

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 59, Section 4309
of the General Industry Safety Orders

Horizontal Pull Saw (Radial Arm Saw) Guarding**SUMMARY**

The Occupational Safety and Health Standards Board (Board) initiates this rulemaking to amend Section 4309(a) of the General Industry Safety Orders to be consistent with Federal OSHA regulations 29 CFR 1910.213(h)(1) and 1926.304(g)(1). This rulemaking action proposes requiring that radial arm saw blades be completely guarded for operator protection. The need to amend this subsection was originally brought to the attention of Board staff through informal discussions with the Division of Occupational Safety and Health (Division). The Division representative noted that the language in Title 8, Section 4309(a) is significantly less protective than the equivalent Federal OSHA regulation and that action should be taken to render Title 8 at least as effective as (ALAEA) the federal counterpart language with regard to this issue.

The proposed amendment adds language to Section 4309(a) requiring the full diameter of the saw blade be enclosed and not just the upper half of the blade and the arbor ends as is currently mandated. With the exception of the first sentence, the proposed new language duplicates 29 CFR 1910.213(h)(1) and 1926.304(g)(1). Although very similar, Board staff proposes using existing subsection 4309(a) language in lieu of Federal OSHA's first sentence, as it is clearer in the statement of its intent with respect to the blade guard enclosing the arbor ends. The remaining federal language is added verbatim to Section 4309(a). A phrase based on staff discussion with stakeholder subject-matter experts is inserted in the last sentence to clarify that the lower blade device, such as a leaf guard or chain, provides a physical barrier and visual warning to give maximum protection. Without the proposal, Title 8 is not ALAEA the federal regulation for radial arm saw blade guarding. The Board is required to promulgate standards that are ALAEA the federal standards for all issues addressed by Federal OSHA per labor Code Section 142.3(a)(2).

Board staff notes that the American National Standards Institute (ANSI) O1.1-2004 standard, Woodworking Machinery-Safety Requirements, states in Chapter 5.2.5.2 that the manufacturer is to provide a lower blade guard that covers the sides of the maximum diameter blade and that it be

designed to automatically adjust to the thickness of the workpiece. The purpose of the guarding is to prevent cuts and amputations should the operator's fingers contact the rotating saw blade.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is "the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Duplicates federal language requiring that the full diameter of the saw blade be enclosed by a device that automatically adjusts to the stock being cut. The proposal will ensure that Title 8 is ALAEA the federal standards. The existing language in Title 8 is retained in lieu of Federal OSHA's first sentence, as it is clearer in the statement of its intent with respect to the blade guard enclosing the arbor ends.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the state regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative. The proposal is consistent with existing federal standards and American National Safety Institute recommendations for providing upper hood enclosures and lower blade guards.

Section 4309. Horizontal Pull Saws (Radial Arm Saw).

Existing Section 4309 establishes requirements for the installation of safety devices and use limitations of horizontal pulls saws also known as radial arm saws.

Subsection (a)

Existing subsection 4309(a) requires the saw blade be encased on both sides, such that at least the upper half of the blade and the arbor ends are completely covered. This amendment will add language commensurate with federal requirements that the lower exposed portion of the blade shall be guarded to the full diameter of the blade. The lack of a lower blade protection device exposes employees to potentially serious hand injuries from cuts or amputations.

The proposed amendment is necessary to render Title 8 ALAEA the federal standards as it pertains to radial arm saw blade guarding as required by the Labor Code Section 142.3(a)(2)a, and protect employees from the hazards of cuts, lacerations and amputations to the fingers and hand. Clarifying the regulatory language will provide enhanced safety, ensure consistency and eliminate the discrepancy between existing Section 4309 and the federal standard.

DOCUMENTS RELIED UPON

1. American National Standard for Woodworking Machinery, Safety Requirements, ANSI O1.1-2004, Section 5.2.5.2 Lower Saw Blade Guard.
2. American National Standard for Woodworking Machinery, Safety Requirements, ANSI O1.1-1975, Section 6.1.9.1 Hoods and Guards.
3. U.S. Department of Labor, Occupational Safety and Health Administration, 29 CFR 1910.213(h)(1), Woodworking Machinery Requirements, and 1926.304(g)(1), Woodworking Tools, <http://ww.osha.gov>.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Economic Impact Analysis

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal is intended to be ALAEA the federal standard which provides specific guidance on blade guarding that is clearly lacking in Title 8. The purpose of the guarding is to prevent cuts and amputations should the operator's fingers contact the rotating saw blade.

Retrofitting of older saws is not necessary as lower blade guards have been required under federal standards for many years. Further, ANSI O1.1-1975, paragraph 6.1.9.1 permitted the use of a leaf guard or similar type of guarding which Federal OSHA accepts as an alternate method of meeting the intent of 29 CFR 1910.213(h)(1). With these guarding options, employers will not need to retrofit existing saws to accept the proposed guarding requirement but rather to reinstall or replace the original equipment guard that was provided with the saw.

Therefore, the proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

This regulatory proposal is intended to provide worker safety at places of employment in California.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required

pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

This proposed regulation does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal would provide businesses, small or large, clear direction in requiring that the full diameter of the saw blade be enclosed. This regulatory proposal will promote worker safety and protect employees from the hazards of cuts, lacerations and amputations to the fingers and hand.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

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 or 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.