

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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NOTICE OF PROPOSED MODIFICATION TO
CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 116, Section 5306
of the General Industry Safety Orders

Electric Blasting in Proximity to Radio, Television or Radar Transmitters

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written comments on the above-named standard in which modifications are being considered as a result of public comments and/or Board staff consideration.

On June 18, 2009, the Standards Board held a Public Hearing to consider revisions to Title 8, Section 5306 of the General Industry Safety Orders. The Standards Board received oral comments on the proposed revisions. The standard has been modified as a result of these comments and Board consideration.

A copy of the full text of the standard as originally proposed, and a copy of the page with the modifications clearly indicated, is attached for your information. In addition, a summary of all comments regarding the original proposal and staff responses is included.

Any written comments on these modifications must be received by 5:00 p.m. on August 24, 2009, at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. This standard will be scheduled for adoption at a future business meeting of the Standards Board.

The Standards Board's rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

Inquiries concerning the proposed changes may be directed to the Executive Officer, Marley Hart, at (916) 274-5721.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date: August 4, 2009

Marley Hart, Executive Officer

STANDARD AS ORIGINALLY PROPOSED

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

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

§5306. Electric Blasting in Proximity ~~with~~ to Radio, Television or Radar Transmitters.

(a) For roads subject to the California Manual on Uniform Traffic Control Devices for Streets and Highways, September 26, 2006, published by the State Department of Transportation (CA-MUTCD), blasting area warning signs shall be posted in accordance with CA-MUTCD, Part 6, Temporary Traffic Control, Sections 6F.38 through 6F.41, which are hereby incorporated by reference.

~~NOTE: Where applicable, see State of California, Department of Transportation, Traffic Manual, Chapter 5, Traffic Controls for Construction and Maintenance Work Zones for specific sign requirements.~~

~~(a)~~ (b) For roads not subject to the CA-MUTCD:

(1) A sign ~~Blasting area warning signs~~ reading, “BLASTING AREA TURN OFF 2-WAY RADIOS AND CELLULAR TELEPHONES,” and “BLASTING ZONE 1000 FT”, shall be posted at least 1,000 feet in advance of any blasting zone along all access routes ~~reading,~~ “BLASTING AREA TURN OFF 2 WAY RADIOS AND CELLULAR TELEPHONES,” “BLASTING ZONE 1000 FT” and signs reading “END BLASTING ZONE:” shall be posted 1,000 feet from the blasting area.

(2) ~~Lettering of the sign shall be at least 4 inches in height and 5/8 inch stroke on a sharply contrasting color background.~~ The signs required by subsection (b) (1) shall be displayed prior to installation of electric-sensitive devices, during loading and during blasting operations.

(3) ~~Lettering of the blasting area warning signs shall be at least 4 inches in height and 5/8-inch stroke on a sharply contrasting color background.~~

~~(b) Signs shall be posted approximately 1,000 feet from the blasting area along all access routes.~~

(c) Electric blasting operations shall not be conducted closer to any operating mobile or fixed radio, television, or radar transmitter than the distances shown in the following tables:

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

PROPOSED MODIFICATIONS
(Modifications are indicated in bold,
double underline wording for new language,
and bold, strikeout for deleted language.)

STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

§5306. Electric Blasting in Proximity ~~with~~ to Radio, Television or Radar Transmitters.

(a) Blasting area warning signs shall be posted approximately 1,000 feet from the blasting area along all access routes. These signs shall be in accordance with all requirements of For roads subject to the California Manual on Uniform Traffic Control Devices for Streets and Highways, September 26, 2006, published by the State Department of Transportation (CA-MUTCD), blasting area warning signs shall be posted in accordance with CA-MUTCD, Part 6, Temporary Traffic Control, Sections 6F.38 through 6F.41, which are hereby incorporated by reference.

NOTE: Where applicable, see State of California, Department of Transportation, Traffic Manual, Chapter 5, Traffic Controls for Construction and Maintenance Work Zones for specific sign requirements.

(a) (b) For roads not subject to the CA-MUTCD:

(1) A sign ~~Blasting area warning signs~~ reading, “BLASTING AREA TURN OFF 2-WAY RADIOS AND CELLULAR TELEPHONES,” AND “BLASTING ZONE 1000 FT”, shall be posted at least 1,000 feet in advance of any blasting zone along all access routes reading, “BLASTING AREA TURN OFF 2-WAY RADIOS AND CELLULAR TELEPHONES,” “BLASTING ZONE 1000 FT” and signs reading “END BLASTING ZONE.” shall be posted 1,000 feet from the blasting area.

(2) Lettering of the sign shall be at least 4 inches in height and 5/8 inch stroke on a sharply contrasting color background. The signs required by subsection (b) (1) shall be displayed prior to installation of electric sensitive devices, during loading and during blasting operations.

(3) Lettering of the blasting area warning signs shall be at least 4 inches in height and 5/8 inch stroke on a sharply contrasting color background.

~~(b) Signs shall be posted approximately 1,000 feet from the blasting area along all access routes.~~

(e)(b) Electric blasting operations shall not be conducted closer to any operating mobile or fixed radio, television, or radar transmitter than the distances shown in the following tables:

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

SUMMARY AND RESPONSE TO COMMENTS

SUMMARY AND RESPONSE TO WRITTEN AND ORAL COMMENTS

I. Written Comments

There were no written comments received.

II. Oral Comments

Oral comments received at the June 18, 2009, Public Hearing in Oakland, California.

Mr. William Jackson, Board Member.

Comment:

Mr. Jackson stated that if the language of the California MUTCD and the language of Section 5306 were requiring the same thing as far as posting and design of the blasting signage, then there should be one consolidated requirement for all roads. This way the employer is not left with the task of determining which requirements apply.

Response:

Board staff concurs with Mr. Jackson and has modified the proposal as recommended.

Dr. Jonathan Frisch, Board Member.

Comment:

Dr. Frisch posed the question of whether there is necessity to address the issue of posting signs along pedestrian traffic routes (e.g. hiking trails) that may lead into blasting areas as well as vehicular traffic routes.

Response:

The proposal has been revised to require that blasting signs be posted along all access routes which includes pedestrian access routes.

Mr. Willie Washington, Board Member.

Comment:

Mr. Washington asked why roads not governed by the MUTCD (i.e., private property/roads), would be subject to enforcement by the Division of Occupational Safety and Health.

Response:

The Division has jurisdiction over employer operations that take place on private property.