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FINAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 4542 of the General Industry Safety Orders

Guarding of Vertical Food Mixers

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.

SUMMARY OF AND RESPONSES TO WRITTEN AND ORAL COMMENTS:

I. Written Comments

Mr. David Shiraishi, Area Director, Region IX, OSHA, U.S. Department of Labor, by letter dated March 19, 2014.

Comment:

Mr. Shiraishi commented that Federal OSHA has reviewed the proposal and found it not to be commensurate with federal standards unless it can be demonstrated that the General Industry Safety Orders cover vertical food mixers with a bowl size of less than 30 quarts at the point of operation.

Response:

Section 1910.263(e) Mixers, is the federal equivalent of Title 8 Section 4542 Mixers. As currently written, neither regulation requires the use of a bowl guard on a mixer of any size. The proposed amendment will require a bowl guard on mixers greater than 30 quarts capacity, which is at least as effective as federal requirements; therefore, no modification to the proposed language is necessary.

The Board thanks Mr. Shiraishi for his comment and participation in the Board's rulemaking process.

Mr. Paul R. Burnett, by email dated February 18, 2014.

Comment:

Mr. Burnett commented that vertical food mixers are used in a variety of applications outside of the food industry. He stated that the same mixers are used in the manufacture of rubber and plastics, pigments, explosives, pyrotechnics, and solid propellants. He requests that the Board address the safety of all workers using the vertical mixers, and not just those in the food industry.

Response:

The Board does not accept this comment because it is outside the scope of the rulemaking. The focus of the discussion in the advisory committee and the notice published in the California Regulatory Notice make it clear that the present rulemaking concerns food mixers and not mixers used in other industries. Modification of the proposal as a result of the comment is unnecessary.

The Board thanks Mr. Burnett for his comments and participation in the Board's rulemaking process.

II. Oral Comments

Oral comments received at the March 20, 2014, Public Hearing in Oakland, California.

There were no oral comments received at the March 20, 2014 Public Hearing in Oakland, California.

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

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.