

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **August 19, 2004**, at 10:00 a.m.
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California 94612-1499.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **August 19, 2004**, following the Public Meeting
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California 94612-1499.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **August 19, 2004**, following the Public Hearing
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California 94612-1499.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

STEVEN L. RANK, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **August 19, 2004**.

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 10
Section 3380(d)
[Personal Protective Equipment](#)
2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 19
Sections 3541 – 3546, 3548, and 3549
[Automotive Lifts](#)

A description of the proposed changes are as follows:

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
 Chapter 4, Subchapter 7, Article 10
 Section 3380(d)
 Personal Protective Equipment

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking is initiated at the request of the Division of Occupational Safety and Health (Division) in accordance with a Division Form 9, Request for New, Or Change In Existing Safety Order, dated March 11, 2004. The Division requested that Section 3380(d) be amended to clearly indicate that the employer is responsible for ensuring that all personal protective equipment (PPE), whether provided by the employer or owned by the employee, complies with established standards, and that the equipment is maintained in a safe, sanitary condition.

The Division's Form 9 describes an incident involving an employee who used a pair of company-owned protective gloves that had been improperly stored at a location that was contaminated by a corrosive material. The employee was not aware that the gloves had become contaminated by corrosive residues because of the improper storage. When the employee wore the gloves, his hands came in contact with the residues and chemical burns to skin of both hands later resulted. The Division noted that the existing standard does not require employers to maintain company-issued PPE in a safe and sanitary condition, but only that which is employee-owned. Consequently, this rulemaking action intends to clarify that all PPE, regardless of whether it is company-owned/issued or employee-owned, is to be properly stored and maintained so as to minimize the possibility of contamination by hazardous materials. This rulemaking action would also render California's standard consistent with comparable federal requirements contained in 29 Code of Federal Regulations (CFR) 1910.132 (a) and (b), which specifies that the employer is responsible for assuring that all PPE be properly stored and maintained in a sanitary and reliable condition.

Section 3380. Personal Protective Devices.

This section defines personal protective devices and specifies the requirements pertaining to: (1) the marking/identification of personal protective equipment, (2) instructing employees in the use of PPE in accordance with the manufacturer's recommendations, (3) use and maintenance of employee-owned PPE, and (4) design, fit and durability requirements of PPE.

Subsection (d) requires the employer to assure that employee-owned PPE complies with standards and regulations prescribed by the Division of Industrial Safety, and that the equipment be maintained in a safe and sanitary condition.

It is proposed to revise subsection (d) to require that all personal protective equipment, whether employer-provided or employee-owned, be maintained in a safe and sanitary condition. An editorial revision is also proposed to delete the outdated reference to the Division of Industrial Safety and instead,

require that all PPE comply with standards prescribed by Articles 10 and 10.1 of the General Industry Safety Orders, which pertain to Personal Safety Devices and Safeguards, and Personal Protective Clothing and Equipment for Fire Fighters, respectively. The proposed revisions will clarify the standard and will have the effect of ensuring that all PPE, regardless of who has supplied it, is safe for use. Moreover, the proposed revisions will ensure equivalency with federal counterpart regulations.

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.

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. (See also explanation under "Cost Impact on Private Persons or Business" below.)

Cost Impact on Private Persons or Businesses

Although employer-provided personal protective equipment is now required to be maintained in a safe, sanitary condition as required by the proposal, no new costs are anticipated. Corresponding federal requirements contained in 29 CFR 1910.132 already require employer-provided protective equipment to be maintained in a sanitary, reliable condition. Therefore, the Board is not aware of any new costs 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 standard 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 the proposed amendment(s) will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard 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 standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard 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 standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

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 this standard 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.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board 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.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 19
Sections 3541 – 3546, 3548, and 3549
Automotive Lifts

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

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 from 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 amendment to delete outdated standards and update the standards to be consistent with current industry terminology and/or practices.

Section 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 hydropneumatic lift are proposed for deletion as these definitions are either outdated and/or the terms are not used in the text of Article 19. The proposed amendments will have no effect upon the regulated public other than to eliminate definitions that are not used in amended 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 will have no effect upon the regulated public other than 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. The existing wording implies retroactive compliance for older lifts that have been relocated, “installed” after August 17, 1994.

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 on the date 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 for clarity and will have the effect of requiring 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 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 will have the effect of requiring that lifts are installed in accordance with the manufacturer’s instructions. The proposed amendments will also have the effect of requiring that new automotive lifts be designed to meet the 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. An editorial revision would relocate the maintenance requirements in Section 3549(a) to 3542(d) making it easier to locate all maintenance requirements. 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) will have the effect of ensuring that automotive lifts are operated, inspected and maintained in accordance with the manufacturer’s recommendations.

Section 3543. Marking Required.

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

Existing section 3543 contains requirements for the labeling/markings 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 will have no effect upon the regulated public other than to specify labeling requirements 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. The existing wording implies retroactive compliance for older lifts that have been relocated, “installed” after August 17, 1994. The proposed standard will have no effect upon the regulated public other than to provide clarity to the standard.

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, 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. This amendment will have no effect upon the regulated public as the manufacturer labels automotive lifts with a statement of compliance.

A further amendment to subsection (b) provides an option that lifts may conform to the requirements of a new subsection (c). It is likely that lifts manufactured after the effective date of this proposal meet the provisions of the ANSI/ALI ALCTV-1998 standard. Therefore, the proposal also permits lifts to be labeled such that they conform to the provisions of subsection (c). This amendment will have no effect upon the regulated public other than to provide clarity to the standards.

Additionally, proposed 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 will 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 will have no effect upon the regulated public other than to ensure the lift is labeled as meeting 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 will have no effect upon the regulated public other than to clarify that the provisions of this section 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 will have no effect upon the regulated public other than to provide clarity to the intent of the standard.

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 proposed 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 only effect of the proposed amendment would be to provide appropriate criteria 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 will have the effect of deleting duplicative language and providing 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 and will have the effect of better describing 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 will have the effect of deleting outdated language and providing clarity to the standards.

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 will have no effect upon the regulated public other than to provide clarity to the standard by no longer referring to an obsolete prohibition.

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 will have the effect of ensuring 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. 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" to better reflect the remaining content of the section. The amendments are editorial and will have no effect upon the regulated public.

DOCUMENTS INCORPORATED BY REFERENCE

American National Standards Institute/Automotive Lift Institute (ANSI/ALI) Standard for Automotive Lifts – Safety Requirements For Construction, Testing and Validation, ANSI/ALI ALCTV-1998, 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.

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.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board 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.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than August 13, 2004. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on August 19, 2004 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed

changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

STEVEN L. RANK, Chairman

TITLE 8

GENERAL INDUSTRY SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 7, ARTICLE 10

SECTION 3380(d)

PERSONAL PROTECTIVE EQUIPMENT

TITLE 8

GENERAL INDUSTRY SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 7, ARTICLE 19

SECTIONS 3541 – 3546, 3548, AND 3549

AUTOMOTIVE LIFTS

NOTICE OF ADOPTION OF REGULATIONS
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS
BY THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

1. Title 8, Chapter 4, Subchapter 7, General Industry Safety Orders, Article 98, Sections 5001(b) and 5008(b), [Use of Signals and Operating Practices – Cranes](#).

Heard at the October 16, 2003, Public Hearing; adopted on April 15, 2004; filed with the Secretary of State on May 20, 2004; and became effective on June 19, 2004.

2. Title 8, Chapter 4, Subchapter 4, Construction Safety Orders, Article 12, Sections 1600 and 1601, [Pile Driving and Methods of Unloading Piles](#).

Heard at the June 19, 2004 Public Hearing; adopted on April 15, 2004; filed with the Secretary of State on May 24, 2004; became effective on June 23, 2004.

A copy of these standards are available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: <http://www.dir.ca.gov/oshsb> and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: oshsb@dir.ca.gov.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Keith Umemoto, Executive Officer