

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

**INITIAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 59, Section 4296  
of the General Industry Safety Orders

**Automatic Starting of Woodworking Machines and Equipment After Power Failure****SUMMARY**

Federal OSHA's woodworking regulation 29 CFR 1910.213(b)(3) requires that provisions be made to prevent machines from automatically restarting upon restoration of power if such restarting of machines might result in operator injury. California's regulations pertaining to woodworking equipment in GISO, Article 59 do not contain comparable language to federal OSHA's counterpart regulations. In accordance with the California Labor Code, Section 142.3(a)(2), the Occupational Safety and Health Standards Board must adopt standards at least as effective as those contained in the federal standards. With the assistance of an advisory committee, this rulemaking action proposes requirements equivalent to federal OSHA's regulation in 29 CFR 1910.213(b)(3).

**SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION****Article 59. Woodworking Machines and Equipment****Section 4296. General.**

Section 4296 contains general regulations applicable to a variety of woodworking machinery and equipment. Proposed new subsection (q) will require that provisions be made to prevent machines and equipment from automatically starting upon restoration of power where injury might result if motors were to automatically restart after power failure. An exception to the regulation is provided for hand-held portable power tools. A "note" to the regulation explains that the term "provision," as used in proposed subsection (q), means electrical or mechanical device, or administrative procedures.

The majority of woodworking machinery including larger sized, extensive and/or sophisticated machinery and equipment are manufactured with devices, such as magnetic motor starters, that prevent automatic starting of machinery and equipment after power failures. However, according to industry representatives, there are several types of woodworking machines or equipment that

will be subject to the requirements of proposed subsection (q). Machinery such as table saws, drill presses and small lathes have the ability to automatically restart after power failure. The proposal is necessary to mitigate potential hazards to employees and provide a California regulation consistent with the requirements contained in the federal regulation, 29 CFR 1910.213(b)(3).

### **DOCUMENTS RELIED UPON**

- Occupational Safety and Health Standards Board Decision dated September 19, 1999 in the Matter of Petition by JDS Products, Inc., Petition No. 397.

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.

### **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. The proposal requires that provisions be implemented to prevent woodworking machines and equipment from automatically starting upon restoration of power where injury might result if motors were to automatically start. Employers can meet the requirements of the proposal through minor modification to their Injury and Illness Prevention Program by establishing administrative procedures requiring machinery/equipment subject to the regulation be shut-off or unplugged after a power failure.

Employers will have the option (in lieu of implementing administrative procedures) to install a safety device on woodworking machinery/equipment that will provide anti-automatic restart protection. Such devices are nominal in cost and portable, permitting one device to be used on multiple machines where required. The cost of using such devices, according to woodworking industry representatives, would be negligible and insignificant in relation to the operational cost of the machinery/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. Also, see the statement under the heading, "Specific Technology and Equipment."

### **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 an initial 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. Also, see the statement under the heading, "Specific Technology and Equipment."

### **Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts 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 regulation does 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 this regulation does 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.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does 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.)

The proposed regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

### **EFFECT ON SMALL BUSINESSES**

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

### **ASSESSMENT**

The adoption of the proposed amendments to these regulations 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.