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November 4, 2015

California Occupational Safety & Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

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OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

RE: Petition to amend GISO 3314 Exception 2 "Cord and Plug" Regulations

Dear Board Members,

The California League of Food Processors (CLFP) is a statewide trade association that represents a number of food processing companies with operations in California. The food processing industry in California employs over 190,000 full- and part-time workers in a wide array of job functions. Many companies may be affected by a recent decision regarding hazardous energy control by the Occupational Safety and Health Standards Board, and so CLFP is petitioning the Board to address industry concerns and to clarify the requirements by amending GISO 3314.

The Division of Occupational Health and Safety (DOSH) recently cited an employer regarding Exception 2 of GISO 3314, and their appeal was denied. A summary of the failed appeal of Syar Industries, Inc., was included in the edition of the Cal-OSHA Reporter dated August 28, 2015. The article noted that the Decision was rendered July 24, 2015, Docket Nos. 13-R5D1-1876 through 1880 (Napa, CA). The account stated that the Administrative Law Judge had concluded that the "Employer failed to establish that Exception 2 to GISO 3314(c) and (d) applies to GISO 3314 in its entirety. Therefore, the exception does not apply to GISO 3314(g) and (h)."

Included in the DOSH website is the approved Standards for The Control of Hazardous Energy GISO 3314 (effective January 6, 2005), and on Page 4 of 9 under "Subsection (d)" it states the following:

A new second exception to (c) and (d) is proposed for work on cord and plug-connected electric equipment for which exposure to the hazards of unexpected energization or startup of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the work. It was the Advisory Committee consensus to add the second exception, taken essentially verbatim from 29 CFR 1910.147(a)(iii)(A), so as not to require lockout procedures for cord-and-plug connected equipment that is under the exclusive control of the employee performing the work.
<http://www.dir.ca.gov/oshsb/hazardousenergyisor.pdf>

The Federal OSHA Standard on the Control of Hazardous Energy (lockout/tagout), section 29 CFR 1910.147(a)(2)(iii) and (A), clearly states that the entire Standard does not apply to work on cord and plug where there is exclusive control: The text of the Standard is as follows:

This standard does not apply to the following:

1910.147(a)(2)(iii)(A)

Work on cord and plug connected electric equipment for which exposure to the hazards of unexpected energization or startup of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the servicing or maintenance.

CLFP believes that the “cord and plug” exception has been misinterpreted by DOSH staff, and recommends that the standard should, at a minimum, be amended to take all ambiguity out of the exception and insert the relevant Federal language verbatim.

An even better alternative would be to insert section 29 CFR 1910.147 into the California Code to fully replace GISO 3314. If you examine both of the two Standards you will see that the Federal Standard is much easier to read and understand; which should be the goal of such an important Standard. This change would benefit the enforcement agency, employers, and workers.

CLFP respectfully requests that this amendment be made to make the California standard consistent with the Federal Standard. If you have any questions about this petition, please contact me.

Sincerely,



Rob Neenan
President/CEO
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