

**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 **June 16, 2005** at 10:00 a.m.
in Council Chambers, First Floor of the Irvine City Hall,
1 Civic Center Plaza, Irvine, CA 92623-9575

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 **June 16, 2005**, following the Public Meeting
in Council Chambers, First Floor of the Irvine City Hall,
1 Civic Center Plaza, Irvine, CA 92623-9575

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 **June 16, 2005**, following the Public Hearing
in Council Chambers, First Floor of the Irvine City Hall,
1 Civic Center Plaza, Irvine, CA 92623-9575

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

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

STEVEN L. RANK, 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; and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **June 16, 2005**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29, Section 1720
Concrete Pumps and Placing Booms

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Group 4, Article 24
Sections 3637, 3638, 3639, 3640, 3642, and 3646
Mast-Climbing Work Platforms

A description of the proposed changes are as follows:

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
 Chapter 4, Subchapter 4, Article 29, Section 1720
 Concrete Pumps and Placing Booms

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is being initiated in response to a Division of Occupational Safety and Health (Division) memorandum, dated August 13, 2003, with attached Form 9, Request for New, or Change in Existing Safety Order. The Division expressed concern regarding accidents that have occurred involving concrete pumping equipment.

Concrete pumping using truck-mounted concrete placing booms, trailer-mounted pumps and separate concrete placing booms is widely used in the construction industry due to its ability to quickly place concrete at points removed from the point of delivery to the jobsite. Direct concrete placement without re-handling improves the quality of the pour and requires less labor. Direct placement also reduces workplace congestion and can thus improve workplace safety. However, accidents involving concrete pumping equipment have occurred that include boom trucks overturning due to unstable ground, placing booms which contact high-voltage power lines, and operational failure of delivery system components, such as boom hose attachments and fittings, causing hoses to become whips or causing equipment or components to fall on unsuspecting workers below. Concern has also been expressed regarding the lack of structural inspections of boom parts that are exposed to structural fatigue and wear.

Neither Title 8 nor federal standards specifically address mobile truck-mounted concrete pumping equipment and placing booms. However, the State of Washington has developed standards (WAC 296-155-682) that address these hazards for concrete pumping equipment operated in Washington. A voluntary standard has also been developed by an industry association, the Concrete Pump Manufacturers Association (CPMA), CPMA 27-2000, Concrete Pumps, Placing Booms and Delivery Systems, which became effective September 16, 2003.

An ad hoc advisory committee, consisting of equipment manufacturers, inspectors, management and labor representatives was convened by Board staff on December 10-11, 2003, to develop standards for mobile truck-mounted concrete pumping equipment. This proposal is based substantially on a consensus proposal developed by the committee.

This proposed rulemaking action also contains non-substantive, editorial, reformatting of subsections, and grammatical revisions. These non-substantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the proposed text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

Section 1720. Placement of Concrete.

Section 1720 contains provisions for concrete buggies, pumpcrete systems, concrete buckets, ready-mix trucks, and formwork. It is proposed to amend existing subsection (b), Pumpcrete Systems, by clarifying

existing text and adding provisions to address the safe operation, inspection, maintenance and repair of concrete pumps and placing booms.

Subsection (b), Pumpcrete Systems.

Existing subsection (b) requires that (1) pumpcrete or similar systems using discharge pipes be provided with pipe supports designed for 100 percent overload; and (2) compressed air hoses in such systems be provided with fail-safe joint connectors to prevent separation of sections when pressurized. It is proposed to amend these requirements and relocate them to new subsection (b)(3)(E) entitled "Delivery Systems." It is also proposed to re-title subsection (b), "Concrete Pumps and Placing Booms." The term "pumpcrete" is not commonly used in construction in California, or the United States, thus the application of the existing provisions are vague and unclear. The proposed amendments are for clarity purposes to ensure proper application of the standard.

New Subsection (b)(1), Scope.

New subsection (b)(1) is proposed to establish that subsection (b) applies to truck-mounted concrete boom pumps, trailer-mounted concrete pumps and separate concrete placing booms. The proposed amendment would clarify the application of provisions contained in subsection (b).

New Subsection (b)(2), Definitions.

New subsection (b)(2) is proposed to define certain terms included in the proposal. These terms include concrete delivery hose, control panel, delivery system, end hose, placing boom, and remote control. Defining these terms would establish a common reference point to assist the regulated public and compliance officers in the proper application of the standards.

New Subsection (b)(3), General.

New subsection (b)(3) is proposed to prescribe standards for equipment identification and ratings, set-up and operation, controls, guarding, delivery systems, and clearances from high-voltage power lines.

New Subsection (b)(3)(A), Equipment identification and ratings.

New subsection (b)(3)(A) is proposed to establish minimum standards for critical design and manufacturing information, and to require that this information be included on durable identification plates on the concrete pump and placing boom, consistent with industry standards. These provisions would assist operators and inspectors in assuring that the subject equipment is inspected, maintained and operated in a safe manner.

New Subsection (b)(3)(B), Set-up and operation.

New subsection (b)(3)(B) is proposed to prescribe critical procedures for setting-up and operating concrete pumping equipment and placing booms. Specifically, it requires concrete pumping equipment and placing booms be set-up and operated in accordance with the manufacturer's operation and safety manuals, and these orders. It also requires that the manufacturer's operation manual be maintained in legible condition and be available to the operator during set-up and operation of the equipment. Moreover, it specifies that concrete placing booms shall not be used to drag hoses or lift other loads, and

that concrete delivery hoses are not to be used as end hoses. An exception is proposed to permit delivery hoses to be used as end hoses for shotcrete operations only, in order to accommodate standard industry practice specific to this type of concrete placement. These provisions would establish minimum standards for safe set-up and operation of concrete pumping equipment and placing booms.

New Subsection (b)(3)(C), Controls.

New subsection (b)(3)(C) is proposed which requires that controls have their functions clearly marked; and if there are several control locations, the same operation shall only be possible from one location at a time. It also requires that controls be safeguarded from unintended operation, with an exception proposed for equipment manufactured prior to the effective date of the standard so as not to require potentially cost prohibitive retrofit of older equipment. These provisions would assure safe operation of equipment and protect workers from unintended operation due to improperly or unclearly marked controls, or from inadvertent contact with the controls.

New Subsection (b)(3)(D), Guarding.

New subsection (b)(3)(D) is proposed which provides for machine guarding in accordance with manufacturers' specifications in order to prevent unintentional access to moving parts of the concrete pumping system, such as those found in the hopper. This amendment would require machine guarding consistent with manufacturer specifications in order to protect workers from the hazards of unguarded moving parts.

New Subsection (b)(3)(E), Delivery Systems.

New subsection (b)(3)(E) is proposed which incorporates amendments to existing subsections (b)(1) and (b)(2). These existing subsections pertain to discharge pipes and restraint of compressed air hoses. They are taken from 29 CFR 1926.702(e) for concrete pumping systems. Their origins, however, are obscure and their intent is unclear. Based on advisory committee input and communication with Federal OSHA, it is proposed to revise these provisions to require that (1) concrete pumping systems using discharge pipes be provided with pipe supports designed for twice the rated load, including concrete at 150 lbs/ft³; and (2) compressed air hoses, if used, be equipped with connecting ends that shall be chained or otherwise secured to prevent whipping in case of separation when pressurized. The term "100% overload" has been replaced with "twice the rated load," and the term "fail-safe joint connectors" has been repealed. Both "100% overload" and "fail-safe joint connectors" are repealed as these terms are not used or understood in the industry. The proposed amendments would clarify existing standards by utilizing terms that are used and understood in the industry.

New Subsection (b)(3)(F).

New subsection (b)(3)(F) is proposed which requires that the operation of concrete placing booms in proximity of overhead high-voltage lines be in accordance with Article 37 of the High-Voltage Electrical Safety Orders, except where the manufacturer's specifications may require greater clearances. The new subsection would also establish criteria for warning signs to be posted on the equipment to alert operators to minimum clearances for safe operation. The amendments would ensure that concrete placing booms are operated with sufficient separation distances from overhead high-voltage power lines to assure safety of workers and others in proximity to the operating boom.

New Subsection (b)(4), Inspection, maintenance and repairs.

New subsection (b)(4) is proposed which prescribes procedures and record keeping requirements for inspection, maintenance and repairs, as follows:

New Subsection (b)(4)(A).

New subsection (b)(4)(A) is proposed which requires that a qualified person visually inspect the machine's controls and functional mechanisms for maladjustment, damage or deterioration prior to daily use. Any condition that affects the safe operation would be required to be corrected promptly. Hoses, clamps and pipes would also be required to be inspected prior to use, and damaged or defective hoses, clamps or pipes prohibited. These amendments would ensure that concrete pumping equipment is regularly inspected by qualified persons and that any conditions that might affect safe operations are promptly corrected.

New Subsection (b)(4)(B).

New subsection (b)(4)(B) is proposed which requires that a preventative maintenance program be established and implemented in accordance with the manufacturer's specifications. This amendment would ensure that concrete pumps and placing booms be regularly maintained in accordance with established criteria.

New Subsection (b)(4)(C).

New subsection (b)(4)(C) is proposed which requires that inspection, maintenance and repairs be performed by a qualified person in accordance with the manufacturer's specifications and procedures. This amendment would ensure that inspections, maintenance and repairs are performed by a qualified person according to manufacturer specifications.

New Subsection (b)(4)(D).

New subsection (b)(4)(D) is proposed which requires that inspection records include the identification of components and parts inspected and tested, a description of test methods, results and repairs made, and the names and signatures of persons performing the inspections. The proposed amendment would improve worker safety by prescribing minimum documentation requirements for inspections, tests and repairs performed on concrete pumps and placing booms.

New Subsection (b)(4)(E).

New subsection (b)(4)(E) is proposed which requires that inspections and maintenance records be available for Division examination upon request. The proposed amendment would ensure that records are maintained and are available for inspection by third parties if requested.

New Subsection (b)(5).

New subsection (b)(5) is proposed which establishes provisions for the set-up, operation, inspection, maintenance and repairs of equipment where the manufacturer is no longer in business and the manufacturer's specifications are no longer available. The proposed new subsection also prescribes

minimum qualifications for persons specifying criteria for the set-up, operation, inspection, maintenance and repairs of the equipment, and for those actually performing the work. The proposed amendments would ensure the continued safe use of equipment where the manufacturer is no longer in business and the manufacturer's specifications are no longer available.

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 anticipates that the cost impact which a representative private person or business entity is likely to incur in reasonable compliance with the proposed action is expected to be insignificant because only a very small number of rigs are likely to be affected. Furthermore, the cost impact per rig cannot be accurately determined. (See explanation under Part A and B of Attachment #1 of the STD. 399, Economic and Fiscal Impact Statement.)

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

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

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

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

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no significant 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.

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Group 4, Article 24
Sections 3637, 3638, 3639, 3640, 3642, and 3646
Mast-Climbing Work Platforms

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Over the past several years, there has been constant growth in the use of mast-climbing work platforms (MCWP's) throughout California. These devices have found numerous applications in the construction and entertainment industries. There have been serious work-related injuries resulting from the misuse of these devices, including worker falls from elevated platforms, and structural failure and collapse of platforms. This rulemaking action is the result of requests by the Division of Occupational Safety and

Health (Division) to amend standards for elevating work platforms and aerial devices to clearly include mast-climbing work platforms among elevating work platforms regulated in General Industry Safety Orders (GISO) Article 24. The Division initially submitted a Priority 2 Request For New, Or Change In Existing, Safety Order (Form 9), dated October 25, 2000. Subsequently, due to serious work-related injuries resulting from increasing use and misuse of these devices, the Division upgraded the request to Priority 1 via a supplemental request dated May 14, 2003.

An ad hoc advisory committee, consisting of members from management, labor, equipment manufacturers, equipment rental, and other interested parties, was convened on October 1, 2003. This proposal is based in large part on a consensus proposal developed with the assistance of the committee.

This proposed rulemaking action contains nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 3637. Definitions.

“Elevating Work Platform.” The standard presently defines “elevating work platform” as “A device designed to elevate a platform in a substantially vertical axis.” The definition lists vertical towers and scissor lifts as examples. It is proposed to clarify that the definition of “elevating work platform” includes MCWP’s by adding them to the list of examples. The effect of this modification will be to clarify that MCWP’s are covered under GISO Article 24.

“Mast-Climbing Work Platform.” Section 3637 definitions do not presently include a definition for “mast-climbing work platform.” It is proposed to add a definition for mast-climbing work platform as “a powered elevating work platform or platforms, supported on one or more vertical masts, for the purpose of positioning personnel, along with necessary tools and materials, to perform their work.” The effect of this addition will be to clarify the scope of Article 24 for the regulated public.

Section 3638. Equipment Instructions and Marking.

It is proposed to rename this section “General Requirements” to more accurately indicate the contents. While this section currently contains provisions for equipment instructions and marking, it is not limited to those subjects. It also contains other provisions for training, assembly, maintenance, and operation. The effect of the proposed renaming will be to assist the regulated public in locating applicable provisions for elevating work platforms and aerial devices, including MCWP’s.

Subsection (a).

Existing subsection (a) requires that each aerial device and elevating work platform have a manual containing instructions for maintenance and operations, but does not specify where the manual is to be located; i.e., it is not clear whether it must be available on the device or whether it could be maintained in an off-site office not readily available to the operator. A new subsection (a)(1) is proposed to clarify that the required manual or manuals are to be maintained in a weather resistant storage location on the elevating work platform or aerial device. The effect of this amendment will be to clarify that required maintenance and operating instructions are to be readily available for those operating the device and that they are to be protected from the elements.

Subsections (b)(1) and (b)(2.)

Existing subsections (b)(1) and (b)(2) prescribe that aerial devices are to be conspicuously and legibly marked with verification that the device has been designed and manufactured in accordance with applicable ANSI standards. It is proposed to add verbiage to both subsections (b)(1) and (b)(2) to clarify that this provision also applies to elevating work platforms. The effect of this modification, coupled with the modified definitions, will be to clarify that marking requirements for aerial devices include elevating work platforms and MCWP's.

Existing subsections (b)(1) and (b)(2) do not list a national consensus standard applicable for MCWP's. It is proposed to add American National Standards Institute/Scaffold Industry Association (ANSI/SIA) Standard A92.9-1993 to the list of standards. The effect of this amendment will be to clarify standards applicable for the design and manufacture of MCWP's.

Subsection (c)(2).

Existing subsections (c)(2) and (c)(2)(A) prescribe instructions and markings to identify device capacity. It is proposed to combine (c)(2) and (c)(2)(A) into a single subsection (c)(2) since existing subsection (c)(2)(A) requires information not required by national consensus standards which could be misinterpreted to permit devices to be operated beyond the manufacturer's rated limits. The effect of this modification will be to conform Title 8 with national consensus standards and to promote safe operation of these devices by clarifying capacity.

Subsection (c)(3).

Existing subsection (c)(3) and (c)(3)(A) prescribe instructions and markings to identify device travel height. It is proposed to combine (c)(3) and (c)(3)(A) into a single subsection (c)(3) since existing subsection (c)(3) is vague and is only clarified in the context of (c)(3)(A). The effect of this modification will be to clarify requirements for instructions and markings for platform travel height, consistent with national consensus standards.

Subsection (c)(5).

Existing subsection (c)(5) requires plates or markings to identify cautions or restrictions of operation or both. It is proposed to clarify that these are to be basic cautions or restrictions, as members of the advisory committee were concerned this could be interpreted to require a complete listing and that there would not be sufficient room for all the cautions and restrictions to be posted on a plate. Since subsection (a) will require that operating instructions be maintained in a weather resistant storage location on the device, the requirement here for basic restrictions will permit manufacturers to include a statement on the plate to direct the operator to the operator's manual for complete instructions if they are too extensive to all be placed on the information plate. The effect of this modification will be to conform the standard with similar requirements in national consensus standards.

Subsection (c)(6).

Existing subsection (c)(6) requires plates or markings to contain operating instructions. It is proposed to clarify that these are to be basic operating instructions, as members of the advisory committee were concerned this could be interpreted to require complete operating instructions and that this would be

burdensome and unnecessary as there likely would be insufficient room for all the operating instructions to be posted on a plate. Since subsection (a) will require that operating instructions be maintained in a weather resistant storage location on the device, the requirement for basic operating instructions will permit manufacturers to direct users to those operating instructions. The effect of this modification will be to conform the standard with similar requirements in national consensus standards.

Subsection (c)(7).

Existing subsection (c)(7) requires plates or markings to identify the “manufacturer’s rated line voltage (dielectric capability).” It is proposed to clarify and conform this subsection with national consensus standards by modifying it to read: “Rated line voltage (if applicable).” The requirement for dielectric capability is not listed in most applicable national consensus standards for aerial devices and elevating work platforms and would only apply to a very limited number of devices. Furthermore, MCWP’s and other aerial devices are often powered by other than electricity, and this subsection is written to require rated line voltage information only if applicable. The effect of this modification will be to conform the standard with similar requirements in national consensus standards.

Subsection (c)(8).

The existing subsections prescribe information to be provided if the aerial device or elevating work platform is capable of being configured in more than one arrangement. Since MCWP’s are modular in nature, there are many possible combinations of powered units and outriggers. Therefore, it is not feasible to list all the possible configurations on the information plate. The advisory committee consensus was that an exception should be provided for MCWP’s to direct the user to the operating instructions for information needed to determine capacities, cautions and restrictions based on the various possible configurations. The effect of this modification will be to conform the standard with national consensus standards for MCWP’s.

Subsection (d).

The existing subsection provides that employees shall be instructed in the proper use of the platform, but does not provide any criteria for the instruction. It is proposed to modify this subsection to add that the instruction shall be in accordance with the manufacturer’s operating instructions and Section 3203 (Injury and Illness Prevention Program). The effect of this modification will be to provide criteria and clarify training requirements.

Subsection (e).

The existing subsection provides that all aerial devices and elevating work platforms shall be assembled and erected in accordance with Article 24 and shall be maintained in safe operating condition. It is proposed to modify this subsection to require that assembly and erection be done by a qualified person and in accordance with the manufacturer’s specifications. The effect of this modification will be to assure that the device is properly positioned, assembled, and braced by a qualified person, who is knowledgeable in the structural limitations of the device, in accordance with criteria established by the manufacturer.

Subsection (e)(1).

This new subsection is proposed to provide for situations where the device manufacturer is no longer in business and where assembly instructions are no longer available. In this situation, it is proposed to provide that assembly and erection may be conducted by a qualified person under the direction of a qualified engineer. The effect of this amendment will be to permit the continued use of existing elevating work platforms where the manufacturer is no longer in business and where the manufacturer's instructions are no longer available, provided they are properly installed in accordance with good engineering practice.

Subsection (f).

The existing subsection refers to High Voltage Electrical Safety Orders (HVESO) Article 37 for work using aerial devices in proximity to energized high voltage power lines. The existing verbiage is unclear as to whether it is regulatory or advisory in nature. Therefore, it is proposed to clarify this subsection by using regulatory language ("shall be") and to include elevating work platforms in the scope of this provision. A note is also proposed to cover work in proximity to energized low voltage power lines. The effect of these modifications will be to clarify that work performed when using elevating work platforms or aerial devices in proximity to energized power lines shall be in accordance with applicable parts of the Electrical Safety Orders.

Section 3639. Factors of Safety in Design of Work Platform Assembly.**Subsection (a).**

The existing subsection provides that where a platform supports its work load by a system of wire ropes or lift chains, or both, the safety factor for the wire ropes and/or lift chains shall be not less than 6 to 1. A modification is proposed to increase the factor of safety to 8 to 1 for consistency with national consensus standards. The effect of this modification will be to conform Title 8 with national consensus standards for aerial devices and elevating work platforms.

Section 3640. Maintenance and Repairs.**Subsection (a).**

The existing subsection (a) provides that the materials used in the repair of aerial devices and elevating work platforms shall conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the rated work load. It is proposed to renumber this subsection to (a)(3) and insert two new subsections (1) and (2) under a new subsection (a) which is proposed to be titled "Inspection, Maintenance and Repairs." The effect of titling subsection (a) is to clarify the location of requirements for inspection, maintenance and repairs of aerial devices and elevating work platforms.

Subsection (a)(1).

This new subsection provides that inspection, maintenance and repairs shall be performed by a qualified person in accordance with the manufacturer's specifications. The effect of this amendment will be to clarify qualifications and criteria for individuals performing inspection, maintenance and repairs.

Subsection (a)(2).

This new subsection prescribes criteria for inspection, maintenance and repair of aerial devices and elevating work platforms where the manufacturer has gone out of business and where the manufacturer's specifications are no longer available. The effect of this amendment will be to clarify requirements for inspection, maintenance and repair of equipment where the manufacturer has gone out of business and the manufacturer's specifications are no longer available.

Subsection (a)(3).

As noted above, this subsection contains the text of existing subsection (a) which is proposed to be relocated as part of a restructuring to clarify requirements for inspection, maintenance and repairs.

Subsection (d).

This new subsection prescribes record keeping requirements for inspections and repairs accomplished on aerial devices and elevating work platforms. The effect of this amendment will be to ensure that required inspections and repairs are accomplished in accordance with the manufacturer's specifications by requiring documentation and by requiring that the records be maintained for a period of at least three years.

Subsections (d)(1) and (d)(2).

These two new subsections require records of inspections and repairs to be maintained for at least three years and prescribe the content of the required records, including dates of inspection, deficiencies found, corrective actions recommended, repairs accomplished, and identification of the persons or entities performing the work. The effect of these amendments will be to improve worker safety by prescribing the contents of records to ensure that aerial devices and elevating work platforms are regularly inspected and repairs are performed as needed.

Section 3642. Elevating Work Platform Equipment.**Subsection (a)(1).**

The existing subsection (a) requires elevating work platforms to be equipped with guardrails or other means of fall protection. Since MCWP's are commonly used for work on the outside building face they are often anchored or tied to the building, new subsections (a)(1) and (a)(2) are proposed to provide for fall protection issues unique to MCWP's. This new subsection (a)(1), for removal of the inboard guardrail on MCWP's used by glaziers, bricklayers and stonemasons, prescribes a maximum allowable gap between the inboard edge of the work platform and the building of 7 inches unless approved personal fall protection systems are used in accordance with Section 1670. This provision is based on a similar provision in the Construction Safety Orders [Section 1644(a)(7)] for metal scaffolds. The 7 inch limitation is necessary because workers employed in these trades often must place very heavy units on the building wall, and the advisory committee was of the consensus that a reach in excess of 7 inches presents hazards for workers having to lift the heavy units from the work platform to the building. The effect will be to provide equivalent safety for glaziers, bricklayers and stonemasons, who must remove the guardrail to facilitate placement of heavy building materials on the building exterior wall while working from a MCWP.

Subsection (a)(2).

The existing subsection (a) requires elevating work platforms to be equipped with guardrails or other means of fall protection. Since MCWP's are commonly used for work on the outside building face and are often anchored or tied to the building, a new subsection (a)(2) is proposed to provide for fall protection issues unique to MCWP's used by trades other than glaziers, bricklayers and stonemasons. This new subsection will permit the removal of the guardrail on the inboard edge of the work platform where the distance between the inboard edge and the building or structure wall is no more than 12 inches or when approved personal fall protection systems are used in accordance with Section 1670. This provision is based on a similar provision in the Construction Safety Orders [Section 1644(a)(7)] for metal scaffolds. The 12-inch maximum dimension is based on the maximum allowable size for a floor hole. The effect of this amendment will be to provide equivalent fall protection for workers and to permit MCWP's to be used under specified conditions for work on the building face or structure wall without a guardrail interfering with the work.

Subsection (d).

The existing subsection provides that powered elevating work platforms shall have both upper and lower control devices. An exception is proposed for MCWP's that they shall only have one control device and that it shall be located on the platform. This exception was added for consistency with the ANSI/SIA consensus standard A92.9-1993, section 4.10.1, which specifies a single control location for MCWP's. The effect of this exception will be to conform control requirements for MCWP's with the national consensus standard and industry practice.

Subsection (g).

This new subsection prescribes fire safety provisions for MCWP's to include a fire extinguisher and to limit the fuel supply when fuel-powered equipment is being used. Many MCWP's are fuel-powered, and work with cutting torches is often performed from MCWP's, creating a fire safety hazard to employees who may have no ready means of escape should the platform become involved. The effect of this subsection will be to provide employee safety by providing a means to fight fires in-place since employees working on MCWP's may not have ready access to a means of escape.

Section 3646. Operating Instructions (Elevating Work Platforms).**Subsection (k).**

A new subsection is proposed to specifically prohibit the use of elevating work platforms and MCWP's as construction personnel hoists or material hoists. These devices are designed to position personnel, along with necessary tools and materials, to perform their work. These devices are not designed for continuous/repetitive service as vertical transportation for personnel and material. Furthermore, these devices are not equipped with doors for use at elevator landings, and accidents have occurred when cantilevered lifts such as MCWP's have been loaded eccentrically with excessive amounts of material. Accidents have also occurred when transferring material across the gap between these devices and the building. The effect of this amendment will be to assure that these devices are safely operated in a manner consistent with the design intent.

Exception 1 for Subsection (k).

An exception is proposed for the theatrical and television motion picture industry. This industry frequently works with temporary sets and, in some cases, MCWP's and/or elevating work platforms are the only feasible way to transfer personnel, cameras, and lighting for short duration shoots. The usage is typically from the ground to one level and is consistent with the device design parameters. This exception is similar to the existing exception provided for the motion picture industry in subsection 3646(a). The effect of this exception will be to permit the use of elevating work platforms for specialized work in the theatrical and television motion picture industry.

Exception 2 for Subsection (k).

This exception is proposed to clarify that this subsection is not intended to prohibit the transfer of tools, materials and/or workers using personal fall protection at the level where the work is being performed. This exception was added at the request of the advisory committee as they were concerned that subsection (k) could be misinterpreted to prohibit the movement of tools, materials and workers back and forth between the work platform and the building, incidental to work being performed at the interface. The effect of this exception is to clarify the intent of subsection (k).

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 impact 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.

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 this standard 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 June 10, 2005. 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 June 16, 2005, 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@hq.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

STEVEN L. RANK, Chairman

TITLE 8

CONSTRUCTION SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 4, ARTICLE 29, SECTION 1720

CONCRETE PUMPS AND PLACING BOOMS

TITLE 8

GENERAL INDUSTRY SAFETY ORDERS

CHAPTER 4, SUBCHAPTER 7, GROUP 4, ARTICLE 24

SECTIONS 3637, 3638, 3639, 3640, 3642, AND 3646

MAST-CLIMBING WORK PLATFORMS

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 8, Subchapter 4, General Industry Safety Orders, Article 107, Section 5144, Fit-Testing for M. Tuberculosis.

Heard at the December 16, 2004, Public Hearing; adopted on January 20, 2005; filed with the Secretary of State on March 7, 2005; and became effective on March 7, 2005.

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/oshb>** and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: **oshb@dir.ca.gov**.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Keith Umemoto, Executive Officer