

State of California
Department of Industrial Relations
M e m o r a n d u m

To: ALL STANDARDS BOARD MEMBERS

Date: : February 5, 2009

From: Occupational Safety and Health Standards Board
David Beales, Industrial Relations Counsel III

Subject: Machinery and Equipment—Definition of Equipment

A public hearing was held in this matter on October 16, 2008. Stakeholder input has included comments to the effect that the proposal would unduly broaden and unduly narrow the definition of “equipment.” Based on these divergent interpretations of the proposal, it is apparent that the proposal fails to remove ambiguity from the meaning of the term at issue.

In addition, review of the Appeals Board decision in Jensen Precast (May 28, 2008), Occupational Safety and Health Appeals Board Docket Nos. 07-R3D3-1928 through 1931, demonstrates that even in the absence of this rulemaking, the Appeals Board accords the term “equipment” a workable, common-sense meaning derived in accordance with the procedures used to ascribe meaning to the vast majority of words used in Title 8, which are not specifically defined in Title 8. The Jensen Precast decision post-dates the Decision After Reconsideration that provided the impetus for this rulemaking.

Consequently, unless directed otherwise by the Board, staff proposed to terminate this rulemaking action.