

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PROPOSED MODIFICATIONS TO
CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Chapter 4, Subchapter 13, Articles 1, 1.5, 2, 4, 5, 7, and 12; Sections 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329, and Appendix A, Radio Control Signaling Devices of the Logging and Sawmill Safety Orders (LSSOs)

Amendments to the Logging and Sawmill Safety Orders with Regard to Logging
Operations

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 regulations in which further modifications are being considered as a result of public comments and/or Board staff evaluation.

On February 22, 2001, the Standards Board held a Public Hearing to consider revisions to Title 8, Sections 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329 of the Logging and Sawmill Safety Orders, California Code of Regulations. The Standards Board received oral comments on the proposed revisions. The regulations have been further modified as a result of the comments and Board consideration.

A copy of the full text of the regulation as originally proposed, and a copy of the modified text clearly indicating the further modifications, is attached for your information. In addition, a summary of all oral and written 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 May 29, 2001 at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. These regulations 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, John D. MacLeod at (916) 274-5721.

REGULATIONS AS ORIGINALLY PROPOSED
(only modified pages are included)

STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend Section 6251 to read:

§6251. First Aid.

(a) First-aid material shall be provided and personnel made available for care of injured employees. Means of communication, such as an operable two-way radio, phone, or radio/phone, shall be established-provided, and the names, addresses, and the telephone numbers of physicians, hospitals, and ambulances to be called shall be made readily available at all operations. Citizens' band radios are permitted only as a secondary means of communication.

(b) All necessary first-aid materials shall be provided at ~~every~~any active camp, mill, log landing, or other active operation ~~as may be necessary,~~ and shall consist in part of a rigid stretcher, 2 acceptable blankets (1 blanket for warmth and 1 waterproof blanket), and a first-aid kit. The blankets and the contents of the first-aid kit shall be kept in dustproof and moisture proof containers.

(c) Crew vehicles shall carry a first-aid kit. First-aid kits shall be kept fully supplied.

(d) First-aid training shall be provided as follows:

(1) ~~Those Supervisors or persons in charge of at a work site shall be required to have a valid first-aid general knowledge concerning the stoppage of bleeding, care and splinting of fractures, dressing of wounds, and treatment of shock and shall be trained in-~~ cardiopulmonary resuscitation (CPR) certificate. Standards for first-aid and CPR training shall follow the principles of the American Heart Association, ~~or the American Red Cross,~~ or other recognized agency.

(2) ~~At operations employing 5 or more employees, e~~Employers shall arrange to have employees trained so they have a valid first-aid and CPR certificate issued by the American Red Cross, the Mine Safety and Health Administration-American Heart Association, or other recognized agency.

NOTE: Approximately 1 out of every 5 employees should receive this training. In computing the number of employees for (d)(2), clerical workers need not be included.

(e) Adequate transportation to medical care shall be ~~provided for immediate use~~arranged and made available for injured persons at all camps, mills, log landings, or other operations. Such transportation shall be of a nature to render comfort to the injured. Employees requiring the use of ~~a tourniquet or a stretcher~~ or whose injuries are of an otherwise serious nature shall be accompanied to medical attention by a competent person in addition to the vehicle driver.

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, CHAPTER 4

Amend Section 6283 to read:

§6283. Portable Chain Saw Operations.

(m) Every employer shall instruct and enforce a safe practice procedure including the rules listed below:

- (1) Inspect the saw daily to assure that all handles and guards are in place and tight, all controls function properly, and the muffler is operative.
- (2) Properly instruct operators on safe operation and adjustment.
- (3) Always keep a firm grip on the saw.
- (4) Fuel the saw only in conditions not conducive to fire hazards.
- (5) Start the saw at least 10 feet away from fueling area.
- (6) Start the saw only when firmly supported.
- (7) Do not use ~~engine-chain saw~~ fuel for starting fires or for use as a cleaning solvent.
- (8) Use proper methods to avoid kickbacks.

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

PROPOSED MODIFICATIONS
(Modifications are shown in
bold and double underscore for new language and
bold and strikeout for deleted language.)

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

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

~~Amend Section 6251 to read:-~~

§6251. First Aid.

(a) First-aid material shall be provided and personnel made available for care of injured employees. Means of communication such as an operable two-way radio, phone, or radio/phone shall be ~~established~~ provided, and the names, addresses, and the telephone numbers of physicians, hospitals, and ambulances to be called shall be made readily available at all operations. Citizens' band radios are permitted only as a secondary means of communication.

(b) All necessary first-aid materials shall be provided at ~~every~~ any active camp, mill, log landing, or other active operation ~~as may be necessary~~, and shall consist in part of a rigid stretcher, 2 acceptable blankets (1 blanket for warmth and 1 waterproof blanket), and a first-aid kit. The blankets and the contents of the first-aid kit shall be kept in dust proof and moisture proof containers.

(c) Crew vehicles shall carry a first-aid kit. First-aid kits shall be kept fully supplied.

(d) First-aid training shall be provided as follows:

(1) **At fixed sawmill facilities, in the absence of an infirmary, clinic, or hospital, in proximity to the workplace, which is used for the treatment of all injured employees, a person or persons shall be certified in, and readily accessible to render, first aid. ~~Those~~ In addition, Supervisors or persons in charge of at a work site shall be required to have a valid first-aid general knowledge concerning the stoppage of bleeding, care and splinting of fractures, dressing of wounds, and treatment of shock and shall be trained in cardiopulmonary resuscitation (CPR) certificate. Standards for first aid and CPR training shall follow the principles of the American Heart Association, ~~or~~ the American Red Cross, or other recognized agency.**

NOTE: The word "proximity" as used in this subsection means that medical treatment for injured employees can be provided within a distance of 10 miles from the worksite.

(2) ~~At operations employing 5 or more employees,~~ **At logging operations and portable sawmill operations, ~~e~~ employers shall arrange to have each employees-trained so they have a valid first-aid and CPR certificate issued by the American Red Cross, the Mine Safety and Health Administration ~~American Heart Association~~, or other recognized agency. **Provided a person or persons having a valid first aid and CPR certificate are readily accessible at the work site to render first aid, new employees shall receive the required training within six months from the date of hire.****

NOTE: Approximately 1 out of every 5 employees should receive this training. In computing the number of employees for (d)(2), clerical workers need not be included.

EXCEPTION: Log truck drivers are not required to receive first-aid and CPR training if they are not involved with falling, yarding, skidding, or processing logs.

(e) Adequate transportation to medical care shall be ~~provided for immediate use~~ arranged and made available for injured persons at all camps, mills, log landings, or other operations. Such transportation shall be of a nature to render comfort to the injured. Employees requiring the use

STANDARDS PRESENTATION
TO
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PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

of a ~~tourniquet or~~ a stretcher or whose injuries are of an otherwise serious nature shall be accompanied to medical attention by a competent person in addition to the vehicle driver.

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

Amend Section 6283 to read:

§6283. Portable Chain Saw Operations.

(m) Every employer shall instruct and enforce a safe practice procedure including the rules listed below:

- (1) Inspect the saw daily to assure that all handles and guards are in place and tight, all controls function properly, and the muffler is operative.
- (2) Properly instruct operators on safe operation and adjustment.
- (3) Always keep a firm grip on the saw.
- (4) Fuel the saw only in conditions not conducive to fire hazards.
- (5) Start the saw at least 10 feet away from fueling area.
- (6) Start the saw only when firmly supported.
- (7) Do not use ~~engine chain saw~~ **or other engine** fuels for starting fires or for use as a cleaning solvent.
- (8) Use proper methods to avoid kickbacks.

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

SUMMARY AND RESPONSE TO COMMENTS

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS

I. Written Comments

There were no written comments received during the 45-day comment period.

II. Oral Comments

Oral comments received at the February 22, 2001, Public Hearing.

Mr. William Jackson, Occupational Safety and Health Standards Board Member

Oral Comment No. 1:

Board member Jackson questioned whether the wording in Section 6251(d) regarding first aid training for supervisors and other employees adequately notified the end user of the expectations. Mr. Jackson asked if the intent of the regulation is for all supervisors to have a first aid and CPR card and for all other employees to be trained in first aid and CPR. The “Note” in subsection (d)(2) in relevant part states, “approximately 1 out of every 5 employees should receive this training.” It is unclear as to which employees and how many employees are required to be trained. Mr. Jackson further stated that there seems to be some inconsistency in the first aid training requirements for construction, general industry, logging and sawmill operations.

Response:

Upon review of Mr. Jackson’s comments, and evaluation of federal Occupational Safety and Health Administration (OSHA) requirements for first aid and CPR training for logging and sawmill industries, Board staff concurs with Mr. Jackson that clarifying modifications are necessary for Section 6251(d). Federal OSHA’s regulations for first aid training for logging operations are contained in 29 CFR 1910.266(i), which requires that each employee and supervisor have first aid and CPR training. The existing “Note” in Section 6251(d)(2) states, “approximately 1 out of every 5 employees should receive this (first aid and CPR) training.” The language in the note lacks clarity, is not enforceable and is not at least as effective as the federal counterpart standard in 29 CFR 1910.266(i). Therefore, modification to subsection (d)(2) is proposed for clarity and consistency with federal OSHA’s requirements.

Federal OSHA’s regulations for sawmill operations are contained in 29 CFR 1910.265, which are silent on the issue of first aid training at sawmill operations. Therefore, general industry standards in 1910.151(b) provide federal OSHA’s first aid requirements for sawmill operations. 29 CFR 1910.151(b) in relevant part states the following:

“(b) In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid.”

Federal OSHA's regulations for sawmill and logging operations are located in separate safety orders, 1910.265 and .266 respectively. Unlike federal OSHA, California's regulations in the LSSOs clearly apply to both logging and sawmill operations (see LSSOs Section 6248). Many sawmill operations today are located in urban areas where emergency response medical services and medical facilities are more readily available than in rural or remote locations where logging operations and portable sawmill operations commonly take place. Therefore, it is Board staff's recommendation that the requirements for first aid training at fixed sawmill locations be separately addressed as outlined in the 15-day notice modifications proposed for Section 6251(d)(1).

Board staff believe the proposed modifications will add clarity to the requirements for first aid and CPR training for logging and sawmill operations and provide regulations that are at least as effective as the counterpart federal regulations.

Comment No. 2:

With respect to the proposed amendment to Section 6283(m), Board member Jackson expressed a concern that the prohibition of chain saw fuel for starting fires in subsection (m)(7) was unclear and questioned whether other petroleum products (e.g., fuel for a portable generator) would be allowed for use in starting fires.

Response:

The Board concurs that the proposal could be subject to interpretation as to whether fuels other than "chain saw fuel" could be used for starting fires or be used as a cleaning solvent. Modifications are proposed to insert the phrase "or other engine" fuels so that the proposed modification reads, "Do not use chain saw or other engine fuels or starting fires or for use as a cleaning solvent" to address this concern.