

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

**TITLE 8: Division 1, Chapter 4, Subchapter 7, Group 8, Article 54, Section 4188
of the General Industry Safety Orders**

Definition of General Purpose Press Brake Die**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

Summary and Response to Oral and Written Comments:**I. Written Comments:**

Mr. Van Howell, CSP, Area Director, U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA), by letter dated September 22, 2011

Comment: Federal OSHA indicated that the proposed modification provides a definition for the term "press brake die general purpose." The modification, as proposed, provides protection commensurate with the federal standard for use of press brake die.

Response: The Board thanks Federal OSHA for their review of the proposal, comment and participation in the Board's rulemaking process.

II. Oral Comments:

Oral comments received at the October 20, 2011, Public Hearing in Sacramento, California.

Mr. John Bobis, Director of Safety, representing Aerojet and the Bobis Group

Comment: Mr. Bobis stated that he supports the proposal.

Response: The Board acknowledges Mr. Bobis' support for the proposal and appreciates his participation in the Board's rulemaking process.

Mr. Bill Jackson, Board Member

Comment: Mr. Jackson asked whether the employer whose appeal was granted was engaged in the rulemaking process to ensure that the employer thinks that this solves the problem.

Response: The Division of Occupational Safety and Health Form 9 upon which the proposal is based was not triggered by an Occupational Safety Health Appeals Board Decision. The proposal is in response to the fact that the public cannot discern when guarding is necessary (when the exception applies) when performing metal bending operations without a definition for general purpose die. The proposal is based on a national consensus standard definition and has been reviewed by California's largest sheet metal trade association who has expressed support for the proposal.

Mr. John MacLeod, Board Chair

Comment: Mr. MacLeod asked why ANSI had dropped the definition of Press Brake Die from their requirements.

Response: The proposed definition is taken from national consensus language contained in Chapter 3.14 of the American National Standard, ANSI B11.3-1982 standard for Machine Tools-Power Press Brakes-Safety Requirements for Construction, Care and Use. According to the Sheet Metal and Air Conditioning Contractors' National Association, the ANSI committee did not elect to include this definition in its most recent edition, since the B11.3-2002 standard does not address the type of metal bending that is performed by general purpose dies, as does the 1982 edition, and it would therefore have no application. Staff notes that definitions for general purpose die are found in other standard sheet metal and metal work reference texts. Regardless, as stated above, the proposed definition is technically accurate and will be effective in clarifying when the exception in Section 4214(b)(9)(C) applies.

ADDITIONAL DOCUMENTS RELIED UPON

None.

DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by 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 adopted action.