

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

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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**

There are no modifications to the information contained in the Initial Statement of Reasons except for the following sufficiently related modifications which are the result of public comments and/or Occupational Safety and Health Standards Board (Board) staff evaluation of federal Occupational Safety and Health Administration (OSHA) regulations.

**Section 6251. First Aid****Subsection (d)(1)**

Existing subsection (d)(1) pertains to both logging and sawmill operations and requires those in charge of work crews to have general knowledge of specific first aid techniques and cardiopulmonary resuscitation (CPR). The initial amendment contained in the 45-day comment period was proposed to clarify that “supervisors or persons in charge at a work site” are required to have a valid first aid and CPR certificate.

Federal OSHA’s regulations for first aid training in sawmill operations are contained in their general industry safety orders, Section 1910.151 (see the response to Board Member William Jackson’s oral comment No. 1). After further evaluation of federal OSHA’s requirements for first aid training at sawmill operations versus logging operations, Board staff believes that modification to the proposal should outline the requirements for fixed sawmill operations in subsection (d)(1) and for logging operations and portable sawmill operations in subsection (d)(2).

A modification is proposed for subsection (d)(1) to add a sentence, “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.” A “Note” is added to the subsection to define that the term “proximity” means that medical treatment (e.g., medical facility or emergency response services) can be provided within a distance of 10 miles from the work site.

A modification to add the words, “In addition” after the first sentence in the subsection will ensure as originally proposed, that supervisors or persons in charge at a work site have the required first aid and CPR certification.

Employers in sawmill operations realize the inherent hazards of the industry and providing persons at the job site with training in first aid and CPR is an already accepted practice. The proposed modifications are necessary to reflect current industry practice and to provide consistency with federal OSHA’s regulations.

### **Subsection (d)(2)**

Subsection (d)(2) as proposed in the 45-day comment period requires employers to have employees trained in first aid and CPR. A “Note” to the subsection in relevant part states that “approximately” 1 out of every 5 employees should receive the training. As outlined in the response to Mr. Jackson’s comment No. 1, and as explained above, Board staff believes that subsection (d)(2) should address first aid and CPR training requirements specific to logging operations and portable sawmill operations. Portable sawmill operations are included with the requirements for logging operations because portable sawmill operations frequently occur in rural or remote areas where medical facilities or emergency medical response services are not readily available.

Federal OSHA’s regulations in 29 CFR 1910.266(i) require that each employee in logging operations receive first aid and CPR training. Modifications are proposed to ensure that at logging operations and portable sawmill operations each employee is trained in first aid and CPR. A modification is also proposed to delete the “Note” to this subsection which states that approximately 1 out of every 5 employees should receive this training, and that clerical workers need not be included. It is necessary to delete the note because it lacks clarity, conflicts with the requirement that each employee be trained and clerical workers are generally not employed on logging and portable sawmill sites.

A further modification will allow employers up to six months from the date of employee hire to provide the required first aid and CPR training provided personnel are readily accessible at the work site to render first aid or CPR. This modification is necessary to allow employers to immediately fill vacant positions and provide the training within a reasonable amount of time.

An additional modification is proposed for subsection (d)(2) to provide an exception to the first aid and CPR training requirements for log truck drivers. The modification is necessary because log truck drivers are not involved in the hazardous activities in logging operations.

Employers involved in logging and portable sawmill operations realize the inherent hazards of the industry and providing persons trained in first aid and CPR are accepted industry practices.

The proposed amendments are necessary for clarity and for consistency with federal OSHA regulations.

California's regulations for logging and sawmill operations are combined (see LSSOs, Section 6248). Since federal OSHA maintains separate safety orders with different first aid training requirements for logging versus sawmill operations, Board staff believes that first aid and CPR training requirements for these industries need to be separated, as is proposed in the modifications for subsection (d)(1) and (2).

### **Section 6283. Portable Chain Saw Operations.**

#### **Subsection (m)**

Section 6283 contains the requirements for logging employees who operate chain saws. An amendment was originally proposed for subsection (m)(7) to replace the word "engine" with the word "chain saw" so that the subsection would read, "Do not use chain saw fuel for starting fires or for use as a cleaning solvent." As a result of comments, a proposed modification will insert the phrase, "or other engine" fuels so that the proposed amendment reads, "Do not use chain saw or other engine fuels for starting fires or for use as a cleaning solvent." The proposed amendment is necessary for clarity and to ensure chain saw or engine fuels are not used in an unsafe manner (e.g., for starting fires or as a cleaning solvent).

## **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 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 for starting fires or for use as a cleaning solvent” to address this concern.

#### **DETERMINATION OF MANDATE**

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

#### **ALTERNATIVES CONSIDERED**

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board 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 adopted action.