

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 154, Sections 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, and 6120 and Article 154, Appendices A and B of the General Industry Safety Orders

Pressurized Worksite Operations**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons except for the following sufficiently related modifications that are the result of public comments and/or Board staff evaluation.

Section 6080. Compression Rate.

Proposed amendments to subsection (b) permit employees to be subject to pressures exceeding 50 pounds per square inch (psi) in an emergency when approved by the Division. A Note is provided which states that Section 6085(b)(2)(A) and the exception to Section 6085 provide decompression tables and procedures used for pressure exceeding 50 psi shall be recommended by the supervising physician and approved by the Division for use at the worksite.

Modifications are proposed to delete the proposed portion of subsection (b) that would allow employees to be subjected to pressures in excess of 50 psi when approved by the Division. The modification is necessary to clarify to the employer that the Standards Board's variance process is to be used to determine the efficacy and safety of allowing employees to be subjected to pressures in excess of 50 psi and to ensure that California standards on this subject are at least as effective as those of Federal OSHA. Further modification is proposed to delete the Note for the same reason and effect as stated above for the language in subsection (b).

Section 6085. Decompression for Normal Conditions.

This Section contains proposed amendments that address the process of decompression according to various decompression tables referenced in the language.

A modification is proposed to delete the Note referencing the location of the US Navy Diving Manual as being retrievable on the Internet. The proposed modification is necessary to avoid confusion in the event that the document is no longer available on the internet.

The proposed Exception No. 1 states that the provisions of subsections (a) and (b)(2) with regard to decompression tables do not apply in an emergency provided certain conditions specified therein are met. Proposed Exception No. 2 states that the decompression tables mentioned in subsections (a) and (b)(2), need not be complied with provided that the employer complies with alternative decompression tables recommended by the supervising physician in writing and approved by the Division. A modification is proposed to delete Exception No. 2 and to remove the "No. 1" from Exception No. 1. This modification is necessary to clarify to the employer that the proper course of action with regard to alternative decompression procedures is through the Board's permanent variance process and to ensure that the State standard is at least as effective as the corresponding federal standard.

SUMMARY AND RESPONSES TO ORAL AND WRITTEN COMMENTS

I. Written Comments.

Ken Nishiyama Atha, Regional Administrator, Federal OSHA, by letter dated July 14, 2009.

Comment: Mr. Atha states that the proposed allowance of "employee exposure to pressures greater than 50 pounds per square inch (psig) except when approved by the Division" in Sections 6080(b), 6080(b) NOTE, and 6085 EXCEPTION No. 2 are inconsistent with the 50 psig limit and 29CFR 1926.308's limit of 50 psig; except in emergencies. Any requests for variation from the approved standard should be addressed by a variance process consistent with the State's approved variance process.

Response: The Board concurs with Mr. Atha and has modified Sections 6080(b), 6080(b) NOTE, and 6085 EXCEPTION No. 2 to be consistent with federal requirements.

II. Oral Comments Received at the Public Hearing on July 16, 2009.

Mr. Bill Jackson, Board Member.

Comment: Mr. Jackson was concerned that the proposed exceptions to Sections 6080(b) and 6085 vested the Division with the authority to grant a variance from the provisions, which only the Board has the statutory authority to grant.

Response: See the response to Mr. Atha.

Dr. Jonathan Frisch, Board Member.

Comment No. 1: Dr. Frisch expressed concern that the proposed exceptions to Sections 6080(b) and 6085 vested the Division with the authority to grant a variance from the provisions, which only the Board has the statutory authority to grant.

Response: See the response to Mr. Ken Atha.

Comment No. 2: Dr. Frisch expressed concern that Section 6120 is unclear as to whether the supervising physician is required to be on-site or simply retained.

Response: Section 6120(a)(1) requires that the physician shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. It further requires that the physician shall meet the physical qualifications of a compressed air worker and be willing to enter a pressurized environment. Sections 6120(b)(13) and (14) require that, when a medical chamber is required by Section 6120(b), it shall be located adjacent to an emergency medical facility and be in constant charge of an attendant under the direct control of the supervising physician. The emergency medical facility is generally an off-site hospital with a hyperbaric chamber and emergency room. Section 6090, Air Locks, requires that the lock attendant for the air lock that is located at the worksite be under the direct supervision of the physician required by Section 6120. That section further requires that a pressure graph of each shift's decompression shall be submitted to the supervising physician after each shift. Thus, the supervising physician is responsible for supervising and communicating with staff both at the worksite and away from the worksite, as required. Article 154 does not specify that the supervising physician shall be located on-site because this may not be necessary under some conditions, such as routine work at low pressures.

Comment No. 3:

Dr. Frisch noted that Section 6120 provides that a physician shall determine that an employee is medically qualified to work in compressed air before such work is performed. Dr. Frisch was concerned that this medical determination should be consistent with the medical determination that an employee is medically fit to wear a respirator, as provided by Section 5144, Respiratory Protective Equipment.

Response:

Section 6120(a)(2) states that no employee shall be permitted to enter a compressed air environment until qualified by a physician in accordance with Section 6053. Section 6053 contains the following subsections: general, frequency of medical exams, information provided by examining physician, content of medical examinations, and physician's written report. The content of these subsections is consistent with the requirements of Section 5144(e), which pertains to medical evaluation procedures for respirator use.

**MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM
THE 15-DAY NOTICE OF PROPOSED MODIFICATIONS**

No further modifications to the information contained in the Initial Statement of Reasons are proposed as a result of the 15-Day Notice of Proposed Modifications mailed on December 10, 2009.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by 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 adopted action.