

# REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-2015-0217-17</b>	REGULATORY ACTION NUMBER <b>2015-0821-02S</b>	EMERGENCY NUMBER
-------------------------	---	--	------------------

For use by Office of Administrative Law (OAL) only

RECEIVED FOR FILING PUBLICATION DATE  FEB 17 '15    FEB 27 '15  Office of Administrative Law	2015 AUG 21 P 4: 39  OFFICE OF ADMINISTRATIVE LAW
NOTICE	REGULATIONS

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

SEP 15 2015

1:44 PM

AGENCY WITH RULEMAKING AUTHORITY <b>Occupational Safety and Health Standards Board</b>	AGENCY FILE NUMBER (if any)
---	-----------------------------

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE <b>GISO 3437, 3441, and 3664(b)</b>	TITLE(S) <b>Title 8</b>	FIRST SECTION AFFECTED <b>3437</b>	2. REQUESTED PUBLICATION DATE <b>February 27, 2015</b>
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input checked="" type="checkbox"/> Other	4. AGENCY CONTACT PERSON <b>Marley Hart, Executive Officer</b>	TELEPHONE NUMBER <b>(916)-274-5721</b>	FAX NUMBER (Optional) <b>(916)-274-5743</b>
OAL USE ONLY <input type="checkbox"/> Approved & Submitted <input type="checkbox"/> Approved & Modified <input type="checkbox"/> Disapproved <input type="checkbox"/> Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER <b>2015 92</b>	PUBLICATION DATE <b>2/27/15</b>

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) <b>Agricultural Personnel Transport Carriers</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND <b>Sections 3437, 3441 and 3664(b)</b> REPEAL
TITLE(S) <b>8</b>	

3. TYPE OF FILING <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only
--	--	--	--

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(i); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
--	--	---	--

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON <b>Marley Hart, Executive Officer</b>	TELEPHONE NUMBER <b>916-274-5721</b>	FAX NUMBER (Optional) <b>916-274-5743</b>	E-MAIL ADDRESS (Optional) <b>mhart@dir.ca.gov</b>
--	---	--	--

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Marley Hart</i>	DATE <i>Aug 20, 2015</i>
TYPED NAME AND TITLE OF SIGNATORY <b>Marley Hart, Executive Officer</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

SEP 15 2015

Office of Administrative Law

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

General Industry Safety Orders

Article 13. Agricultural Operations.

Amend Article 13 to read as follows:

§3437. Definitions.

**Agricultural Equipment.** Tractors or implements, including self-propelled implements, and stationary equipment which are used in agricultural operations.

**Agricultural Operations.** All operations necessary to farming in all of its branches, including maintenance of machinery or other facilities, and the planting, cultivating or growing, keeping for sale, harvesting, transporting on the farm or to the place of first processing, any tree, plant, animal, fowl, fish, insect or products thereof.

**Ballast.** Counterbalance weight designed for the agricultural tractor added to offset the weight of a load or attachment, ensuring proper weight distribution between the front and rear axles.

\*\*\*\*\*

**Low-lying row crops.** Produce or fruits such as carrots, lettuce, beets, radishes, celery and strawberries, grown in cultivated fields that are planted in rows and of such a height that does not impede the visibility of the agricultural tractor operator and operators of other vehicles in the area.

**Nip Point.** The mesh or pinch point of in-running surfaces such as gears, belts, sprockets, rolls, etc.

**Pipe Trailer.** A towed implement with one or more wheeled axles designed specifically to transport irrigation pipes.

\*\*\*\*\*

**Tractor-Mounted Personnel Transport Carriers (PTCs).** Personnel carrier mounted to a three-point hitch at the rear of an agricultural tractor.

\*\*\*\*\*

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

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

§3441. Operation of Agricultural Equipment.

(a) Operating Instructions and Safe Work Practices.

(1) At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all equipment with which the employee is, or will be involved including, instruction on the safe work practices and operating rules provided in subsection (a)(2).

(2) Agricultural equipment shall be operated in accordance with the following safe work practices and operating rules:

(A) Keep all guards in place when the machine is in operation;

(B) Permit no riders on agricultural equipment other than persons required for instruction or assistance in machine operation;

EXCEPTION to Subsection (a)(2)(B): The operation of agricultural tractor-mounted personnel transport carriers when used, operated and maintained in accordance with subsection (i) of this section.

\*\*\*\*\*

(i) Tractor-Mounted Personnel Transport Carriers (PTCs).

(1) Use of PTCs shall be allowed only for employees who are installing, removing or maintaining irrigation pipe for low-lying row crops. No other employees shall be allowed to board or ride on PTCs. When the term "tractor" is used in subsection (i), it means "agricultural tractor" as defined in Section 3649.

(2) Employees may ride in PTCs only in the furrowed area of fields while performing irrigation activities.

(3) The slope of the fields where employees ride on a PTC shall not exceed a 5% grade.

(4) PTC Design and Construction.

(A) PTCs shall be approved for their intended use as provided in Section 3206 of these Orders.

(B) For existing PTC units built prior to the effective date of these provisions, [OAL to fill in the date] a qualified person shall inspect and approve the PTC units for structural integrity and design prior to the units being placed into service.

(C) Seat belts shall be installed for all passenger positions on PTCs.

1. Seat belts shall be labeled as meeting the design requirements of the Society of Automotive Engineers (SAE) J386 JUN85 or JUN93 standard, Operator Restraint System for Off-Road Work Machines; or

2. Seat belts shall be equivalent to the tractor operator seat belt provided by the tractor manufacturer.

(D) Sufficient steps and handholds shall be provided on the PTC so that employees can maintain a three-point contact while entering and exiting the PTC.

(E) PTCs shall be designed with a safety chain, door or gate at each passenger entry/exit opening

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

that shall withstand a force of at least 200 pounds, applied vertically downward and horizontally outward on the exit side of the PTC opening. Passenger entry/exit openings shall be kept in the closed and latched position whenever the tractor is in motion.

(F) Each PTC shall have an effective and reliable means of communication by which passengers can relay an emergency signal to the tractor operator. When the tractor operator has a clear line of sight to the PTC passengers, verbal communication meets the requirements of this provision.

(G) Structural elements of the PTC shall be constructed of steel. The strength of the elements shall be sufficient to support the anticipated loads.

(H) All welding or repairs affecting the structural integrity of PTCs shall be performed by a qualified person.

(I) Front ballast shall be used in accordance with the tractor operations manual on all tractors which are equipped with PTCs. The required ballast shall be calculated for each tractor model prior to using the tractor for transporting employees on PTCs.

(J) Seat cushions and back cushions at least 1.5 inches in thickness shall be installed on all PTC sitting benches and their condition shall be inspected as part of the daily inspection. Seat cushions shall cover the sitting area of the bench such that all employees can comfortably sit on the cushion with seat belts fastened. Damaged seat cushions shall be repaired or replaced in a timely manner.

(K) The PTC width shall not extend beyond the outside edges of tractor tires.

(L) The PTC shall be equipped with a shade cover or roof on the top of the unit.

(5) Operating Conditions.

(A) PTCs shall be mounted only on tractors that are equipped with ROPS.

(B) The tractor operator must remain in the operator's seat at all times when employees ride on the PTC and no other persons other than the tractor operator and passengers inside the PTC are permitted on a tractor while in motion. The tractor shall be shut off before the operator dismounts.

(C) Safe speed limits shall be established for the operation of equipment in fields in which PTCs are in use. This limit shall be determined in accordance with anticipated field conditions and shall not exceed five miles per hour.

(D) Employees shall exit the PTC whenever the tractor reaches the end of the row and before the tractor begins to turn. Employees shall not enter the PTC until the tractor has completed its turn and is on a straight path through a row. Employees shall never enter or exit a PTC while the tractor and PTC are in motion.

(E) All passengers in the PTC shall be seated and seat belts shall be worn whenever the tractor is in motion. Passengers are not allowed in the PTC whenever the tractor is operating within 10 feet of the paved edge of a public road.

(F) Employees shall not be permitted on PTCs if the tractor or pipe trailer is within 10 feet

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

(measured from the outside wheel edge) of a ditch, canal, retention pond, unprotected edges of embankments or levees, culvert, excavation, or other similar locations that present an overturn hazard.

(G) Employees shall not ride in PTCs in conditions where tires may lose traction or in muddy locations where the tractor is likely to become mired.

(H) The tractor operator shall bring the tractor to an immediate controlled stop, and employees shall dismount and stand clear of the tractor if any of the following conditions occur:

1. The tractor loses traction or becomes mired.
2. The tractor operator detects an unusual or unsafe condition, including, but not limited to, excessive pitch or yaw, erratic motion, or hazardous surface conditions.
3. The employee(s) in the PTC signal that there is a hazardous condition.

(I) Only tools, implements, or other objects incidental to the work being performed shall be permitted to be carried in occupied PTCs. Such objects shall be placed in a designated location under the seat in the PTC during transport. No object shall be transported in the PTC unless it is fully contained within the designated location. Water bottles, water coolers and personal coolers or lunch boxes shall be permitted in the PTC in a designated location.

(6) Inspections.

(A) Prior to daily use, a visual check and inspection of the PTC shall be made by a qualified person that includes examining welds and structural members for signs of stress cracks, condition of the seat belts, safety restraint chains, connection pins and 3-point hitch points to the tractor and connection pins and hitch point for the pipe trailer.

(B) Any PTC with defective parts or damage which creates a hazard shall not be used until the unit has been repaired and re-inspected by a qualified person who has found the PTC in proper condition for use.

(7) Training.

(A) Training for all employees involved in irrigation operations using PTCs including tractor operators shall be provided in the safe operating conditions and provisions in this section at or prior to the employee's initial work assignment.

(B) Refresher training shall be provided at least annually. All training shall be documented and made available to the Division upon request. Training records shall be maintained in accordance with the General Industry Safety Orders, Section 3203.

(C) In addition to the training required in subsections (i)(7)(A) and (B), tractor operators shall be trained in the inspection of tractors, PTCs and pipe trailers used in the irrigation operations subject to these provisions.

(D) All training shall be in language(s) understood by all affected employees.

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

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

General Industry Safety Orders

Article 25. Industrial Trucks, Tractors, Haulage Vehicles, and Earthmoving Equipment

Amend Section 3664 to read as follows:

§3664. Operating Rules.

\*\*\*\*\*

(b) Every employee who operates an agricultural or industrial tractor shall be instructed in the following procedures and in any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter. Copies of these instructions, printed in a language understood by the majority of the employees, shall be conspicuously posted at a place frequented by the drivers.

**EMPLOYEE OPERATING INSTRUCTIONS**

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments, and holes.
3. Reduce speed when turning, crossing slopes, and on rough, slick, or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads, and around trees.
6. Do not permit others to ride.

EXCEPTION to No. 6: The operation of agricultural tractor-mounted personnel transport carriers when used, operated and maintained in accordance with Section 3441(i) of these Orders.

\*\*\*\*\*

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