

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **June 21, 2012**, at 10:00 a.m.
in the Auditorium of the State Resources Building,
1416 9th Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **June 21, 2012**, following the Public Meeting,
in the Auditorium of the State Resources Building,
1416 9th Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **June 21, 2012**, following the Public Hearing,
in the Auditorium of the State Resources Building,
1416 9th Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

JOHN D. MACLEOD, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders, Electrical Safety Orders and General Industry Safety Orders as indicated below, at its Public Hearing on **June 21, 2012**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4
Article 3, Section 1512
ELECTRICAL SAFETY ORDERS
Division 1, Chapter 4, Subchapter 5
Group 1, Article 3, Section 2320.10 (Low-Voltage Electrical Safety Orders)
Group 2, Article 36, Section 2940.10 (High-Voltage Electrical Safety Orders)
[First Aid for Electrical Workers – Application & Scope](#)

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7
Article 109, Section 5189, Appendix A-Mandatory
Section 5192(a)(3) and Section 5198(j)(2)(D)(2)
CONSTRUCTION SAFETY ORDERS
Division 1, Chapter 4, Subchapter 4
Section 1532.1(j)(2)(D)(2)
[Federal OSHA Amendments and Technical Corrections](#)

3. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4
Article 12, Section 1600
Article 15, Sections 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613,
1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1 and
New Sections 1613.11 and 1613.12
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7
Article 91, Section 4885
Article 98, Section 4999
[Cranes & Derricks in Construction \(Clean-Up\)](#)

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4
Article 3, Section 1512
ELECTRICAL SAFETY ORDERS
Division 1, Chapter 4, Subchapter 5
Group 1, Article 3, Section 2320.10 (Low-Voltage Electrical Safety Orders)
Group 2, Article 36, Section 2940.10 (High-Voltage Electrical Safety Orders)
First Aid for Electrical Workers – Application & Scope

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) adopted the subject sections of the Construction and Electrical Safety Orders pursuant to Labor Code Section 142.3, which mandates that the Board adopt standards at least as effective as federal standards addressing occupational safety and health issues.

Federal 29 CFR 1910.269(b) prescribes medical and first-aid requirements for electrical workers in electric power generation, transmission and distribution. The original rulemaking was initiated when it was discovered that there was currently no equivalent safety standard for electrical workers in the California Electrical Safety Orders (ESO). The original rulemaking placed the federal requirements into the ESO. Although the ESO is a horizontal standard, applicable to both construction and general industry unless otherwise noted, informative notes were placed in Construction Safety Orders (CSO) Section 1512 and General Industry Safety Orders (GISO) Section 3400 to alert users to additional requirements for electrical workers in the ESO.

The rationale for the original adoption into both construction and general industry standards was stated that although the GISO and CSO contain generic safety standards, they did not adequately address the specific needs of electrical workers who are exposed to the hazards of burns and electrical shock, injuries which are very different and usually much more severe than the hazards that other workers are exposed to. Because of the potential severity of these injuries and the remote locations where electrical workers are often sent to work, immediate medical aid is necessary to stabilize the injured worker until emergency medical technicians or higher level care can be provided.

The proposed standards were adopted using an accelerated (Horcher) rulemaking process which limited public comment to those issues unique to California and to the proposed effective date, and thus the public did not have the opportunity to comment on whether it was appropriate or necessary for the proposal to extend the federal standards to the construction industry.

Subsequent to the Horcher adoption, a stakeholder brought to the Board's attention that the scope of the federal standard, 29 CFR 1910.269, subparagraph (a), excluded construction. Thus the stakeholder opined that, because the state rulemaking applied to both construction and general industry, the original proposal over-reached the limits established for the Horcher process. This matter of unintended over-reach did not come to the attention of the Board until after the original proposal was adopted and became effective October 27, 2011.

This rulemaking is therefore proposed to limit the extent of the medical services and first aid requirements for electrical workers to those limits set by the federal standards; i.e. to employees engaged in electric power generation, transmission and distribution work (not including construction). This rulemaking is being noticed as a conventional rulemaking to afford the public opportunity to comment

on this proposed action before proceeding further. 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 mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Has been amended to be substantially equivalent to corresponding federal standards.
- 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 because proposed amendments will limit the extent of these additional medical services and first aid requirements to electrical workers engaged in electric power generation, transmission and distribution work; i.e., the same limits set by the federal standards.

Section 1512. Emergency Medical Services.

This section contains requirements for providing first aid and medical services on a construction project. The original proposal added a second informative note that medical services and first aid provisions for electrical workers were also to comply with the provisions of ESO Sections 2320.10 and 2940.10 as applicable. It is proposed to strike that informative note as the federal counterpart standards do not apply to construction work. The effect of this change will be to return requirements for first aid and medical services for construction work to what applied prior to October 27, 2011.

Section 2320.10. Medical Services and First Aid.

This was a new section, adopted as part of the October 27, 2011, rulemaking. It is proposed to amend the title to read: “Medical Services and First Aid – Additional Requirements for Power Generation, Transmission and Distribution.” The effect of this amendment will be to clarify the scope of application of this section.

New subsections (a) and (b) are proposed to clarify the scope of application of these standards for medical services and first aid. The effect of these amendments will be to limit the scope of requirements for medical services and first aid in the Low-Voltage Electrical Safety Orders to the same extent as in the model federal standard [29 CFR 1910.269(a)].

Section 2940.10. Medical Services and First Aid.

This was a new section, adopted as part of the October 27, 2011, rulemaking. It is proposed to amend the title to read: “Medical Services and First Aid – Additional Requirements for Power Generation, Transmission and Distribution.” The effect of this amendment will be to clarify the scope of application of this section.

New subsections (a) and (b) are proposed to clarify the scope of application of these standards for medical services and first aid. The effect of these amendments will be to limit the scope of requirements for medical services and first aid in the High-Voltage Electrical Safety Orders to the same extent as in the model federal standard [29 CFR 1910.269(a)].

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.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

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.

No significant adverse economic impacts are anticipated because changes are principally modifications of recently adopted standards to be consistent with the limitations of the Horcher rulemaking process and with existing federal standards.

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 standards do 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, these standards do 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.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do 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.)

These proposed standards do 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 because this proposal will limit the extent of the medical services and first aid requirements for electrical workers to those limits set by the federal standards.

Therefore, the proposed regulations 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.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7
Article 109, Section 5189, Appendix A-Mandatory
Section 5192(a)(3) and Section 5198(j)(2)(D)(2)
CONSTRUCTION SAFETY ORDERS
Division 1, Chapter 4, Subchapter 4
Section 1532.1(j)(2)(D)(2)
[Federal OSHA Amendments and Technical Corrections](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On December 27, 2011, Federal OSHA promulgated in Federal Register, Vol. 76, No. 248 pages 80735-80741 technical corrections and amendments to 16 OSHA standards addressing process safety management, permit-required confined spaces, medical services and first aid, servicing multi-piece and

single piece rim wheels, mechanical power presses, pulp paper and paperboard mills, sawmills, grain handling facilities, commercial diving operations, carcinogens, lead, bloodborne pathogens and air contaminants.

OSHA stated it is correcting typographical errors in, and making nonsubstantive technical amendments to, the aforementioned 16 standards. The Federal Standard became effective December 27, 2011. The Board is mandated under the Labor Code Section 142.3(a)(2) to adopt standards at least as effective as the federal standards for all issues for which federal standards have been promulgated under Section 6 of the Occupational Safety and Health Act of 1970. Board staff identified four amendments that need to be made to ensure California standards are editorially and technically correct. Two of the proposed amendments are non-substantive (e.g. typographical in nature). The other two pertain to California's GISO and CSO lead standards and affect existing employer action thresholds for employee notification of lead exposure, and temporary medical removal with medical removal protection benefits. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Has no alternative that would be more effective; as effective and less burdensome, or more cost effective since the content of the proposal is determined by the wording of corresponding Federal regulations.
- 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 mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- 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.
- Has no substantial difference from an existing Federal regulation or statute.

Section 5189. Process Safety Management (PSM) of Acutely Hazardous Materials, Appendix A to Section 5189 – List of Acutely Hazardous Chemicals, Toxics and Reactives (Mandatory)

Mandatory Appendix A consists of a list of acutely hazardous chemicals, toxics and reactives with chemical name, chemical abstract service number (CAS) and threshold quantity (TQ) in pounds (the amount necessary to trigger employer action under the process safety management (PSM) standard). These substances under the PSM standard are believed to present a potential for a catastrophic event at or above the TQ. A revision is proposed, consistent with the federal standard, to correct CAS number for Oleum from 8014-94-7 to 8014-95-7. The proposed amendment will prevent any confusion on the part of the employer consulting Appendix A as to the correct identifying CAS number for Oleum.

Section 5192. Hazardous Waste Operations and Emergency Response.

This standard addresses various requirements to ensure the safety and health of workers who conduct uncontrolled hazardous waste site clean-up operations, corrective actions related to clean-up operations, voluntary clean-up operations, and hazardous waste operations involving treatment storage and disposal facilities and who respond to hazardous material spills (hazardous substance clean-up operations). Section 5192(a)(3) contains various definitions to clarify the meaning and application of the standards

contained therein The term “hazardous substance” is defined as any substance that is designated or listed in subsections (A) through (D) among which, (A) states any substance that is defined under Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or under Sections 25316 and 25317 of the California Health and Safety Code.

An amendment is proposed to correct the CERCLA Section reference from 101(14) to 103(14). The proposed amendment will clarify to the employer seeking to understand the definition of hazardous material under Section 5192, the correct CERCLA section number for accurate reference purposes.

Section 5198. Lead.

This section contains various standards pertaining to the control of lead exposure in general industry which includes, but is not limited to, definitions, exposure monitoring, compliance, respiratory protection and housekeeping. Subsection (j)(2)(D)(2) addresses employee notification of exposure to lead as established by blood lead levels and the employer’s duty to notify the employee that the standard requires temporary medical removal with medical removal benefits when the employee numerical blood lead levels exceed the numerical criterion for medical removal established in subsection (k)(1).

An amendment is proposed to change the wording in subsection (D)(2) to delete the word “exceeds” for replacement by “is at or above.” The proposed amendment is needed in order to make the State standard at least as effective as the corresponding Federal standard.

Section 1532.1 Lead.

This section contains various standards pertaining to the control of lead exposure in the construction industry. Subsection (j)(2)(D)(2) addresses employee notification of exposure to lead as established by blood lead levels and the employer’s duty to notify the employee that the standard requires temporary medical removal with medical removal benefits when the employee numerical blood lead levels exceed the numerical criterion for medical removal established in subsection (k)(1)(A).

An amendment is proposed to change the wording in (D)(2) to delete the word “exceeds” for replacement by “is at or above.” The proposed amendment is needed in order to make the State standard at least as effective as the corresponding Federal standard.

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.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

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 proposed amendments are technical corrections without regulatory effect, correcting typographical errors to Sections 5189 and 5192 references to CAS and CERCLA section numbers.

The proposed amendments to the general industry and construction lead standards thresholds for employee notification and medical removal benefits are not expected to result in any significant added cost to what is essentially an administrative element of the employer's lead medical monitoring/surveillance program in terms of a significant increase in the number of employees who require such notification.

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 regulations do 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 these regulations do 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.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do 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.)

The proposed regulations do 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 because two of the proposed amendments are typographical in nature and the other two amendments pertain to California's existing lead standards for employee notification of lead exposure.

Therefore, the proposed regulations 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.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

3. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4
Article 12, Section 1600
Article 15, Sections 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613,
1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1 and
New Sections 1613.11 and 1613.12
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7
Article 91, Section 4885
Article 98, Section 4999
[**Cranes & Derricks in Construction \(Clean-Up\)**](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On August 9, 2010, the U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) promulgated standards revising the Cranes and Derricks Standard found primarily in the federal Construction Standard, 29 CFR Part 1926, to update and specify industry work practices necessary to protect employees during the use of cranes and derricks in construction. California is required to adopt standards at least as effective as federal standards within 6 months of federal promulgation. In order to accomplish this task, an expedited rulemaking process known as a "Horcher Rulemaking" was undertaken, wherein the Board adopted standards which are substantially the same as the federal standards, except for editorial and format differences, or where existing state standards provided a higher level of safety. Board staff was unable to make any other revisions or amendments during the expedited process. Certain issues were identified during the rulemaking, and certain coordination issues with General Industry Safety Orders (GISO) crane standards have subsequently been identified. These items are now proposed to be addressed in this "clean-up" rulemaking process. 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 mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal standards, in that certain California standards for cranes and derricks in general industry have been identified that are more protective than federal standards for cranes and derricks in construction. Furthermore, certain subjects have been identified where adoption of the federal construction standards created inconsistencies with state standards for general industry. Since the same cranes can and are often used in both general industry and in construction, sometimes in the same day, it is important that construction and general industry standards for cranes and derricks be harmonized.
- 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. This rulemaking proposal was developed with the assistance of an advisory committee which included management (crane owners/ operators/lessors, AGC, Cal Chamber, contractors’ associations, public and investor-owned utilities), labor (Operating Engineers, IBEW, Ironworkers, Laborers), subject matter experts, other interested parties, and government agencies. Rather than generating sets of competing alternatives, that proceeding was synergistic and resulted in consensus standards which are the basis of this proposal.

Section 1600. Pile Driving.

Subsection (g), Sheet Pile Access, currently provides that a crane-suspended personnel platform may be used for access to sheet piling if used in accordance with GISO, Section 5004. The recently adopted Construction Safety Orders (CSO), Article 15 for cranes and derricks in construction contains more specific requirements for hoisting personnel for pile driving operations in Section 1616.1(p) which are based on federal provisions found in 29 CFR 1926.1431(p). It is, therefore, proposed to change the reference from GISO, Section 5004 to CSO, Section 1616.6(p). The effect of this proposal will be to prescribe safety in personnel hoisting operations at least as effective as federal standards.

Section 1610.1. Scope, Subsection (c), Exclusions.

Subsection (c) excludes certain specified equipment from the scope of Article 15. Subsection (c)(14) currently excludes “roustabouts” from the provisions of Article 15. There has been much confusion about what a “roustabout” is in this context. It is proposed to change the exclusion to “Unpowered, rolling material lifts with hand-powered winches (roustabouts).” The effect of this change will be to clarify this exclusion.

Section 1610.3. Definitions.

This section defines terms used in Article 15. It is proposed to add definitions for “accessory gear,” “dedicated drilling rig,” “designated person,” and “registered professional engineer (RPE).” The effect of these amendments will be to add greater clarity in the application of Article 15.

Section 1610.4. Design, Construction and Testing.

Section 1610.4 contains requirements applicable to equipment that has a rated hoisting/lifting capacity of more than 2,000 pounds; however, it currently contains no requirements for examinations and proof load testing as required for cranes in general industry by GISO, Section 5022. It is, therefore, proposed to add a new subsection (f) to require that proof load testing and examinations of cranes and derricks in construction be conducted as required by the GISO. The effect of this amendment will be to provide consistent testing of cranes and derricks, regardless of whether they are currently being used in construction or in general industry related activities.

Section 1610.9. Equipment Over Three Tons Rated Capacity.

This section provides that cranes and derricks used in lifting service, exceeding three tons rated capacity, and their accessory gear shall not be used until the employer has ascertained that such equipment has been certificated as evidenced by current and valid documentation. Subsection (a)(2) requires that certificates attesting to current compliance with testing and examination standards be maintained in a form acceptable to the Division. It is proposed to amend this requirement with a new sentence which will require that a copy of such certificate shall be available with each crane and derrick or at the project site. The effect of this amendment will be to clarify where the documentation required by subsection (a)(2) shall be maintained (i.e., on-site).

Section 1611.1. Assembly/Disassembly - Selection of Manufacturer or Employer Procedures.

This section provides that when assembling or disassembling equipment (or attachments), the employer must comply with all applicable manufacturer prohibitions and follow either manufacturer or employer-developed procedures. Minor clarifications are proposed to change “must” to “shall” wherever the word appears and to clarify a note for subsection (b). The effect of this proposal will be to make the regulation easier to understand and apply.

Section 1612.3. Power Line Safety (All Voltages) - Equipment Operations Closer Than the Table A Zone.

This section currently prohibits equipment operations in which any part of the equipment, load line, or load will be closer to an energized power line than the minimum approach distance under Table A of Section 1612.1. It is proposed to add a new subsection (b) to prohibit operations above energized overhead high-voltage lines. The effect of this amendment will be to provide consistency with High-Voltage Electrical Safety Orders, Section 2946(b) and to clarify that operations above energized power lines are prohibited regardless of the clearance distance.

Section 1613. Inspections.

A non-substantive amendment is proposed to change the title of this section to “Inspections and Repairs.” The effect of this revision will be to more accurately reflect the subject matter of its subsections within this section heading and to enable users to locate requirements more easily.

Section 1613.2. Inspections - Repaired/Adjusted Equipment.

Subsection (a) currently provides that equipment that has had a repair or adjustment that relates to safe operation (such as a repair or adjustment to a safety device or operator aid or repairs to a critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism), shall be inspected by a certificating agency after such a repair or adjustment has been completed and prior to initial use. Two revisions are proposed: (1) to strike “load sustaining structural components” from the parenthetical clause and add a new note stating that load sustaining structural components shall be repaired and inspected in accordance with (new) Sections 1613.11 and 1613.12; and (2) to replace “certificating agency” wherever it appears in this section with “qualified person.”

The effect of the first revision will be to require repair of load-sustaining members consistent with GISO, Sections 5034 and 5035, which are more protective than the federal standard. The effect of the change from “certificating agency” to “qualified person” will be to harmonize the state standard with federal verbiage.

Section 1613.10. Inspections - Wire Rope.

If a Category II deficiency is identified, subsection (a)(4)(B) requires that wire rope be removed from service until: (1) the employer complies with the wire rope manufacturer's established criterion for removal from service, or (2) the wire rope is replaced, or (3) the deficiency is localized and the problem is corrected by severing the wire rope in two and repairing it subject to specific provisions. It is proposed to delete the option of complying with the wire rope manufacturer's established criteria for removal from service. The effect of this amendment will be to make CSO criteria for removing wire rope from service consistent with the criteria of the GISO, Section 5031.

New Section 1613.11. Repairs.

This new section will require that repairs to load sustaining members and other critical crane and derrick parts be performed in accordance with the provisions of GISO, Section 5034(e) and (f). The effect of this amendment will be to make CSO requirements for repairs to load sustaining members consistent with the GISO.

New Section 1613.12. Damaged Booms.

This new section will require that boom sections or boom suspension components that have been damaged be repaired as prescribed by GISO, Section 5035 prior to further use. The effect of this amendment will be to make CSO requirements for repairs to damaged booms consistent with the GISO.

Section 1616.1. Operation.

Subsection (o).

This subsection currently provides that “the boom or other parts of the equipment shall not contact any obstruction.” It is proposed to revise this subsection to add more specificity to its requirements. The effect of these amendments will be to clarify the intent of the standard.

Subsection (x).

This subsection currently provides that “the operator shall obey a stop (or emergency stop) signal, irrespective of who gives it.” It is proposed to relocate the substance of this provision to Section 1617.1(b)(2), Signals – General Requirements. The effect of this relocation into a signaling section will be to clarify the use of and response to signals and to better organize these safety orders.

New Subsection (x).

A new subsection is proposed to require that riggers be trained and capable of safely performing the rigging operation and that trainees be under the direct visual supervision of a qualified person (rigger). The effect of this amendment will be to ensure that CSO requirements for riggers are consistent with GISO, Section 4999(a).

New Subsection (aa).

A new subsection is proposed to require that the use, care and maintenance of slings shall be in accordance with GISO, Article 101. The effect of this amendment will be to provide for consistent use, care and maintenance of slings used in construction and general industry.

Section 1617.1. Signals - General Requirements.

Subsection (a)(1).

This subsection provides that a signal person shall be provided when the point of operation, meaning the load travel or the area near or at load placement, is not in full view of the operator. An amendment is proposed to require that a signal person be provided when the point of operation is not in full and direct view of the operator. The effect of this amendment will be to make the requirement for a signal person equivalent to GISO, Section 5001(a).

Subsection (b).

This subsection provides that only qualified persons shall be permitted to give signals, with an exception that a stop signal may be given by any person. It is proposed to add requirements regarding operator response to signals. The effect of these amendments will be to consolidate qualifications for signal persons and the operator’s response to signals into one standard.

Subsection (i).

This subsection currently provides that anyone who becomes aware of a safety problem must alert the operator or signal person by giving the stop or emergency stop signal. It is proposed to delete this subsection and relocate the substance to subsection (b), as discussed above. The effect of this amendment will be to consolidate requirements for emergency stop signaling into subsection (b).

Section 1617.2. Signals - Radio, Telephone or Other Electronic Transmission of Signals.

It is proposed to add a new subsection (d) which will require that the signal person audibly or visually signal the operator if the signal person becomes aware that communication with the operator has been interrupted during hoisting operations and that the operator safely stop operations upon being made aware of the break in communications. The effect of this amendment will be to improve safety when using electronic transmission of signals.

Section 1617.3. Signals – Voice Signals – Additional Requirements.

Subsection (b) currently provides in part that one component of a voice signal is “distance.” This proposal would allow the “distance” command to be “approximate.” The effect of this amendment will be to clarify the intent of the standard and to allow the standard to be complied with realistically.

Section 1618.1. Operator Qualification and Certification.

This section prescribes requirements for certification of crane operators. There are two options for certification in California: Option (1), certification by an accredited crane operator certifying entity, and Option (2), licensing by a government entity. Currently, Option 2 requirements, which are based on the federal standard, are less stringent than Option 1 and do not require the candidate to pass a physical examination and substance abuse test. This is inconsistent with the requirements for operator certification in the GISO. It is proposed to amend subsection (c)(2) licensing criteria for Option 2 to have the same requirements for a physical examination and substance abuse testing as for Option 1. The effect of this amendment will be to assure worker and public safety regardless of whether the crane is being operated in construction or in general industry and regardless of whether the operator is licensed by a private or government entity.

Section 1618.1. Operator Qualification and Certification, Exceptions.

Currently, CSO crane operator’s qualification and certification are not required for: (1) operation of derricks, side boom cranes or equipment with a maximum hoisting/lifting capacity of 2000 pounds or less, and (2) operation of articulating/knuckle-boom cranes having a boom length of less than 25 feet or a maximum rated load capacity of less than 15,000 pounds when used to deliver material to a construction site. It is proposed to add a third exception which will exempt operators of electric line trucks (digger derrick trucks) subject to the same restrictions that apply to general industry under Exception 2 of GISO, Section 5006.1. The effect of this amendment will be to provide consistent application of crane operator qualification and certification standards both in construction and in general industry.

Section 1619.1. Tower Cranes.

Subsection (b) applies to erection, climbing (up and down) and dismantling of fixed tower cranes. Subsection (b)(3) requires that tower crane foundations and structural supports be designed by the manufacturer or a certified agent. It is proposed to add clarifying subsections as follows: (A) the foundation and structural support are to be installed in accordance with the manufacturer’s or certified agent’s instructions, (B) compliance with the criteria is to be documented, and (C) the foundation and fasteners are to be maintained accessible and visible for inspection at all times. The effect of these amendments will be (1) to clarify responsibilities for quality assurance in the installation of tower crane foundations and structural supports and (2) to clarify that these critical items must be accessible and visible for inspection at all times.

Section 4885. Definitions.

This section contains definitions for GISO, Group 13, Cranes and Other Hoisting Equipment. It is proposed to add a definition of “accessory gear” to this section. The effect of this amendment will be to define a term used in, but not yet defined in, the GISO and to ensure that the definition for “accessory gear” is consistent with the definition proposed for CSO, Section 1610.3.

Section 4999. Handling Loads.

This section currently prescribes that, during hoisting, inadvertent contact with obstructions shall be prevented. A revision is proposed to provide that the load, boom, or other parts of the equipment shall not contact any obstruction in a way which could cause falling material or damage to the boom. The effect of this amendment will be to clarify the intent of the standard and to harmonize the GISO with CSO, Section 1616.1(o).

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.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

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.

California recently adopted standards for cranes and derricks in construction as required to be at least as effective as recently adopted federal standards. This proposed rulemaking will harmonize general industry standards for cranes and derricks with those construction standards. Since the same cranes can be used in both construction and in general industry, sometimes in the same day, it is important that construction and general industry standards for cranes and derricks be harmonized to create regulatory uniformity, thus simplifying compliance and reducing costs. This rulemaking was developed with the assistance of an advisory committee. The committee was of the opinion that none of the proposed amendments will significantly impact the cost of doing business 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 standards do 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 these standards do 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.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do 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.)

These proposed standards do not impose unique requirements on local governments. All employers - state, local and private - 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 adverse economic impact is anticipated. The proposal harmonizes construction and general industry standards for cranes and derricks, creating regulatory uniformity and thus simplifying compliance for businesses of all sizes. Consistent and uniform standards will also promote worker safety at places of employment in California.

Therefore, the proposed regulations 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.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any

identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than June 15, 2012. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on June 21, 2012, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOHN D. MACLEOD, Chairman