

## OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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### **PROPOSED PETITION DECISION OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD (PETITION FILE NO. 494)**

#### INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition on May 3, 2007, dated May 1, 2007, from Julio and Madeline Petrini of Santa Barbara (Petitioners). The Petitioners requested that the Board to amend Title 8, California Code of Regulations (CCR), Section 3563 of the General Industry Safety Orders (GISO), to require rollover protection (ROPS) and seat belts for use on all riding lawn mowers.

Labor Code Section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health, and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code Section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

#### SUMMARY

The Petitioners stated that their son, Michael Petrini, sustained a fatal injury while he was performing gardening duties for the Santa Barbara Mission on August 30, 2004, when the riding lawn mower he was operating hit a rock and the mower fell over a ledge landing on top of their son causing fatal injuries. The Petitioners are requesting that the Board amend standards, to require rollover protection (ROPS) and seat belts for use on all riding lawn mowers.

Standards pertaining to power lawn mowers are located in the GISO Section 3563. This standard does not mandate the use of rollover protection and seat belts for riding lawn mowers. Therefore, the petition recommends that the Board consider a rulemaking action that would address ROPS and seat belt requirements for the operation of riding lawn mowers.

Section 3563 "Power Lawn Mowers" in subsection (b) states the following:

“(b) General.

(1) Power mowers placed in service after March 29, 1975 through April 15, 1999, shall be designed, constructed, tested and labeled to meet the provisions of ANSI B71.1-1972 and B71.1a-1974 or ANSI B71.1-1980, Safety Specifications for Power Lawn Mowers, Lawn and Garden Tractors and Lawn Tractors.

(2) Power mowers placed in service after April 15, 1999 shall be approved as defined in Section 3206 of the General Industry Safety Orders.”

The ANSI B71.1 standards listed in Section 3563(b)(1) do not specifically address the requirements for ROPS on riding lawn mowers. Recent editions of national consensus standards for riding lawn mowers are contained in ANSI B71.1-2003 “Standard for Consumer Turf Care Equipment – Walk-Behind Mowers and Ride-On Machines with Mowers – Safety Specifications;” and, ANSI B71.4-2004 for “Commercial Turf Care Equipment – Safety Specifications.” ANSI B71.1-2003, Section 19.1.3.1 states that if the machine and mower attachment weight is less than 1245 pounds, an operator protective structure such as ROPS is not required. According to industry representatives, if the mower weighs more than 1245 pounds, ANSI B71.1-2003, Section 19.1.3.2 refers the reader to the ANSI/OPEI (Outdoor Power Equipment Institute) B71.4-1999 Edition, Section 6.6 for a stability test that determines if ROPS should be provided. It is not mandated in the provisions of the ANSI B71 standards that ROPS be provided.

Federal standards in 29 CFR 1910.243 “Guarding of portable power tools” paragraph (e) require that power lawn mowers meet the design specifications of the ANSI B71.1-1968 edition.

#### DIVISION’S EVALUATION

The Division believes that the petition has merit and recommends that the Board convene an advisory committee to consider the development of standards that would address requirements for commercial turf care equipment. A review of state and national worker accident statistics shows a significant number of roll over incidents with injuries and fatalities relating to this type of equipment. For the purpose of an advisory committee the Division provided recommended amendments that would reference current ANSI standards and address ROPS and seatbelt protection for commercial turf care equipment as well as address employee instruction and training related to the hazards associated with the operation of such equipment.

#### BOARD STAFF’S EVALUATION

Board staff’s evaluation dated August 2, 2007, concurs with the Division that this petition has merit to the extent that an advisory committee be convened to consider the Petitioner’s recommendations.

Current national consensus standards and provisions in the GISO do not mandate or specifically address that ROPS and seatbelts be used on riding lawn mower equipment. Board staff learned in its discussions with the primary manufacturer association, the OPEI, that lawn mower manufacturers are developing an international standard that would address test procedures and acceptance criteria for ROPS on riding turf care equipment. This International Organization for Standardization (ISO) standard is currently in draft form and is not expected for publication for several years.

Board staff also learned from reviewing nationwide lawn mower accidents that there have been a number of serious and fatal rollover accidents associated with the use of riding lawnmower equipment. According to discussions with the manufacturer, the riding lawn mower used by Michael Petrini (Petitioner's son) at the Santa Barbara Mission was an "Exmark Lazer Z" brand mower manufactured in approximately 1996. This lawn mower weighs approximately 1200 pounds and is designed for landscaping/commercial type use.

In discussions with OPEI and representatives of several lawn mower manufacturers, staff learned that several manufacturers are currently equipping some riding lawn mowers with ROPS and seatbelts depending on the weight of the mower. Some riding lawn mowers are designed with the option to install such equipment. The lawn mower industry is receptive to a recommendation that an advisory committee be convened to consider a rulemaking action that would address provisions for ROPS and seatbelts on certain commercial turf care equipment. Industry representatives indicated that the potential for ROPS related accidents occurs primarily in the use of commercial turf care equipment used in grassy areas such as golf courses, community parks, sports fields etc. as opposed to consumer products used for mowing residential lawns.

#### CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition from Julio and Madeline Petrini to amend Section 3563 of the GISO, to require ROPS and seat belts for use on all riding lawn mowers. The Board has considered the recommendations of the Division and Board staff and has determined that the petition be **GRANTED** to the extent that a representative advisory committee of stakeholders be convened by the Standards Board staff to review amendments that would address the Petitioner's request. If determined necessary, regulatory language or amendments should be developed for the Board's consideration at a future public hearing. The Petitioners or Petitioner's representative should be invited to participate in the committee deliberations.