

**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 **February 22, 2001**, at 10:00 a.m.
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, 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 **February 22, 2001**, following the Public Meeting,
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, 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 **February 22, 2001**, following the Public Hearing,
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, 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 Elevator Safety Orders and the Logging and Sawmill Safety Orders of the California Code of Regulations and Title 24, Part 7, California Elevator Safety Construction Code, as indicated below, at its Public Hearing on **February 22, 2001**.

1. TITLE 8: **ELEVATOR SAFETY ORDERS**
Chapter 4, Subchapter 6
Article 1, Section 3000; Article 2, Section 3001
Article 6, Section 3009; Article 15, Sections 3093 – 3093.60
Article 36, Section 3136
TITLE 24: **CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE**
Part 7, Article 7-6, Section 7-3009
Article 7-15, Sections 7-3093 – 7-3093.60
Article 7-36, Section 7-3136
[Special Access Elevators and Lifts](#)

2. TITLE 8: **LOGGING AND SAWMILL SAFETY ORDERS**
Chapter 4, Subchapter 13
Articles 1, 1.5, 2, 4, 5, 7, and 12
Sections 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328,
and 6329
Appendix A, Radio Control Signaling Devices
[Amendments to the Logging and Sawmill Safety Orders with Regard to Logging Operations](#)

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **ELEVATOR SAFETY ORDERS**
Chapter 4, Subchapter 6
Article 1, Section 3000; Article 2, Section 3001
Article 6, Section 3009; Article 15, Sections 3093 – 3093.60
Article 36, Section 3136
- TITLE 24:** **CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE**
Part 7, Article 7-6, Section 7-3009
Article 7-15, Sections 7-3093 – 7-3093.60
Article 7-36, Section 7-3136
[Special Access Elevators and Lifts](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH OVERVIEW

The informative digest contains occupational safety and health regulations which are building standards for codification in Title 24, Part 7, California Elevator Safety Code. The building standards, herein, are identified by their Title 24 section number in **bold** type following the corresponding Title 8 informative digest.

This proposal replaces the term “private residence elevator” with the term “special access elevator” in Title 8, Article 6, Section 3009, throughout Article 15, and in Article 36, Section 3136; and Title 24, Part 7, Section 7-3009, throughout Article 7-15, and in Article 7-36. Renaming and modifying the definition will improve clarity and provide a technically correct term. The proposal also deletes the bracketed cross-references to the corresponding American National Standards Institute/American Society for Mechanical Engineers (ANSI/ASME) A.17.1-1981 National Consensus Standard Rules throughout Article 15. Removal of the existing cross-references is necessary, as the 1981 standard is outdated. The current national consensus standard is already incorporated by reference in Section 3001(b)(5).

This proposed rulemaking action also contains numerous editorial, formatting, 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 the above noted proposed amendments and these non-substantive revisions, the following actions are proposed:

Section 3000. Application.

Section 3000(a)

Existing Section 3000(a) states that the Elevator Safety Orders are applicable to all places of employment as defined in Division 5, Part 1, Chapter 1, of the Labor Code. Section 3000(a) also includes a “Note” which specifies that the Elevator Safety Orders apply to all elevators in the State under the jurisdiction of the Division except: (1) Elevators under the jurisdiction of the United States government, (2) Elevators located in a single-unit private home and not accessible to the public and, (3) Elevators located in a multiunit residential building serving no more than two dwelling units and not accessible to the public.

Proposed Section 3000(a) specifies that the Elevator Safety Orders are applicable to “all elevators in the State of California” except: (1) Elevators under the jurisdiction of the United States government, (2) Elevators located in a single-unit private home and not accessible to the public and, (3) Elevators located in a multiunit residential building serving no more than two dwelling units and not accessible to the public.

The proposed revision will better reflect the Division’s jurisdiction as defined by the Labor Code.

Section 3001. Permit to Operate.

Section 3001(b)(5)

Existing Section 3001(b)(5) requires that elevators in multiunit residential buildings serving no more than two dwelling units be inspected by the Division upon completion of installation prior to being placed in service, or after alterations prior to being returned to service. The inspection shall be for safety and compliance with applicable provisions in ANSI/ASME A17.1-1984, parts V and XXI, which are hereby incorporated by reference.

The proposal adds the phrase “and not accessible to the public” to further clarify the inspection criteria for elevators that fall under the Division’s jurisdiction as defined by the Labor Code. The proposal also specifies that elevators installed after the effective date of this regulation will be inspected for safety and compliance with applicable provisions in either ASME A17.1-1996, Part 5, or ASME A18.1-1999, Sections 5, 6, and 7, proposed for incorporation by reference. ASME A17.1-1996, Safety Code for Elevators and Escalators, Part 5, covers the requirements for private residence elevators, and ASME A18.1-1999, Safety Standard for Platform Lifts and Stairway Chairlifts, Sections 5, 6, and 7, cover the requirements for private residence vertical platform lifts, inclined platform lifts, and inclined stairway chairlifts, respectively. The proposed amendment will not impose any new requirements on the regulated public, but will merely update the regulation to include those private-use elevators currently available for installation in multiunit residential buildings.

New Section 3001(b)(6)

Proposed new Section 3001(b)(6) specifies that special access elevators installed after the effective date of this regulation shall be inspected for safety and compliance with the applicable provisions of Article 15, Special Access Elevators and Special Access Lifts, Sections 3093-3093.60 of the Elevator Safety Orders.

Owners of special access elevators will have to insure that special access elevators, installed after the effective date of this regulation, comply with the applicable requirements of Article 15 before a permit to operate the elevator is issued.

Section 3009. Definitions.

The existing definition for “Elevator, Private Residence” specifies “A passenger elevator which is limited in size, capacity, rise, and speed, and is installed in a private residence or in a multiple dwelling as a means to a private residence.”

The proposal replaces the existing definition for “Elevator, Private Residence” with a reference to “Elevator, Special Access”. The proposal adds a definition for “Elevator, Special Access” as “A passenger elevator that is limited in size, capacity, rise, and speed; installed as a means of access for persons with disabilities.” The proposal also deletes the reference to “in or at work places” regarding special access elevator locations for consistency with the proposed changes to Section 3000(a).

Private residence type elevators will be known as “Special Access Elevators”, installed to facilitate access for the physically disabled according to Title 24, and to clarify the Division’s jurisdiction.

Title 24, Part 7, Section 7-3009

Article 15. Special Access Lifts (Group II. Existing Elevator Installations)

The proposal revises the title of Article 15 to read “Article 15. Special Access Elevators and Special Access Lifts.”

Elevators installed for use by the physically disabled in locations under the jurisdiction of the Division will be known as “special access elevators” and “special access lifts.”

Section 3093. Private Residence Type Elevators.

The proposal revises the title of Section 3093 from “Private Residence Type Elevators” to “Special Access Elevators” for consistency with the proposed amendments to the definition of “Elevator, Private Residence”.

Section 3093(a)

Existing Section 3093(a) states that the scope of Sections 3093 through 3093.59 applies to private residence elevators installed to facilitate access in accordance with Title 24, in or at work places under the jurisdiction of the Division, intended for the exclusive use of persons with disabilities.

The proposal specifies that the scope of Sections 3093 through 3093.60 applies to special access elevators installed to facilitate access in accordance with Title 24, in all places under the jurisdiction of the Division intended for the exclusive use of persons with disabilities.

The revision will incorporate the proposed changes to the definition of Private Residence Type Elevators, and will better reflect the Division’s jurisdiction according to the proposed changes to Section 3000(a).

Section 3093(b)

Existing Section 3093(b) specifies that private residence type elevators installed in locations under the jurisdiction of the Division shall meet the requirements of Article 15. Exceptions: Private residence type elevators existing at the time of adoption of this Article shall have 3 years to comply; and private residence type elevators allowed by variance.

A revision is proposed to specify that special access elevators shall comply with the requirements of Article 15 with the exception of special access elevators allowed by variance.

A revision is also proposed to delete the exemption of existing elevators at the time Article 15 was adopted because the 3 years allowed for compliance has expired.

Section 3093(d)

Existing Section 3093(d) specifies that use of the elevator shall be restricted to a physically disabled individual(s) only and shall not be used to transport materials and equipment.

The proposal specifies that the elevator shall serve disabled individual(s) only and shall not be used to transport materials and equipment. The proposed revision is for editorial purposes only and will not have an effect on the regulated public.

(Title 24, Part 7, Section 7-3093)

Section 3093.4. Protection of Hoistway Openings.

New Section 3093.4(c)

Proposed new Section 3093.4(c) will require owners of special access elevators to provide power-operated hoistway doors for special access elevators installed after the effective date of the regulation. The power-operated hoistway doors shall be either horizontally sliding doors or swing type doors. Horizontally sliding doors shall have power opening that complies with section 3022(b)(2), and power closing that complies with Sections 3022(c) and 3022(e). Power-operated doors shall remain open for 20 seconds minimum when

activated. If automatic swing type doors are provided, they shall be low energy power-operated and shall comply with ANSI/BHMA A156.19-1990, “American National Standard for power assist and low energy power operated doors,” except section 3, which is incorporated by reference. A “Note” is proposed which clarifies that a “low energy power-operated door” is a door with power mechanisms that open and close the door upon receipt of an actuating signal and does not generate more kinetic energy than specified in ANSI/BHMA A156.19-1990.

(Title 24, Part 7, Section 7-3093.4)

Section 3093.11. Car Doors and Gates.

Section 3093.11(a)

Existing Section 3093.11(a) specifies that car doors or gates are required. The car doors or gates shall protect the entire car entrance and be constructed of solid material, except where other material is approved by the Division.

Proposed Section 3093.11(a) will delete the reference to “...except where other material is approved by the Division” and will specify that the material for car doors or gates shall be non-perforated, and that use of scissor gates is prohibited.

The proposal will require owners of special access elevators to provide car doors or gates that are constructed of solid, non-perforated materials and prohibit the use of scissor gates.

Section 3093.11(b)

Existing Section 3093.11(b) specifies that power opening, where used for car doors and gates, shall conform to the requirements of Section 3022(a). Power closing, where used for car doors and gates, shall conform to the requirements of Sections 3022(b)(1), 3022(c), 3022(d), and 3022(e).

Proposed Section 3093.11(b) will specify that power opening, where used for car doors and gates, shall conform to the requirements of Section 3022(b)(1). Power closing, where used for car doors and gates, shall conform to the requirements of Sections 3022(c), 3022(d), and 3022(e).

The proposed revisions will accurately identify the applicable cross-referenced requirements.

Section 3093.11(c)

Existing Section 3093(c) is proposed for re-lettering as subsection (d) due to proposed new Section 3093.11(c) which will require special access elevator owners to provide power opening and power closing car doors or gates on special access elevators installed after the effective date of this regulation. Consequently, existing subsection (d) is proposed for re-lettering as subsection (e).

Section 3093.11(d)

Existing Section 3093(d), proposed for re-lettering as subsection (e), specifies that where the distance between the hoistway enclosure opposite the car entrance and the car gate exceeds 5 in., the car door or gate shall be provided with an interlock, conforming to Section 3021(d)(2) or a contact lock conforming to Section 3021(e)(3) that will lock the car door or gate if the car is more than 6 in. (152 mm) away from a landing.

The proposal deletes the locking requirements for the car door or gate and will require special access elevator owners to ensure that the distance between the hoistway enclosure and the car gate does not exceed five inches.

(Title 24, Part 7, Section 7-3093.11)

Section 3093.33. Driving-Machine Roller Chains and Sprockets.

Existing Section 3093.33 specifies that driving-machine chains and sprockets shall be of steel and shall conform in all particulars of design and dimensions to ANSI B29.1-1975, Precision Power Transmission Roller Chains, Attachments, and Sprockets.

Proposed Section 3093.33 will require that driving-machine chains and sprockets comply instead with ASME B29.1M-1993, Precision Power Transmission Roller Chains, Attachments, and Sprockets, which is proposed for incorporation by reference.

(Title 24, Part 7, Section 7-3093.33)

Section 3093.37. Type of Operation.

Section 3093.37(b)

Existing Section 3093.37(b) specifies that the operation of the car shall be key locked with a lock complying with Section 3093.39, except where other types are permitted by the Division. The key shall be available on the premises under the control of an authorized person acceptable to the Division.

Proposed Section 3093.37(b) will delete existing language and require special access elevators to be unlocked during business hours. Special access elevators may be locked for security reasons during non-business hours.

(Title 24, Part 7, Section 7-3093.37)

Section 3093.39. Key-Operated Switches.

Existing Section 3093.39 specifies that any car exterior to a structure shall be operated by means of a key switch. Key operated switches shall be of continuous pressure spring return type and shall be operated by a cylinder type lock having not less than a 5 pin or 5 disc combination, with the key removable only when the switch is in the off position.

The proposal deletes existing Section 3093.39, so that keys will no longer be needed by the public to operate the car.

(Title 24, Part 7, 7-3093.39)

Section 3093.44. Slack-Rope and Slack-Chain Devices for Winding Drum and Roller Chain-Type Driving Machines.

The proposal revises the title of existing Section 3093.44 to read "Slack-Rope and Slack-Chain Devices".

The proposed revision will not limit the rope/chain device to only winding drum or roller machines.

New Section 3093.44(c)

Proposed new Section 3093.44(c) will require owners of special access elevators to provide a slack device for roped and chain hydraulic special access elevators. The slack device shall remove power from the motor and the brake if the car is obstructed in its descent and the suspension means slacken.

(Title 24, Part 7, 7-3093.44)

Section 3093.46. Capacity.

Existing Section 3093.46 specifies that the rated load shall not exceed 700 lb. (318 kg) and maximum inside net platform area shall not exceed 12 ft.² (1.1 m²). The minimum rated load shall be not less than that based on 40 lb./ft.² (1.91 kPa) of inside net platform area or 350 lb. (159 kg), whichever is greater.

The proposal renumbers the existing Section as proposed new Section 3093.46(a) and specifies that the load and platform area requirements in existing section 3093.46 apply only to existing special access elevators.

New Section 3093.46(b)

Proposed new Section 3093.46(b) will require owners of special access elevators, installed after the effective date of this regulation, to comply with the following:

The load capacity for special access elevators shall be not less than 750 lb., and a minimum 32 in. x 54 in. clear inside platform dimensions.

(1) Special access elevators without a front and rear opening that facilitates a straight through ingress/egress shall have a load capacity of not less than 750 lb., and a maximum 18 sq. ft. clear inside net platform area. The clear inside platform width dimensions may range from 42 inches minimum to 48 inches maximum on one side by 60 inches maximum to 54 inches minimum length on the other side.

(A) When the platform minimum width of 42 inches is increased, the platform maximum 60 inch length shall be decreased by the number of inches the width has been increased (see table below).

Table for Varying Platform Size

Width x Length
42" x 60"
43" x 59"
44" x 58"
45" x 57"
46" x 56"
47" x 55"
48" x 54"

(2) The platform/car shall be equipped with handrail(s) complying with Title 24, Section 3003. The clear inside net platform area shall be calculated by multiplying the platform width by the platform length without consideration of the space occupied by the handrails.

(3) The opening and closing of car doors shall not encroach on the car platform inside clear space.

(Title 24, Part 7, Section 7-3093.46)

Section 3093.49. Capacity Plate.

Existing Section 3093.49 specifies that a capacity plate indicating the rated load of the elevator in pounds shall be furnished by the manufacturer and fastened in a conspicuous place inside the car. The letters and figures on such plates shall be not less than 1/4 in. (6.3 mm) in height.

Proposed Section 3093.49 will ensure that owners of special access elevators, not the manufacturer, are responsible for providing the capacity plate with the required data.

(Title 24, Part 7, Section 7-3093.49)

Section 3093.50. Data Plates.

Existing Section 3093.50 specifies that a data plate indicating the weight of the elevator, the rated speed, the suspension means, the manufacturer's name, and the date of installation shall be furnished by the

manufacturer. This plate shall be installed in a conspicuous place in the machinery area. The letters and figures on such plates shall be not less than 1/4 in. (6.3 mm) in height.

Proposed Section 3093.50 will ensure that owners of special access elevators, not the manufacturer, are responsible for providing the data plate with the required data.

(Title 24, Part 7, Section 7-3093.50)

Section 3093.52. Suspension Ropes.

Existing Section 3093.52 specifies that the suspension ropes for elevators having a rated load of 450 lb. (204 kg) or less and operating at a rated speed of 30 fpm (0.15 m/s) or less, shall be not less than 1/4 in. (6.3 mm) in diameter. Where the rated load exceeds 450 lb. (204 kg) or the rated speed exceeds 30 fpm (0.15 m/s) the suspension ropes shall be not less than 3/8 in. (9.5 mm) in diameter.

The proposal renumbers the existing Section as proposed new Section 3093.52(a) and retains the portion of existing Section 3092.52 that specifies suspension ropes shall be not less than 1/4 in. (6.3 mm) in diameter for elevators having a rated load of 450 lb. (204 kg) or less and operating at a rated speed of 30 fpm (0.15 m/s) or less. The proposal deletes the portion pertaining to rated loads in excess of 450 lb., or rated speeds in excess of 30 fpm, as these will be addressed in proposed new Sections (b) and (c).

New Section 3093.52(b)

Proposed new Section 3093.52(b) will require owners of special access elevators to provide suspension ropes of not less than 3/8 in. diameter for elevators having a rated load of less than 750 lb. and operating at a rated speed of 30 fpm or less.

New Section 3093.52(c)

Proposed new Section 3093.52(c) will require owners of special access elevators to provide suspension ropes that have a safety factor of not less than 7.5 each where the rated load is more than 750 lb. or the rated speed exceeds 30 fpm.

(Title 24, Part 7, Section 7-3093.52)

New Section 3093.60. Maintenance for Special Access Elevators.

New Section 3093.60(a)

Proposed new Section 3093.60(a) will require owners of special access elevators to develop, implement, and maintain a written maintenance program in accordance with the manufacturer's recommendations.

New Section 3093.60(b)

Proposed new Section 3093.60(b) will require owners of special access elevators to ensure that their written maintenance program is accessible to the Division during inspection for issuance of the permit to operate.

New Section 3093.60(c)

Proposed new Section 3093.60(c) will require owners of special access elevators to ensure that the maintenance to these elevators be performed by person(s) deemed qualified by the State of California Contractors State License Board.

(Title 24, Part 7, Section 7-3093.60)

Article 36. Special Access Lifts (Group III. New Elevator Installations)

The proposal revises the title of Article 36 to read “Article 36. Special Access Elevators and Special Access Lifts.”

Section 3136. Special Access Lifts.

The proposal revises the title of Section 3136, and the reference to special access elevators in this Section, to read “Special Access Elevators and Special Access Lifts”.

Proposed Section 3136 will also require that new special access elevator installations comply with the provisions of Group II, Article 15 regulations that apply to existing elevator installations.

DOCUMENTS INCORPORATED BY REFERENCE

- ASME A17.1-1996, Safety Code for Elevators and Escalators, Part V, Private Residence Elevators.
- ASME A18.1-1999, Safety Standard for Platform Lifts and Stairway Chairlifts, Section 5, Private Residence Vertical Platform Lifts, Section 6, Private Residence Inclined Platform Lifts, and Section 7, Private Residence Inclined Stairway Chairlifts.
- ANSI/BHMA A 156.19-1990, American National Standard for power assist and low energy power operated doors, except section 3.
- ASME B29.1M-1993, Precision Power Transmission Roller Chains, Attachments, and Sprockets, An American National Standard.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. A copy of these documents is available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

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 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.

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 Saving 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 regulations 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 regulations 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 government 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 regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations 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 regulations do not impose unique requirements on local governments. All employees - state, local and private - will be required to comply with the prescribed standards.

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 Section 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 summary.

ASSESSMENT

The adoption of the proposed amendments to these regulations 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:** **LOGGING AND SAWMILL SAFETY ORDERS**
Chapter 4, Subchapter 13
Articles 1, 1.5, 2, 4, 5, 7, and 12
Sections 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328,
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Logging Operations**

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH OVERVIEW

Section 6249. Definitions and Glossary.

Section 6249 contains definitions for terminology used in logging and sawmill operations. The parenthetical term “yarder” is proposed for addition to the definition of the term “donkey”. These two terms can be used interchangeably and have the same meaning (i.e., a machine equipped with a drum and cable for moving or transporting logs). In addition, the sentence “Short for donkey engine” is proposed for deletion as unnecessary language. The amendments will have no effect upon the regulated public other than to provide clarity to the regulations.

The terms “Gin Pole”, “Hay Rack or McLean Broom”, “Speeder”, and “Whistle Punk” are proposed for repeal. These terms are outdated and inconsistent with modern day industry practice. The repeal of these terms will have no effect upon the regulated public.

A new definition “Landing Chute or Landing Slip” is proposed for consistency with current logging operations. The proposed definition will have no effect upon the regulated public.

A new definition “Twister” is proposed to define what is an acceptable method for providing safety holdbacks in the proposed amendment for Section 6295(j). The amendment is for clarity and will have no effect upon the regulated public.

Section 6251. First Aid.

Subsection (a)

Section 6251 provides the requirements for first aid in logging and sawmill operations. Existing subsection (a) requires a means of communication at all operations. Amendments are proposed that will provide examples of acceptable means of communication (e.g., two-way radio, phone, and citizens’ band radios as a secondary means of communication only). Use of these communication methods are already accepted practices in current logging operations and will have no effect upon the regulated public.

Subsection (b)

Subsection (b) requires first aid materials at every camp, mill, log landing, or other active logging operation. An amendment is proposed to clarify that necessary first aid materials are required at “any active” operation. The amendment will have no effect upon the regulated public.

Subsection (d)(1)

Subsection (d)(1) requires that those in charge of work crews have a general knowledge of specific first-aid techniques and cardiopulmonary resuscitation (CPR). Standards for CPR training are required to follow the principles of the American Heart Association or the American Red Cross. An amendment is proposed to clarify that “supervisors or persons in charge at a work site” are required to have a valid first-aid and CPR certificate. An additional amendment is proposed which provides that the standards for first-aid and CPR training shall follow the principles of the American Heart Association, the American Red Cross, or other recognized agency. The proposed amendments will have the effect of ensuring that personnel in charge at a work site have both first-aid and CPR training and that this knowledge and training remain current by requiring a “valid” certificate.

Subsection (d)(2)

Subsection (d)(2) requires that at “operations employing 5 or more employees”, employers shall have employees trained to have a valid first-aid certificate from either the Red Cross, Mine Safety and Health Administration (MSHA), or other recognized agency. An amendment is proposed which deletes the reference to “operations employing 5 or more employees” and adds a CPR certificate requirement to ensure that employers arrange to have employees trained in both first-aid and CPR regardless of the size of the operation. In addition, an amendment is proposed which deletes the reference to MSHA and adds the American Heart Association as a certifying agency, since the MSHA no longer issues first-aid certificates. Employers within the logging and sawmill industries realize the inherent hazards of the industry and providing persons on a job site with training in first-aid and CPR is already an accepted practice. The proposed amendments will therefore have no effect upon current industry first-aid practices.

Subsection (e)

Subsection (e) requires that adequate transportation to medical care shall be provided for immediate use for injured persons. The logging employer in general does not directly provide medical transportation for injured workers, but rather ensures that arrangements are made for emergency medical service transportation by a qualified provider such as ambulances or by medically equipped helicopters with trained personnel. The language requiring that transportation to medical care be “provided for immediate use” is replaced in the proposal with language that will clarify transportation to medical care shall be “arranged and made available” for injured persons. The proposed amendment reflects current industry practice and will have no effect upon the regulated public.

In addition, the reference to the use of a tourniquet is deleted in subsection (e) since the application of tourniquets is no longer recommended as a first aid treatment. The amendment is for consistency with current first aid methods and will have no effect upon the regulated public.

Section 6260. Riding Rigging Equipment.

Section 6260 prohibits employees from riding logs or any rigging except where the controlled lifting or lowering of employees will provide a safe means of access. An amendment will delete the exception language and prohibit employees from riding logs and any rigging or rigging equipment. Logging employers indicate it is already current industry practice to prohibit employees from riding on logs or any rigging equipment. Therefore, the amendment will have no effect upon the regulated public.

Section 6262. Fuels, Oil and Other Flammable Liquids.

Subsection (a)

Subsection (a) requires that flammable liquids be stored and transported in closed metal containers or approved safety cans properly marked. An amendment is proposed to delete the reference to “metal” containers and require that flammable liquids be stored and transported in closed containers that are “Underwriters Laboratories Inc. (UL) listed or classified, Factory Mutual (FM) approved, or other approved flammable liquid containers properly marked”. The term “flammable liquid container” is also added to the proposal in lieu of the term “safety cans” to address the variety of approved containers that may be used for storage or transportation of flammable liquids. Approved containers for flammable liquids are made of metal and/or plastic and therefore, the proposed amendments will have no effect upon the regulated public.

Subsection (b)

Subsection (b) requires that a pump be provided to service equipment fuel tanks unless the fueling is done by gravity flow with a metal-to-metal contact between the container and the fuel tank. An amendment is proposed to require that the pump be approved and designed for the fuel to be used. The amendment will ensure that appropriate fuel pumps designed for transferring flammable liquids are safely used.

Section 6270. Signal Systems.

Subsection (e)

Subsection (e) requires the standard signals and alternate signal system in use to be posted on the yarder. An amendment is proposed that requires the standard and alternate signals to be available in the yarder cab and either posted or made available to the crew. The proposal ensures the standard signals or alternate signals are available at the job site.

Subsection (p)

Subsection (p) prohibits the use of a jerk wire whistle system for any type of yarding operation. Jerk wire whistle systems are obsolete and no longer used in logging operations. Therefore, this subsection is proposed for repeal and will have no effect upon the regulated public.

Section 6272. Radio Signal Systems.

Section 6272 contains the requirements when radio signals, including voice, are used to initiate any whistle, bell, or other audible signaling device. This section also provides the requirements when radio signals including voice are used to activate or control any machine, material handling device, or other equipment hazardous to workers. Furthermore, Section 6272 provides the requirements for the use of radio units and specifies the criteria for adjustments and repair, tones and frequencies used, and the design of equipment or machines controlled by radios.

Subsections (a) through (g)

Subsections (a) through (g) contain the requirements associated with the registration of radio units used in the control and activation of any signal, machine, or equipment in logging operations. Use of such radio units requires registration with the Division of Occupational Safety and Health (Division). Subsections (a) through (g) require the radio user to display the registration number issued by the Division and provide the Division information such as the name of the manufacturer, the assigned radio frequency, serial number, intended use of the radio and area where radios will be used. When a radio unit is permanently taken out of service, sold, stolen or moved from one area to another, notification to the Division is required.

The Division and logging employers believe that the reporting and registration requirements for the use of radio units are unnecessary and do not serve any specific safety purpose. Furthermore, existing subsection (k), proposed as subsection (d), requires that use of the radio control device be discontinued when

interference such as interface, overlap, fadeout, or blackout of radio signals is encountered. Accordingly, controls exist to preclude use of a radio that is not functioning properly irrespective of the registration requirements. Therefore, subsections (a) through (g) are proposed for repeal with the remaining subsections appropriately re-lettered. The proposed amendments will have no effect upon the regulated public other than to eliminate unnecessary registration and reporting requirements to the Division.

Subsection (i)

A nonsubstantial editorial change is proposed for subsection (i), proposed as subsection (b) consistent with Title 8 format. The title for Appendix A which is referenced in the subsection is added for clarity.

Subsection (k)

Nonsubstantial editorial changes for clarity are proposed for subsection (k), proposed as subsection (d) consistent with Title 8 format.

Section 6281. Bucking.

Subsection (e)

Section 6281 specifies the requirements for the process of sawing a felled tree into sections which is referred to as “bucking”. Subsection (e) states that spring poles and trees under stress shall be cut so that an employee is clear when the tension is released. An amendment is proposed to add the term “limbs” to the existing phrase “spring poles and trees”. The amendment will have the effect of clearly indicating to the employer that, in addition to spring poles and trees, “limbs” under stress shall be cut so that the employee is clear when the tension is released.

Section 6282. Ripping Logs.

Subsection (a)

Subsection (a) provides that logs shall be chocked before they are ripped (sawing logs parallel to the grain). An amendment is proposed permitting that logs be either chocked or “strapped” before they are ripped. The proposed amendment is consistent with logging industry practice to strap logs before ripping and therefore, will have no effect upon the regulated public.

Section 6283. Portable Chain Saw Operations.

Subsection (m)

Section 6283 contains the requirements for logging employees who operate chain saws. Subsection (m) requires employers to instruct employees who use chain saws in safe procedures and rules outlined in subsections (m)(1) – (7). Subsection (m)(7) prohibits the use of engine fuel for starting fires, or for use as a cleaning solvent. An amendment is proposed to replace the word “engine” with the term “chain saw.” The proposed regulation will read, “Do not use chain saw fuel for starting fires or for use as a cleaning solvent.” The proposed amendment is for consistency with the subject matter of Section 6283 (relating to the operation of chain saws) and will have no effect upon the regulated public other than to clarify the intent of the regulation to the employer.

Section 6290. General.

Subsection (c)

Section 6290 contains general requirements for rigging in logging operations. Subsection (c) states that rigging shall be arranged and operated so that it or its loads will not foul, rub, or saw against lines, straps, blocks, or other equipment. The intent of this subsection is to prevent damage to rigging lines, loads, or

other equipment. An amendment is proposed for subsection (c) that will require rigging to be arranged such that it or its loads will not “be damaged” by fouling, rubbing, or sawing against lines, straps, blocks, or other equipment. The amendment will address the intent of the regulation, which is to prevent damage to rigging lines, loads and other equipment and will have no effect upon the regulated public.

Section 6295. Anchoring.

Subsection (j)

Section 6295 provides anchoring requirements for guylines, skylines and other rigging anchored to tree stumps. Subsection (j) requires that safety holdbacks be used when necessary for the safety of workers. An amendment is proposed to add an example of a type of safety holdback called a “twister.” The amendment is for clarification and will have no effect upon the regulated public.

Section 6328. Yarding and Swinging.

Subsection (k)

Section 6328 contains general requirements for employees involved in yarding operations (the moving of logs from the place they are felled to a landing). Subsection (k) states that logs shall not be landed or moved into the landing while chasers (crew members who unhook logs at landings) are working on other logs at the spar tree. A spar tree is a tree with the top limbs removed to support blocks and ropes for logging systems. An amendment is proposed to repeal the requirements of subsection (k) because it duplicates the requirements of subsection (l). Consequently, subsections (l) through (n) are proposed as subsections (k) through (m), respectively, as a result of this amendment.

Subsection (l)

Subsection (l) states that logs shall not be landed at the spar tree until all workers and equipment are in the clear. Spar trees are no longer used at the yarder to land logs. Logs are landed in areas defined in the proposal as the “landing chute”. Therefore, an amendment is proposed to replace the term “spar tree” with “landing chute”. The amendment will have no effect upon the regulated public other than to update the language of the regulation consistent with current logging industry practices.

Section 6329. Landings and Loading Areas.

Subsection (e)

Section 6329 contains the size, slope and general design features required for log landing and loading areas. Subsection (e) states that space for trucks to turn-around be provided as close as possible to the landing and no further than 600 feet. Board staff agreed with the advisory committee consensus given that the limitation of 600 feet from the landing for truck turn-around serves no safety purpose, and therefore, the 600 feet limitation is proposed for deletion. The amendment will have no effect upon the regulated public.

Subsection (g)

Subsection (g) requires that all personnel stand clear while logs are being hoisted, or while logs or loads are being shifted on cars or trucks. Amendments are proposed for this subsection to clarify that personnel must stand clear of the hazardous area as defined in the proposal. Additionally, the reference to “cars” as used in the first sentence of subsection (g), and in existing subsection (j), is proposed for deletion because railroad cars are not used at log landing/loading areas. The proposed amendments will have no effect upon the regulated public.

Subsection (i)

Subsection (i) states that logs shall not be landed at cable system landings while trucks are being spotted (directed into position for loading). Log loading trucks are spotted at distances far enough removed from log landing areas that logs are safely landed while loading trucks move into position. Consequently, subsection (i) is proposed for repeal and the remaining subsections, (j) through (m), are proposed for re-lettering consistent with Title 8 format. The proposed amendments will have no effect upon the regulated public.

Appendix A, Radio Control Signaling Devices:

Appendix A, Radio Control Signaling Devices, in part contains mandatory requirements related to and referenced in Section 6272, Radio Signal Systems discussed above (see the rationale under Section 6272 where subsections (a) through (g), associated with reporting and registration requirements with the Division for radio use in logging operations, are proposed for repeal). Similar to existing Section 6272, Appendix A, Radio Control Signaling Devices, contains several requirements (primarily associated with radio frequencies used) related to reporting and registration requirements with the Division and are proposed for repeal. The repeal of these requirements are for consistency with the proposed amendments in Section 6272 and will have no effect upon the regulated public other than to eliminate unnecessary registration and reporting requirements to the Division.

Appendix A, Radio Control Signaling Devices, also provides that all radio devices “manufactured after the effective date of these Orders” that are tone coded for signal and/or machine functions or used for voice communications, shall meet or exceed certain specifications, tolerances and tests. A list of 13 specifications/testing criteria for radio devices is listed in the Appendix. The condition that the specification/testing criteria is applicable only to radio devices “manufactured after the effective date of these Orders” is proposed for deletion. Manufacturers of radio devices indicate radios in use meet the criteria listed in all 13 items listed. Therefore, reference to the date of manufacture is now unnecessary and deleting the reference to the manufacture date in the proposal will have no effect upon the regulated public.

With respect to the 13 listed specification/testing criteria for radio devices in Appendix A, item number (11) requires radio receivers intended for mounting on the yarder, and all portable transmitters to meet performance standards after being subjected to the vibration testing specified in Paragraph 22 of EIA RS 204 A. The reference to the EIA (Electric Industries Association) RS 204 A standard is problematic in that it provides no year of publication and is difficult to obtain.

A proposed amendment deletes the reference to the outdated/unavailable standard and incorporates by reference the vibration requirements contained in ANSI/TIA (Telecommunications Industry Association)/EIA-603-1992 standard, Section 3.3.4, Vibration Stability. Board staff was unable to obtain a copy of the referenced EIA RS 204 A standard. However, a manufacturer provided staff with the EIA RS-204-C-1982 standard for review purposes and indicated the vibration testing section (24.0 Vibration Stability) is equivalent to Paragraph 22 of the EIA RS 204 A standard. The requirements between the older EIA versions of the standard and the new 1992 ANSI/TIA standard are essentially the same. Therefore, the amendment to reference the ANSI/TIA/EIA-603-1992 standard will have no effect upon the regulated public except that the 1992 standard is readily available for review.

Also, item number 13 of the 13 listed specification/testing criteria for radio devices in Appendix A, requires at least one model of each radio system to be tested and certified that it meets the minimum requirements in the Appendix. A copy of the performance report must be signed by whoever tested the unit and submitted to the Division. A proposed amendment will eliminate the requirement that the performance report be sent to the Division. The proposed amendment is for consistency with the amendments to Section 6272 that repeal reporting/registration requirements with the Division for radio use. The amendment will have no effect upon the regulated public.

DOCUMENTS INCORPORATED BY REFERENCE

- ANSI/Telecommunications Industry Association (TIA)/Electronic Industries Association (EIA)–603–1992 standard, Section 3.3.4, Vibration Stability.

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 during business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

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 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 proposed amendments are largely editorial for the removal of obsolete language and/or logging methods.

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 or 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 regulations do not impose a local mandate. Therefore, reimbursement by the state 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 regulations 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 regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, these regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations 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 regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

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 these regulations 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.

There are building standards contained in the proposed revisions 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 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 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 February 16, 2001. 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

February 22, 2001 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, California 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

NOTICE OF ADOPTION OF
REGULATIONS
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS
BY THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

1. Title 8, Chapter 4, Subchapter 4, Construction Safety Orders, Article 24, Section 1670 and Section 1671.2, **Fall Protection in the Construction Industry.**

Heard at the January 20, 2000, Public Hearing; adopted on October 19, 2000; filed with the Secretary of State on November 21, 2000; and became effective on December 21, 2000.

A copy of this standard is available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: **<http://www.dir.ca.gov/oshb>** and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: **oshb@dir.ca.gov**.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

John D. MacLeod, Executive Officer