

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

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Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER 2012-1120 03	REGULATORY ACTION NUMBER 2013-0221-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
RECEIVED FOR FILING PUBLICATION DATE NOV 20 '12 NOV 30 '12 Office of Administrative Law		2013 FEB 21 PM 2:41 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Occupational Safety and Health Standards Board			AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE GISO 3381 and 5155	TITLE(S) Title 8	FIRST SECTION AFFECTED 3381	2. REQUESTED PUBLICATION DATE November 30, 2012
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Marley Hart, Executive Officer	TELEPHONE NUMBER 916-274-5721	FAX NUMBER (Optional) 916-274-5743
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2012-52-2	PUBLICATION DATE 12-28-2012

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Federal OSHA Direct Final Rule – Head Protection	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES(S) AND SECTIONS(S) (including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) TITLE(S) 8	ADOPT AMEND Section 3381 REPEAL		
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs, title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective 30th day after filing with Secretary of State <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) <u>July 1, 2013</u>			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Marley Hart, Executive Officer	TELEPHONE NUMBER 916-274-5721	FAX NUMBER (Optional) 916-274-5743	E-MAIL ADDRESS (Optional) mhart@dir.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Marley Hart</i>	DATE Feb 21, 2013
TYPED NAME AND TITLE OF SIGNATORY Marley Hart, Executive Officer	

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ENDORSED APPROVED

MAR 14 2013

Office of Administrative Law

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 1 of 2

PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

Subchapter 7.
General Industry Safety Orders

Amend Section 3381 to read as follows:

§3381. Head Protection.

(a) Employees working in locations where there is a risk of receiving head injuries from flying or falling objects and/or electric shock and burns shall wear approved head protection in accordance with ~~subsections (b) and (e)~~ this section.

(b) When head protection is required, the employer shall ~~ensure that approved protective helmets are selected and used in accordance with their demonstrated resistance to impact and electrical hazards as specified in subsections (b)(1) and (b)(2).~~ provide each employee with head protection that meets the criteria in one of the following standards, which are hereby incorporated by reference:

~~(1) Protective helmets placed in service after October 30, 2004 shall comply with American National Standards Institute (ANSI) Z89.1-1997 Industrial Head Protection, which is hereby incorporated by reference.~~

(1) American National Standards Institute (ANSI)/International Safety Equipment Association (ISEA) Z89.1-2009, "American National Standard for Industrial Head Protection;"

(2) ANSI Z89.1-2003, "American National Standard for Industrial Head Protection;" or

(3) ANSI Z89.1-1997, "American National Standard for Industrial Head Protection."

(c)(1) The employer shall ensure that the appropriate impact type helmet is selected and used.

Note: Protective helmets are described by impact type and electrical class. All protective helmets required by subsection (b) meet either Type I or Type II impact requirements. Type I helmets are intended to reduce the force of impact resulting from a blow only to the top of the head. Type II helmets are intended to reduce the force of impact resulting from a blow to the top or sides of the head.

(2) The employer shall ensure that the appropriate electrical class of ANSI designated helmet is selected and used in accordance with the following:

(A) When there is no risk of head injury from contact with electrical conductors, and protective helmets are only required to reduce the danger of injury from flying or falling objects, protective helmets shall be ANSI-Z89.1 designated ~~approved~~ Class C, E, or G.

(B) When there is a risk of head injury from contact with conductors less than 600 volts, protective helmets shall be ANSI-Z89.1 designated ~~approved~~ Class E or G.

(C) When there is a risk of head injury from contact with conductors greater than 600 volts, protective helmets shall be ANSI-Z89.1 designated ~~approved~~ Class E.

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PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

~~(2) Protective helmets placed in service on or before October 30, 2004 shall comply with one of the following ANSI standards, which are hereby incorporated by reference: ANSI Z89.1-1969 Safety Requirements for Industrial Head Protection; ANSI Z89.2-1971 Industrial Protective Helmets for Electrical Workers, Class B; ANSI Z89.1-1981 Requirements for Protective Headwear for Industrial Workers; ANSI Z89.1-1986 Protective Headwear for Industrial Workers—Requirements; or ANSI Z89.1-1997 Industrial Head Protection. The employer shall ensure that the appropriate class of ANSI designated helmet is selected and used in accordance with the following:~~

~~(A) When there is no risk of head injury from contact with electrical conductors, and protective helmets are only required to reduce the danger of injury from flying or falling objects, protective helmets shall be ANSI approved Class A, B, C, D, E, or G.~~

~~(B) When there is a risk of head injury from contact with conductors less than 600 volts, protective helmets shall be ANSI approved Class A, B, D, E, or G.~~

~~(C) When there is a risk of head injury from contact with conductors greater than 600 volts, protective helmets shall be ANSI approved Class B or E.~~

~~(3) The employer shall ensure that the head protection provided for each employee exposed to high-voltage electric shock and burns also meets the specifications contained in Section 9.7 “Electrical Insulation” of any of the consensus standards identified in subsection (b) of this section.~~

~~(e) (d) Each approved protective helmet required by subsection (a) (b) shall bear the original permanent markings required by the ANSI standard under which it was approved. At a minimum, the marking shall identify the manufacturer, ANSI designated standard number and date, and ANSI designated class and impact type of helmet.~~

~~(d) (e) Where there is a risk of injury from hair entanglements in moving parts of machinery, combustibles or toxic contaminants, employees shall confine their hair to eliminate the hazard.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.