

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

Title 8, Chapter 4, Subchapter 6 of the Elevator Safety Orders, Sections 3000, 3001, 3009, 3094.2, 3120.6, and 3137; and
New Sections 3140, 3141, 3141.1 through 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, and 3146

Elevator Safety Orders

Unsafe and defective conveyances present the possibility of serious accidents resulting in injury to the public and to employees. The best interest of the State of California is served if these injuries are prevented by providing protection to employees and public users of these conveyances.

Section 7323 of the Labor Code specifically requires the Division of Occupational Safety and Health (Division) to propose to the Occupational Safety and Health Standards Board (Board) for review and adoption, provisions at least as effective as the American Society of Mechanical Engineers (ASME) A17.1, ASME A17.3, ASME 18.1, and the American Society of Civil Engineers (ASCE) 21.

This proposal updates, by reference, provisions of ASME A17.1-2004, ASME 18.1-2003, and the ASCE 21, Parts 1 (1996), 2 (1998), and 3 (2000). These technical documents are derived from the conveyance industry and contain the industries' most recent consensus conveyance standards. The standards in this proposal are necessary to establish minimum requirements for the installation, operation, maintenance, and inspection of conveyances installed after a specified effective date to be determined by the Office of Administrative Law following adoption of this proposal. The proposed standards will provide for the safe operation and maintenance of conveyances for the protection of employees and the general public.

The Division reviewed ASME A17.3 which is addressed in Labor Code sections 7300 and 7323 and concluded that the elevator safety orders in Title 8 are at least as effective as, or more stringent than, the provisions of ASME A17.3. Therefore, the Division believes adoption of ASME A17.3 is not necessary.

The proposed standards contained in the referenced documents creates a new group, Group IV, with some exemptions and amendments to conveyances installed after a specified effective date to be determined by the Office of Administrative Law following adoption of this proposal.

This proposal also includes amendments to Group I standards to provide that general administrative requirements that apply to existing elevator installations in Group II and Group III

standards also apply to new Group IV conveyances, if appropriate. In addition, other amendments are proposed for existing Group II and Group III standards to provide consistency and clarity for existing standards that apply to existing elevators.

Any references to Title 24 in the text are proposed for deletion. Prior to September 30, 2002, the Board was mandated by Health and Safety Code Section 18943(b) to submit Title 8 building standards to the California Building Standards Commission for their approval and adoption into Title 24, the California Building Code. Assembly Bill 3000 (Stats. 2002. c. 1124) repealed Labor Code Section 142.6 and Health and Safety Code Section 18943(b), thus exempting the Board from the building standard requirements contained in those statutes.

This proposed rulemaking action also includes non-substantive revisions such as editorial, grammatical, and re-formatting. These non-substantive revisions are not all discussed in this informative digest but are clearly indicated in the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

Subchapter 6. Elevator Safety Orders

Group I. Administrative Regulations

The existing wording under the heading “Group I. Administrative Regulations” states that Group I standards apply to existing and new elevator installations.

The proposal amends this language to provide that Group I standards apply to existing elevator installations covered in Group II and Group III regulations, and to new conveyances covered in Group IV standards.

This proposal is necessary as Group III standards would no longer be identified as standards that apply to “new” elevator installations. Group II standards would be identified as standards that apply to elevators installed before a certain specified date. Group III standards would be identified as standards that apply to elevators installed on or after a specified date, but before a certain date. Group IV standards would be identified as standards that apply to conveyances installed on or after the effective date this proposal.

Article 1. Application

Section 3000. Application.

Subsection (c). Devices Included.

Existing section 3000(c) consists of subsections (c)(1) through (c)(14), and indicates that devices covered by the Elevator Safety Orders are included under the term “elevator” as used in the Labor Code. The elevators are identified by the type of elevator device, and are indicated by the article(s) in the Elevator Safety Orders that are applicable to the type of elevator. The elevators are also categorized as either “existing” or “new” conveyances.

The proposal editorially revises the existing language of subsections (c)(1) through (c)(14) by, among other editorial revisions, deleting the terms “existing” and “new”.

The proposal is necessary because all elevators in subsection (c) become existing elevators, covered by standards in the applicable indicated article(s) for each elevator type, thereby, rendering the terms “new” and “existing” obsolete.

The proposal also adds new subsection (c)(15) that provides for special-purpose personnel elevators covered by regulations of Article 12.3 and for special-purpose elevators covered by regulations of Article 32.

This proposal is necessary to include in proposed subsection (c) both special-purpose personnel elevators and special-purpose elevators that are already covered by standards in the articles indicated, but were inadvertently not listed in subsection (c). In addition, this proposal is necessary to ensure that the regulated public is aware that these two special-types of elevators are covered by proposed subsection (c).

Subsection (f). New Installations.

Existing section 3000(f) consists of subsections (f)(1) through (f)(3). The existing heading of subsection (f) reads “New Installations.”

It is proposed to delete the term “New” and in its place include the term “Group III” in the heading of subsection (f) to read as “Group III Installations”.

This proposal is necessary because the term “New” will no longer be consistent with Group III standards. Elevators in Group III become existing elevators with a date of installation on or after October 25, 1998, but before the effective date of the adoption of this proposal.

Existing subsection (f) identifies new installations, summarily described, as devices listed in subsection (c) that are erected after the effective date of the existing standards; existing elevators that have been operating previous to the adoption of the existing standards; and existing elevators that are moved to a new location after the effective date of the existing standards. In addition, existing subsection (f) contains a “NOTE” that indicates standards for new installations are contained in Group III.

The proposal deletes references to “new installations” and “new devices” in existing subsection (f) and provides specific dates for the applicability of Group III standards.

In addition, it is proposed to revise the “NOTE” in existing subsection (f), to delete the term “new,” to include the phrase “Group III” to follow the phrase “Regulations for,” and to delete the term “contained.”

This proposal is necessary because elevator installations covered in Group III are now proposed to be identified as existing elevators installed on or after October 25, 1998, but before the effective date of this standard, thereby, rendering the term “new” obsolete. After the effective

date of this proposal, both Group II and Group III standards would apply to existing elevators with the dates of installations differentiating the two groups.

Subsection (g). Existing Installations.

Existing section 3000(g) consists of subsections (g)(1) through (g)(3). The existing heading of subsection (g) reads “Existing Installations.”

It is proposed to delete the term “Existing” and in its place use the term “Group II” in the heading of subsection (g) to read as “Group II Installations.”

This proposal is necessary because Group II standards will be identified as standards that apply to elevators installed before a certain specified date. After the effective date of these proposed standards, both Group II and Group III standards would apply to existing elevators. The difference between the Group II and Group III existing elevators would be the different installation dates that are specified in the proposed new Group II and Group III headings.

Existing subsection (g) identifies existing installations, summarily described, as devices listed in subsection (c); devices inspected by the Division with an assigned serial number; devices for which erection began before the existing standards became effective; and devices erected from plans or contracts completed and which notice of intent to installed is filed with the Division before the existing standards became effective. In addition, existing subsection (g) contains a “NOTE” that indicates standards for existing installations are contained in Group II.

The proposal deletes references to “existing installations and “existing devices” in subsection (g) and provides specific dates for the applicability of Group II standards.

In addition, it is proposed to revise the “NOTE” in existing subsection (g) to delete the term “existing” and to include the phrase “Group II” to follow the phrase “Regulations for.”

This proposal is necessary because elevator installations covered by Group II standards are proposed to be identified as elevators installed before October 25, 1998, thereby, rendering the term “existing” obsolete.

Subsection (h). Alterations, Repairs, Replacements, and Maintenance of Devices.

Existing subsection (h) specifies that alterations, repairs, replacements, and maintenance of devices as specified in section 3000(c) shall comply with Part XII of ASME A17.1-1996, which is incorporated by reference, except for certain rules and sections.

The proposal revises the numbering system in existing subsection (h) to include a new subsection number “(h)(1)” prior to the existing language following the heading of subsection (h).

This proposal is necessary to provide a logical numbering system within existing subsection (h) to include new subsection (h)(2).

In addition, this proposal adds new subsection (h)(2) that provides for alterations made on Group II and Group III devices after the effective date of this standard [OAL to insert the effective date of the standard].

This proposal is necessary to provide that alterations made on Group II and Group III devices, after the effective date of this standard, are upgrades that must comply with the requirements of section 3141.2 of Group IV standards which requires adherence to specific portions of ASME A17.1-2004.

Article 2. Permit to Operate

Section 3001. Permit to Operate.

Subsection (a)(8).

Existing section 3001(a)(8) provides that the person or firm installing static controls shall provide the Division with information that the control complies with the requirements of Group II, section 3040(f)(4) and (f)(7). The information shall consist of certain diagrams of the control and safety circuit, or certain checkout procedure and demonstration of certain control circuits as required by section 3040(f)(4) and (f)(7).

The proposal adds an “EXCEPTION” to section 3001(a)(8) that provides that installation of static control for Group IV installations shall comply with Group IV, section 3141.3.

This proposal is necessary because static control requirements for Group IV conveyances differ from the requirements of section 3001(a)(8). Group IV installations must comply with Group IV, section 3141.3.

Subsection (b). Inspections Required.

Existing section 3001(b) provides for inspection of each new device, each alteration, replacement of certain equipment such as door locking devices, safety devices, governors, oil buffers, counterweights, car enclosures and car doors and gates, terminal stopping devices, operating devices and control equipment, controllers, and emergency and signaling devices. It also provides for re-inspection of devices, inspection of elevators in certain multiunit residential buildings, and inspection of special access elevators.

The proposal replaces the terms “passenger or freight elevator” with the term “device” in subsection (b)(2).

This proposal is necessary to provide terminology that is consistent with terminology already used in proposed section 3000(c) that utilizes the term “devices” to collectively include all elevator types listed in proposed subsections (c)(1) through (c)(15).

Article 6. Definitions

Section 3009. Definitions.

Existing section 3009 of Article 6 contains the definitions of terms used in the Elevator Safety Orders.

This proposal defines several new terms including: Automated People Mover; Certified Competent Conveyance Inspector (CCCI); Certified Competent Conveyance Mechanic (CCCM); Certified Qualified Conveyance Company (CQCC); Certified Qualified Conveyance Inspection Company (CQCIC); Conveyance; Dormant Elevator, Dumbwaiter, or Escalator; Periodic Inspection; and Re-inspection.

This proposal also makes non-substantive changes to the definition of the term “Speed Governor” for clarity purposes.

This proposal is necessary to provide clarity to the elevator standards by including definitions of terms used throughout the Elevator Safety Orders.

Group II. Existing Elevator Installations

The existing heading of Group II reads “Existing Elevator Installations.”

The proposal amends the title of Group II from “Existing Elevator Installations” to include an introductory sentence that states “Elevator installations for which the installation contract was signed before October 25, 1998.” The proposal also deletes the existing language that states “Group II regulations apply to existing elevators installed prior to October 25, 1998.”

This proposal is necessary because the term “existing” exclusively would no longer be used to identify Group II standards. Group II standards would be specified as existing elevators for which the installation contract was signed before October 25, 1998.

Article 15. Special Access Conveyances and Special Access Lifts

Section 3094.2. Vertical Platform (Wheelchair) Lifts.

Existing section 3094.2 provides platform dimensions and platform door location for vertical platform wheelchair lifts which require the wheelchair or conveyance to be rotated 90 degrees for egress.

Existing subsection (p)(1) states that the platform inside dimensions may range from 42 inches to 50 inches on one side by 53 inches to 60 inches on the other side.

The proposal amends subsection (p)(1) to read “The clear inside unobstructed platform dimensions may range from 42 inches to 48 inches on one side by 54 inches to 60 inches on the other side.”

Existing subsection (p)(2) states that where there is an increase in the minimum width of 42 inches, the maximum 60 inch length shall be reduced by the number of inches the width has been increased.

The proposal amends subsection (p)(2) to read “When the platform minimum width of 42 inches is increased, the platform maximum 60 inch length shall be decreased by the number of inches the width has been increased (see the Table in section 3093.46(b)).”

This proposal is necessary to clarify the clear unobstructed platform space inside the platform by specify the varying relationship between the width and length dimensions of the platform.

Group III. New Elevator Installations

The existing heading of Group III reads “New Elevator Installations.”

The proposal amends the title of Group III to include an introductory sentence that states “Elevator installations for which the installation contract was signed on or after October 25, 1998 but before [OAL to insert the effective date of the standard].” This proposal also deletes the existing language that states “Group III regulations apply to new elevators installed after October 25, 1998.”

This proposal is necessary to clarify that Group III standards specifically apply to elevators installed on or after October 25, 1998, but before the effective date of this standard.

Article 20. Hoistways, Hoistway Enclosures, and Related Construction for Electric Elevators

Section 3120.6. Pits.

Existing section 3120.6 contains requirements pertaining to pits. Existing subsection (c) indicates that a water removal system such as a sump pump, suction drain, or gravity drain may be used to address water accumulations on the pit floor as it relates to section 1206.2a of ASTM A17.1-1996.

An editorial revision is proposed to replace the term “section” with the term “Rule” as the appropriate reference to ASME standards. In addition, an editorial revision is proposed to correct “ASTM” A17.1-1996 to read “ASME” A17.1-1996, which is the appropriate ASME standard.

This proposal is necessary to correct inadvertent references by identifying the appropriate terminology and the appropriate ASME standard.

Article 37. Seismic Requirements for Elevators, Escalators and Moving Walks

The existing title of Article 37 reads “Seismic Requirements for Elevators, Escalators and Moving Walks.”

It is proposed to amend the title of existing Article 37 to read “Seismic Requirements” to provide a general heading for this article.

The proposal is necessary to provide a general heading that corresponds with the subject matter of section 3137 within Article 37.

Section 3137. Seismic Requirements for Elevators, Escalators and Moving Walks.

Existing section 3137 contains seismic requirements for elevators, escalators, and moving walks. Existing subsection (d) outlines specific requirements for escalators and moving walks. Existing subsection (d)(2)(C) states that seismic restraint shall be provided in the transverse direction at all supports and that the gap between the escalator truss and the seismic restraint shall not exceed ¼ inch on each side.

Amendments are proposed to existing subsection (d)(2)(C) to read “Seismic restraint shall be provided in the transverse direction at the top and bottom supports.” It is also proposed to add a requirement that reads “Intermediate supports, if any, shall be free to move laterally in all directions.”

The proposal is necessary to provide that certain structural supports are required at the top and bottom supports for structural protection during earthquakes and to provide that intermediate supports, if provided, must be designed to move freely in a lateral fashion during seismic activity.

New Group IV. Conveyance installations for which the installation contract was signed on or after [OAL to insert the effective date of the standard].

The proposal adds a new group heading to read “Group IV. Conveyance installations for which the installation contract was signed on or after [OAL to insert the effective date of the standard].”

This proposal is necessary to prevent retroactivity to conveyances that have already been installed and to provide a clear starting time when the new conveyance standards become effective and applicable to the regulated public.

New Article 40. Application

The proposal adds a new Article 40 titled “Application.”

This proposal is necessary to designate a new article for the subsequent applicable sections of the new Group IV standards.

New Section 3140. Application.

The proposal adds a new section 3140 titled “Application” consisting of new subsections (a) and (b).

Proposed new subsection (a) specifies that Group IV governs the design, erection, construction, installation, service, and operation of conveyances installed after the effective date of this standard as defined in Section 7300.1 of the Labor Code.

This proposal is necessary to designate a new subsection that requires conveyances defined in the referenced parts of the California Labor Code, installed after the effective date of this standard, to comply with the design, erection, construction, installation, service, and operation standards in the proposed new Group IV.

Proposed new subsection (b) states the titles and editions of the standards referenced in these Orders. New subsection (b) also indicates that the standards in the Elevator Safety Orders have precedence if differences exist between the referenced standards and the standards in the Elevator Safety Orders.

This proposal is necessary so the regulated public knows the applicable publications, titles and editions of the referenced standards, cited in the proposed Group IV standards. This proposal is also necessary to specify that the standards in the Elevator Safety Orders take precedence if differences exist between the referenced standards and the standards in the Elevator Safety Orders.

New Article 41. Conveyances Covered by ASME A17.1-2004

The proposal adds new Article 41 titled “Conveyances Covered by ASME A17.1-2004.”

This proposal is necessary to designate a new article for conveyances covered by the referenced ASME A17.1-2004 standard.

New Section 3141. Scope.

The proposal adds new section 3141 that states conveyances covered by ASME A17.1-2004, section 1.1, shall comply with ASME A17.1-2004, Safety Code for Elevator and Escalators, except for certain sections indicated. This proposal also incorporates by reference ASME A17.1-2004.

This proposal is necessary to establish (1) the scope for the conveyances covered by this new section in accordance with the referenced ASME A17.1-2004 standard, section 1.1, and installed on or after the effective date of this standard, and (2) the requirement that these conveyances must comply with the ASME standard for Safety Code for Conveyances and Escalators, except for certain sections indicated.

New Section 3141.1. Maintenance, Repair, and Replacement.

The proposal adds new section 3141.1 that requires the maintenance, repair, and replacement of conveyances shall comply with section 8.6 of ASME A17.1-2004, and incorporates by reference this section.

This proposal is necessary to require that the maintenance, repair, and replacement of conveyances must comply with ASME A17.1-2004, section 8.6.

New Section 3141.2. Alterations.

The proposal adds new section 3141.2(a) that provides provisions for alterations made to conveyances and that these provisions comply with section 8.7 of ASME A17.1-2004, and incorporates by reference this section.

This proposal is necessary to allow for alterations to be made to conveyances and to establish a safety standard that they must meet, namely with ASME A17.1-2004, section 8.7.

Proposed new subsection (b) provides that alterations concerning safety requirements for seismic risks shall comply with ASME A17.1-2004, section 8.4. Proposed new subsection (b)(1) provides that alterations on controllers, change of motion controllers, and change in type of operation control shall comply with ASME A17.1-2004, section 8.4.10. This proposal incorporates by reference these sections in ASME A17.1-2004.

This proposal is necessary to enhance safety by establishing a standard for alteration, thereby, requiring that alterations on conveyances must comply with ASME A17.1-2004, section 8.7. Alterations concerning safety requirements for seismic risks must comply with ASME A17.1-2004, section 8.4. Alterations on controllers, change of motion controllers, and change in type of operation control, must comply with ASME A17.1-2004, section 8.4.10.

New Section 3141.3. Static Controls.

The proposal adds new section 3141.3 that pertains to static controls specified in ASME A17.1-2004, which is incorporated by reference.

Proposed new subsection (a) requires that installation of static controls shall comply with ASME A17.1-2004 requirements applicable to the conveyance involved. Proposed new subsection (b) requires the company that installs the static controls shall provide verification to the Division that the controls comply with ASME A17.1-2004. Proposed new subsection (c) requires that the results of the Electromagnetic Interference testing required by ASME A17-1-2004 be submitted to the Division for review and that the test include any wireless communication system used.

This proposal is necessary to require that static control installations must be consistent with the requirements of ASME A17.1-2004, specific to the conveyance involved. Furthermore, the company installing the static controls must be a Certified Qualified Elevator Company (CQEC) and that the CQEC shall provide the Division verification that the control complies with the requirements of ASME A17.1-2004. The verification must include information such as electrical schematic diagrams or block diagrams of the control and safety circuits; written check-off procedure and demonstration of safety and speed control circuits at the time of the initial inspection; and the results of the Electromagnetic Interference (EMI) testing, including any wireless communication system used.

New Section 3141.4. Acceptance Inspections and Tests.

The proposal adds new section 3141.4(a) that specifies acceptance inspections and tests shall comply with the parts of section 8.10 of ASME A17.1-2004 that are applicable to the type of conveyance installed or altered, and incorporates by reference this section.

This proposal is necessary to enhance safety standards on acceptance inspections and tests by providing that newly installed or altered conveyance installations must comply with acceptance inspections and tests applicable to the type of conveyance installation.

Proposed new subsection (b) provides that private residential conveyances installed, or that have undergone major alterations, located in multiunit residential building serving no more than two dwelling units and not accessible to the public, shall be inspected for safety and compliance with the applicable provisions in ASME A17.1-2004, Part 5, sections 5.3 and 5.4, in addition to the acceptance inspections and tests specified in section 3141.4(a).

This proposal is necessary to enhance safety by requiring that conveyances installed in certain private residential dwellings, and not accessible to the public, are inspected for safety and compliance with industry code requirements.

New Section 3141.5. Periodic Inspections.

The proposal adds new section 3141.5 that states conveyances covered by ASME A17.1-2004 shall comply with the periodic inspection requirements in parts of section 8.11 of ASME A17.1-2004 that apply to the type of conveyance involved, and incorporates by reference this section.

This proposal is necessary to enhance safety by requiring that conveyances are periodically inspected for compliance with section 8.11 of ASME A17.1-2004.

In addition, proposed Section 3141.5 contains an “EXCEPTION” statement that certain types of private residential conveyances specified in new Section 3141.4(b) are not subject to periodic inspections.

This proposal is necessary to identify conveyances that are exempt by specifying that periodic inspections are not required on certain types of private residential conveyances.

New Section 3141.6. Periodic Tests.

The proposal adds new section 3141.6 that provides for periodic tests for conveyances covered by ASME A17.1-2004, which incorporates by reference those applicable sections, and consists of subsections (a) through (f).

Proposed new subsection (a) indicates periodic testing shall comply with the parts of section 8.11 of ASME A17.1-2004 for the type of conveyance involved, with the following frequencies:
(1) Category One Test - completed once every 12 months and apply to earthquake protective

devices; (2) Category Three Tests - completed once every 36 months; and 3) Category Five Tests - completed once every 60 months.

This proposal is necessary to enhance safety by requiring that conveyances covered by ASME A17.1-2004 must comply with the periodic testing requirements of section 8.11 of ASME A17.1-2004. The items specified in section 8.11 of ASME-A17.1-2004 must be inspected with the frequencies specified. Also, a Category One Test must apply to earthquake protective devices.

Proposed new subsection (b) states that test tags are required in accordance with section 8.11.1.6 of ASME A17.1-2004. Tags shall be installed in machinery space when machine rooms are not available.

This proposal is necessary to enhance safety by requiring that tags with the required test data must be provided and installed in the machine room; and if machine room is not available, the tags must be installed in the machinery space where the machinery is located.

Proposed new subsection (c) provides that the periodic tests shall to be conducted by Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Elevator Company (CQCC).

This proposal is necessary to provide assurance on the quality of the tests by requiring that the Division will recognize and accept the tests specified, when conducted by a Certified Competent Conveyance Mechanic. Furthermore, the Division will recognize and accept Certified Competent Conveyance Mechanic employed by a Certified Qualified Conveyance Company.

Proposed new subsection (d) indicates a Certified Competent Conveyance Inspector (CCCI) employed by a Certified Competent Conveyance Inspection Company (CCCIC), or a Division Certified Competent Conveyance Inspector, if a CQCIC is not available, shall witness the periodic tests as required by ASME A17.1-2004, section 8.11.1.1.2, and incorporates by reference this section. The periodic tests witnessed shall be reported to the Division within a certain number of days of the test. The report shall include certain information such as the name of the company that conducts the tests, the name of the inspector witnessing the test, the type of test performed, the name of the CQCC and CCCM who performed the test, and the date and results of the test.

This proposal is necessary to provide assurance on the quality of the tests by requiring that the tests be witnessed by a Certified Competent Conveyance Inspector employed by a Certified Competent Conveyance Inspection Company, or a Division qualified inspector, if a CQCIC is not available. The inspector employed by the inspection company witnessing the test must provide to the Division certain information regarding the test.

Proposed new subsection (e) specifies that all statements on the form shall be made under penalty of perjury.

This proposal is necessary to underscore the seriousness of witnessing the tests.

Proposed new subsection (f) specifies that if a conveyance fails a periodic test, the conveyance shall be removed from service until a satisfactory test result is achieved.

This proposal is necessary to enhance safety by requiring that no conveyance that fails a periodic test will be allowed to remain in service. A failed conveyance may return to service when a satisfactory test result is achieved.

New Section 3141.7. General Requirements.

The proposal adds new section 3141.7 that pertains to general requirements and consists of subsections (a)(1) through (a)(19), subsection (b), and an informational “NOTE.”

New Subsection (a).

Proposed new subsection (a)(1) specifies that hoistway door unlocking devices described in section 2.12.6 of ASME A17.1-2004 are prohibited on all conveyances.

This proposal is necessary to enhance safety by prohibiting hoistway unlocking devices at any landing where there is an entrance.

Proposed new subsection (a)(2) specifies that emergency doors in blind hoistways described in ASME A17.1-2004, section 2.11.1.1, and access panels described in ASME A17.1-2004, section 2.11.1.4, are prohibited.

This proposal is necessary to enhance safety by prohibiting emergency doors in single blind hoistways. Also, access panels for cleaning transparent enclosures are not allowed.

Proposed new subsection (a)(3) specifies that all electrical equipment and wiring shall comply with the California Code of Regulations, Title 24, Part 3, California Electrical Code.

This proposal is necessary to enhance safety by requiring that only electrical equipment and wiring that conform to the California Electrical Code will be used.

Proposed new subsection (a)(3)(A) specifies that the light switch shall be located on the strike side of the machine room door if a machine room door is provided.

This proposal is necessary to enhance safety by requiring that the light switch be on the side of the door where the strike plate is installed, if a door is provided, thereby, facilitating access to the switch.

Proposed new subsection (a)(3)(B) specifies that the light switch shall be located adjacent to the elevator pit access door within 18 inches to 36 inches above the access landing when access to the conveyance pit is through the lowest landing door.

This proposal is necessary to enhance safety by requiring that the light switch in the conveyance pit be located in a particular location within a certain height range above the access landing if egress and ingress to the conveyance pit is through the lowest landing door, thereby, facilitating access to the switch.

Proposed new subsection (a)(3)(C) specifies that fire detecting systems for hoistways and the necessary wiring may be installed in hoistways, provided that the system is arranged to be serviced and repaired from outside the hoistway.

This proposal is necessary to enhance safety by providing that fire detecting systems and associated wiring may be installed and serviced in a safe and otherwise appropriate manner.

Proposed new subsection(a)(4) specifies that the 4-inch dimension referenced in ASME A17.1-2004, section 2.1.6.2, shall be reduced to 2 inches, and the 6.5 inch dimension referenced in ASME A17.1-2004, section 2.14.4.5.1(d), shall be reduced to 6 inches.

This proposal is necessary to increase safety in that this proposal proposes a more stringent requirement than the existing ASME standard to reduce the hazardous shear point distance between the stationary hoistway and the moving elevator.

Proposed new subsection (a)(5) specifies that the means of providing automatic disconnect from the main power supply to the affected conveyance upon or prior to the application of water from sprinklers located in the machine room or in the hoistway as required by ASME A17.1-2004, section 2.8.2.3.2, is permitted, but is not mandatory.

This proposal is necessary to identify an option to enhance safety by allowing the automatic disconnect from the main power supply as required in section 2.8.2.3.2 of ASME A17.1-2004.

Proposed new subsection (a)(6) specifies that door locking devices, oil buffers, car and counterweight safety devices, speed governors, and plunger engaging safety devices (plunger gripper) shall be approved by the Division based on the criteria contained in ASME A17.1-2004, sections 2.12, 2.17, 2.18, 2.22.4, and 3.17.3; and Group II, sections 3105(b), 3106(b), 3106.1, 3108(f), and 3110(a).

This proposal is necessary to make it clear that the Division will base its approval on the criteria specified in the applicable sections of ASME A17.1-2004 and with the applicable sections of Group II.

Proposed new subsection (a)(7) specifies that an audible signaling device complying with ASME A17.1-2004, section 2.27.1.2, shall be provided on all conveyances regardless of the existence of an emergency stop switch.

This proposal is necessary to ensure that an appropriate warning device will be provided even if an emergency stop switch is not.

Proposed new subsection (a)(8) specifies that the car shall be permitted to move one floor on resumption of normal, emergency, or standby power addressed in ASME A17.1-2004, section 2.27.3.4.

This proposal is necessary to enhance safety by requiring that the car movement to re-establish position must be limited to one floor.

Proposed new subsection (a)(9) specifies that guards, if perforated, shall reject a ½ inch ball addressed in ASME A17.1-2004, section 2.3.2.2(e).

This proposal is necessary to ensure that perforated metal guards installed in the pit and/or machine room for protection on open sides of the counterweight runway provide an acceptable minimum level of safety.

Proposed new subsection (a)(10) specifies that the speed governor and safety marking plates shall contain the manufacturer's identifying number.

This proposal is necessary to ensure that the manufacturer's identifying number is among the data required to be contained on the marking plates.

Proposed new subsection (a)(11) specifies that a reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1-2004 shall be permitted if the factor of safety related to the strength necessary to activate the safety is 5 or greater.

This proposal is necessary to ensure that an acceptable level of safety is provided when the diameter of the governor rope is reduced.

Proposed new subsection (a)(12) specifies that scissor type collapsible gates are prohibited.

This proposal is necessary to enhance safety by prohibiting scissor type collapsible gates.

Proposed new subsection (a)(13) specifies that the guarding of counterweights in a multiple-elevator hoistway shall comply with Group II, section 3013(c).

This proposal is necessary to require that wire mesh material to guard the counterweight for the entire length of the hoistway must be provided.

Proposed new subsection (a)(14) specifies that water removal systems used to address the accumulation of water in pits shall comply with Group III, section 3120.6(c) and section 3120.6(d).

This proposal is necessary to enhance safety by requiring that the pit be provided with a water removal system such as sump pump, suction drain, or gravity drain.

Proposed new subsection (a)(15) specifies that elevators in jails and penal institutions are exempt from the requirements related to the installation of fire fighters' emergency operation where the recall of conveyances will interfere with security.

This proposal is necessary to allow jails and penal institutions to maintain a necessary level of security.

Proposed new subsection (a)(16) specifies that guarding of exposed equipment shall comply with Group II, section 3014.

This proposal is necessary to protect exposure to equipment by guarding of exposed equipment in machine rooms and machinery spaces.

Proposed new subsection (a)(17) specifies that partitions, not less than 6 feet high from the pit floor, shall be provided between pits of adjacent hoistways, and the openings in the partition shall reject a 2-inch ball. The partitions may be omitted if the clearance between the underside of the car sling when resting on a fully compressed buffer and the bottom of the pit is not less than 7 feet.

This proposal is necessary to enhance safety by ensuring that certain partitions be provided between pits of adjacent hoistways for protection from moving elevator cars and counterweights.

Proposed new subsection (a)(18) specifies that looped pull straps are prohibited.

This proposal is necessary in order to avoid danger associated with looped pull straps installed on doors.

Proposed new subsection (a)(19) specifies that access switches as described in ASME A17.1-2004, section 2.12.7, are required regardless of the rated speed and must be located installed in the hoistway entrance frame or within 12 inches of the entrance frame and not less than 36 inches nor more than 78 inches above floor level.

The proposal is necessary to enhance safety by requiring that access switches be installed in the hoistway entrance frame within a certain distance from the entrance frame and a certain minimum and maximum height above floor level.

New Subsection (b). Medical Emergency Service.

The proposal adds new subsection (b) that provides for medical emergency service to comply with section 3041(e), Group II.

The proposal is necessary to enhance safety by requiring conveyances, used for medical emergency service, to comply with the design and designation requirements suitable for medical emergency service.

This proposal includes a “NOTE” that refers to Title 24, Chapter 30, section 3003.5a of the California Building Code for regulations related to medical emergency service conveyances.

This proposal is informational only as it refers the regulated public to standards pertaining to medical emergency service conveyances.

New Section 3141.8. Electric Conveyances.

The proposal adds new section 3141.8 that applies to electric conveyances covered by ASME A17.1-2004, which incorporates by reference those applicable sections, and consists of subsections (a)(1) through (a)(5).

Proposed new subsections (a)(1) and (a)(1)(A) require that a means of access to the governor from outside the hoistway as required by section 2.1.3.1.2(b)(1) of ASME A17.1-2004 shall not be required, provided the governor can be inspected and serviced from the top of the car, and the governor can be tripped for testing from outside the hoistway. Proposed new subsection (a)(1)(B) states that the governor can be reset automatically when the car is moved in the up direction or the governor can be reset from outside the hoistway. Proposed new subsection (a)(1)(C) states that mechanical means to secure the car during governor or governor rope replacement or removal is provided and signs indicating that the car is secured before removal of the governor rope is placed in the vicinity of the governor. This proposed subsection also states that instructions in the use of this means shall be available on site for use by a CCCM. Proposed subsection (a)(1)(D) states that means to reset the governor switch, if provided, shall be located outside the hoistway. Proposed subsection (a)(1)(E) states that additional permanent lighting of not less than 5 footcandles and a switch for the lighting shall be provided in the governor area. Proposed subsection (a)(1)(F) states that written procedures for testing, servicing, maintaining, and inspecting the governor shall be developed and made available to the CQCC providing the service on the elevator and upon request to the Division.

This proposal is necessary to allow alternate means to be available to access the governor for inspection and maintenance, provided the added functions indicated and certain procedures are provided and used.

Proposed new subsection (a)(2) specifies that a floor above a hoistway per section 2.1.3.1.1 of ASME A17.1-2004 is required only if a machine room or other room that requires entry is provided above the hoistway.

This proposal is necessary to make it clear that a floor above the hoistway is required only if a room that requires access is located above the hoistway.

Proposed new subsection (a)(3) specifies that a stop switch complying with section 2.26.2.5 of ASME A17.1-2004 shall be provided at a readily accessible location adjacent to the conveyance driving machine if the driving machine is located in the hoistway.

This proposal is necessary to enhance safety by requiring that a means to readily stop the conveyance be provided when the driving machine is in the hoistway.

Proposed new subsection (a)(4) specifies that the Division may grant a temporary experimental variance pursuant to section 6452 of the Labor Code for an alternate suspension system not meeting the specifications of ASME A17.1-2004, section 2.20, if the alternate system provides equivalent safety. Manufacturer's documentation supporting equivalent safety shall be submitted to the Division for review and approval. The manufacturer's documentation submitted to the Division shall include, but not be limited to: Definitions of terminology used; calculations and test results supporting the equivalency of the alternate system; the material, dimensional characteristics, and mechanical properties of the various parts of the system; the life cycle criteria of the suspension means and their connections; the replacement criteria for the suspension ropes and their connections; and the allowable sheave size to be used with the suspension system.

This proposal is necessary to provide structure for the process by which the Division may grant a temporary experimental variance for an alternate suspension system not meeting the specifications of the applicable national consensus standard, if the documentation supporting equivalent safety and the added technical data are provided.

Proposed new subsection (a)(5) specifies that a car top emergency exit shall not be permitted on an elevator installed in a partially enclosed hoistway.

This proposal is necessary to enhance safety by requiring that no other egress will be allowed in conveyances installed in partially enclosed hoistways.

New Section 3141.9. Limited-Use/Limited-Application Conveyances.

The proposal adds new section 3141.9 that provides for limited-use/limited-application conveyances and specifies that limited-use/limited-application conveyances covered by ASME A17.1-2004, shall comply with section 5.2. of ASME A17-2004, and incorporates by reference this section.

This proposal is necessary to enhance safety by requiring that limited-use/limited-application conveyances comply with the referenced consensus industry standards.

New Section 3141.10. Conveyances Used for Construction.

The proposal adds new section 3141.10 that applies to conveyances used for construction covered in section 5.10 of ASME A17.1-2004, and incorporates by reference this section.

Proposed new subsection (a) specifies that conveyances used for construction covered in ASME A17.1-2004 shall comply with section 5.10 of ASME A17.1-2004, which incorporates by reference this section, and consists of proposed subsections (a)(1) through (a)(8).

This proposal is necessary to enhance safety by requiring that conveyances used for construction comply with the referenced consensus industry standards.

Proposed new subsection (a)(1) specifies that a trained and authorized person shall be stationed at, and operate the controls in the conveyance car during the hours the conveyance is in operation. Training shall include at least conveyance operation and emergency procedures.

This proposal is necessary to ensure that these conveyances are operated by properly trained personnel, thereby, enhancing safety.

Proposed new subsection (a)(2) states that there shall be a means of two-way communication provided between the operator and a location on the jobsite that is staffed at all hours during conveyance operation.

This proposal is necessary to facilitate communication in a manner that will enhance safety.

Proposed new subsection (a)(3) specifies that there shall be a means of two-way voice communication (wired or wireless) between the conveyance operator and all hall landings. A separate communication system shall be provided at each landing and be operable during all hours of operation, i.e., an annunciator next to the operator's station in the car, which can be activated from the landings.

This proposal is necessary to enhance safety by requiring a means of two-way voice communications between the conveyance operator and all hall landings, thereby, enhancing safety.

Proposed new subsection (a)(4) states that an emergency plan and procedure shall be developed and made available to the Division during any inspection.

This proposal is necessary to ensure that there is an emergency plan and procedure developed, thereby, requiring the needed information be available to the Division.

Proposed new subsection (a)(5) specifies that when permanent doors are installed, approved interlocks shall be provided.

This proposal is necessary to enhance safety, thereby, requiring the use of approved interlocks.

Proposed subsections (a)(6) and (a)(7) indicate a durable sign with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted inside the conveyance car indicating that the conveyance is for construction use only and that the conveyance shall be operated by an authorized person only. In addition, a durable sign with the same specifications shall be posted at all landings providing instructions on how to summon the conveyance.

This proposal is necessary to protect employees by requiring signs be posted to inform workers about the operation and use of the conveyance.

Proposed new subsection (a)(8) specifies that the conveyance shall be parked and secured against unauthorized access after working hours.

This proposal is necessary to prevent potentially unsafe after-hour use of the conveyance, thereby, enhancing safety.

New Section 3141.11. Escalators.

The proposal adds new section 3141.11 that specifies escalators covered by ASME A17.1-2004 shall comply with section 6.1 of ASME A17.1-2004, which incorporates by reference this section, and shall comply with Group III, section 3126.6(b).

This proposal is necessary to establish safety standards for the aforementioned conveyances by requiring escalators covered by ASME A17.1-2004 comply with section 6.1 of ASME A17.1-2004 and with section 3126.6(b) that requires the building owners or responsible parties to provide a competent person to assist the Division's representative to gain access to the drive unit, brakes or safety devices.

New Section 3141.12. Moving Walks.

The proposal adds new section 3141.12 that states the moving walks covered by ASME A17.1-2004 shall comply with section 6.2 of ASME A17.1-2004, which incorporates by reference this section, and shall comply with Group III, section 3127.6(b).

This proposal is necessary to establish safety standards for the aforementioned conveyances by requiring moving walks covered by ASME A17.1-2004 comply with section 6.2 of ASME A17.1-2004 and with section 3127.6(b) that requires the building owners or responsible parties to provide a competent person to assist the Division's representative to gain access to the drive unit, brakes, or safety devices.

New Section 3141.13. Seismic Requirements.

The proposal adds new section 3141.13 to include new subsection (a) that specifies conveyances covered by ASME A17.1-2004 shall comply with the seismic requirements in section 8.4 of ASME A17.1-2004, which incorporates by reference this section, and shall comply with Group III, sections 3137(a) and 3137(b).

This proposal is necessary to establish seismic safety protocols to conveyances by requiring conveyances comply with national consensus seismic standards and to provide for earthquake protective devices designed, arranged, and maintained to ensure that if any component fails, the elevator would function in a certain mode, thereby, enhancing safety. For hospital buildings, the earthquake sensing devices will activate upon excitation in a horizontal or vertical direction of not more than 0.5 g.

Proposed new subsection (b) specifies that escalators covered in ASME 17.1-2004 shall comply with the seismic requirements in Group III, section 3137(d).

This proposal is necessary to establish seismic safety protocols to conveyances by requiring escalators covered by ASME A17.1-2004 comply with certain structural design requirements and be provided with certain seismic devices as specified in section 3137(d).

New Article 42. Conveyances Covered by ASME A18.1-2003

The proposal adds new Article 42 titled “Conveyances Covered by ASME A18.1-2003.”

This proposal is necessary to ensure that standards for conveyances covered in ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts, will be included in Title 8.

New Section 3142. General Requirements.

The proposal adds new section 3142 that applies to conveyances covered by ASME A18.1-2003, section 1.1, Scope, and incorporates by reference this section.

Proposed new subsection (a) specifies that conveyances covered by ASME A18.1-2003 as set forth in section 1.1, Scope, and Article 42, shall comply with ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts.

This proposal is necessary to establish a protocol to ensure the safety of the conveyances by requiring platform lifts and stairway chairlifts comply with the referenced ASME consensus standard.

Proposed new subsection (a)(1) indicates that Group II, sections 3094.2(r) and 3094.5 apply to platform lifts and stairway chairlifts.

This proposal is necessary to establish a protocol to ensure the safety of the conveyances by requiring platform lifts and stairway chairlifts comply with specific locking and maintenance requirements.

Proposed new subsection (a)(2) specifies that power doors shall comply with ANSI/BHMA A156.19-1997, American National Standard for Power Assist and Low Energy Power Operated Doors, which is incorporated by reference.

This proposal is necessary to establish a protocol to ensure the safety of the conveyances by requiring power doors comply with the referenced national consensus standards that will become part of these safety orders.

Proposed new subsection (b) specifies that acceptance inspections and tests shall comply with the parts of section 10.4 of ASME A18.1-2003 that are applicable to the type of elevator installed or altered.

This proposal is necessary to establish a protocol to ensure the safety of the conveyances by requiring acceptance inspections and tests on platform lifts and stairway chairlifts are conducted and comply with the applicable parts of section 10.4 of ASME A18.1-2003.

Proposed new subsection (c) states that periodic inspections shall comply with the parts of section 10 of ASME A18.1-2003 for the type of elevator involved.

This proposal is necessary to establish a protocol to ensure the safety of the conveyances by requiring periodic inspections on platform lifts and stairway chairlifts be conducted and comply with the applicable parts of section 10 of ASME A18.1-2003.

Proposed new subsection (d) specifies that periodic tests shall comply with section 3141.6(c), (e), and (f), and with section 10.3 of ASME A18.1-2003.

This proposal is necessary to establish a protocol to ensure the safety of the conveyances by requiring periodic tests be conducted on platform lifts and stairway chairlifts and that these periodic tests comply with section 3141.6(c), (e), and (f), and with section 10.3 of ASME A18.1-2003.

Proposed new subsection (e) indicates that periodic tests shall be witnessed by a Certified Competent Elevator Inspector (CCCI) employed by a Certified Qualified Conveyance Inspection Company (CQCIC) or, if a CCCI is not available, by a Division CCCI. Periodic tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information to be reported includes the name of the CQCIC and the CCCI witnessing the test; the type of test performed; the name of the CQCC and CCCM who performed the test; the date of the test; and the results of the test.

This proposal is necessary to establish a protocol to ensure the safety of the conveyances through periodic tests witnessed by certain qualified inspectors, reported within a certain time frame to the Division, and reported on a certain form with the required information.

New Section 3142.1. Vertical Platform Lifts.

The proposal adds new section 3142.1 that specifies vertical platform lifts covered by ASME A18.1-2003 shall comply with sections 2 and 5 of ASME A18.1-2003, which incorporates by reference these sections, and with Group II, sections 3094.2(d), 3094.2(e), 3094.2(g), and 3094.2(p).

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that vertical platform lifts comply with sections 2 and 5 of ASME A18.1-2003 and be provided with other devices such as disconnects, certain electric strike plates and manual lowering devices, and facilitate certain rotational capabilities for the wheelchair in the platform.

New Section 3142.2. Inclined Platform Lifts.

The proposal adds new section 3142.2 that specifies inclined platform lifts covered by ASME A18.1-2003 shall comply with sections 3 and 6 of ASME A18.1-2003, which incorporates by reference these sections, and with Group II, sections 3094.3(e), 3094.3(f), 3094.3(g), 3094.3(h), except 3094.3(h)(2), and with sections 3094.3(j), and 3094.3(k).

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that inclined platform lifts comply with sections 3 and 6 of ASME A18.1-2003, and that inclined platform lifts be provided with folding seats, signage warning of platform movement, audio and visual devices for communication, certain fold-type platforms, certain intermediate steps, and turning restrictions for wheelchairs.

New Article 43. Automated Guided Transit Vehicles with an Exclusive Right-of-Way

The proposal adds new Article 43 titled “Automated Guided Transit Vehicles with an Exclusive Right-of-Way.”

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that standards for automated guided transit vehicles with an exclusive right-of-way be stated in Title 8.

New Section 3143. Automated People Movers.

The proposal adds new section 3143 that specifies automated people movers shall comply with ASCE 21, Part 1 (96), Part 2 (98), and Part 3 (00), Automated People Mover Standards, which are incorporated by reference.

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that automated people mover conveyances comply with the referenced national consensus standards, which will become part of these Orders in Title 8.

New Article 44. Hand Power Man Platforms, Manlifts, and Vertical and Inclined Reciprocating Conveyors

The proposal adds new Article 44 titled “Hand Power Man Platforms, Manlifts, and Vertical and Inclined Reciprocating Conveyors.”

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that standards for hand power man platforms, manlifts, and vertical and inclined reciprocating conveyors be stated in Title 8.

New Section 3144. Hand Power Man Platforms.

The proposal adds new section 3144 that specifies hand power man platforms shall comply with the standards in Group II, Article 16.

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that hand power man platforms comply with the appropriate standards in Title 8.

New Section 3145. Manlifts.

The proposal adds new section 3145 that specifies manlifts shall comply with the standards in Group II, Article 17.

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that manlifts comply with the appropriate standards in Title 8.

New Section 3146. Vertical and Inclined Reciprocating Conveyors.

The proposal adds new section 3146 that specifies vertical and inclined reciprocating conveyances shall comply with standards in Group II, Article 12.5.

This proposal is necessary to establish a safety standard for the aforementioned conveyances, namely to require that vertical and inclined reciprocating conveyances must comply with the appropriate standards in Title 8.

DOCUMENTS RELIED UPON

- Parker's 2006 California Labor Code, Division 5, Part 3, Chapter 2.

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DOCUMENTS INCORPORATED BY REFERENCE

- American Society of Mechanical Engineers (ASME) A17.1-2004, Safety Code for Elevators and Escalators.
- American Society of Mechanical Engineers (ASME) A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts.
- American Society of Civil Engineers (ASCE) Standards, Automated People Mover Standards—Part 1, ASCE 21-96; Part 2, ASCE 21-98; and Part 3, ASCE 21-00.
- American National Standard Institute/Builders Hardware Manufacturers Association (ANSI/BHMA) A156.19-1997 (Revision of ANSI/BHMA A156.19-1990), American National Standard for Power Assist and Low Energy Power Operated Doors.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers – state, local and private – will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.