

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 **January 17, 2008**, at 10:00 a.m.
in the County Administration Center, Room 310
1600 Pacific Highway, San Diego, California 92101.

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 **January 17, 2008**, following the Public Meeting
in the County Administration Center, Room 310
1600 Pacific Highway, San Diego, California 92101.

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

BUSINESS MEETING: On **January 17, 2008**, following the Public Hearing
in the County Administration Center, Room 310
1600 Pacific Highway, San Diego, California 92101.

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

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOHN D. MACLEOD, 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, Low Voltage Electrical Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **January 17, 2008**.

1. TITLE 8: **LOW-VOLTAGE ELECTRICAL SAFETY ORDERS**
Chapter 4, Subchapter 5
Electrical Safety Orders, Group 1
[Low-Voltage Electrical Safety Orders](#)

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 59
Sections 4297 and 4300 and
New Section 4300.1
[Table Saws](#)

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **LOW-VOLTAGE ELECTRICAL SAFETY ORDERS**
Chapter 4, Subchapter 5
Electrical Safety Orders, Group 1
[Low-Voltage Electrical Safety Orders](#)

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 the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

On February 14, 2007, the U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) promulgated standards revising the general industry electrical installation standards found in Subpart S of 29 Code of Federal Regulations (CFR) Part 1910. The Board is relying on the explanation of the provisions of the federal standards in Federal Register, Volume 72, No. 30, pages 7136-7221, February 14, 2007, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt standards which are the same as the federal standards except for minor editorial and format differences, and except where existing state standards provide a higher level of safety. Furthermore, obsolete cross-references to California Title 24 are also proposed for deletion under provisions of the Administrative Procedures Act (APA), Section 100, when existing Title 8 sections are otherwise modified for equivalency with federal standards.

In the final rule, Federal OSHA has revised its existing general industry electrical installation standards contained in Sections 1910.302-1910.308 along with relevant definitions found in Section 1910.399. Federal OSHA's existing electrical standards are based on the 1979 edition of National Fire Protection Association (NFPA) 70E, Standard for Electrical Safety Requirements for Employee Workplaces. The final federal rule is based primarily on Part I of the 2000 edition of NFPA 70E which, in turn, is based on the 1999 National Electrical Code (NEC). Thus the proposal will reflect more current practice and technology as well as respond to requests from stakeholders that Subpart S reflect the most recent editions of NFPA 70E which the industry is already voluntarily complying with in its present form. Federal OSHA is of the opinion that the revised standard will facilitate compliance by stakeholders, including small businesses, while also improving safety for employees.

Subjects addressed by the proposal include, but are not limited to, the following:

- Working space / overcurrent device access
- Wiring methods
- Marking & identification
- Grounding
- Temporary wiring
- Outdoor wiring
- Carnivals, circuses, fairs
- Hazardous (classified) locations
- Elevators, escalators, lifts, etc.
- Electrolytic cells
- Remote control, signaling, and power-limited circuits

- Fire alarm systems
- Communications systems
- Integrated electrical systems

Because the proposed standards are substantially the same as the final rule promulgated by federal OSHA, 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 standards;
- (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.

The responses to comments will be available in the rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). 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 INCORPORATED BY REFERENCE

29 CFR 1910.7, Definition and requirements for a nationally recognized testing laboratory.

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

Federal Register, Vol. 72, No. 30, February 14, 2007, Preamble Section VI, indicates that the cost to employers associated with implementing the revisions and amendments to 29 CFR 1910, Subpart S, primarily due to requirements for ground fault circuit interrupter protection during temporary wiring installations, to be \$9.6 million nationally. The proportion of this cost for California employers is estimated at \$1.15 million, based on the portion of the U.S. population dwelling in California (12%).

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 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 amendments may affect small businesses. However, no significant economic impact is anticipated. Federal Register, Vol. 72, No. 30, February 14, 2007, Preamble Section VI, indicates that the average compliance costs for small entities are likely to be much less than for larger employers. This is because small employers are more likely to have small projects where temporary power requirements are more likely to be serviceable from permanently wired GFCI receptacles or from other nearby receptacles that are part of an existing building structure.

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 as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 59
Sections 4297 and 4300 and
New Section 4300.1
[Table Saws](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking was initiated in response to a request from the Division of Occupational Safety and Health (Division) dated November 29, 2004, to add new Section 4300.1 to the General Industry Safety Orders (GISO) concerning the guarding and safe operation of table saws. Article 59 contains standards which pertain to the guarding and safe operation of woodworking machines including a vertical standard for hand-fed circular rip saws (Section 4300) and one for hand-fed circular knives and cross cut saws (Section 4302). There is no vertical standard for table saws, which are widely used for both ripping and

crosscutting. The application of Sections 4300 and 4302 to table saws is unclear, especially when dealing with laminates and manufactured wood products that lack grain orientation, which is commonly relied upon to distinguish between ripping and crosscutting operations. The proposal would add a new vertical standard for hand-fed table saws which would restate the provisions of Sections 4300 and 4302 that are applicable to hand-fed table saws and clarify when the provisions apply with respect to ripping, crosscutting, and other operations.

This proposed rulemaking action contains nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive 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 nonsubstantive revisions, the following actions are proposed:

Section 4297. Definitions

Existing Section 4297 includes definitions for the terms used in the Article 59 standards for woodworking machines. The proposal would add a definition of table saw which includes a reference to a new figure of a table saw that would also be added to Article 59. The definition of table saw is substantially the same as the definition in the American National Standards Institute (ANSI) Standard for Woodworking Machinery – Safety Requirements, O1.1-1992. The effect of the new definition is to clarify the scope and application of proposed new Section 4300.1, Table Saws – Manual Feed (Class B).

The proposal would also add new definitions of crosscutting and ripping which are based on the definitions in ANSI O1.1-1992. The effect of the new definitions is to clarify the terms which are used in new Section 4300.1 to describe operations that are exempt from, or covered by, certain requirements.

The proposal would also amend the existing definition of “push stick” by deleting the word “short”, which is used to describe the pieces of material that push sticks are used to push, replacing “saws” with “woodworking machines”, and adding the phrase “to provide a safe distance between the hand(s) and the cutting tool.” The effect of this revision is to clarify the purpose for which push sticks are designed and used.

Section 4300. Circular Ripsaws - Manual Feed (Class B)

Existing subsection (f) requires “A push stick of suitable design shall be provided and used.” The standard does not provide instruction on when a push stick is required to be used. Push sticks, as defined in ANSI O1.1 – 1992, are designed to provide a safe distance between the hand(s) and the cutting tool. The proposal would add text to instruct the reader that the use of a push stick is required “when the size of the piece being cut does not provide a safe distance between the hand(s) and the cutting tool.”

Section 4300.1. Table Saws – Manual Feed (Class B)

There is no existing vertical standard for hand-fed table saws. Section 4300 applies to hand-fed circular ripsaws and Section 4302 applies to hand-fed circular crosscut saws. Table saws are used for both ripping and crosscutting operations. Furthermore, ANSI O1.1- 1992 states that other names for table saws include ripsaw and crosscut saw.

Section 4302 is limited to the provisions in subsections (a), (b) and (c) which relate to guards. Section 4300 also contains provisions for guards in subsections (a), (b) and (c), however subsequent subsections

contain additional requirements related to the provision of a spreader, an anti-kickback device and the use of a push stick.

The provisions for guarding hand-fed rip saws in Section 4300(b) and (c) are identical to the provisions for guarding hand-fed crosscut saws in Section 4302(b) and (c). The guarding requirements in Section 4300(a) differ from those in Section 4302(a) due to the fact that rip saw blades like table saw blades are generally positioned below the table, while crosscut saw blades like radial arm saw blades are generally positioned above the table.

The proposal would add a new vertical standard for hand-fed table saws in Section 4300.1. The provisions for guarding table saws in new Section 4300.1(a) would be identical to the provisions for guarding hand-fed rip saws in Section 4300(a), (b) and (c), and would apply when either ripping or crosscutting. The requirements in new Section 4300.1(b) for providing a spreader would be identical to those in Section 4300(e), except crosscutting would be added to the list of operations that are exempt from this requirement since it is not applicable to crosscutting operations. The provisions in new Section 4300.1(c) regarding an anti-kickback device and use of a push stick would be identical to those in Section 4300(d) and revised Section 4300(f), respectively. Since these requirements are not applicable to crosscutting they would only apply when ripping operations are performed. The effect of the proposed new standard is to restate the provisions of Sections 4300 and 4302 that are applicable to hand-fed table saws and clarify when the provisions apply with respect to ripping, crosscutting, and other operations.

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. The proposed standards merely clarify which of the provisions of existing Section 4300 apply when ripping or crosscutting operations are performed with a hand-fed table saw.

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* 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 employers - state, local and private - 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. The proposed standards merely clarify which of the provisions of existing Section 4300 apply when ripping or crosscutting operations are performed with a hand-fed table saw.

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 as 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 January 11, 2008. 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 January 17, 2008, 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@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals 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 Marley Hart, 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

JOHN D. MACLEOD, Chairman