, that protects the health and safety of employees who engage in lead-related construction work. It would require OSB to adopt the standard on or before December 31, 1994. This bill was signed by the Governor on October 10 (Chapter 1122, Statutes of 1993).

AB 2016 (Conroy). Existing law authorizes DOSH to investigate industrial accidents and occupational illnesses, as specified. Existing law provides that the DOSH Chief and all qualified and authorized Division inspectors and investigators shall have free access to any place of employment to make an investigation or inspection during regular working hours, and at other reasonable times when necessary for the protection of safety and health. If, during any investigation of an industrial accident or occupational illness, the Division is refused entry by the employer, the Chief or his/her authorized representative may issue an order to preserve materials or the accident site as they were at the time the accident or illness occurred if, in the opinion of the Division, it is necessary to do so in order to determine the cause of the accident or illness. As amended June 12, this bill authorizes DOSH to issue an order to preserve materials or the accident site, regardless of whether the Division is refused entry, if, in the opinion of the Division, it is necessary to do so in order to determine the cause of the accident or illness and the evidence is in potential danger of being removed, altered, or tampered with.

Existing law provides that an action to collect a civil penalty under provisions regulating safety in employment shall commence no later than three years from the date the notice of civil penalty is final. This bill instead provides that an action to collect any civil penalty, fee, or penalty fee under provisions regulating safety in employment shall be commenced within three years from the date the assessment of any penalty or fee became final, as specified.

Existing law authorizes DOSH to fix and collect specified fees for the inspection of elevators to cover the actual costs related to these inspections; it requires a person owning or having the custody, management, or operation of an elevator who fails to pay required fees within 60 days after notification to pay a specified penalty fee. This bill provides that, for purposes of these provisions relating to elevator safety, the date of the invoice assessing a penalty or fee shall be considered the date of notification.

Existing law authorizes DOSH to fix and collect fees for the inspection of aerial passenger tramways to cover the actual cost of these inspections; it provides that the Division may not charge for inspections performed by certified insurance inspectors, but authorizes it to charge a specified fee to cover the cost of processing the permit when issued by DOSH as a result of the inspection. This bill requires DOSH, whenever a person owning or having custody, management, or operation of an aerial passenger tramway fails to pay any fee required under these provisions within 60 days after notification by the Division, to assess a penalty fee equal to 100% of the initial fee. It provides that, for purposes of these provisions, the date of the invoice fixing the fee shall be considered the date of notification. This bill was signed by the Governor on October 9 (Chapter 998, Statutes of 1993).

AB 1800 (T. Friedman), as amended June 22, would abolish DIR and instead establish the Labor Agency supervised by the Secretary of the Labor Agency. Under the bill, the Agency would consist of DOSH, the Department of Workers' Compensation, the Department of Rehabilitation, the Department of Labor Standards Enforcement, the Employment Development Department, the Department of Fair Employment and Housing, and the Contractors State License Board. The bill would also provide that the Cal-OSHA Plan, the Division of Labor Statistics and Research, the Division of Apprenticeship Standards, the Division of Industrial Accidents, the California Apprenticeship Council, the State Mediation and Conciliation Service, and the Office of Self-Insurance Plans are subject to the Agency's jurisdiction. The bill would also provide that OSB, the Occupational Safety and Health Appeals Board, the Workers' Compensation Appeals Board, the Industrial Medical Council, the State Compensation Insurance Fund, the Rehabilitation Appeals Board, the Industrial Welfare Commission, the Employment Training Panel, the Apprenticeship Council, the State Job Training Coordinating Council, the Unemployment Insurance Appeals Board, the Fair Employment and Housing Commission, the Public Employee Relations Board, and the Agricultural Labor Relations Board are within the Agency for administrative purposes. *[A. L&E]*

AB 2225 (Baca). Existing law requires DHS to establish and maintain an occupational lead poisoning prevention program, including but not limited to specified activities related to reducing the incidence of occupational lead poisoning. As introduced March 5, this bill would additionally include among those specified activities, for purposes of the occupational lead poisoning prevention program, the study and documentation of the incidence and effects of lead exposure and occupational lead poisoning in the construction industry.

Existing law generally requires every employer to establish, implement, and maintain a written IPP. This bill would also require any employer who engages in lead-related work, as defined, to establish, implement, and maintain an effective occupational lead injury prevention program designed to identify and eliminate unsafe work practices, and prevent occupational lead poisoning and other lead related diseases in the workplace. *[A. L&E]*

AB 1605 (B. Friedman), as amended August 16, would require that every supermarket, grocery store, or drugstore employer, as defined, with twenty or more full-time or part-time employees and a retail building location of more than

20,000 square feet, develop and implement a minimum security plan at each store site that is designed to protect employees from crime and to assist law enforcement officers in the identification of perpetrators of crimes committed in these stores, and that includes specified elements. This bill would require OSB to adopt regulations to enforce these provisions relating to supermarket, grocery store, and drugstore safety not later than September 1, 1994. *[S. Appr]*

AB 1978 (Jones). Existing law requires registration with DOSH for specified asbestos-related work, as defined, and prescribes civil and criminal penalties for violating those requirements. As introduced March 5, this bill would exclude from the definition of "asbestos-related work," the installation, repair, maintenance, or removal of asbestos cement pipe and sheets containing asbestos that does not result in asbestos exposures to employees in excess of the permissible limit as determined pursuant to specified regulations, if the employee involved in the work has received training through a task-specific training program, including specified information, and written confirmation of completion of that training from the employer or training entity responsible for the training.

Existing law governing asbestos-related work defines "asbestos-containing construction material" as any manufactured construction material which contains more than one-tenth of 1% asbestos by weight. This bill would change the definition of "asbestos-containing construction material" to any manufactured construction material that contains more than 1% asbestos by weight. *[A. L&E]*

SB 547 (Hayden), as amended April 19, would prohibit an employer, commencing January 1, 1997, from requiring or permitting the use of diethylene glycol dimethyl ether or ethylene glycol monoethyl ether in any place of employment, a violation of which would be a misdemeanor. This bill would also require employers, no later than March 1, 1994, to warn employees who could be exposed to diethylene glycol dimethyl ether or ethylene glycol monoethyl ether in their work of the reproductive health dangers of these chemicals, including but not limited to the high risk of miscarriage associated with these chemicals. *[S. Appr]*

SB 832 (Hayden), as amended May 10, would require that, on or after January 1, 1995, every computer video display terminal (VDT) and peripheral equipment, as specified, that is acquired for or used in any place of employment conform to all applicable design and ergonomic standards adopted by the American National Standards Institute (ANSI); require that, on and after January 1, 1995, every employer, except as specified, upon the request of a covered operator, as defined, of a VDT, provide certain equipment that conforms to the aforementioned design and ergonomic standards; require, on and after January 1, 1995, every employer who employs a covered operator to provide that covered operator, under certain conditions, with an alternate work break, as defined, or with reasonable alternative work; provide that a workstation employing new or alternative technologies shall be considered to conform to the standards required by these provisions if certain conditions are met, as specified; require, on or before January 1, 1996, every employer who employs one or more covered operators to make certain equipment modifications to conform to the equipment standards imposed by these provisions, but would specify that an employer shall only be required to expend a maximum of $250 per workstation to make the required equipment modifications; require, on or before January 1, 1998, every employer who employs one or more covered operators to expend those amounts necessary to modify and upgrade all VDT equipment that is used by any covered operator to fully conform to the equipment standards set forth in these provisions; require, on or before January 1, 1995, that every employer required to comply with specified laws and regulations relating to worker safety, who employs one or more covered operators, provide training and instruction to every covered operator, that includes specified information; require DOSH to monitor ongoing research on VDT radiation emissions and to inform employers, through the use of existing communications materials, of the status of that research, and, on or before January 1, 1995, to report to the legislature on the results of that research, as specified; and authorize DOSH to enforce these provisions by the issuance of citations for any violations thereof. *[S. Appr]*

SB 999 (Dills). Existing law requires DOSH to promulgate regulations establishing specific criteria for licensing certifiers of cranes and derricks, including a written examination. As amended July 16, this bill would permit the Division to waive the written examination for renewal of a certifier's license if the applicant has passed the written certification examination on or after January 1, 1992, is currently licensed at the time of application, and has been actively engaged in certifying cranes and derricks for the five preceding years. *[A. Inactive File]*

AB 1543 (Klehs). Under existing law, OSB has authority to adopt, amend, and repeal occupational safety and health standards and orders, and to grant variances therefrom under specified conditions; DOSH also has authority to grant temporary variances from any occupational safety and health standard under limited circumstances. As amended April 21, this bill would provide that, notwithstanding these existing authorizations, neither OSB nor DOSH has the authority to make changes in, or grant variances from, specified regulations, if the proposed change or variance may have the effect of subjecting workers to increased exposure to electromagnetic fields in work on conductors or equipment energized in excess of 7500 volts. *[S. IR]*

SB 555 (Hart). Existing law requires every physician providing treatment to an injured employee for pesticide poisoning or a condition suspected to be pesticide poisoning to file a complete report with the Division of Labor Statistics and Research. As introduced March 1, this bill would additionally require every physician providing treatment for pesticide poisoning or a condition suspected to be pesticide poisoning to file, within 24 hours of the initial examination, a complete report with the local health officer by facsimile transmission or other means. The bill would provide that the physician shall not be compensated for the initial diagnosis and treatment unless the report to the Division of Labor Statistics and Research is filed with the employer or, if insured, with the employer's insurer, and certifies that a copy of the report was filed with the local health officer. *[A. L&E]*

AB 13 (T. Friedman), as amended August 30, would prohibit any employer from knowingly or intentionally permitting, or any person from engaging in, the smoking of tobacco products in an enclosed space at a place of employment. It would specify that, for purposes of these provisions, "place of employment" shall not include hotel, motel, or other lodging establishments and motel guest room accommodations and lobbies, retail or wholesale tobacco shops, private smoker's lounges, cabs of motor trucks or truck tractors, bars and taverns, warehouse facilities, gaming clubs, public convention center facilities, theatrical production sites, and research or treatment sites, as defined. It would also specify that, for purposes of these provisions, an employer who permits any nonemployee access to his/her place of employment on a regular basis has not acted knowingly or intentionally if he/she has taken certain reasonable steps to prevent smoking by a non-

employee. It would allow an employer to permit smoking in designated breakrooms under specified conditions.

This bill would also specify that the smoking prohibition set forth in these provisions shall constitute a uniform statewide standard for regulating the smoking of tobacco products in enclosed places of employment, and shall supersede and render unnecessary the local enactment or enforcement of local ordinances regulating the smoking of tobacco products in enclosed places of employment.

This bill would additionally provide that a violation of the smoking prohibition set forth in these provisions is an infraction punishable by specified fines. It would further provide that the smoking prohibition shall be enforced by local law enforcement agencies, as specified, but would specify that DOSH shall not be required to respond to any complaint regarding a violation of the smoking prohibition, unless the employer has been found guilty of a third violation of the smoking prohibition within the previous year. *[S. Jud]*

RECENT MEETINGS

At its May 27 meeting, OSB reconsidered Petition No. 297, submitted by Daniel Zarletti, requesting that OSB amend section 1644(a)(6), Title 8 of the CCR, to lower the minimum height requirements for metal scaffolding guardrails from 42 inches to 36 inches. *[12:4 CRLR 166]* For the past year, an OSB advisory committee has been monitoring the development of federal OSHA regulations in this area in response to this petition; the new Fed-OSHA standard requires toprails to be between 38 and 45 inches above the platform surface of the scaffolding. Staff noted that Fed-OSHA would not consider California's regulation to be as effective as the federal standards if a 36-inch high guardrail system is permitted; OSB agreed that no further action should be taken regarding this matter.

Also at its May 27 meeting, OSB considered Petition No. 328, submitted by John Heyer, President, Underground Services Alert, requesting that OSB amend section 1541(b)(2) and (3), Title 8 of the CCR, to properly inform the excavating community of the pre-excavation notification requirements mandated by the Government Code. Section 1541 generally requires excavators to locate underground installations (such as pipelines, conduits, sewerlines, and storm drains) which may be impacted by excavation, and contains procedures for notifying owners of underground installations prior to excavation. Section 1541(b)(2) currently requires that the appropriate Regional Notification Center(s), as defined by Government Code section 4216.2, and all owners of underground facilities in the area which are not members of a Notification Center be notified of proposed work at least two days before the start of any excavation. Petitioner asserted that the existing regulation places an unreasonable burden on the excavator because he/she must notify all underground installation owners, even if they are not members of the Notification Center Network, prior to commencing excavation operations. Finding that petitioner's proposed changes would eliminate an excavator's present duty to advise owners of nonpressurized sewerlines and storm drains in the excavation area, since such subsurface installations are not included within the membership parameters of the Regional Notification Centers, OSB denied the petition.

At its June 24 meeting, OSB considered Petition No. 329, submitted by Frank Thomas, Vice President, SIGALARM, Inc., requesting that OSB amend section 2946, Title 8 of the CCR, regarding warning devices on mobile, masted, or boomed equipment used in the vicinity of high voltage transmission or power lines. Petitioner indicated that accidental power line contact by masted or boomed equipment accounts for nearly 50% of the total number of deaths in industrial accidents in California; petitioner requested that warning devices, such as the one he manufactures, be required for all masted or boomed equipment working near high voltage lines. OSB noted that while there is a substantial need for warning devices of this kind, the present technology is not sufficient to ensure efficiency and reliability. For this reason, OSB denied the petition.

At its July 22 meeting, OSB considered Petition No. 330, submitted by John Bobis, Aerojet Propulsion Division, Robert Downey, Associated General Contractors of California, Inc., and Nancy Moorhouse, A. Teichert & Son, Inc., who requested that OSB develop and adopt a single generic standard covering the common aspects of controlling exposure to chemicals in Title 8. DOSH staff noted that while such a revision would not alter any requirement in the existing regulations, and might be easier to understand than the present rules, such a revision would likely be the most massive single regulation in Title 8 and its development would be expensive and complex. OSB staff added that such a unique regulation would have difficulty passing the federal equivalent standards. Following discussion, OSB directed staff to look into the cost implications of the proposal and to approach Fed-OSHA for recommendations and support; staff was directed to report its findings to OSB within six months.

Also at its July 22 meeting, OSB considered Petition No. 331, submitted by Debby Boucher and Pat Wentworth, Emergency Nurses Association, requesting that OSB develop a standard to control violence in hospitals, emergency departments, and other health care settings. Petitioners stated that the recent shootings of three physicians in an emergency department in southern California illustrate a growing problem regarding the risk of violent attacks on health care workers, particularly those working in emergency departments. DOSH and OSB staff cited several problems with the petition as presented, contending that petitioners did not propose a specific safety order for consideration; there were significant questions regarding OSB's authority to adopt regulations requiring employers to protect employees from crime and violence in the workplace; the development and enforcement of regulations to prevent violent crimes are outside the experience and expertise of OSB; and there were questions regarding the efficacy of such regulations. For these reasons, OSB denied the petition.

At its August 26 meeting, OSB considered Petition No. 332, submitted by John Mehring, SEIU Western Region Health and Safety Department, requesting that OSB amend section 5193, Title 8 of the CCR, regarding hepatitis vaccination and post-exposure evaluation and follow-up. Petitioner expressed a concern that employees are not routinely offered hepatitis-B (HBV) post-vaccination testing to determine if they are effectively immunized against HBV, and that they are not routinely tested for hepatitis-C even after serious exposure incidents. OSB staff noted that DOSH is already going to convene an advisory committee to address this and many other concerns regarding section 5193; on that basis, OSB denied the petition.

Also at its August 26 meeting, OSB considered Petition No. 333, submitted by James Alderink, requesting that OSB amend section 1646(c) and (f), Title 8 of the CCR, regarding manual placement of tower scaffolds and rolling scaffolds. Petitioner contended that the ceiling installation industry finds it very difficult, if not impossible, to comply with the existing requirements; he noted that workers must climb up and down the scaffolds to move them up to twelve times per hour, exposing them to fatigue and knee injury. OSB noted that the petition did not meet applicable California or federal OSHA standards, and denied it.

Also at its August 26 meeting, OSB considered Petition No. 334, submitted by

Maggie Robbins, Service Employees International Union, requesting that OSB adopt a standard with regard to protecting workers from back injury. OSB noted that a special advisory committee has recently completed drafting a rulemaking package, known as the ergonomics standard, to address cumulative trauma disorders. Finding that the upcoming ergonomics standard rulemaking package will adequately address the problems noted, OSB characterized the petition as premature, and denied it "without prejudice."

At its September 23 meeting, OSB considered Petition No. 335, submitted by David Caldwell, requesting that OSB amend Articles 95 and 98, Title 8 of the CCR, regarding cranes and derricks; petitioner argued that the proposed amendments would simply require employers to comply with existing rules. OSB denied the petition, finding that the proposed amendments are unnecessary.

Also at its September 23 meeting, OSB considered Petition No. 336, submitted by R.F. Andrews, Shell Oil Company, requesting that OSB amend section 2540.8(b)(6), Title 8 of the CCR, and Title 24, Part 3, section 515-2, with respect to the electrical classification of wharfs or docks used for the loading and unloading of flammable liquids and gases from tanker ships. Petitioner noted that existing classifications are inconsistent and confusing, and should be simplified. OSB granted the petition to the extent that it directed staff to develop proposed amendments to section 2540.8(b)(6) to reflect the requirements found in section 515-2.

FUTURE MEETINGS

January 13 in Los Angeles.
February 24 in San Francisco.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CAL-EPA)

AIR RESOURCES BOARD

Executive Officer: James D. Boyd
Chair: Jananne Sharpless
(916) 322-2990

Pursuant to Health and Safety Code section 39003 *et seq.*, the Air Resources Board (ARB) is charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solutions to air pollution, and to systematically attack the serious problem caused by motor vehicle emissions, which are the major source of air pollution in many areas of the state. ARB is empowered to adopt regulations to implement its enabling legislation; these regulations are codified in Titles 13, 17, and 26 of the California Code of Regulations (CCR).

ARB regulates both vehicular and stationary pollution sources. The California Clean Air Act requires attainment of state ambient air quality standards by the earliest practicable date. ARB is required to adopt the most effective emission controls possible for motor vehicles, fuels, consumer products, and a range of mobile sources.

Primary responsibility for controlling emissions from stationary sources rests with local air pollution control districts (APCDs) and air quality management districts (AQMDs). ARB develops rules and regulations to assist the districts and oversees their enforcement activities, while providing technical and financial assistance.

Board members have experience in chemistry, meteorology, physics, law, administration, engineering, and related scientific fields. ARB's staff numbers over 400 and is divided into seven divisions: Administrative Services, Compliance, Monitoring and Laboratory, Mobile Source, Research, Stationary Source, and Technical Support.

MAJOR PROJECTS

Rulemaking Under the Air Toxics "Hot Spots" Information and Assessment Act of 1987. This Act, codified at Health and Safety Code section 44300 *et seq.*, establishes a "Hot Spots" program to develop a statewide inventory of site-specific air toxic emissions of specified substances, assess the risk to public health from exposure to these emissions, and notify the public of any significant health risks associated with these emissions. In April 1989, ARB implemented the Act by adopting emission inventory criteria regulations to be utilized by APCDs in preparing air toxics emission inventories. *[9:3 CRLR 99]* In June 1990, ARB amended the regulations to include procedures for preparing biennial updates to the emission inventories and reporting requirements for specific classes of facilities that emit less than ten tons per year of criteria air pollutants. *[10:4 CRLR 139]* The regulations were further amended in September 1990 *[10:4 CRLR 139]* and again in June 1991 *[11:4 CRLR 153]* to reflect updates to the list of substances that must be inventoried under the "Hot Spots" program.

At its June 10 meeting, ARB adopted amendments to sections 93300–93354, Titles 17 and 26 of the CCR, to streamline the "Hot Spots" emission inventory reporting requirements and the biennial update process. The revisions will substantially reduce the biennial update reporting requirements for all facilities that are not determined to be a significant risk to public health under the "Hot Spots" program; add a new reporting form, the Biennial Summary Form, to streamline biennial update reporting; add provisions for removing facilities from the program that no longer meet the definition of applicability as specified in the regulations; add instructions for reporting source test data results that are below the level of detection (LOD) and allow emissions from source test results to be reported as "ND" (for non-detect) when all values are below the LOD; revise Appendix D source test requirements to eliminate requirements that have been determined to be infeasible or impractical; restructure and annotate the list of substances in Appendix A to consolidate and clarify information pertaining to the substances; remove supplemental reporting forms, and improve and clarify the reporting forms and instructions; and revise the requirements for plans and reports to clarify and streamline the reporting requirements based upon comments received. At this writing, ARB has not submitted these regulatory amendments to the Office of Administrative Law (OAL) for review and approval.

The Act also requires ARB to adopt a fee regulation to ensure that all costs incurred by the state in implementing and