

NOTICE PUBLICATION/REGULATION SUBMISSION

(See instructions on revers)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2012-0821-20	REGULATORY ACTION NUMBER 2012-1218-02S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
RECEIVED FOR FILING PUBLICATION DATE AUG 21 '12 AUG 31 '12		2012 DEC 18 PM 4:50	
Office of Administrative Law		OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	

ENDORSED FILED
STATE OFFICE OF

2013 JAN 24 PM 1:51

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
Occupational Safety and Health Standards Board

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE GISO 3210 and 3900	TITLE(S) Title 8	FIRST SECTION AFFECTED 3210	2. REQUESTED PUBLICATION DATE August 31, 2012
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Sarah Money, Exec. Assistant	TELEPHONE NUMBER 916-274-5739	FAX NUMBER (Optional) 916-274-5743
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	5. NOTICE REGISTER NUMBER 2012 35-2	6. PUBLICATION DATE 8-31-2012	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Elevated Locations - Guardrail Exception for Portable Amusement Rides	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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 3210 and 3900
	REPEAL
TITLE(S) 8	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

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)
November 5, 2012 through November 23, 2012 per agency request *mt*

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective 30th day after filing with Secretary of State Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) April 1, 2013

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
 Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal
 Other (Specify) _____

7. CONTACT PERSON Marley Hart, Executive Officer	TELEPHONE NUMBER (916) 274-5733	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) mhart_dir.ca.gov
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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 Dec 13, 2012
TYPED NAME AND TITLE OF SIGNATORY Marley Hart, Executive Officer	

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ENDORSED APPROVED

JAN 24 2013

Office of Administrative Law

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

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

Amend Section 3210 to read:

§3210. Guardrails at Elevated Locations.

(b) Other Elevated Locations. The unprotected sides of elevated work locations that are not buildings or building structures where an employee is exposed to a fall of 4 feet or more shall be provided with guardrails. Where overhead clearance prohibits installation of a 42-inch guardrail, a lower rail or rails shall be installed. The railing shall be provided with a toeboard where the platform, runway, or ramp is 6 feet or more above places where employees normally work or pass and the lack of a toeboard could create a hazard from falling tools, material, or equipment.

EXCEPTIONS:

1. Runways used exclusively for oiling, adjusting or otherwise maintaining shafting or other machinery may have the guardrail on the side adjacent to the machinery omitted provided that additional guarding as required by Group 6-Power Transmission Equipment, Prime Movers, Machines and Machine Parts is complied with.

9. On mobile vehicles/equipment, where the design or work processes make guardrails impracticable, the use of sufficient steps and attached handholds or structural members which allow the user to have a secure hand grasp shall be permitted. Work from the decks, permanent/stationary platforms, runways, or walkways of mobile vehicles/equipment shall be excluded from the requirements of subsection (b) where it can be shown that guardrails or handholds are impracticable by the design or work processes.

10. Where design or erection, dismantling, inspection, repair, maintenance and adjustment processes make installation of guardrails impracticable on portable amusement rides, employees shall be provided and shall install and use personal fall protection equipment in accordance with the requirements of Section 1670 of the Construction Safety Orders.

(c) Where the guardrail requirements of subsections (a) and (b) are impracticable due to machinery requirements or work processes, an alternate means of protecting employees from falling, such as personal fall protection systems, shall be used.

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

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

Attachment No. 1

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

Amend Section 3900 to read:

§3900. Purpose.

These Orders establish minimum standards for design, maintenance, construction, alteration, operation, repair, inspections, assembly, disassembly, and use of amusement rides for the protection of persons using such rides. These Orders do not replace or supersede any existing Safety Orders affecting employee safety.

NOTE: Where the use of guardrails is impracticable for personal fall protection, see Section 3210(b), Exception No. 10 of these orders.

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