

**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 **October 19, 2000**, at 10:00 a.m.
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California.

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

PUBLIC HEARING: On **October 19, 2000**, following the Public Meeting,
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California.

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

BUSINESS MEETING: On **October 19, 2000**, following the Public Hearing,
in the Auditorium of the Harris State Building,
1515 Clay Street, Oakland, California.

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

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

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

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

JERE W. INGRAM, Chairman

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **October 19, 2000**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29
Sections 1714 and 1715
Precast Concrete Construction

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 24
Section 3646(e)
Working From or On Top of an Elevating Work Platform Guardrail

Descriptions of the proposed changes are as follows:

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
 Chapter 4, Subchapter 4, Article 29
 Sections 1714 and 1715
 Precast Concrete Construction

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

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

Section 1714. Hoisting and Erecting of Precast, Prefabricated Panels.

The title to Section 1714 indicates to the reader that the following regulations apply to the hoisting and erection of precast, prefabricated panels. The title is proposed for revision to include a statement that tilt-up panels are not included in this regulation. This proposed revision will clearly indicate to the employer the type of panels that are addressed by the regulation.

Subsection (a).

Subsection (a) requires that a civil engineer currently registered in California prepare an erection plan and procedure. Included in subsection (a) are three subsections requiring the plan and procedure to be available at the job site; the responsible engineer or an authorized representative to make job-site inspections for compliance; and field modifications to be approved by the responsible engineer and added to the plan and procedure available at the site. A revision is proposed to insert the parenthetical phrase "the responsible engineer." This revision will clarify for the employer that the responsible engineer referenced throughout Section 1714 is intended to be a civil engineer currently registered in California.

New Subsection (a)(4).

A new subsection (a)(4) is proposed to require the employer to ensure that the precast wall or vertical panel bracing is designed by, and installed in accordance with the direction of, the responsible engineer. The proposed revision will have no effect on the regulated public as the provision is consistent with existing requirements in Section 1715(d).

New Subsection (a)(5).

A new subsection (a)(5) is proposed to require lifting methods and procedures to be conducted such that employees are not at risk of being struck by the panel or other supporting equipment. This proposal will require the employer to develop means or methods to ensure employees are not permitted to work under or in the proximity of the panel "footprint" during lifting and installation.

Subsection (b).

Existing subsection (b) requires the panel lifting line to remain attached until all attachments shown on the erection plan are installed. This language is proposed to be replaced with a requirement that lifting inserts must be capable of supporting at least four times the maximum intended load. The proposed revision will require the employer to ensure the lifting insert will support four times the weight of the panel being hoisted. The proposed repeal of the existing language in subsection (b) will have no effect as revisions to subsection (d) will provide equivalent provisions to the repealed language.

New Subsection (c).

A new subsection (c) is proposed to require lifting hardware to be capable of supporting at least five times the maximum intended load. The proposed action will have no effect on the regulated public as the provision is consistent with the existing requirement in Section 1715(c).

New Subsection (d).

A new subsection (d) is proposed to require that precast concrete wall units and structural framing are to remain supported to prevent overturning and collapse until the permanent connections are completed. The proposed revision will add specificity to the regulation for the purpose of supporting the prefabricated precast panel.

Section 1715. Precast Concrete Construction, Including Tilt-Up.

The title to Section 1715 informs the reader that the following regulations apply to precast concrete construction, including tilt-up construction. A revision is proposed to reword the title to read "Tilt-Up Concrete Panel Construction." A revision is also proposed to replace the term "precast" with the term "tilt-up" throughout Section 1715. The proposed revisions clarify that Section 1715 is intended to apply to "tilt-up concrete construction."

Subsection (b).

Subsection (b) requires lifting hardware attached to precast members to be capable of supporting at least four times the maximum intended load applied or transmitted to them. Revisions are proposed to delete the phrase "other than the tilt-up members," and to revise the "at least four times" to "at least two times" the maximum intended load. These proposed revisions will permit the use of embedded or otherwise attached lifting hardware for tilt-up concrete panels to be designed to "at least two times" the maximum intended load.

Subsection (d).

Subsection (d) requires precast wall or vertical panel bracing to be designed and installed in accordance with the direction of a currently registered civil engineer to withstand a wind load of at least 10 pounds per square foot. Existing subsection (d) refers to Appendix Plate B-5, where a chart displays the corresponding force in pounds for wind speed. Revisions are proposed to require the bracing to be designed to withstand a minimum wind load induced force created by a 70 mile per hour wind. The proposed wind load factor is consistent with the Tilt-Up Concrete Association's TCA Guideline 5-98, "Temporary Wind Bracing of Tilt-Up Panels During Construction." The proposed revisions will require the employer to use a minimum wind speed of 70 miles per hour when determining the panel loading for temporary bracing requirements.

Subsection (d)(2).

Subsection (d)(2) requires lifting methods and procedures to be executed in such a manner as to ensure that in the event of a lifting attachment failure, employees shall not be exposed to the hazard of being struck by the panel or other supporting equipment. A revision is proposed to reword the requirement such that lifting methods and procedures will be conducted so employees are not at risk of being struck by the panel or other supporting equipment. The proposed revision improves clarity in the regulation.

Subsection (d)(3).

Subsection (d)(3) requires lifting plans to be available on the job site. A revision is proposed to also require the lifting procedures to be available at the job site. This revision clarifies for the employer that both plans and procedures shall be available at the job site, consistent with the proposed requirement of new subsection (d)(4).

New Subsection (d)(4).

A new subsection (d)(4) is proposed to require the employer to ensure a currently registered civil engineer approves field modifications to the lifting plan. It will further require the employer to ensure modifications added to the plan and procedure are available at the job site. The proposed revision will require the employer to ensure that all modifications are approved by the currently registered civil engineer for compatibility with the existing plan for the safety of the employees and is consistent with existing regulations in Section 1714(a)(3).

New Subsection (e).

A new subsection (e) is proposed to require support be provided for erection of the tilt-up wall panels. The proposed revision will require the employer to ensure the panels are supported in order to prevent overturning, toppling and/or collapse of the panels until permanent connections are completed.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state 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.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

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

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 24
Section 3646(e)
Working From or On Top of an Elevating Work Platform Guardrail

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

General Industry Safety Orders (GISO), Article 24 contains regulations pertaining to elevating work platforms and aerial devices. Elevating work platforms are devices designed to elevate work platforms in a substantially vertical direction without offsets.

An example of an elevating work platform is what is sometimes referred to as a "scissor lift." An aerial device is defined as any vehicle-mounted or self-propelled device, telescoping extensible or articulating, or both, which is primarily designed to position personnel. An example of an aerial device is what is commonly referred to as a "cherry picker."

GISO Section 3646 specifies operating instructions for elevating work platforms, including platform travel, assembly, disassembly, repair, precautions for inclement weather, and protection of personnel on the platform and on the ground when the platform is in use. Section 3646(e), prohibits the use of ladders or other objects on elevating work platforms to gain greater reach or working height. However, this section is silent about climbing, standing or sitting on the platform guardrails and the placement of planks on guardrails to extend working height. Elevating work platforms support workers in a stable manner when used as designed. Extension of the work height of the device beyond design limits can adversely affect platform stability, thus endangering the worker and others nearby should the platform topple.

It is proposed to revise Section 3646(e) to prohibit sitting, standing or climbing on the guardrails, and also to prohibit the use of planks, ladders or other devices to gain greater work height or reach. These proposed revisions will require employers to prohibit employees from sitting or climbing on guardrails or using the guardrails as scaffold ledges to gain greater work height.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or 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 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.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in this notice. The informative digest for this proposal constitutes a plain English overview.

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.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

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 Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a description of the problems addressed by the proposed actions, a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives to lessen the impact on small businesses is also available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be mailed so that they are received no later than October 13, 2000. 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 October 19, 2000 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided in the following paragraph. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, 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 the proposed action may be directed to the Executive Officer, John D. MacLeod at (916) 274-5721.

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, General Industry Safety Orders, Chapter 4, Subchapter 7, new Section 4307.1, **Guarding of Miter Saws.**

Heard at the April 13, 2000, Public Hearing; adopted on June 15, 2000; filed with the Secretary of State on July 21, 2000; and became effective on August 20, 2000.

2. Title 8, Electrical Safety Orders, Chapter 4, Subchapter 5, Sections 2940.2, 2940.6, and 2941; and Article 36, Appendix C, **Rubber Gloving of Conductors and Equipment Energized Over 7,500 Volts.**

Heard at the March 16, 2000, Public Hearing; adopted on June 15, 2000; filed with the Secretary of State on July 26, 2000; and became effective on August 25, 2000.

Copies 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

John D. MacLeod, Executive Officer