

# Memorandum

To : ALL STANDARDS BOARD MEMBERS

Date: March 27, 2018

From : **Occupational Safety and Health Standards Board**  
Conrad Tolson, Senior Engineer - Standards

Subject : Operator Qualification and Certification – Effective Dates - Horcher

At the March 15, 2018, Public Hearing, the Occupational Safety and Standards Board (Board) considered revisions to California Code of Regulations, Title 8, Construction Safety Orders, Section 1618.1, Operator Qualification and Certification – Effective Dates - Horcher. These standards are substantially the same as federal standards.

Labor Code Section 142.3(a)(3) exempts the Board from providing a comment period when adopting a standard substantially the same as a federal standard. However, as indicated in the Notice and Informative Digest, the Board still provided a comment period for the purpose of identifying only issues related to the following three areas:

1. Identify any clear and compelling reasons for California to deviate from the federal standard;
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and,
3. Solicit comments on the proposed effective date.

As a result of public comments, there were no changes made to the original proposal.

## SUMMARY OF WRITTEN AND ORAL COMMENTS

### I. Written Comments

Jeannie Simpelo, Chief Executive Officer, Northern California Allied Trades, by letter dated March 2, 2018

#### Comment:

Northern California Allied Trades expressed their strong support of extending until November 10, 2018, the effective date for certification requirements for operators of cranes and derricks used in construction. In the preamble to the federal rule, it is stated that the extension and delay were necessary to provide sufficient time for federal staff to complete a related rulemaking to address issues with its existing Cranes and Derricks in Construction standard, including concerns regarding operator certification, qualification and competency. Since the state standards are nearly verbatim of the federal standards, these are also issues of concern to California stakeholders. Numerous affected stakeholders have requested the aforementioned extension to take into account the outcome of deliberations in Washington.

Response:

The Board thanks Ms. Simpelo and the Northern California Allied Trades for their participation in the rulemaking process and support of the proposed standard.

Amber Rose, CIH, Area Director, US Department of Labor, Occupational Safety and Health Administration, Oakland Area Office.

Comment:

The Area Office has completed their review of the proposed occupational safety and health standard regarding Operator Qualification and Certification - Effective Dates (Horcher) and determined that the proposed standard appears to be commensurate with the federal standard.

Response:

The Board thanks Ms. Rose and the OSHA Oakland Area Office for their participation in the rulemaking process.

II. Oral Comments

No oral comments received at the March 15, 2018, Public Hearing in Rancho Cordova, California.

DETERMINATION OF MANDATE

These standards do not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.