

**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 19,
Sections 3541 – 3546, 3548, and 3549 of the
General Industry Safety Orders

Automotive LiftsSUMMARY

This rulemaking action was initiated in response to Petition File No. 438 submitted to the Occupational Safety and Health Standards Board (board) by the Automotive Lift Institute (ALI). ALI's petition requested that the board update standards in the General Industry Safety Orders (GISO) Article 19, (Automotive Lifts) to incorporate by reference sections of the ANSI/ALI ALCTV-1998 standard, "Safety Requirements for the Construction, Testing and Validation of Automotive Lifts." With the assistance of an advisory committee, other standards in GISO, Article 19 were also reviewed and proposed for amendments to delete outdated standards and update the standards in Article 19 consistent with current industry terminology and/or practices. Further, the advisory committee reviewed the provisions for automotive lifts in ANSI/ALI ALOIM-2000, Safety Requirements for Operation, Inspection and Maintenance; and ANSI/ALI ALIS-2001, Safety Requirements for Installation and Service of Automotive Lifts.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTIONSection 3541. Definitions.

Section 3541 contains the definitions for Article 19, Automotive Lifts. The definition of "automotive lift" is updated in the proposal to reflect the definition provided in the latest editions of ANSI/ALI consensus standards. The definitions for hydraulic lift, full hydraulic lift, mechanical lift, and hydro-pneumatic lift are proposed for deletion as these definitions are either outdated and/or are not used in the regulatory text of Article 19. The proposed amendments are necessary to eliminate definitions that are not used in Article 19. Since "automotive lift" is the only remaining definition, the title of this section is editorially revised to reflect this.

Section 3542. General.

Section 3542 contains the general requirements related to the design, construction, installation and maintenance of automotive lifts.

Subsection (a)

Existing subsection (a) requires that automotive lifts meet the provisions of ANSI B153.1-1974 or that they be approved by the Division of Occupational Safety and Health for lifts installed prior to November 1976. A proposed amendment adds that in lieu of meeting the provisions of ANSI B153.1-1974, automotive lifts installed through August 17, 1994, may be designed, constructed and installed in accordance with ANSI B153.1-1981. Since automotive lifts are manufactured in conformance with the latest ANSI standard editions, it is likely that automotive lifts manufactured after 1981 meet the provisions of the 1981 ANSI B153.1 standard. The proposed amendment is necessary to also permit compliance with the appropriate ANSI standard published between the 1974 ANSI standard and the 1990 ANSI standard for which compliance is required in subsection (b).

Subsection (b)

Existing subsection (b) requires compliance with the provisions of ANSI/ALI B153.1-1990 for lifts installed after August 17, 1994. Amendments are proposed to require that automotive lifts manufactured after August 17, 1994, through the effective date of the standard¹ shall be designed, constructed and installed in accordance with the 1990 standard or shall conform to the requirements of subsection (c). The word “installed” is replaced with the word “manufactured” because lifts are moved within a shop or from one location to another and taken literally, the existing wording implies retroactive compliance which is not feasible for older lifts that have been relocated.

References to lifts being “maintained and used” are proposed for deletion because proposed subsection (d) requires the operation and maintenance of all lifts to be in accordance with the manufacturer’s recommendations. The word “installed” is added to ensure lift installations meet the provisions of the appropriate standard in effect at the time of manufacture. It is likely that lifts manufactured after the ANSI/ALI ALCTV-1998 standard was in effect meet the provisions of the 1998 standard; therefore, the proposal also permits compliance with the provisions of subsection (c). The proposed amendments for subsection (b) are necessary for clarity and to require compliance with the appropriate ANSI/ALI standard.

Subsection (c)

Proposed new subsection (c) requires that new automotive lifts manufactured after the effective date of the standard shall be installed in accordance with the manufacturer’s instructions and meet the design provisions of ANSI/ALI ALCTV-1998, section 8, “Construction” and section

¹ Upon review and approval of the proposed amendments, the California Office of Administrative Law will insert the effective date of the standard.

9.2 “Testing” requirements which are incorporated by reference in the proposal. A “note” to section 3542(c) identifies in brackets and italics the California counterpart Title 8, GISO standards that correspond to federal OSHA standards referenced in section 8 of the ANSI/ALI ALCTV-1998 standard. The proposal is necessary so that lifts are installed in accordance with the manufacturer’s instructions. The proposed amendments are also necessary to ensure that new automotive lifts are designed to meet the above referenced construction and testing requirements of the ANSI/ALI ALCTV-1998 standard.

Subsection (d)

Proposed new subsection (d) will require the operation, inspection and maintenance of automotive lifts to be performed by a qualified person in accordance with procedures recommended by the manufacturer. In order to make it easier to locate all lift maintenance requirements in one section of article 19, it is proposed to relocate the maintenance requirements that pipe lines, fittings, valves and packing glands be kept tight, from section 3549(a) to 3542(d). A “note” to subsection (d) will inform the regulated public that guidelines for the operation, inspection, maintenance, installation and servicing of automotive lifts are available in ANSI/ALI ALOIM-2000, Safety Requirements for Operation, Inspection and Maintenance; and ANSI/ALI ALIS-2001, Safety Requirements for Installation and Service. Proposed subsection (d) is necessary to ensure that automotive lifts are operated, inspected and maintained in accordance with the manufacturer’s recommendations.

Section 3543. Marking Required.

Existing section 3543 contains requirements for the labeling/marketing requirements for automotive lifts.

Subsection (a)

Subsection (a)(1) requires lifts manufactured before August 17, 1994, to be labeled with the name of the manufacturer. Subsection (a)(2) requires a label showing either the Division approval number or a statement of compliance with the ANSI B153.1-1974 standard. An amendment is proposed for subsection (a)(2) to also permit a statement of compliance with the ANSI B153.1-1981 standard. This amendment is proposed because it is likely automotive lifts manufactured after the effective date of the 1981 standard are manufactured in conformance with the 1981 standard. The proposed amendment is necessary to specify labeling requirements that verify conformity consistent with the appropriate ANSI B153.1 standard in effect at the time a lift was manufactured.

Subsection (a)(4) requires lifts manufactured before August 17, 1994, to be labeled with the date of installation. An amendment is proposed to delete the word “installed” and replace it with the word “manufactured” because lifts are moved within a shop or from one location to another and taken literally, the existing wording implies retroactive compliance for older lifts that have been relocated. The proposed amendment is necessary for clarity.

Subsection (b)

Existing subsection (b) states that automotive lifts manufactured after August 17, 1994, shall be labeled or provided with a statement of compliance indicating the lift was manufactured to conform to the requirements of ANSI/ALI B153.1-1990. Amendments are proposed to require that automotive lifts manufactured on or after August 17, 1994, through the effective date of the standard to be labeled with a statement of compliance that the lift was manufactured to the requirements of ANSI/ALI B153.1-1990. For consistency with the provisions of subsection (a) and proposed new subsection (c), the words “or provided” are deleted so that labeling is required and an option to provide a “statement of compliance” in lieu of labeling is deleted.

A further amendment to subsection (b) provides the option that lifts may conform to the requirements of subsection (c). It is likely that lifts manufactured after the ANSI/ALI ALCTV-1998 standard was in effect meet the provisions of the 1998 standard. Therefore, the proposal also permits lifts to be labeled such that they conform to the provisions of subsection (c). This amendment is necessary to provide clarity to the standards and ensure that lifts can be labeled in accordance with the appropriate standard in effect at the time the lift was manufactured.

Additionally, language in subsection (b) incorporating by reference the ANSI/ALI B153.1-1990 standard is deleted because the ANSI/ALI B153.1-1990 standard is already incorporated by reference in existing section 3542(b). This amendment is necessary to avoid duplication in the standards.

New subsection (c)

Language proposed for new subsection (c) will require that lifts manufactured after the effective date of the standards be labeled with a statement of compliance indicating that the lift was manufactured to conform to the requirements of ANSI/ALI ALCTV-1998, section 8, “Construction” and section 9.2 “Testing.” The amendment provides for an identifiable marking attesting that the lift meets the applicable sections of the ANSI/ALI ALCTV-1998 standard that are incorporated by reference in proposed section 3542(c).

Section 3544. Control Mechanism for Hydraulic Lifts.

Existing section 3544 requires that every hydraulic automotive lift shall be equipped with a readily accessible direct control device which will automatically return to the neutral or “off” position upon release by the operator. Adapters or other alterations, which will render the normal functions of the control device inoperative, are not permitted. All automotive lifts are equipped with this safety feature and representatives in the automotive lift industry state that the provisions of this section should be applicable to all automotive lifts as defined in proposed section 3541. Therefore, amendments in the title and content of this section replace the term “hydraulic” lift with “automotive” lift. The amendment is necessary so that the provisions of this section reflect current industry practice and are applicable to all automotive lifts.

Section 3545. Oil Measurement.

Subsection (a)

Existing subsection (a) requires that every air-oil tank and oil tank storage on automotive lift installations be provided with a graduated stick gage or other positive and adequate means to measure the oil level in the reservoir. An amendment is proposed to delete the term “adequate” and replace it with “easily accessible.” The proposed amendment is necessary for clarity as to the intent of the standard that the oil measurement means be easily accessible.

Subsection (b)

Subsection (b) in part requires that the depth of oil storage tanks be maintained at safe operating levels but in no case less than three inches in depth with the plungers in the extreme elevated position. For newer lift installations, the ANSI/ALI ALCTV-1998 standard requires that the oil remaining in the tank shall not be less than 10 percent of the volume of oil to fully raise the lift. The above mentioned three inch depth requirement is retained to address older installations and language is added to permit an alternative option that the oil remaining in the tank not be less than 10 percent of the volume of oil to fully raise the lift. The amendment is necessary to provide appropriate compliance consistent with ANSI/ALI standards addressing adequate oil depth to be retained for lifts when in the fully elevated position.

Subsection (c)

Existing subsection (c) states the oil filling hole in the top of the plunger of every hydro-pneumatic lift shall be not less than a one-inch pipe tapped hole and there shall be a graduated stick gage available to determine the oil level which shall be maintained at or above the prescribed safe minimum operating level. The standard further states the gage hole shall not be obstructed in any manner which would require removal of any parts of the lift except the pipe plug to check the oil level.

An amendment is proposed to delete the first sentence of this subsection that requires no less than a one inch tapped hole and a graduated stick to determine the oil level. The requirement for no less than a one inch pipe tapped hole is outdated according to automotive lift representatives as some lift models are manufactured with oil filling holes less than one inch. The requirement for a stick gage is already required in subsection (a). The last sentence of this subsection is retained with editorial revisions to ensure that fill or gage holes for oil measurement are unobstructed and accessible. The proposed amendments are necessary to delete duplicative language and provide updated requirements consistent with the design and use of automotive lifts.

Section 3546. Air, Oil Tank Construction and Installation

Existing section 3546 contains requirements for the working pressure of oil tanks on automotive lifts used for liquid storage under pressure. The section also provides provisions relating to corrosion protection for every air, oil storage or surge tank which is buried in earth or concrete.

The title of this section is proposed for amendments to delete reference to “construction and installation” of automotive lifts so that the title will read, “Air, Oil Tank Working Pressure and Corrosion Protection.” The amendment is editorial to better describe the content of the section.

Subsections (b) and (c)

Subsections (b) and (c) contain provisions that address the potential for corrosion of tanks that are completely buried in earth or concrete. Outdated language is proposed for amendments in subsection (b), and for deletion in subsection (c). The amendments are necessary to delete outdated language.

Section 3548. Chassis and Axle Supports.

Subsection (a)

Existing subsection (a) provides requirements for the safe use of chassis and axle supports and contains language that requires chassis and axle supports to be used without introducing torsion stresses in the rails (e.g., structural support members) of the lift. Automotive lift manufacturers advised board staff that language relating to prohibiting “torsion stress in the rails” is outdated and not practicable because torsion stresses to the rails within the designed capacity of a lift are expected and acceptable. Therefore, language prohibiting torsion stresses in the rails is proposed for deletion. The amendment is necessary for clarity.

Subsection (b)

Existing subsection (b) requires that no makeshift device shall be used for chassis and axle supports. Amendments to this standard are proposed to require devices used for chassis, frame, wheel or axle supports to be approved. The amendments are necessary to ensure that such devices are approved and safe for their intended use.

Section 3549. Maintenance.

Subsection (a) provides that pipe lines, fittings, valves, and packing glands shall be kept tight. Since the provisions of subsection (a) are maintenance related, the contents of this subsection are relocated to proposed section 3542(d), which addresses lift maintenance. The relocation of subsection (a) is necessary to make it easier to locate the maintenance requirements for automotive lifts.

Subsection (b) requires that all elements of an automotive lift be maintained such that the lift will not exceed a speed of 20 feet per minute. The title of this section is “Maintenance.” However,

the maintenance requirements in existing subsection (a) are proposed for relocation to section 3542(d). An amendment is proposed to change the title of this section to “Descent Speed” and is necessary to better reflect the remaining content of the section.

DOCUMENTS RELIED UPON

1. Petition dated November 20, 2001, with one page attachment dated April 2000, submitted by E.K (Chic) Fox, president, Automotive Lift Institute, Inc., to the Occupational Safety and Health Standards Board.
2. Occupational Safety and Health Standards Board Decision dated April 18, 2002, in the matter of Petition File No. 438 by E.K. (Chic) Fox, Automotive Lift Institute, Inc.
3. American National Standards Institute (ANSI) B153.1-1974 Standard for Safety Requirements for the Construction, Care, and Use of Automotive Lifts.
4. American National Standards Institute (ANSI) B153.1-1981 Standard for Safety Requirements for the Construction, Care, and Use of Automotive Lifts.
5. ANSI/Automotive Lift Institute (ALI) B153.1-1990 Standard for Automotive Lifts – Safety Requirements for the Construction, Care, and Use.
6. ANSI/ALI ALOIM – 2000 Standard for Automotive Lifts – Safety Requirements For Operation, Inspection and Maintenance.
7. ANSI/ALI ALIS – 2001 Standard for Automotive Lifts – Safety Requirements For Installation and Service.

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.

DOCUMENTS INCORPORATED BY REFERENCE

ANSI/ALI ALCTV - 1998 Standard for Automotive Lifts – Safety Requirements For Construction, Testing and Validation, section 8 “Construction” and section 9.2 “Testing.”

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. Copies of this document 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. Also, see the explanation below “Impact on Businesses.”

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 affecting businesses, including the ability of California businesses to compete with businesses in other states. For new automotive lifts the proposal would require compliance with section 8, “Construction” and section 9.2 “Testing” from the ANSI/ALI ALCTV-1998 standard, “Safety Requirements for the Construction, Testing and Validation of Automotive Lifts.”

The existing standard in section 3542(b) requires compliance with the ANSI/ALI B 153.1-1990 standard for the construction, care and use of automotive lifts. Automotive lift manufacturers state that it is a practice of manufacturers to design, construct, and conduct testing on new automotive lifts consistent with the latest automotive lift standard publication, ANSI/ALI ALCTV-1998. The proposal does not incorporate the validation requirements contained in section 9.3 of the 1998 standard, which mandates third party testing/certification of all automotive lift models by a National Recognized Testing Laboratory. Therefore, discussions with representatives of the Automotive Lift Institute, Inc. (ALI), a member organization representing a number of major automotive lift manufacturers, and discussions with non-ALI lift manufacturers indicate that it is not expected that the proposal would have any adverse or significant economic impact upon California businesses.

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 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, these 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 state, local and private employers 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. However, no economic impact is anticipated.

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.