

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**INITIAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 3999(b) of the General Industry Safety Orders

Guarding of Conveyor Belt Support Rollers - Deletion of Note**SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**

The purpose of the proposal is to delete the Note contained in Section 3999(b) of the General Industry Safety Orders (GISO) in Title 8 of the California Code of Regulations (T8 CCR).

Section 3999(b)

Section 3999(b) is the state standard that provides the guarding requirement for most of the parts and components of a belt conveyor. An accompanying Note, being proposed for deletion, states:

"Normally, conveyor belt support rollers need not be guarded unless they create a potential hazard for serious injury".

Per the Final Statement of Reasons (FSOR) included in the Machine Guarding rulemaking file (Public Hearing date: December 12, 1984), this Note had been proposed by an advisory committee, to address certain long conveyors, such as those used in processing plants, having support rollers which were not powered. In the FSOR, Board staff characterized such support rollers as only becoming hazardous when loaded.

The intent of the Note had been to explain that nonhazardous, belt conveyor support rollers need not be guarded. Instead, it served to detract from the prescriptive clarity of Section 3999(b), by resorting to an imprecise key term, "[n]ormally," and by suggesting a hazard threshold, of potential "serious injury," which are less protective than additionally applicable requirements for guarding against (simply) "hazardous" rolling equipment and pinch points per T8 CCR Section 4002(a), which states:

"(a) All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded. "

Thus, it is necessary to delete the Note in Section 3999(b) because it not only detracts from the prescriptive clarity of Section 3999(b), but also from an employer's certainty about the applicability of Section 4002(a) to belt conveyor hazards.

REFERENCE TO COMPARABLE FEDERAL REGULATION

No belt conveyor specific general industry standard exists in the federal regulation. Guarding of the conveyors in general industry is governed by 29 CFR, 1910.212, the federal Machinery and Machine Guarding standard.

29 CFR, 1910.212. General requirements for all machines.

29 CFR 1910.212(a)(1) states: "One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc."

The California safety standard most closely paralleling, and providing equivalence with 29 CFR 1910.212, is Title 8, Section 4002(a), which states:

"(a) All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded."

The equivalence with 29 CFR 1910.212, provided for by Section 4002(a), will be unaffected by the proposed deletion of the Note to Section 3999(b).

TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED ON BY THE BOARD

- 1 Occupational Safety and Health Appeals Board (OSHAB) Decision, Chevron Products Co. El Segundo Refinery, Dockets 11-R6D4-1463 and 1464, February 10, 2012.
- 2 Final Statement of Reasons (FSOR), Machine Guarding rulemaking file, Public Hearing on December 12, 1984.

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.

PETITION

None.

ADVISORY COMMITTEE

The proposal was developed without the assistance of an advisory committee.

FIRE PREVENTION STATEMENT

This proposal does not include fire prevention or protection standards. Therefore, approval of the State Fire Marshal pursuant to Government Code Section 11359 or Health and Safety Code Section 18930(a)(9) is not required.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment as no change to the existing requirements is proposed.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As no change to the existing requirements is proposed, this proposal will have no economic impact on California businesses and also will not impact the following:

- The creation or elimination of jobs within the State of California,
- The creation of new businesses or the elimination of existing businesses within the State of California, and
- The expansion of businesses currently doing business within the State of California.

BENEFITS OF THE PROPOSED ACTION

Removing the vague Note will increase the certainty of an employer's understanding of its responsibility to guard support rollers as prescribed, and as otherwise hazardous to employees. Consequently, its removal will advance the objective of employee protection from potential hazards caused by the support rollers.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

This proposal will not result in any statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states as no new requirement is added and no existing requirement is deleted or amended.

REASONABLE ALTERNATIVES TO THE PROPOSAL AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.