

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 **July 20, 2006**, at 10:00 a.m.
in Room 358 of the County Administration Center,
1600 Pacific Highway, San Diego, California 92101.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **July 20, 2006**, following the Public Meeting
in Room 358 of the County Administration Center,
1600 Pacific Highway, San Diego, California 92101.

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

BUSINESS MEETING: On **July 20, 2006**, following the Public Hearing
in Room 358 of the County Administration Center,
1600 Pacific Highway, San Diego, California 92101.

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

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

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

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOHN D. MACLEOD, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders; General Industry Safety Orders; and Ship Building, Ship Repairing, and Ship Breaking Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **July 20, 2006**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 4
New Section 1532.2
 GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 107, Section 5155 and
Article 110, New Section 5206
 SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY
 ORDERS
Chapter 4, Subchapter 18, Article 4
New Section 8359
 Hexavalent Chromium

2. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 6
Section 1541
 Excavations, General Requirements

A description of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 4
New Section 1532.2
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 107, Section 5155 and
Article 110, New Section 5206
SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY
ORDERS
Chapter 4, Subchapter 18, Article 4
New Section 8359
Hexavalent Chromium

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated standards addressing Hexavalent Chromium, Cr(VI) on February 28, 2006, as 29 Code of Federal Regulations, Sections 1910.1026, 1915.1026, 1926.1126. The Board is relying on the explanation of the provisions of the federal standards in Federal Register, Volume 71, No. 39, pages 10100 - 10385, February 28, 2006, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt standards which are the same as the federal standard except for editorial and format differences.

The OSHA final rule establishes an 8 hour time-weighted average (TWA) Permissible Exposure Limit (PEL) of 0.005 milligrams of Cr(VI) per cubic meter of air ($0.005\text{mg}/\text{m}^3$). This PEL of $0.005\text{ mg}/\text{m}^3$ is equivalent to 5 micrograms per cubic meter of air ($5\text{ug}/\text{m}^3$). The previous PEL was $0.052\text{ mg}/\text{m}^3$. OSHA is establishing three separate standards covering occupational exposures to Cr(VI) for: (1) general industry (29 CFR 1910.1026); (2) shipyards (29 CFR 1915.1026), and (3) construction (29 CFR 1926.1126). The final rule also contains ancillary provisions for exposure determination, methods of compliance, respiratory protection, protective work clothing and equipment, hygiene areas and practices, medical surveillance, communication of Cr(VI) hazards to employees, recordkeeping, and compliance dates. The general industry standard has additional provisions for regulated areas and housekeeping.

The standards apply to occupational exposures to Cr(VI) in all forms and compounds with the following limited exceptions: 1) exposures that occur in the application of pesticides (e.g., the treatment of wood with preservatives) since these exposures are already covered by the Environmental Protection Agency; 2) exposure to portland cement; and 3) exposures in work settings where the employer has objective data demonstrating that exposures to Cr(VI) cannot exceed $0.5\text{ ug}/\text{m}^3$ under any expected conditions of use. All provisions except engineering controls have a start-up date of November 27, 2006, (May 30, 2007, for small business). Engineering controls must be in place by May 31, 2010.

The proposal would add Section 1532.2, construction; Section 5206, general industry; and Section 8359, maritime. The proposed new sections are substantially the same as the federal counterpart standards, although the federal standards refer to federal respirator, hazard communication, hygiene, and recordkeeping standards, whereas the proposal references the counterpart Title 8 standards. The referenced Title 8 standards are at least as effective as the counterpart federal standards and do not place any additional requirements on employers since they already apply to the operations covered by the proposed Cr(VI) standards.

This rulemaking proposal also amends the table of airborne contaminants in Section 5155 by revising the PELs of substances containing Cr(VI) to be consistent with the new federal PEL, and by adding text to refer the reader to additional requirements contained in the proposed Cr(VI) standards. Section 5155(a)(2) provides instruction regarding the application of the PELs in Section 5155 that reference another section in Title 8. It states, "When this section references another section for controlling employee exposures to a particular airborne contaminant, the provisions of this section for such substance shall apply only to those places of employment which are exempt from the other standard."

The Time-Weighted Average (TWA) PEL is proposed to be lowered to 0.005 mg/m^3 , measured as chromium, for the following substances listed in Section 5155 that contain Cr(VI): tert-butyl chromate, chromite ore processing, chromium (VI) compounds, lead chromate, zinc chromate, zinc chromate hydroxide, zinc potassium chromate, and zinc yellow. The Ceiling Limit for tert-butyl chromate and chromium (VI) compounds is retained at 0.1 mg/m^3 measured as chromium.

The current PEL for lead chromate is 0.050 mg/m^3 when measured as lead, which is the PEL established for lead compounds in the comprehensive lead standards for general industry and construction, i.e., Sections 5198 and 1532.1. Since the atomic mass of lead is approximately four times the atomic mass of chromium, the PEL of 0.050 mg/m^3 for lead chromate measured as lead is equivalent to a PEL of 0.012 mg/m^3 for lead chromate measured as chromium. The PEL for lead chromate is proposed to be lowered to 0.005 mg/m^3 when measured as chromium, which is the same as the new federal PEL for all Cr(VI) compounds. This concentration of lead chromate measured as chromium is equivalent to 0.020 mg/m^3 of lead chromate measured as lead. Therefore the proposed PEL for lead chromate is 0.020 mg/m^3 as lead and 0.005 mg/m^3 as chromium. Immediately below the PEL for lead chromate listed in Section 5155 is a reference to Section 5198 that directs the reader to the additional requirements of that comprehensive standard for lead. The proposal expands this reference to include proposed Sections 1532.2, 5206, and 8359 to direct the reader to the additional requirements which apply to Cr(VI) compounds, including lead chromate.

Section 5155 lists the PEL for strontium chromate as 0.0005 mg/m^3 measured as chromium, which is one-tenth the PEL for Cr(VI) compounds in proposed Sections 1532.2, 5206, and 8359. This rulemaking proposal amends Section 5155(a)(2) to provide an exception for strontium chromate, so the existing PEL for strontium chromate and the provisions of Section 5155 will apply to strontium chromate exposures in addition to the requirements of proposed Sections 1532.2, 5206, and 8359, which are referenced directly below the PEL for strontium chromate in Section 5155. The proposal also includes a note in new Sections 1532.2, 5206, and 8359 in the scope subsection of the standards to notify the reader that exposures to strontium chromate must comply with the provisions of Section 5155 in addition to the new Cr(VI) standards.

Because the proposed standards are substantially the same as the final rule promulgated by Federal OSHA, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part

1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard. However, the Board is still providing a comment period and will convene a public hearing. The purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). The standards may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

COST ESTIMATES OF PROPOSED ACTION

The federal preamble, Section VIII-D, estimates a nationwide, annual total cost to employers of \$282 million. Engineering control costs represent 41 percent of the total costs, and respiratory protection costs represent 25 percent of the total costs of the new provisions of the final standard. Costs for the new provisions for general industry are \$192 million per year, costs for construction are \$67 million per year, and costs for the shipyard sector are \$23 million per year. The annual cost to State employers is estimated to be approximately ten percent of the national total or \$28.2 million. Since the State's standard is required to be at least as effective as the federal standard, these costs are the result of the federal changes.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. Where small businesses have significant occupational exposure to Cr(VI), these businesses would incur a portion of the costs estimated previously for all employers.

ASSESSMENT

The adoption of the proposed 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 and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 6
Section 1541
Excavations, General Requirements

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking is in response to a serious accident that took place on November 9, 2004, in Walnut Creek, California when a high-pressure petroleum pipe was punctured during an excavation. An explosion and fire was ignited by several welders who were working in proximity to the excavation resulting in five deaths and injury to employees.

The Division of Occupational Safety and Health (Division) conducted a six-month investigation which concluded that one of the principal causes of the accident was not determining the precise location of a high-pressure combustible fuel pipeline prior to conducting excavation activities. The excavation constructor's backhoe struck and punctured the pipeline, which resulted in the explosion and fire.

The Division's accident investigation findings were discussed on June 10, 2005, at the Senate Select Committee on Bay Area Infrastructure: Informational Hearing on Pipeline Explosion, convened by State Senator Tom Torlakson, D-Antioch at the Walnut Creek City Hall. The meeting was attended by representatives from East Bay Municipal Utility District (EBMUD), the Division, the Occupational Safety and Health Standards Board (Board), Associated General Contractors of California (AGC California), Office of the State Fire Marshal and the Engineering and Utility Contractors Association (EUCA). The meeting also provided time for public comment.

On July 26, 2005, the Board staff convened an advisory committee meeting consisting of subject matter experts in the fields of excavation, construction, subsurface installation detection, underground utility owners/operators, design engineers, utility companies and a relevant cross section of labor representatives including those representing the laborers who died in the November 9, 2004, Walnut

Creek explosion and fire. The consensus of the one-day meeting was that a smaller, focused subcommittee should be convened to consider proposed amendments to California's excavation standards contained in Section 1541 of the CSO.

On September 28, 2005, the Board staff convened a subcommittee meeting to consider proposed amendments to CSO Section 1541. This committee included (1) representatives from labor including the Operating Engineers, International Brotherhood of Electrical Workers (IBEW), Laborers International Union of North America (LIUNA), (2) utility companies, (3) AGC California, (4) local jurisdiction installation owners, (5) design engineers and (6) EUCA. The one-day meeting resulted in a consensus proposal. The full advisory committee was sent a copy of the proposal for review and comment. Several comment letters were received by Board staff and evaluated by Division and Board staff. The Board and Division staff's review of the committee's comment letters resulted in further revisions to the proposal and a decision that further meetings were unnecessary.

This proposal clarifies that Section 1541 applies to subsurface facilities such as sewer, telephone, fuel, electric and other subsurface facilities as specified. This proposal contains new language referencing portions of the California Government Code (GC) Section 4216 necessary to ensure excavators understand their responsibilities prior to digging. GC Section 4216 contains statutory requirements that excavators are to comply with. The proposal also contains new language addressing meet and confer procedures between excavators and owner/operators of high priority (risk) subsurface facilities, as the proposal defines, such as high-pressure petroleum pipelines when excavation is to occur within 10 feet of or in conflict with high priority facilities. The proposal also clarifies the definition of a qualified subsurface installation locator in terms of training and addresses required action by excavators who discover or cause damage to subsurface facilities. Board staff relied on a number of notable industry consensus guidelines such as the Common Ground Alliance (CGA), Best Practices, Version 2.0 and the National Utility Locating Contractors Association (NULCA) and the California Department of Transportation, Policy on High and Low Risk Underground Facilities Within Highway Right of Way- January 1997.

Section 1541. General Requirements

This section contains Title 8 requirements addressing various safety issues pertaining to excavations which include but are not limited to: safeguarding employees from hazardous surface encumbrances, work involving underground installations including estimating their location, responsibilities of regional notification centers (RNC) to notify both RNC members and non-members of an excavation at least two working days prior to the proposed work, determination of the exact location of subsurface installations when the excavation is proposed in proximity to the subsurface installation, access and egress to and from excavations, means of egress, hazardous atmospheres, emergency rescue, protection from water accumulation, stability of adjacent structures, and the protection of employees from loose rock or soil.

Subsection (b)(1)

Amendments for clarity are proposed for subsections (b)(1) through (b)(4) to delete use of the term "underground" and replace it with "subsurface" to be consistent with Government Code (GC) Section 4216(j). Another amendment is proposed for subsection (b)(1) to clarify that the "approximate" rather than "estimated" location of subsurface installations is to be determined prior to excavation. The effect of the proposed amendments would be to clarify to the employer that consistent with the GC subsurface requirements, the excavator is to determine the approximate location of subsurface utilities prior to digging.

Subsection (b)(1)(A)

A new subsection (A) is proposed, consistent with the GC 4216.2, that would prohibit excavation until the area has been marked by the excavator and the excavator has received notification (positive response) from all known subsurface installation owner/operators within the boundaries of the proposed excavation. The effect of the proposed subsection would be to clarify to the employer that a positive response is to be received prior to the start of any excavation.

Subsection (b)(1)(B)

A new subsection (B) is proposed that would require an onsite meeting be held between the excavator and the subsurface installation owner/operator when an excavation is proposed within 10 feet of or in conflict with a high priority subsurface installation as defined within the context of subsection (B). High priority subsurface installations include natural gas pipelines, petroleum pipelines, pressurized sewage pipelines, high voltage electrical supply lines, conductors or cables that have a potential to ground of more than 60,000 volts (60kV), and hazardous materials pipelines that present risk to the employees or the public. The effect of the proposal would require the employer (excavator) to contact any high priority installation owners according to the criteria set forth in subsection (B) and arrange an onsite meeting to determine the most effective methodology for verifying the location of the high priority subsurface installation.

Subsection (b)(1)(C)

A new subsection (C) is proposed that would require all subsurface installation locators to perform location procedures in accordance with the GC sections specified in the text of the proposal. The proposal would also require that locators be trained in accordance with existing Section 1509, Injury and Illness Prevention Program (IIPP), requirements and the minimum training guidelines of the CGA Best Practices, Version 2.0, December 2004, or the NULCA Standard 101, 2001, in order to be deemed qualified. The effect of the proposal may require some employers to revise or enhance their existing IIPP training program to meet the training requirements specified by either the CGA or NULCA training guidelines.

Subsection (b)(1)(D)

A new subsection (D) is proposed that would require all employees to be trained in excavator notification and excavator practices required by this section and applicable portions of the GC as indicated in the proposed text. The effect of the proposed amendment will emphasize and clarify to the employer that consistent with existing IIPP requirements, employees who are involved in excavation operations are to be trained in the requirements set forth in Section 1541 and the relevant portions of the GC.

Subsection (b)(2)

Existing subsection (b)(2) requires all Regional Notification Centers, as defined in the GC, in the areas involved in the excavation and all known owners of subsurface facilities in the area who are not members of the Regional Notification Center to be advised of the proposed excavation work two days prior to digging. This subsection contains an exception that excludes subsurface installation emergency repair work from the two-day notice requirement. The effect of the proposed amendment would be to

clarify that emergency repair work, as defined in the GC, is excluded from the notification requirement described above.

Subsection (b)(3)

Existing subsection (b)(3) requires all excavators that approach the estimated location of subsurface installations to determine the exact location of the installation by safe and acceptable means. Amendments are proposed to include boring operations and replace the term “estimated” with “approximate” consistent with the proposed amendment to subsection (b)(1). The effect of the proposed amendments would clarify to the employer that the exact location of the subsurface installation is to be determined by safe and acceptable means, as defined in the GC, that will prevent damage to the subsurface installation.

Subsection (b)(5)

A new subsection (b)(5) is proposed that would require excavators who cause or discover damage to subsurface facilities to notify the installation owner/operator or the one call center immediately and report the damage to the subsurface installation. The effect of the proposed new language would ensure that damaged subsurface facilities are repaired in order to prevent release of toxic or hazardous materials which could endanger employees and/or the general public, or if left undetected could cause a fire, explosion and/or interruption of vital utilities.

DOCUMENTS INCORPORATED BY REFERENCE

1. Common Ground Alliance (CGA), Best Practices, Version 2.0, Published December 2004.
2. National Utility Locating Contractors Association (NULCA) Standards Committee Standard 101: Professional Competence Standards for Locating Technicians, 2001 First Edition.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. See Impact on Businesses below.

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 a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete

with businesses in other states. The proposal will require employers to provide enhanced training for employees who conduct subsurface installation locating consistent with existing Title 8, IIPP construction industry requirements. Also consistent with existing Title 8, IIPP requirements, all employees involved in excavation activities would be required to be instructed in the excavation practices and procedures described by the proposed amendments. The proportional cost of providing the proposed training, when compared to typical excavation job costs, is insignificant.

Cost Impact on Private Persons or Businesses

Employers who utilize line-locating technicians may incur some incremental administrative costs associated with training their locating technicians to the level prescribed by the proposed language. However, such incremental employee training is to some extent, already addressed by existing Title 8, IIPP requirements. As stated in the Impact on Businesses section, these costs are expected to be proportionally insignificant in comparison to total project costs and it is reasonable to expect that they would be offset by a reduction in employer liability that would result from accidental contact with subsurface utilities. Such contact could result in employee injury/fatality, equipment damage, adverse economic impact to local businesses, and disruption and restoration of ratepayer services.

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.

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 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 July 14, 2006. 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 July 20, 2006, 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 4

NEW SECTION 1532.2

GENERAL INDUSTRY SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 7

ARTICLE 107, SECTION 5155 AND

ARTICLE 110, NEW SECTION 5206

**SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING
SAFETY ORDERS**

CHAPTER 4, SUBCHAPTER 18, ARTICLE 4

NEW SECTION 8359

HEXA VALENT CHROMIUM

TITLE 8

CONSTRUCTION SAFETY ORDERS
CHAPTER 4, SUBCHAPTER 4, ARTICLE 6
SECTION 1541

EXCAVATIONS, GENERAL REQUIREMENTS

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 29, Section 1720, Concrete Pumps and Placing Booms.

Heard at the June 16, 2005 Public Hearing; adopted on February 16, 2006; filed with the Secretary of State on April 3, 2006; and became effective on May 3, 2006.

2. Title 8, Chapter 4, Compressed Air Safety Orders and Appendices A and B and General Industry Safety Orders, New Article 154, Transfer of Compressed Air Safety Orders (Title 8 Reform Element 1, Part 1).

Heard at the January 19, 2006 Public Hearing; adopted on February 16, 2006; filed with the Secretary of State on April 4, 2006; and became effective on May 4, 2006.

3. Title 8, Chapter 4, Subchapter 7, General Industry Safety Orders, Article 10, Section 3395, Heat Illness Prevention (Emergency Standard).

Adopted on March 16, 2006; filed with the Secretary of State on April 19, 2006; became effective on April 19, 2006; and expires on August 18, 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