

**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 21, 2001**, at 10:00 a.m.
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California 94612.

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 21, 2001**, following the Public Meeting,
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California 94612.

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 21, 2001**, following the Public Hearing,
in the Auditorium of the Harris State Building
1515 Clay Street, Oakland, California 94612.

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

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

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

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

JERE W. INGRAM, Chairman

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Electrical Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **June 21, 2001**.

1. TITLE 8: **ELECTRICAL SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 5, Article 36
Section 2943
Confined Space Requirements for Manholes, Vaults, or Similar Structures

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 14
Section 3469
Powered Industrial Truck Training for Marine Terminals

3. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 109
Section 5193
Proposed Revisions to Title 8 Section 5193 Bloodborne Pathogens

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **ELECTRICAL SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 5, Article 36
Section 2943
Confined Space Requirements for Manholes, Vaults, or Similar Structures

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

In a January 5, 2000 memorandum, the Division of Occupational Safety and Health (Division) requested a modification to Section 2943 to ensure that employers comply with the applicable confined space requirements when employees are working in manholes, vaults, or similar structures. The Division stated that some employers interpret the current reference to the confined space requirements to only include an obligation for atmospheric testing and not any other confined space program requirements as specified in Article 108 of the General Industry Safety Orders (GISO). In response to the Division memorandum, Board staff developed the attached proposal to remove the mention of atmospheric testing and replace it with a more specific and less confusing reference to the confined space requirements in Article 108.

Existing Title 8, Section 2943 specifies the safety requirements for working on or in proximity to high-voltage electricity. Subsection 2943(b)(1) prohibits employees from entering or remaining inside a manhole, vault, or other similar structure unless the atmosphere has been tested and determined to be safe and remain safe in accordance with the confined space requirements of the GISO.

The proposed revision will replace the reference to atmospheric testing with a broader reference to the specific part of the GISO that relates to confined space operations. Article 108 requires an employer to develop and implement a comprehensive confined space program that is not just limited to atmospheric testing whenever a space, such as a manhole or vault, could potentially have a hazardous atmosphere or other confined space hazard.

The proposal is at least as effective as the counterpart Federal OSHA standard, which has similar confined space requirements specified in general industry section 29 CFR 1910.269.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

The proposed revisions are primarily intended to clarify an employer's current obligations to comply with the confined space requirements of Article 108. Therefore, no significant 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 the proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that the 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 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 regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment(s) will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

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

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

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

EFFECT ON SMALL BUSINESS

The Board has determined that the proposal may affect small businesses.

ASSESSMENT

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

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**
Division 1, Chapter 4, Subchapter 7, Article 14
Section 3469
Powered Industrial Truck Training for Marine Terminals

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On December 1, 1998, the United States Department of Labor, Occupational Safety and Health Administration (fed OSHA), promulgated its Powered Industrial Truck Operator (PITO) standard as 29 CFR 1910.178(l) [63 Fed Reg. 66238]. The federal PITO standard is made applicable to marine terminals by 29 CFR 1917(a)(2)(xiv). The Title 8 counterpart to 29 CFR 1917(a)(2)(xiv) is contained in GISO Section 3469 Industrial Trucks, which references Article 25 Industrial Trucks, Tractors, Haulage Vehicles, and Earthmoving Equipment. Article 25 contains Section 3668, which is California's PITO standard and is essentially verbatim of the federal 29 CFR 1910.178(l).

Following the promulgation of the final PITO rule by fed OSHA, the National Maritime Safety Association filed a lawsuit against fed OSHA over certain provisions of the federal PITO standard. The National Maritime Safety Association stated that the unique nature of marine terminal operations rendered portions of 29 CFR 1910.178(l) unacceptable. On July 14, 2000, a settlement agreement was reached between fed OSHA and the National Maritime Safety Association, which addresses the application of 29 CFR 1910.178(l) to the longshoring and marine terminal industries with regard to compliance deadlines, training, evaluation and certification of training/refresher training by a third party, three-year evaluations and certification records, avoidance of duplicative training of experienced operators, refresher training and evaluation, and generic training including seatbelt training. It is important to note that the settlement agreement (agreement) stipulated that fed OSHA shall provide the agreement to state plan occupational safety and health agencies and encourage that the states follow it.

This rulemaking represents California's method of incorporating terms of the agreement into Title 8, Marine Terminal regulations. The proposal consists of an incorporation by reference of fed OSHA's CPL 2-1.28A on August 11, 2000 as revised by CPL 2-1.28A on November 30, 2000. The federal CPL document is designed to provide technical guidance to enforcement personnel with regard to the federal

PITO training requirements and the marine terminal/longshoring industries. CPL 2-1.28A, Section X, paragraphs A-G, embodies all of the provisions of the settlement agreement verbatim. The settlement agreement is intended to provide marine terminal/longshoring employers with technical guidance as to how they can comply with specific federal PITO requirements. The federal CPL document references those portions of the federal PITO standard that marine terminal/longshoring employers may alternatively comply with.

This rulemaking proposal incorporates by reference the agreement in the proposed new subsection (b). The “Note” is also provided at the end of subsection (b) to clarify to the employer and enforcement personnel the Title 8 Section 3668 PITO regulations that correspond to the federal PITO provisions contained in Section X, paragraphs A-G, of the federal CPL.

It should also be noted that this rulemaking proposal was discussed with representatives from the Division of Occupational Safety and Health, the Pacific Maritime Association (PMA), Mr. Baruch A. Fellner, Esq., Gibson, Dunn and Crutcher, LLP (representing PMA), and Mr. Richard Zuckerman, Esq., Leonard Carder et al. (counsel for the International Longshore and Warehouse Union). The aforementioned parties have found the proposal to be acceptable to the extent that it recognizes the terms of the settlement agreement in California with regard to marine terminal operations and PITO training.

This proposed rulemaking action contains nonsubstantive, grammatical revisions. These nonsubstantive revisions are not all discussed in the 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 3469. Industrial Trucks.

This section requires all trucks or tractors used for hauling, pushing, lifting or tiering material to comply with the requirements of Article 25.

A revision is proposed to clarify the application of Section 3469 to industrial trucks or tractors consistent with the terminology of Article 25. The proposed revision will have no effect other than to clarify to the employer the application of the requirements of Article 25 to industrial trucks or tractors used in marine terminal operations.

A new subsection (b) is proposed to address powered industrial truck operator training for marine terminals by referencing the fed OSHA Instruction CPL 2-1.28A, Enforcement Guidance for the Longshoring and Marine Terminal Industries. In addition, an informative “Note” is proposed to follow subsection (b) which contains the counterpart Title 8, Section 3668 sections which correspond to those federal PITO regulations cited in Section X, paragraphs A-G of the federal CPL.

The proposed subsection (b) and “Note” will clarify to marine terminal employers what alternative methods of compliance from Section 3668 will be permitted consistent with the settlement agreement and the federal CPL.

DOCUMENTS INCORPORATED BY REFERENCE

- Federal OSHA Instruction CPL 2-1.28A, issued by the Directorate of Compliance Programs, August 11, 2000, revised by CPL 2-1.28A, November 30, 2000, Section X, Paragraphs A-G, Enforcement Guidance for the Longshoring and Marine Terminal Industries.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. Copies of this document are available for review 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.

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, 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

regulations does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

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

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

These proposed regulations do not impose unique requirements on local governments. All 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.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

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.

3. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 109
Section 5193
Proposed Revisions to Title 8 Section 5193 Bloodborne Pathogens

INFORMATIVE DIGEST OF PROPOSAL/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 regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated revisions to regulations addressing Bloodborne Pathogens on January 18, 2001 as 29 Code of Federal Regulations (CFR), Part 1910 Section 1030. The Board is relying on the explanation of the provisions of the federal regulations in the Federal Register, Volume 66, No. 12, pages 5318-5325, Thursday, January 18, 2001, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt regulations that are substantively the same as the federal regulation except for editorial and format differences. Additionally, the Board proposes a number of amendments that will result in the content of Title 8 Section 5193 being more precisely identical with the requirements of 29 CFR 1910.1030 as promulgated on December 6, 1991 and described in the Federal Register, Volume 56, No. 235, pages 64004-64182.

The revisions promulgated by OSHA on January 18, 2001 revised and added definitions to 29 CFR 1910.1030(b). The term "Engineering controls" was revised to include reference to the concepts of "needleless systems" and "sharps with engineered sharps injury protection." These revisions to the OSHA standard were modeled after amendments made in 1999 to the California standard. Therefore, no revisions to the definitions in the California standard are proposed.

The revisions promulgated by OSHA made changes to existing requirements for the annual update and review of the Exposure Control Plan at subsection (c)(1)(iv) of 29 CFR 1910.1030. The Board proposes to amend Section 5193 to add substantively identical requirements. These requirements would affect all employers with employees having occupational exposure to blood or other potentially infectious materials.

The revisions promulgated by OSHA contained in 29 CFR 1910.1030(c)(1)(v) add a new requirement for covered employers to solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and to document this solicitation in the Exposure Control Plan. The Board proposes to adopt a substantively identical requirement to Section 5193(c)(1)(E) and renumber existing Section 5193(c)(1)(E) to 5193(c)(1)(F). This added requirement affects employers covered by Section 5193 with non-managerial employees responsible for direct patient care who are potentially exposed to injuries from sharps contaminated with blood or other potentially infectious materials.

The revisions promulgated by OSHA contained in 29 CFR 1910.1030(h)(5) add a new requirement for a Sharps Injury Log for recording injuries to employees involving sharp items such as needles, scalpels, and broken glass that are contaminated with blood or other potentially infectious materials. This revision to the OSHA standard was modeled almost entirely after amendments made in 1999 to the California standard. The only new requirement is for recording of information in such a manner as to

protect the confidentiality of the injured employee. The existing California requirement for recording incidents on the Sharps Injury Log within 14 working days of their being reported to the employer is proposed to be relocated from Section 5193(c)(2) to new Section 5193(c)(2)(D). The revised requirement to protect confidentiality affects employers with employees who are potentially exposed to injuries from sharps contaminated with blood or other potentially infectious materials.

In addition to the proposed amendments above, the Board proposes four additional amendments to make Section 5193 substantially the same as 29 CFR 1910.1030 as promulgated on December 6, 1991 and described in the Federal Register, Volume 56, No. 235, pages 64004-64182. The first amendment to Section 5193(d)(3)(B)2., separates the exception to the prohibition on bending, recapping and removal of contaminated needles and sharps into two subsections. This change is intended to enhance clarity and is without regulatory effect.

An amendment is proposed to Section 5193(d)(3)(H)1.b. to clarify that in addition to a written schedule for decontamination of the worksite, the employer must have a written procedure for the method of decontamination to be used. This is consistent with the language of 29 CFR 1910.1030(d)(4)(i). An amendment is proposed to Section 5193(d)(3)(H)2.a. clarifying that for cleaning contaminated work surfaces an appropriate disinfectant must be used. This is consistent with the language of 29 CFR 1910.1030(d)(4)(ii)(A). An amendment is proposed to Section 5193(d)(3)(E)3.b. clarifying that in addition to being constructed to contain all contents, containers for disposal of non-sharps waste must be constructed to prevent leakage during handling, storage, transport, or shipping. This is consistent with 29 CFR 1910.1030(d)(4)(iii)(B)(1)(ii). These amendments affect employers covered by Section 5193 who must clean and decontaminate work surfaces and employers who dispose of non-sharps waste contaminated with blood or other potentially infectious material.

The proposed regulations are substantially the same as the final rules promulgated by federal OSHA. Therefore, 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. Written and oral comments may be made at the public hearing with respect to the following: 1) to identify any clear and compelling reasons for California to deviate from the federal standard; 2) to identify any issues unique to California related to this proposal that should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) to solicit comments on the proposed effective date.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(4)(C). The regulations 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

Federal Register, Vol. 66, No. 12, Thursday, January 18, 2001, Preamble Section IV, indicates that the cost to employers associated with implementing the amendments to 29 CFR 1910.1030 are estimated to be \$67 per affected establishment, or a total of approximately \$33.9 million for all establishments nationally in Standard Industrial Classification (SIC) code 80 for health services. California health service employers' share of this total estimated cost is assumed to reflect its 12 percent proportion of the U.S. population or approximately \$4.1 million.

The cost estimate in the Federal Register includes the cost of establishing and maintaining the Sharps Injury Log that is an existing requirement of the California standard. The existing California standard includes requirements for active employee involvement in updating and review of the Exposure Control Plan. Thus, the cost estimated to implement the new requirement for soliciting non-managerial employee input in identification, evaluation and selection of effective engineering and work practice controls may overstate the costs to employers resulting from the adoption of these amendments in California.

DETERMINATION OF MANDATE

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

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

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

The proposed regulations 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.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

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.

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

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health 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 15, 2001. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on June 21, 2001 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided in the following paragraph 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 proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, 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

JERE W. INGRAM, Chairman

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

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

1. Title 8, Chapter 4, Subchapter 7, General Industry Safety Orders, Article 14, Sections 3465(a), 3472 and 3475, Marine Terminals.

Heard at the September 21, 2000 Public Hearing; adopted on January 18, 2001; filed with the Secretary of State on March 6, 2001; and became effective on March 6, 2001.

2. Title 8, Chapter 4, Subchapter 4, Construction Safety Orders, Article 18, Section 1629(c), Double Cleat Ladders.

Heard at the November 16, 2000 Public Hearing; adopted on February 22, 2001; filed with the Secretary of State on March 26, 2001; and became effective April 25, 2001.

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

John D. MacLeod, Executive Officer