

OCCUPATIONAL SAFETY
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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 15, 2007**, at 10:00 a.m.
in the Harris State Building, Room 11
1515 Clay Street, Oakland, California 94612-1499.

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 15, 2007**, following the Public Meeting
in the Harris State Building, Room 11
1515 Clay Street, Oakland, California 94612-1499.

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 15, 2007**, following the Public Hearing
in the Harris State Building, Room 11
1515 Clay Street, Oakland, California 94612-1499.

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, Construction Safety Orders; General Industry Safety Orders; and Tunnel Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **February 15, 2007**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 34
Section 1801
TUNNEL SAFETY ORDERS
Chapter 4, Subchapter 7, Article 6
Section 8416
[Update of ANSI Z136.1 Laser Safety Standards, Warning Signs, Labeling, and Posting of Signs](#)

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 121
New Sections 5349, 5350, 5351, 5352, 5353, 5354, and 5355.1 and
Sections 5355, 5356, 5357, and 5358
[Snow Avalanche Blasting](#)

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 34
Section 1801
TUNNEL SAFETY ORDERS
Chapter 4, Subchapter 7, Article 6
Section 8416
[Update of ANSI Z136.1 Laser Safety Standards, Warning Signs, Labeling, and Posting of Signs](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal would update certain existing Title 8 Construction Safety Orders and Tunnel Safety Orders, which incorporate by reference American National Standard Institute (ANSI) Z136.1-1993 standards for laser warning signs and labels. Those ANSI standards have been superseded by ANSI Z136.1-2000, thus rendering the safety orders, in Sections 1801 and 8416, out-of-date, since there are differences in form and content between the corresponding 1993 and 2000 ANSI provisions. In addition, the 1993 ANSI standards are no longer readily accessible.

In examining Sections 1801 and 8416, Board staff ascertained that Section 1801(c) cross-references a safety order that has been repealed and that Section 8416 could be simplified significantly. These changes are proposed as well.

Section 1801. Nonionizing Radiation.

This section contains various nonionizing radiation standards for the construction industry and includes but is not limited to: 1) qualifications for employees installing, adjusting or operating laser equipment, 2) using personal protective devices, 3) posting of signs and labels, and 4) guiding the internal alignment of lasers.

Changes are proposed to update the ANSI Z136.1 reference from the 1993 edition to the 2000 edition and incorporate by reference Chapter 4, Section 4.7 that specifically addresses laser warning signs and labels.

The first proposed change made in Section 1801 is in subsection (c), where the cross-reference to Section 1516(e) is replaced by a cross-reference to Section 3382(e). Section 1516(e) was repealed in 2000, and Section 3382(e) concerns the same subject matter (eye and face protection).

The second proposed change is in subsection (d) where references to ANSI Z136.1-1993, Sections 4.7-4.9, are replaced by reference to ANSI Z136.1-2000, Section 4.7. ANSI Z136.1-1993 is out of print or otherwise difficult to obtain, and ANSI Z136.1-1993 refers to symbol designs that also are out of print. If Section 1801 continued to incorporate such outdated material, those who are subject to that safety order would have significant difficulty in ascertaining the safety order's requirements.

ANSI Z136.1-2000, on the other hand, is readily available and has references to current symbol designs, such as the "ANSI Z535 Design" and the "IEC 60825-1 Design." There are other differences between the relevant portions of ANSI Z136.1-2000 and ANSI Z136.1-1993:

- ANSI Z136.1-2000, Section 4.7, unlike ANSI Z136.1-1993, Section 4.7, designates the word “Notice” as a signal word and requires the use of the word “Notice” on signs posted outside a temporary laser controlled area.
- ANSI Z136.1-2000, Section 4.7, deletes a requirement found in ANSI Z136.1-1993, Section 4.7, for special signage to be used in connection with a Class 2a laser or laser system.
- ANSI Z136.1-2000, Section 4.7, unlike ANSI Z136.1-1993, Section 4.7, includes a reference to “Laser Protective Eyewear Required” as being an example of the wording that may appear on warning signs at position 1, above the tail of the sunburst.

Section 1801(d) incorporates ANSI Z136.1-1993, Sections 4.8 and 4.9, which do not govern the posting of laser warning signs and labels. ANSI Z136.1-2000 does not contain Sections 4.8 and 4.9, and the provisions of ANSI Z136.1-2000 that cover at least some of the same subject matter as ANSI Z136.1-1993, Sections 4.8 and 4.9, do not appear to govern the posting of laser warning signs and labels. Therefore, the proposed revision of Section 1801(d) omits the references to ANSI Z136.1-1993, Sections 4.8 and 4.9, and does not include any references to equivalent provisions of ANSI Z136.1-2000.

By referencing ANSI Z136.1-2000, Section 1801(d) will utilize the current consensus standard, and Section 1801(d) will be more intelligible and user friendly.

Section 8416. Lasers.

This section contains laser requirements for tunneling operations and addresses locating and targeting of lasers, laser warning signs and labels under section 8416(b) and also requires the use of lasers in accordance with the requirements of Construction Safety Orders, Section 1801 that are stated in section 8416(c).

An amendment is proposed to delete existing language pertaining to the posting of laser warning signs and labels in accordance with the ANSI Z136.1-1993 standard and replace it with a reference to Section 1801 of the Construction Safety Orders which is proposed to incorporate by reference applicable laser warning sign and label requirements contained in the ANSI Z136.1-2000 standard. The proposed amendment will eliminate duplication and have no other effect other than to reduce and simplify the existing regulatory text language, making the amended standard easier to read without having to repeat provisions found in Section 1801. In addition, the words “installed and adjusted” are to be added to Section 8416(c) in order to reflect the wording of Section 1801(a), thereby ensuring that the scope of Section 8416 coincides with the scope of Section 1801.

DOCUMENT INCORPORATED BY REFERENCE

ANSI Z136.1-2000, American National Standard for the Safe Use of Lasers, Chapter 4, Section 4.7.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. A copy of this document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Occupational Safety and Health 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 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.

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."

DETERMINATION OF MANDATE

The 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 the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, 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.

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 121
New Sections 5349, 5350, 5351, 5352, 5353, 5354, and 5355.1 and
Sections 5355, 5356, 5357, and 5358
[Snow Avalanche Blasting](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) initiates this rulemaking as the result of a Board Decision regarding OSHSB Petition File No. 476, dated March 16, 2006. In the Petition, the Petitioner (Mr. C. Duane Niesen), representing the California Ski Industry Association, requested that the Board amend Title 8, California Code of Regulations (CCR), Sections 5357 and 5358 of the General Industry Safety Orders (GISO), concerning arming and placing of explosive charges, and the management of misfired charges used in the control of avalanche danger.

In his September 29, 2005, letter to the Board, the Petitioner stated that the Division of Occupational Safety and Health (Division) interpretation of existing avalanche control standards is unclear with regard to Sections 5357 and 5358. The Petitioner stated that avalanche control methods similar to the proposed amendments have been successfully used in California, other states, and provinces in Canada for three decades without accidents attributable to the proposed practices.

In addition to the proposed amendments to Sections 5357 and 5358 by Mr. Niesen, Board staff recommends developing a comprehensive vertical standard for avalanche blasting operations because of

its unique objectives, work conditions and related hazards. Additionally, the work force to carry out blasting operations is usually involved with other responsibilities and duties associated with the operation of ski resorts, and commonly are ski patrollers that work seasonally as part time blasters. For this reason, Board staff recommends the creation of a separate, comprehensive standard for avalanche control blasting that highlights those standards that are of greatest significance, even when similar blasting standards are listed elsewhere in the GISO. The proposed avalanche blasting standard provides clarity and reflects current industry wide practices related to the training, blasting crew makeup, explosives, detonating systems, explosives storage, arming of charges, transportation, avalanche blasting and the management of misfires.

Currently, Title 8, Article 121 does not address the issues of 1) arming at the bottom of the slope, 2) transporting the armed handcharges via the ski lift to the top of the slope, 3) disarming of misfired handcharges before they have been deployed and 4) deploying handcharges from ski lifts. As asserted by Mr. Niesen, the lack of these specific standards has led to confusion regarding the avalanche control procedures allowed in California. Without specific avalanche control standards, the ski industry is subject to the blasting standards in Group 18 of the GISO, which prohibit many of the practices commonly used during avalanche blasting activities in California and the nation. As determined during the advisory committee meetings, there are resorts in compliance with current blasting standards who arm the charges at or near the deployment site and do not transport armed charges on ski lifts. Each of the individuals representing these resorts supports the proposal.

The proposal is the result of a collaborative effort by the ski industry representatives, the ski patrol community, Caltrans staff, manufacturer's representatives, avalanche blasting experts, Board staff and Division staff to develop a standard that provides the necessary safe practices, clarity and reasonable standards to benefit the employees, the ski industry and the public. The proposed consensus standard was developed by Board staff with the assistance of an advisory committee during two committee meetings convened on May 16 and May 31, 2006. In addition to the two advisory committee meetings, a December 1, 2005, meeting was convened in Truckee, California, by the Division and chaired by Board staff. The December 2005 meeting was attended by representatives from the California Ski Resort Association, ski resort avalanche blasting managers, ski patrollers (avalanche blasters), Caltrans staff, representatives from the offices of State Assemblyman Tim Leslie and State Senator Dave Cox, and Division and Board staff, in which the Petitioner's recommendations, the petition and rulemaking processes were discussed.

The proposed rulemaking consists of a comprehensive avalanche-blasting standard that adds new and amends existing sections in Article 121 regarding avalanche control blasting practices. The intent of this proposal is to provide clear performance standards for what currently are blasting activities that are generally outside the scope of blasting standards in the GISO. The proposal will provide avalanche control standards as an alternative to practices consistent with the general blasting standards in Group 18, for the abatement of avalanche danger.

Article 121. Snow Avalanche Blasting.

This proposal would add avalanche control blasting standards by adding new Sections 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 and amending Sections 5355, 5356, 5357, and 5358. The proposal provides additional methods and processes associated with avalanche control blasting that are consistent with current industry wide practices and are based on principles of safe practices to protect the employee. The proposed amendments will provide a concise set of blasting standards specific to avalanche control.

Section 5349. Scope.

Existing Section 5355, titled "Scope" is proposed for transfer to new Section 5349, titled "Scope." The proposed new Section 5349 contains the scope of Article 121 as activities associated with avalanche control.

It is proposed to add the phrase "shall only pertain to avalanche control operations, and shall" to language in the new Section 5349, to be consistent with language in other scope sections in Title 8. This proposal will provide clarity as to the operations regulated by Article 121. The proposal is nonsubstantive, and therefore will have no effect on the regulated public as this proposal is editorial in nature.

Section 5350. Training.

Currently, Article 121 does not contain specific training requirements for employees involved in avalanche control blasting operations. The proposal adds a new Section 5350, titled "Training," mandating training for employees who are involved in avalanche blasting activities including the arming, transportation, and deployment of charges. These requirements are consistent with Section 3203 training requirements under the Injury and Illness Prevention Program.

The proposed new Section 5350 prescribes both classroom instruction and practical training for affected employees and requires competence and knowledge regarding explosives characteristics, assembling, arming, transportation, deployment and disarming of charges, work stoppage due to lightning storms and rescue procedures for avalanche control operations. The requirement to provide a copy of the snow avalanche blasting standards to the blasters ensures that they have the standard available for reference. Additionally, the proposal to require training for employees indirectly involved with avalanche control ensures that the employees have the necessary information on the issues related to working with high explosives for avalanche control. The proposal ensures that employees directly or indirectly involved with blasting develop the necessary knowledge and competence to safely perform their duties, and in the event of an emergency are able to participate appropriately with emergency operations and rescue.

Section 5351. Snow Avalanche Blasting Crew.

Currently, Article 121 does not contain specific requirements for avalanche blasting crews. The proposal adds a new Section 5351, titled "Snow Avalanche Blasting Crew" that mandates minimum organizational and qualification requirements for avalanche blasting crews.

Proposed new Section 5351 contains requirements addressing (1) supervision of the avalanche blasting crew by an avalanche control coordinator who is a licensed blaster, (2) use of a licensed blaster in charge to oversee the activities of blasting crews, (3) responsibilities of the blaster in charge, (4) minimum number of licensed blasters per blasting crew, physical and mental requirements for blasting crewmembers, (5) blasting crew communication and (6) line of sight to ensure awareness of the presence of blasting crew members. The proposed requirements would ensure the blasting crew is physically and mentally competent to perform its avalanche control duties safely which include, but are not limited to: transporting and deploying explosives, disarming explosives and implementing emergency operations.

Section 5352. Explosives.

Currently, Article 121 does not contain specific requirements for explosives used for avalanche blasting. The proposal adds a new Section 5352, titled "Explosives" that establishes minimum requirements for explosives used for avalanche blasting operations.

New Section 5352 would require that the explosives to be used in avalanche control must retain its properties for at least one season while in storage and when exposed to weather conditions routinely encountered during avalanche control operations. Proposed subsection (a) ensures that the explosives for avalanche blasting will remain viable and stable in storage. Proposed subsection (b) ensures that the explosives for avalanche blasting will remain viable and stable when exposed to low temperatures and moisture encountered during avalanche blasting operations. This language is consistent with that in Section 5241, requiring the use of explosives that will not freeze at temperatures that may reasonably be expected at avalanche prone sites.

Section 5353. Detonating Systems.

Currently, Section 5356 contains requirements for detonating systems that utilize safety fuses and fuse igniters during avalanche blasting. The proposal transfers these requirements from Section 5356 into a new Section 5353, titled "Detonating Systems." Additionally, the proposal adds comprehensive detonating system requirements used for avalanche blasting operations.

The proposed new standard would require appropriate detonating systems to be utilized for single and multiple unit handcharges. Additionally, the proposal sets standards for procedures to be followed for the installation and use of the detonation systems. The proposal would ensure the hazards associated with faulty or inappropriate detonating systems are addressed.

Subsection (a) would require specific detonation systems for single hand placed or hand thrown charges and would ensure predictable performance and safety when deploying the handcharge.

Subsection (b) would require specific detonation systems for multiple charges and would ensure predictable performance and safety when deploying the multiple charges.

Subsection (c) would require the use of appropriately sized blasting caps and would ensure predictable performance, since a small cap may not be sufficient to detonate the charge.

Subsection (d) contains language currently found in Section 5356(a), (b), and (d) containing specific requirements for the safety fuse with the following amendments:

Subsection (d)(1) is transferred without change from Section 5356(a), requiring the use of water resistant safety fuse.

Subsection (d)(2) would require a determination of the safety fuse's burn rate and would prohibit the use of a fuse with an unpredictable burning rate. This proposal would ensure that the time from the lighting of the fuse to the detonation of the charge is predictable and would provide the blaster with an appropriate factor of safety when deploying charges.

Subsection (d)(3) would require a re-determination of the safety fuse's burn rate when using safety fuse that has been stored since its last burn rate determination. This proposal would ensure that any changes in the fuse's burn rate are taken into account in the determination of the fuse length.

Subsection (d)(4) would require posting the burn rate. This proposal would ensure the correct burn rate information is clearly communicated and used to determine the fuse length.

Subsection (d)(5) contains proposed language currently found in Section 5356(b), specifying a minimum burn time of 90 seconds from ignition to detonation.

Subsection (d)(6) contains proposed language transferred from current Section 5356(d). The proposed language would reiterate that the cut ends of the fuses must be protected from weather related damage and physical damage.

Subsection (d)(7) would prohibit the use of damaged fuse to ensure that a viable fuse is used to ignite the charge. Both proposed subsections (d)(6) and (d)(7) would ensure that the fuse used would provide predictable propagation and would provide the blaster with an appropriate factor of safety when deploying charges.

Subsection (e) would establish three requirements for assembling caps and fuses: (1) in a warm, dry and well-lighted environment, 2) in a location without flammable, combustible or explosive substances, and 3) using approved, appropriate crimping tools. This standard would ensure the quality and predictability of the capped fuses used, and consequently the safety of the blaster.

Subsection (f) would include specific fuse igniter requirements currently located in subsections 5356(c) and (e). The proposal contains the following changes from current language:

Subsection (f)(1), would modify language currently in Section 5356(c) by requiring the use of a "fuse igniter, designed for that purpose," instead of an "approved fuse lighter." This amendment is proposed because there are no "approved" fuse igniters, pursuant to Section 3206, that are currently available.

In the proposed subsection (f)(2), the term "fuse lighter" would be changed to "fuse igniter" to provide consistent terminology within the avalanche blasting standard.

Subsection (f)(3) contains language transferred from current Section 5356(e) with minor editorial, nonsubstantive changes.

The proposed subsection (g) contains eye protection requirements pursuant to Section 3382, for use when handling or using detonating systems or their components. This proposal would protect an employee's sight from flying particles and sparks in the event a fuse cap, no-electric shock tube or detonation cord actuates, or when excessive sparking occurs during the burning of a fuse.

Section 5354. Storage of Explosives and Handcharges.

Currently, Article 121 does not contain specific requirements for the storage of explosives in the course of avalanche blasting operations. The proposal adds a new Section 5354, titled "Storage of Explosives and Handcharges" that establishes storage standards for explosive materials.

The proposed new Section 5354 mandates storage requirements for explosives used for avalanche control, referencing the general explosive standards. The proposed subsection (a), requiring explosives used in avalanche control to be stored in accordance with Article 114, would clarify that all applicable storage requirements in Article 114 apply to avalanche operations. Article 114 contains the general storage requirements including: 1) safety orders for storage facilities and containers, 2) quantity and distance requirements for locating storage facilities near other property improvements, and 3) the construction and use of storage magazines requirements.

The proposed subsection (b), mandating that explosive materials must be stored inside the manufacturers original shipping containers, ensures proper containment of the explosives in appropriate containers. It is a common practice to preassemble large quantities of the capped fuses in advance of blasting operations, resulting in explosive materials (capped fuse assemblies) unable to be stored in either the shipping containers of the caps or the bulk safety fuse. An exception is proposed in subsection (b) to allow fused caps and capped fuses to be stored inside a container with appropriate padding. The proposed storage standards, including the conditions for the exception, would ensure that explosive materials are stored in a safe and appropriate manner.

Section 5355. Arming Explosive Charges.

Currently, Section 5355 titled "Scope," contains the scope of Article 121. The proposal transfers language regarding the scope from Section 5355 to Section 5349 and replaces it with standards for the arming of explosive charges used for avalanche control. Additionally, the proposal amends the section title to read, "Arming Explosive Charges." Currently, Article 121 does not contain specific requirements for the arming of explosive charges.

The proposed new Section 5355 would add general arming requirements regarding the location and conditions under which arming of handcharges may take place and establish specific limits regarding arming operations inside buildings.

Subsection (a)(1) would require charges to be armed at the point of deployment or in a safe, dry location as close to the deployment site as possible. This proposal would provide an alternative to deployment site arming to limit the effect that environmental and site conditions have on the blasting operation.

Subsection (a)(2) would prohibit arming of handcharges inside occupied buildings to ensure that building occupants are not inadvertently exposed to explosive hazards associated with the arming of charges.

Subsection (a)(3) would allow charges to be armed at the bottom of the slope inside an arming room limiting the effect that environmental and site conditions have on the blasting operation. The proposal would allow the use of an arming room that can be readily cleared and made usable during and after snow storms where there is available snow removal equipment. This option would enhance the quality of arming the charges when otherwise the explosives would be armed in extreme weather conditions. Additionally, the proposal would address the dangers of arming explosives in extreme cold and high winds by limiting employee exposure to such conditions and would provide the employer with greater control over the logistics of the blasting operation by allowing options in arming procedures. The proposed method to arm at the bottom of the slope would allow the arming of handcharges, snow removal for access, and the readying of the ski lift equipment to be carried out simultaneously. Significant time would be required for (1) snow removal at the bottom of the hill to gain access to the ski lift equipment, (2) transport of explosives components by crewmembers up the ski lift, and 3)

clearing deep snow away from any arming structure at the top of the slope, before crewmembers can start the arming process at the top of the slope. This proposed subsection would provide two alternate methods of arming handcharges to ensure the blaster has the option of arming inside an arming room or other location in the event weather or site conditions make arming at the deployment site difficult or impossible.

Subsection (b) would provide a standard, identified as Method I, for the safe handling of explosives during the arming of handcharges at the site of deployment as follows:

Subsection (b)(1) would require the capped fuse to be inserted in the explosive charge at the deployment site.

Subsection (b)(2) would define the initiation system used in the arming process and assembly as recommended by the manufacturer to ensure that the components are used as designed.

Subsection (b)(3) would require caps to be attached to correct length fuses before being transported to control routes, would ensure that the capped fuses used to arm the charges would not be assembled at the deployment site, and would provide 90 second burn time from ignition to detonation.

Subsections (b)(4) and (5) would require the use of non-sparking tools to minimize the possibility of accidental detonation due to static electrical conductivity.

Subsection (b)(6) would require the disbursement of explosives to the different blasting crews to be done outside the storage magazine and require a record be kept pursuant to Section 5251(n). These requirements would reduce the chance of employee-initiated accidents within the storage magazine by minimizing and controlling employees entering the storage magazine. Additionally, this subsection would maintain a record of the amount of explosives stored and disbursed pursuant to Section 5351(n) to enable accurate tracking of the explosives used.

Subsection (b)(7) would prohibit fuse caps, capped fuses, armed charges and igniters to be inside the magazine where explosives are stored to reduce the possibility of accidental initiation of the stored explosives.

Subsection (c) provides a standard, referred to as Method II, for the safe handling of explosives during the arming of handcharges inside an arming room and incorporates the requirements of proposed subsection (b) in addition to the requirements in the proposed subsections (c)(1) through (4).

Subsection (c)(1) would prohibit the presence of explosive materials during the fuse and cap assembling process to minimize the probability of detonation of the explosives due to the accidental actuation of the primary explosive material inside the fuse caps.

Subsection (c)(2) would restrict the arming of explosives to immediately before the charges are distributed to the blasting crews to eliminate the need to store and maintain armed charges, minimizing both public and employee exposure to an accidental blast from the armed charge.

Subsection (c)(3) would require, after inserting the cap in the charge, lacing or taping of the capped fuse to the armed charge to ensure that the fuse is well secured to the explosives charge, reducing the probability of the fuse becoming dislodged from the explosive charge and misfiring.

Subsection (c)(4) would require the armed charges to be placed in an explosives box or avalanche blasting pack to ensure that the charges are appropriately contained and less susceptible to accidental detonation.

Section 5355.1. Arming Room.

Currently, Article 121 does not contain specific arming room requirements used in the course of avalanche control operations. The proposal adds a new Section 5355.1, titled, "Arming Room," that mandates arming room requirements specific to avalanche control blasting.

The proposed new Section 5355.1 establishes standards regarding the location, construction, use limits, and housekeeping requirements for arming rooms.

Subsection (a) would set standards as to where the arming room can be located with respect to occupied buildings or structures to ensure that during the arming process only essential personnel are present and prohibiting public and non-essential personnel presence exposure to explosives hazards during the arming process.

Subsection (b) would set standards as to how the arming room must be constructed to reduce conductivity of the floor and work table surfaces to prevent accidental detonation initiated by static electricity. Additionally, the "construction" requirement in subsection (b), to require the arming room to be well ventilated would prevent dampening and heating of explosive materials present and minimize airborne dust inside the arming room.

Subsection (c) would set restrictions when operating an arming room to minimize accidental detonation of explosive materials by prohibiting activities, fixtures, appliances, liquids or gasses, and tools that may produce a spark, excessive heat, open flame or primary explosion. Additionally, the restrictions would minimize accidental detonation caused by untrained employee or unauthorized person's actions. The restriction in subsection (c)(8), prohibiting the storing of explosive materials in the arming room, would eliminate public and employee exposure to improperly stored explosives. The exception to subsection (c)(8), allowing the storage of a maximum of 5,000 caps and capped fuses, would maintain consistency with the storage requirements in Section 5253.1, meeting the intent of the restrictions in subsection (c) because the stored caps and capped fuses would be secured in an approved storage magazine.

Subsection (d) would set housekeeping requirements for the arming room to prevent or minimize the explosives hazard posed by accumulation of explosive material debris and dust resulting from arming activities by requiring the arming room to be kept clean and orderly.

Section 5356. Transporting Explosives and Handcharges.

Currently, Section 5356 contains requirements for detonating systems that utilize safety fuse and fuse igniters during avalanche blasting. The proposal transfers the detonating system requirements from Section 5356 into a new Section 5353, titled "Detonating Systems." Article 121 does not contain specific transportation requirements used in the course of avalanche control operations. The proposal adds a new, comprehensive transportation standard specific to explosive materials used in avalanche blasting operations into Section 5356. The proposal amends the title of the new Section 5356 to read, "Transporting Explosives and Handcharges."

The proposed new Section 5356 establishes standards regarding the transportation of explosive materials including armed handcharges.

Subsection (a) would clarify to employers that the transportation of explosives via public roads and highways during avalanche control activities is subject to United States Department of Transportation (DOT) standards.

Subsection (b) would require that provisions be established to prevent the explosives from making contact with the hot exhaust system while transporting the explosives with a vehicle powered by an internal combustion engine to prevent explosives from being exposed to a source of ignition that could lead to accidental detonation.

Subsection (c) would provide an option of transporting the armed explosive charges (armed at the bottom of the ski slope pursuant to Section 5355) via a ski lift to the top of the ski slope for deployment. Restrictions in proposed subsections (c)(1) through (5) would limit employee exposure to accidental detonation.

Subsection (c)(1) would limit riding a ski lift to transport charges and explosives to only the lift operators and deployment crews to limit the exposure to explosives only to essential personnel directly involved with avalanche control blasting.

Subsection (c)(2) would prohibit the carrying of more than two persons and 90 pounds of explosives per lift chair to limit exposure to explosives and the potential blast zone produced by explosives in the event of an accidental detonation.

Subsection (c)(3) would require separating blasting crews from one another while transporting armed charges on the ski lift by a minimum of 300 feet to limit the crews' exposure to a possible accidental explosion of the explosives carried by another blasting crew also on the ski lift.

Subsection (c)(4) would require direct communication between the lift operator and avalanche crews on the lift at all times to ensure the ability to coordinate, control and provide incident notification during the transportation of explosives.

Subsection (c)(5) would prohibit the ski lift and the slopes to be used by the public and nonessential personnel until blasting is completed to limit exposure to explosives and controlled avalanches during avalanche blasting operations.

Subsection (d) would establish container requirements for use during the transportation of explosive materials to prevent explosive materials from being accidentally detonated as a result of exposure to physical force or static electricity.

The exception to subsection (d) would allow fuse caps and capped fuses to be transported using "padded shields or equivalent" to protect the sensitive fuse caps from accidental detonation, because the original shipping containers for fuse caps are extremely bulky.

Subsection (e) would establish standards for the construction of avalanche blasting packs, which are commonly used to transport handcharges on the backs of the blasters when skiing to the deployment site.

Subsection (e)(1) would require the avalanche blasting pack to be constructed or treated to be water resistant, non-sparking and non-conductive to ensure explosive materials carried in the pack are protected from exposure to moisture or static electrical charge.

Subsection (e)(2) would require that the avalanche packs are constructed with enough compartments to ensure that handcharges, explosive materials, and tools are appropriately separated to prevent the accidental actuation of any of the charges' components.

Subsection (e)(3) would require means to independently close each of the avalanche blasting pack's compartments to avoid weather exposure or loss of explosive components.

Subsection (f) would establish standards regarding the use and repair of avalanche blasting packs used for transportation of explosives.

Subsection (f)(1) would require routine inspection of avalanche blasting packs to ensure proper containment of the explosive materials and tools when carried in the pack.

Subsection (f)(2) would prohibit tools and other materials to be placed in any blasting pack compartment to ensure that the tools and other materials do not make contact with explosive charges in the avalanche blasting pack that could lead to the accidental detonation of the explosive materials.

Subsection (f)(3) would require fuse igniters to be carried in a container or pouch completely separate from the avalanche blasting containing explosive materials to prevent the primary explosive material in the igniter from accidentally detonating the explosive materials carried in the pack.

Subsection (f)(4) would prohibit handcharges or explosive components to be left unattended in an avalanche blasting pack to ensure that the explosive materials will be managed properly and not expose anyone to the hazard posed by improperly stored explosives.

Subsection (f)(5) would limit the amount of weight of explosive materials carried by the crewmember to no more than forty-five pounds to prevent the blaster from carrying too great a load and limit the blast zone.

Section 5357. Snow Avalanche Control Blasting.

Currently, Section 5357, titled "Placing Explosives Charges," contains requirements for placing explosive charges during avalanche blasting. The proposal would change the title to read, "Snow Avalanche Control Blasting," and editorially amend the current language, and add standards that regulate the final step of deploying the explosive charges to the target area.

The proposed Section 5357 contains general requirements and specific operational sections that regulate: 1) the deployment of hand charges, 2) the deployment of charges from ski lifts, 3) the deployment of charges from helicopters, 4) the deployment of charges from avalauncher/launchers, and 5) requirements for other types of remote control devices that may be used in the course of avalanche control operations.

Subsection (a) contains the general requirements for avalanche control blasting.

Subsection (a)(1) would require that all avalanche blasting operations are supervised by a competent, licensed blaster, certified by the Division to ensure the proper and safe utilization of the explosive materials.

Subsection (a)(2) would require the slopes and areas affected by the blasting operation to be cleared of the public and nonessential personnel before blasting operations commence, until the blasting operation is completed to prevent injury or death due to accidental entrapment in a controlled avalanche.

Subsection (a)(3) would require at least one inch to be cut from the fuse end before attaching the igniter to minimize the possibility of the misfiring of charges due to a wet and fouled fuse end.

Subsection (a)(4) contains language currently found in subsection (a), which is transferred with clarifying nonsubstantive changes to ensure that the blasters are in a safe position when deploying charges. In addition, the section would specifically identify methods of deployment to include deployment from a ski lift, helicopter, avalauncher and other remote control devices accepted by the Division.

Subsection (a)(5) would prohibit routine nighttime deployment of charges to enhance safety by optimizing the blaster's ability to see the target area, protective barriers, terrain hazards and other blasting crewmembers. The proposal would allow emergency, nighttime avalanche blasting operations, which would protect the public.

Subsection (b) addresses the hand deployment of charges and contains both existing language currently found in subsections (a) and (b) and additional provisions specified as follows:

Subsection (b)(1) would limit the blaster to work with one handcharge at a time to ensure the safety of the blaster and the blasting crewmembers.

Subsections (b)(2) and (3) contain language currently found in subsections (a)(2) and (1) respectively, and are relocated with clarifying, nonsubstantive changes.

Subsection (b)(4) would establish requirements that must be considered before attaching the igniter to ensure the safety of crewmembers and other personnel in the effected area.

Subsection (b)(5) would require that the blaster throw the handcharge within 20 seconds after sliding the igniter on the fuse to ensure a sufficient safety factor when lighting the fuse. The proposed 20-second deployment requirement safety factor takes into account the remote possibility the fuse igniter malfunctions and ignites the fuse by merely sliding onto the fuse. It also provides the blaster with the appropriate factor of safety.

Subsection (b)(6), containing language currently found in subsection (b), has clarifying changes to meet the intent of the current standard.

Subsection (b)(7) would require unused handcharges to be deployed or disarmed at the end of the route to eliminate the hazard posed by armed charges when they are no longer needed.

An exception is proposed to subsection (b)(7) that would allow armed charges to be deployed to other routes at the completion of one route rather than having to disarm, then immediately rearm the charge at the other avalanche control route.

New subsection (c) would set standards for the deployment of charges from ski lifts or trams to minimize the blasters' and ski lift operators' exposure to unique hazards posed by ski lift deployment and to ensure that the ski lift operators are aware of the blasting operation and are able to provide communication with the blasting crew. In the event of a blasting accident, the operators are able to carry out emergency ski lift operation and evacuation procedures to aid in the blasting crew recovery and medical evacuation operations. Subsection (c) would ensure safe blasting practices that minimize the hazards to the blasting crew and prevent damaging the ski lift equipment.

New subsection (d) addresses the deployment of charges from helicopters.

Subsection (d)(1) would require helicopter based blasting operations to be in compliance with helicopter operation requirements outlined in Article 35 of the Construction Safety Orders to ensure the safe operation of the helicopter used for avalanche control.

Subsection (d)(2) would require that the avalanche blasting operation is carried out by a licensed blaster to ensure public and employee safety during the blasting operation.

Subsection (d)(3) would require the development of a written safety plan before blasting activities to ensure that they are planned and organized to minimize the hazards to the blasting crews and the public, as well as minimizes the probability of damage to helicopter and ground based property.

Subsection (d)(4) would require compliance of the written safety plan and that the plan be provided to the Division as specified to ensure appropriate preplanning of the blasting operation and the enforceability of the helicopter operation by requiring that the safety plan be provided to the Division as formal notification of intent to conduct a helicopter based avalanche blasting operation.

New subsection (e) addresses the deployment of charges using avalaunchers and launchers.

Subsections (e)(1) through (3) would require supervision by a licensed blaster, permit only trained and authorized personnel, and a specified crew size to ensure a safe and effective avalauncher operation protecting both the public and the employees from exposure to the hazards posed by the unsafe operation of avalauncher/launcher equipment.

Subsections (e)(4) through (9) would regulate the use, installation, inspections, maintenance, and operation of the launcher and projectiles, including requiring compliance with manufacturer's recommendations. These subsections are designed to ensure the proper functioning of the equipment and the safe management of the projectiles.

Subsections (e)(10) and (11) would require accountability and record keeping of the misfires and their location to enhance the recovery of misfired projectiles.

Subsection (e)(12) would prohibit persons inside the target zone when firing the launcher to protect employees from exposure to avalauncher projectile charges.

Subsection (e)(13) would require the equipment to be placed in a nonfunctioning condition or locked to prevent unauthorized use of the avalauncher equipment.

Section 5358. Management of Misfires.

Currently, Section 5358, titled, "Misfires --- Snow Avalanche Blasting," contains requirements to address when a misfire occurs. The proposal changes the Section 5358 title to read, "Management of Misfires," amends current language both editorially and substantively, and proposes additional standards including methods of disarming.

The proposed Section 5358 would require that explosives be disarmed or rendered harmless in accordance with specified methods as follows:

New subsection (a) would require the blaster to record whether or not the deployed charge detonated to ensure that a record is maintained of deployed charges that have misfired to aid with future recovery of the misfired explosives and track misfire frequencies.

New subsection (b) would require misfires to be recovered where possible to minimize public and employee exposure to unexploded high explosive materials remaining on the slopes and mountain terrain after avalanche control activities.

Subsection (c) contains language currently found in subsection (a), which has clarifying and substantive changes in strikeout/underline format. The proposed subsection (c) would amend the time period from one hour to 30 minutes that the slope must remain closed when a suspected misfire occurs and before a licensed blaster may approach the misfired charge to improve the recovery rate of the misfires and minimize public and employee exposure to high explosive materials remaining on the slopes and mountain terrain.

The proposal would delete current subsection (a)(1) as an option to remediate the misfire. This is necessary because of the hazard posed by the unreliable detonating system of the misfired charge.

Proposed subsections (c)(1), (c)(2), and (c)(3) contain language currently in subsections (a)(2) and (3), with new language in subsection (c)(1), allowing the practice of re-priming or re-arming the misfire. Nonsubstantive changes are proposed in subsection (c)(2), and substantive changes in proposed subsection (c)(3).

Proposed subsection (c)(1) would provide the option of re-priming or re-arming the misfired charge and detonating the misfire. The proposal would provide an additional, safe method to remediate the hazard posed by the unpredictable misfired charge.

Proposed subsection (c)(2) would require that after 30 minutes has elapsed from the time of the original deployment of a handcharge without a detonation (misfire), another handcharge shall be placed alongside the misfired charge and detonated.

The proposal is necessary to ensure that unexploded handcharges would not be discovered later by unauthorized personnel and/or the general public subjecting them to the risk of serious injury or death as a result of deliberate or inadvertent detonation.

Proposed subsection (c)(3) would retain the option to retrieve and disarm misfired handcharges and add a separate requirement for disarming the avalauncher/launcher charges in accordance with manufacturer's recommendations and instructions. It is necessary because each manufacturer has its own unique recommendations and instructions to be followed. The proposed subsection (c) language

clearly identifies the proper methods available to the blaster to eliminate the hazard posed by an armed charge that has misfired.

New subsection (d) includes nonsubstantive editorial changes from the existing subsection (b) dealing with misfires described in existing subsection (a) in the event the terrain or weather conditions preclude their use. Amendments are proposed to re-letter existing subsection (b) as new subsection (d) and re-identify (a)(1), (a)(2), and (a)(3) as (c)(1), (c)(2), and (c)(3). The proposed amendments are in part editorial and consistent with other proposed alphanumeric amendments in Section 5358 and deletion of permissive language consistent with Title 8 syntax.

The proposed amendments are necessary to reflect the reorganization of the provisions in the proposal.

The proposed new subsection (e) would require the searchers of misfires to use proper mountaineering techniques to traverse the mountain terrain to address the environmental hazards avalanche blasting crews are exposed to, including dangers posed by avalanche prone slopes, icy surfaces, fissures, etc.

The proposed new subsection (f) would require at least an one-hour waiting period before a misfired charge that has ceased emitting flames or smoke can be approached to address the hazards associated with such misfires and provide sufficient time for the unpredictable misfire condition to abate.

The proposed new subsection (g) would prohibit the relighting of a charge that does not light at a first attempt and provide for redeployment or disarming. The proposal, allowing immediate disarming before deployment, would eliminate the need to recover the misfire at a later time and the possibility of losing the misfire on the slope. The proposal to disarm the deployed charge is currently allowed under subsection (a)(3) and in the proposed subsection (c)(2).

The proposed new subsection (h), establishes a safe disarming method for handcharges suspected of not lighting by requiring a maximum time limit of 20 seconds from the time the igniter has been installed on the fuse, and before they are deployed. The proposal would maintain the minimum safety factor of 4.5 when igniting the safety fuse with a fuse length of a minimum 90-second burn time.

The proposed new subsection (i) would require that a specific record be maintained to track the status of misfired charges and aid in the recovery and provide accountability for the lost charges.

Proposed new subsection (j) would require posting of warning signs and instructions that notify individuals entering the affected areas that un-detonated charges may be encountered and what to do when such charges are found. The posting requirement would address public and employee hazards posed by unexploded charges by providing the appropriate information regarding the safe and correct action to take.

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.

This proposal provides an alternative method to current standards without prohibiting or restricting use of current methods of avalanche control blasting. Therefore, this rulemaking is anticipated to provide a positive impact on California businesses by including the proposed processes and procedures in the General Industry Safety Orders that are currently industry accepted practices and recommended by the regulated public to be included.

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 the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, 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.

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.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated because the proposed changes provide an alternative method to current standards without prohibiting or restricting use of current methods of avalanche blasting.

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 February 9, 2007. 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 15, 2007, 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 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 either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, 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

TITLE 8

CONSTRUCTION SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 4, ARTICLE 34

SECTION 1801

TUNNEL SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 7, ARTICLE 6

SECTION 8416

**UPDATE OF ANSI Z136.1 LASER SAFETY STANDARDS, WARNING SIGNS,
LABELING, AND POSTING OF SIGNS**

TITLE 8

GENERAL INDUSTRY SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 7, ARTICLE 121

NEW SECTIONS 5349, 5350, 5351, 5352, 5353, 5354, AND 5355.1 AND

SECTIONS 5355, 5356, 5357, AND 5358

SNOW AVALANCHE BLASTING

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 7, General Industry Safety Orders, Article 25, Section 3650, **Labeling, Design and Construction of Powered Industrial Trucks.**

Heard at the August 17, 2006, Public Hearing; adopted on September 21, 2006; filed with the Secretary of State on November 2, 2006; and became effective on December 2, 2006.

2. Title 8, Chapter 4, Subchapter 7, General Industry Safety Orders, Articles 15 and 109, Sections 3482, 5161 and 5178, **Grain Handling Facilities.**

Heard at the April 20, 2006, Public Hearing; adopted on October 19, 2006; filed with the Secretary of State on November 4, 2006; and will become effective on December 14, 2006.

3. Title 8, Chapter 4, Subchapter 13, Logging and Sawmill Safety Orders, Article 15, Section 6368, **Fuel Houses, Chip Bins, and Hoppers-Sawmills.**

Heard at the September 21, 2006, Public Hearing; adopted on October 19, 2006; filed with the Secretary of State on November 14, 2006; and will become effective on December 14, 2006.

A copy of these standards are 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/oshsb>** and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: **oshsb@dir.ca.gov**.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Keith Umemoto, Executive Officer