

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
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SECOND NOTICE OF PROPOSED FURTHER MODIFICATIONS TO
CALIFORNIA CODE OF REGULATIONS
TITLE 8; Division 1, Chapter 4, Subchapter 7, Section 4530
of the General Industry Safety Orders

Bakery Ovens – Inspections

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written comments on the above-named regulation in which further modifications are being considered.

On June 19, 2008, the Occupational Safety and Health Standards Board held a Public Hearing to consider revisions to Title 8, Division 1, General Industry Safety Orders, Section 4530. The Standards Board received oral and written comments on the proposed modifications. The regulation was modified as a result of these comments, and on October 21, 2008, a 15-Day Notice was issued.

In response to stakeholder comments at the December 18, 2008, Standards Board Public Meeting, the Board directed staff to engage further with stakeholders for possible refinement of this proposal. This second 15-Day Notice is a result of further input from stakeholders.

A copy of the text with all modifications clearly indicated is attached for your information.

Pursuant to Government Code Section 11346.8(d), notice is also given of the opportunity to submit comments concerning the addition to the rulemaking file of the following document relied upon:

ADDITIONAL DOCUMENT RELIED UPON

1. Recommendation submitted by Marti Fisher, Policy Advocate, California Chamber of Commerce, via e-mail, dated January 20, 2009.

This document is available for review during normal business hours at the Standards Board Office located at the address listed below.

Any written comments on these modifications must be received by 5:00 p.m. on March 2, 2009, at the Occupational Safety and Health Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. The regulation will be scheduled for adoption at a future Business Meeting of the Occupational Safety and Health Standards Board.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed action is open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California.

Inquires concerning the proposed modifications may be directed to the Executive Officer, Marley Hart at (916) 274-5721.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Marley Hart, Executive Officer

Date: February 13, 2009

Further Modifications to the Original Proposal

(Regulatory language to be deleted is shown in bold and double strike-out and new language is shown in bold and double underscore.)

STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend Section 4530(a)(2) to read:

§4530. Bakery Ovens.

(a) General Oven Requirements.

(1) Ovens shall be located so that possible fire or explosion will not expose groups of persons to possible injury. For this reason, ovens shall not adjoin lockers, lunch or sales rooms, main passageways, or exits.

~~(2) The employer shall develop and implement a written inspection and testing program for all safety devices on bakery ovens that specifies inspection and testing frequencies that will ensure the proper operation of the oven safety devices. The inspection and testing program shall be in accordance with the scope, inspection and testing provisions of the National Fire Protection Association (NFPA) 86-2007, Standard for Ovens and Furnaces, Chapter 7, Section 7.5 and NFPA 54-2006/American National Standards Institute (ANSI) Z223.1-2006, National Fuel Gas Code, Annex B.3, which are herein incorporated by reference. All safety devices on ovens shall be inspected at intervals of not less than twice a month by a qualified person, and not less than once a year by a representative of the oven manufacturer.~~

(2) All bakery oven safety devices shall be inspected in accordance with the manufacturer's recommendations and shall include an annual inspection. If manufacturer's recommendations are not available, the bakery oven safety devices shall be inspected in accordance with the National Fire Protection Association (NFPA) 86-2007, Standard for Ovens and Furnaces, Chapter 1, Section 1.1, Scope and Chapter 7, Section 7.5 and NFPA 54-2006/American National Standards Institute (ANSI) Z223.1-2006, National Fuel Gas Code, Annex B.3, which are herein incorporated by reference.

EXCEPTIONS: Coal and other solid fueled fire ovens and ovens with heating systems that supply a total input of not exceeding 150,000 Btu/hour (44 kW).

~~(2)(3)~~ Main shutoff valves, operable separately from any automatic valve, shall be provided to permit turning off the fuel or steam in case of an emergency.

~~(3)(4)~~ Main shutoff valves shall be located so that explosions, fires, etc. will not prevent access to these valves.

~~(4)(5)~~ Main shutoff valves shall be locked in the closed position when ~~men~~ a person must enter the oven or when the oven is not in service.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.