

RIGHT TO PETITION

The California Occupational Safety and Health Standards Board (Board) is the only agency in the State authorized to adopt occupational safety and health standards or orders (regulations). The Board is required to hold open public meetings at least monthly and to permit any person to address the Board on any matters of occupational safety or health or to propose new or revised regulations. Petitions for regulation changes will be evaluated by the Division of Occupational Safety and Health. The Board will report its decision no later than six months following receipt of a petition.

CONTENTS OF PETITIONS

There is no specific form or format required to petition the Board for the adoption, amendment, or repeal of an occupational safety and health regulation. Such proposals may be made orally or in writing at the Board's Public Meeting or may be submitted in writing to the Board at any time. Persons making oral proposals to the Board will be asked to submit their proposals in writing stating clearly and concisely

- (1) the substance or nature of the regulation, amendment, or repeal requested; and
- (2) the reason for the request. Supporting documentation such as technical or engineering studies should also be submitted, if available.

Petitioners should be aware that all regulatory changes are subject to specific legal standards and approval by the Office of Administrative Law (OAL). OAL reviews regulations to determine whether they meet the standards of necessity (the need for a regulation is demonstrated by substantial evidence), authority, clarity, consistency, reference, and non-duplication. Therefore, petitioners should also consider these standards when petitioning for changes in regulations.

WHERE TO FILE PETITIONS

Petitions may be presented at the Board's Public Meeting or submitted in writing as follows:

1. At the board's public meeting

The Board rotates its monthly public meetings between Sacramento, Los Angeles, Oakland/San Francisco, and San Diego. Notices specifying the meeting time and location are published in the California Regulatory Notice Register prepared by the Office of Administrative Law. Information can also be obtained from the Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California, 95833, (916) 274-5721.

2. Submitted in writing

Petitions submitted in writing should be mailed to the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California, 95833.

PROCEDURE FOR GRANTING OR DENIAL OF PETITION

Upon receipt of a petition, the proposal is assigned a petition file number and referred to the Division of Occupational Safety and Health for evaluation. The Board staff will thereafter develop a proposed decision for consideration by the Board at one of its business meetings. A decision to grant or deny the petition will be made by the Board within six months from the date it was received. Petitions are often granted to the extent that an advisory committee of labor, management and persons knowledgeable in the subject review the petitioner's proposal. Advisory committees provide valuable assistance in developing the proposed regulation before it is scheduled for public hearing or an advisory committee may recommend to the Standards Board that a regulation not be developed.