

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 7, Subchapter 4, Article 76, Section 4650(d)
of the General Industry Safety Orders

*Compressed Gas (Oxygen) Cylinder Storage***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 nonsubstantive and/or sufficiently related modifications which are the result of public comments and Board staff evaluation.

Section 4650(d) Storage, Handling, and Use of Cylinders.

This section contains various requirements pertaining to cylinder storage, ventilation of cylinders, separation of oxygen cylinders from materials that could combust or act as a fire accelerant, transporting cylinders, use of valve protection devices, use of regulations, etc.

Subsection (d) prohibits employers from storing oxygen cylinders near combustible materials or any substance that is likely to accelerate fires. A revision is proposed to amend subsection (d) to clarify that oxygen cylinders are to be separated from fuel gas cylinders (e.g., propane, butane, methane) by a minimum distance of 20 feet or a half-hour, fire resistive barrier at least 5 feet high.

A modification is proposed to amend subsection (d) to add the words “ or a minimum of 18 inches (25 cm) above the tallest cylinder...” after the word “high” and changing the combustible barrier’s proposed one half-hour fire rating to a one hour fire rating.

The proposed modification is necessary to ensure that regardless of their height, all oxygen cylinders will be effectively shielded/protected from fire and that the employer will be able to obtain and install fire resistive barrier material consistent with the current 1, 2, 3, 4-hour increment fire resistance ratings for such materials.

Summary and Response to Oral and Written Comments:

I. Written Comments

Mr. Daniel Najera, Regulations Coordinator, Office of the State Fire Marshal by memorandum dated June 7, 2005.

Comment:

Mr. Najera proposed two modifications to Board staff's proposed amendments to Section 4650(d). He requested language be added to provide another option for employers to use to shield oxygen cylinders from fuel gasses or combustibles by requiring fire resistive barriers to be a minimum of 18 inches above the tallest cylinder in addition to existing language specifying a 20-foot separation distance or a 5-foot high fire resistive barrier. Mr. Najera also suggested the proposal be modified to specify a fire resistance rating of one hour rather than one half hour because fire resistance is measured in one-hour increments.

Response:

The Board concurs with Mr. Najera's comments and modified the proposal accordingly. The Board thanks Mr. Najera for his participation in the Board's rulemaking process.

II. Oral Comments

There were no oral comments received at the January 20, 2005, Public Hearing in Sacramento, California.

MODIFICATIONS AND RESPONSE 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 September 28, 2005.

Summary and Response to Written Comments:

No written comments were received.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does 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 standard. 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.