

**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 17, 2000**, at 10:00 a.m.
in the Auditorium of the State Resources Building,
1416 Ninth Street, Sacramento California.

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 17, 2000**, following the Public Meeting,
in the Auditorium of the State Resources Building,
1416 Ninth Street, Sacramento California.

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 **August 17, 2000**, following the Public Hearing,
in the Auditorium of the State Resources Building,
1416 Ninth Street, Sacramento California.

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**

JERE W. INGRAM, 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 the Construction Safety Orders and Low-Voltage Electrical Safety Orders in Title 8 of the California Code of Regulations, as indicated below, at its Public Hearing on August 17, 2000.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29
Section 1716.1
Approval of Structural Wood Framing System Erection Plans

2. TITLE 8: **LOW-VOLTAGE ELECTRICAL SAFETY ORDERS**
Chapter 4, Subchapter 5, Article 3
Section 2320.2
The Use of Barriers and Insulated Gloves

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29
Section 1716.1
Approval of Structural Wood Framing System Erection Plans

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 1716.1 Structural Wood Framing Systems.

This Section contains various requirements and definitions pertaining to the construction and placement of structural wood framing systems including but not limited to: exposure and protection of employees, use of lift trucks and elevated work platforms, roof or floor openings, and erection procedures.

Subsection (f)(1) requires the structural wood framing system erection procedure to be approved by a California registered civil or structural engineer.

A revision is proposed to replace language specifically referring to plan approval by a California registered engineer with a requirement that a qualified person (as defined in Construction Safety Orders (CSO) Section 1504) shall prepare a written, site-specific erection plan to be implemented under the supervision of an on-site competent person (also defined in CSO Section 1504).

The proposed revision will require the employer to identify and designate a qualified person to develop the written site erection plan (plan) and to identify and designate or hire a competent person to supervise the implementation of the plan. The employer will no longer be required to obtain approval for the erection procedure from a registered civil or structural engineer. The proposed revision may require the employer to modify existing administrative procedures for developing structural wood framing system erection plans to account for site-specific conditions that affect the safety of the erection process.

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. Board staff has not identified any state agencies that erect structural wood framing systems as defined in Section 1716.1 using state employees.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states (see also “Identified Alternatives That Would Lessen Impact Upon Small Businesses”).

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal (see also "Identified Alternatives That Would Lessen Impact Upon Small Businesses").

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 non-discretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation 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 will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation 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 regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation 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 regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in this notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendment to this regulation 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.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us 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: **LOW-VOLTAGE ELECTRICAL SAFETY ORDERS**
 Chapter 4, Subchapter 5, Article 3
 Section 2320.2
 The Use of Barriers and Insulated Gloves

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 2320.2. Energized Equipment or Systems.

Section 2320.2 outlines the required conditions under which work on exposed energized parts of equipment or systems can be performed and specifies that an authorized person shall be responsible for removing any temporary personnel protective equipment from the work area and reinstalling all permanent barriers and covers once the work performed on the exposed energized parts of equipment or systems is completed.

Subsection (a)(3)

Existing subsection (a)(3) requires that suitable insulated gloves be worn when working with voltages in excess of 300 volts, nominal. An amendment is proposed to delete the word “suitable” and require the use of “approved” insulated gloves. As defined in the LVESO, Section 2305.4, the term “approved” in part refers to products or materials that have been listed, labeled, or certified as conforming to applicable governmental or other nationally recognized standards. Insulating gloves are manufactured to meet the requirements of the American Society for Testing and Materials (ASTM) standard for such gloves. The proposed amendment will have no effect upon the regulated public other than to ensure that the insulating gloves provide effective protection for the voltages involved.

An additional amendment is proposed for subsection (a)(3) to require that insulated gloves be worn when working with voltages in excess of “250 volts to ground” in lieu of the existing language which requires that the insulated gloves be worn for voltages in excess of “300 volts, nominal.” The proposed amendment will ensure that work performed on light fixtures connected to 277 volt conductors derived from 480/277 volt systems will require the use of insulated gloves, due to the 480 volt phase to phase exposure hazard. The proposed amendment will have no effect upon the regulated public other than to ensure that appropriate insulated gloves are used when working on energized 480/277 volt equipment or systems.

New Subsection (a)(4)

An amendment is proposed to relocate the requirement for “suitable barriers” from existing subsection (a)(5) to proposed new subsection (a)(4). The new subsection will specify that either suitable barriers or approved insulating material shall be provided and used to prevent accidental contact with energized parts. The proposed amendment will have no effect upon the regulated public other than to ensure that suitable barriers or approved

insulated material are used to prevent accidental contact with energized parts. As a consequence of the proposed new subsection, the remaining subsections are renumbered.

Subsection (a)(5)

Existing subsection (a)(5) states that where required, suitable barriers, barricades, tags, or signs are to be in place for personnel protection. The use of suitable barriers as a protective method from contacting energized conductors is proposed for relocation from existing subsection (a)(5) to proposed new subsection (a)(4). This proposed amendment will eliminate duplicate language and requirements with respect to the use of barriers and will therefore have no effect upon the regulated public.

An additional amendment is proposed for subsection (a)(5) to relocate the phrase “for personnel protection” from the end of the sentence to after the phrase “Where required” at the beginning of the sentence. The proposed amendment will provide clarity to this subsection and will have no effect upon the regulated public.

COST ESTIMATES OF PROPOSED ACTION

Cost or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. Also see the heading below, “Impact on Businesses”.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

The proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposal requires the use of insulated gloves when exposed to voltages in excess of 250 volts to ground. Language in the existing regulation requires the use of insulated gloves at voltages in excess of 300 volts, nominal. Those employers currently not using insulated gloves while working on 480/277 volt systems, such as lighting circuits, would need to provide employees with insulated gloves. However, the existing regulation requires the use of insulated gloves when personnel are working on energized 480/277 volt systems because of the potential for 480 volt contact. Therefore, the insulated gloves should already be used on these energized systems.

The addition of new subsection (a)(4) requires the use of suitable barriers, or approved insulated material to prevent accidental contact with energized parts. Suitable barriers are already required in existing subsection (a)(5). The use of barriers and insulating materials are a known and acceptable means of providing protection from accidental contact with energized conductors. In addition, the regulation requires that personnel receive instructions on the work techniques to avoid electrical hazards, such as the use of barriers and insulating materials. The proposal will not result in significant costs to effected businesses, but rather emphasize to employers that suitable barriers or approved insulation are required to prevent accidental contact with energized conductors.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

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 regulation does not impose a local mandate. 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, this regulation 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 regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation 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.)

This proposed regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendments to this regulation 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.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us 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.

The above proposals do not contain building standards regulations as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standards 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 description of the problems addressed by the proposed actions, 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 to lessen the impact on small businesses is also 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 mailed so that they are received no later than August 11, 2000. 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 17, 2000 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 in the following paragraph. 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 the proposed action may be directed to the Executive Officer, John D. MacLeod at (916) 274-5721.

You can access the Board's monthly notice on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JERE W. INGRAM, Chairman