

**State of California
Office of Administrative Law**

In re:
Occupational Safety and Health (Cal-OSHA)
Division

Regulatory Action:

Title 08, California Code of Regulations

Adopt sections:

Amend sections: 344, 344.1, 344.2

Repeal sections:

**NOTICE OF FILING AND PRINTING ONLY
OF EMERGENCY REGULATIONS**

Government Code Section 11343.8

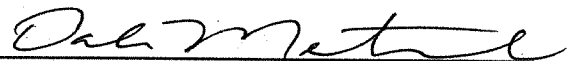
OAL Matter Number: 2019-0424-01

**OAL Matter Type: Emergency File and Print
Only (EFP)**

This is a readoption of emergency regulations concerning adjustments to the Division of Occupational Safety and Health's (Division's) inspection and permit fees for the inspection and testing of certain tanks, pressure vessels, and boilers. Pursuant to Labor Code section 7721(e), this action must be taken as an emergency and is not subject to review and approval by the Office of Administrative Law (OAL). The Division requests that OAL file the readopted emergency regulations with the Secretary of State and ensure the printing of the regulations in the California Code of Regulations.

OAL filed these emergency regulations with the Secretary of State and will publish the emergency regulations in the California Code of Regulations.

Date: May 6, 2019



**Dale P. Mentink
Senior Attorney**

**For: Holly Pearson
Acting Director**

**Original: Juliann Sum, Chief
Copy: Denise M. Cardoso**

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2015)

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2019-0424-01 EFP
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 06 2019

1:42 pm

2019 APR 24 A 9:20
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Division of Occupational Safety and Health

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Pressure Vessel Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) OAL File No. 2018-1108-01 EFP
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 344, 344.1, and 344.2
	REPEAL
TITLE(S) 8	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)		<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> Other (Specify) Labor Code, § 7721(e)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

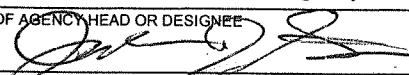
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Denise Cardoso	TELEPHONE NUMBER 510-286-76348	FAX NUMBER (Optional) 510-286-7039	E-MAIL ADDRESS (Optional) dcardoso@dir.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/16/19
TYPED NAME AND TITLE OF SIGNATORY Juliann Sum, Chief	per agency request 5/1/19

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

MAY 06 2019

Office of Administrative Law

Barclays Official California Code of Regulations
Title 8. Industrial Relations
Division 1. Department of Industrial Relations
Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA)
Subchapter 2. Regulations of the Division of Occupational Safety and Health
Article 5. Boiler and Tank Permit and Inspection Fee Schedule

§ 344. Shop, Field and Resale Inspection Program Fees.

(a) A fee of \$150.00 per hour shall be charged for all work performed in connection with all shop, field erection and resale inspections of all tanks, boilers, parts of tanks and boilers, and nuclear components and for consultation, surveys, audits, manual review and other activities required or related to the ASME code or other national standards concerning the design or construction of boilers or pressure vessels or for evaluating fabricator's plant facilities when these services are requested of the division by entities desiring these services. Time shall be billed in quarter-hour increments, rounded up to the nearest quarter hour.

(b) Whenever a person using a qualified safety engineer employed by the division to perform any of the services stated in section 344, subsection (a) fails to pay the fees required under subsection (a) within 60 days from the date on the fees invoice, said person shall pay, in addition to the fees required under subsection (a), a penalty fee equal to 100 percent of the fee.

Note: Authority cited: Sections 60.5, 6308, 7721, 7722 and 7728, Labor Code. Reference: Sections 7650, 7721, 7725 and 7728, Labor Code.

§ 344.1. Air Tank, Liquefied Petroleum Gas (L.P.G.) Tank, and Boiler Permit Inspection Program Fees.

(a) A fee of \$150.00 per hour shall be charged for all work performed in connection with all field, resale and alteration permit inspections of air tanks, liquefied petroleum gas (L.P.G.) tanks, and boilers performed by a qualified safety engineer employed by the division. Time shall be billed in quarter-hour increments, rounded up to the nearest quarter hour.

(b) A fee of \$150.00 per hour shall be charged for all work performed in connection with all follow-up inspections of any of the services stated in section 344.1, subsection (a), when applicable safety order requirements have not been complied with within 15 days of the compliance date shown on the preliminary order. Time shall be billed in quarter-hour increments, rounded up to the nearest quarter hour.

(c) No additional fees shall be assessed for follow-up inspections when safety order requirements have been complied with, and the division is notified of such compliance, within 15 days of the compliance date shown on the preliminary order.

(d) Whenever a person using a qualified safety engineer employed by the division to perform any of the services stated in section 344.1, subsections (a) and (b) fails to pay the fees required under subsections (a) and (b) within 60 days from the date on the fees invoice, said person shall pay, in addition to the fees required under subsections (a) and (b), a penalty fee equal to 100 percent of the fee.

Note: Authority cited: Sections 60.5, 6308, 7721, 7722 and 7728, Labor Code. Reference: Sections 7650, 7680, 7681, 7682, 7683, 7721 and 7728, Labor Code.

§ 344.2. Air Tank, Liquefied Petroleum Gas (L.P.G.) Tank, and Boiler Permit to Operate Program Fees.

(a) Permits to operate shall be issued by the division or on behalf of the division.

(b) A fee of \$45.00 shall be charged to cover the cost of processing each permit to operate. The division shall issue a permit to operate upon receipt of the \$45.00 processing fee, and the inspection report required by Labor Code section 7654 finding the air tank, liquefied petroleum gas (L.P.G.) tank, or boiler subject to the inspection to be in a safe condition for operation.

(c) Whenever a person owning or having the custody, management or operation of an air tank, liquefied petroleum gas (L.P.G.) tank, or boiler fails to pay the fees required under subsection (b) within 60 days from the date on the fees invoice, said person shall pay, in addition to the fees required under subsection (b), a penalty fee equal to 100 percent of the fee.

Note: Authority cited: Sections 60.5, 6308, 7721 and 7728, Labor Code. Reference: Sections 7650, 7654, 7680, 7683, 7721 and 7728, Labor Code.