

State of California
Department of Industrial Relations
M e m o r a n d u m

To : ALL STANDARDS BOARD MEMBERS

Date : April 19, 2011

From : **Occupational Safety and Health Standards Board**

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Subject: First Aid for Electrical Workers

The following information is provided in regard to the proposed revisions to the California Code of Regulations, Title 8, Division 1, Chapter 4, as follows:

- Subchapter 4, Construction Safety Orders, Section 1512.
- Subchapter 5, Electrical Safety Orders, as follows:
 - Section 2320.10. (Low-Voltage Electrical Safety Orders)
 - Section 2940.10. (High-Voltage Electrical Safety Orders)
- Subchapter 7, General Industry Safety Orders, Section 3400.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates that the Board adopt standards at least as effective as federal standards addressing occupational safety and health issues.

Federal 29 CFR 1910.269(b) includes first-aid requirements for electrical workers. It has been discovered that there is currently no equivalent safety standard for electrical workers in the California Electrical Safety Orders (ESO). Although the General Industry Safety Orders (GISO) and Construction Safety Orders (CSO) contain generic safety standards, these standards do not adequately address the specific needs of electrical workers who are exposed to the hazards of burns and electrical shock injuries, which are very different and usually much more severe than the hazards that other workers are exposed to. Because of the potential severity of these injuries and the remote locations where electrical workers are often sent to work, immediate medical aid is necessary to stabilize the injured worker until emergency medical technicians or higher level care can be provided.

The Board proposes to adopt standards which are the same as federal standards except for minor editorial and formatting differences. Because California Electrical Safety Orders are divided into Group 1, Low-Voltage and Group 2, High-Voltage ESO, the federal safety standards will be included in each Group. In addition, informative notes will be included in the existing CSO and GISO generic safety standards alerting readers to the additional provisions of the ESO.

This proposed rulemaking action contains non-substantive, editorial, reformatting of subsections, and grammatical revisions. These non-substantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

CSO Section 1512, Emergency Medical Services.

This section currently prescribes the provision of emergency medical services on construction project. It is proposed to supplement these requirements with an informative note to direct readers to the Electrical Safety Orders for additional requirements for electrical workers. The effect of this amendment will be to clarify medical services and first aid provisions for electrical workers in a construction setting.

Low-Voltage ESO Section 2320.10, Medical Services and First Aid.

This new section will be verbatim of 29 CFR 1910.269(b), Medical Services and First Aid, except for minor editorial and formatting differences. The effect of this new section will be to prescribe medical services and first aid for workers performing work on low-voltage electrical equipment in a construction or general industry setting that is at least as effective as that prescribed by federal standards.

High-Voltage ESO Section 2940.10, Medical Services and First Aid.

This new section will be verbatim of 29 CFR 1910.269(b), Medical Services and First Aid, except for minor editorial and formatting differences. The effect of this new section will be to prescribe medical services and first aid for workers performing work on high-voltage electrical equipment in a construction or general industry setting that is at least as effective as that prescribed by federal standards.

GISO Section 3400, Medical Services and First Aid.

This section currently prescribes applicable requirements regarding medical services and first-aid in general industry. It is proposed to supplement these requirements with an informative note to direct readers to the Electrical Safety Orders for additional requirements for electrical workers. The effect of this amendment will be to clarify medical services and first aid provisions for electrical workers in general industry.

The proposed standards are substantially the same as the federal standards; therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code. However, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the

public hearing is to: (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 a subsequent rulemaking, and (3) solicit comments on the proposed effective date. The responses to comments will be available in the rulemaking file on this matter and will be limited to the above areas.

The standards may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

DOCUMENTS RELIED UPON

1. U.S. Department of Labor, Occupational Safety and Health Administration, 29 CFR 1910.151, Medical Services and First Aid.
2. U.S. Department of Labor, Occupational Safety and Health Administration, 29 CFR 1910.269, Electric Power Generation, Transmission and Distribution, Subparagraph (b), Medical Services and First Aid.

These documents are available online at the federal OSHA website: <http://www.osha.gov/> . They are also 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.

STRIKEOUT/UNDERLINE DRAFT PROPOSAL

See Attachment No. 1.

SIDE-BY-SIDE CODE COMPARISON WITH FEDERAL STANDARD

See Attachment No. 2.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards and amendments 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, the 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 standards and amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed standards and amendments 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.

Attachments