

**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 **May 15, 2014**, at 10:00 a.m.  
in the Council Chambers of the Walnut Creek City Hall  
1666 N. Main Street, Walnut Creek, 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 **May 15, 2014**, at 10:00 a.m.  
in the Council Chambers of the Walnut Creek City Hall  
1666 N. Main Street, Walnut Creek, 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 **May 15, 2014**, at 10:00 a.m.  
in the Council Chambers of the Walnut Creek City Hall  
1666 N. Main Street, Walnut Creek, 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**

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DAVE THOMAS, 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 of the California Code of Regulations, as indicated below, at its Public Hearing on **May 15, 2014**.

1. TITLE 8:        **CONSTRUCTION SAFETY ORDERS**  
                         Section 1903  
                         **[Landing Operations-Note to Section 1903](#)**
  
2. TITLE 8:        **GENERAL INDUSTRY SAFETY ORDERS**  
                         Section 3314  
                         **[Lockout Tagout \(LOTO\) – Group Lockout](#)**

Descriptions of the proposed changes are as follows:

1. TITLE 8:        **CONSTRUCTION SAFETY ORDERS**  
                          Section 1903  
                          **Landing Operations-Note to Section 1903**

### **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

This rulemaking is the result of an Occupational Safety and Health Standards Board (Board) staff initiated proposal to amend Section 1903 of the Construction Safety Orders (CSO). Section 1903 addresses various helicopter landing protocols and landing zone spatial requirements such as, but not limited to: hovering sites, visibility, helicopter access and egress and hillside landings. This section is followed by an informational "NOTE" stating that the requirements of Section 1903 are waived in an emergency. However, the "NOTE" is unenforceable, vague and unclear as to the type of emergency it applies to and when the landing requirements of Section 1903 are waived. Board staff proposes to convert the "NOTE" into an enforceable Exception that would be consistent with Federal Aviation Administration (FAA) standards. These standards permit the pilot in command of the helicopter to deviate from normal landing protocols to the extent required to meet the in-flight emergency and get the helicopter safely to the ground. The proposed Exception to Section 1903 indicates that the requirements of this section would be waived should the helicopter experience an in-flight emergency (e.g. mechanical failure). 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.
- Differs from existing federal standards, in that the counterpart standards do not address helicopter landing operations pertaining to spatial rotor requirements on prepared hillside sites.
- 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: (1) 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, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- Is the least burdensome effective alternative. The proposal provides clarity to employers and the Division by providing enforceable language and eliminating confusion over what is considered an emergency.

### **Section 1903.Landing Operations.**

Existing Section 1903 directs landing site operations in regard to site approval, visibility, rotor clearance, and access/egress to the helicopter.

An amendment is proposed to make it clear that the "NOTE" at the end of Section 1903 is really an exception and it specifies that an in-flight emergency is the only circumstance under which the requirements

of Section 1903 are waived. The proposed amendment will clarify to the employer that the requirements of Section 1903 are waived, to allow the pilot and passengers to escape serious injury or death by permitting the pilot to get the craft to ground quickly and safely.

### **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. The proposal replaces the subsection (f) 'NOTE' with an Exception which will be enforceable regulatory language. This amendment provides options during emergency operations when responding to avert property damage or loss of life when landing in prepared hillside sites.

#### **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. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

### **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendment may affect small businesses. However, no adverse economic impact is anticipated, because the amendments are policy and procedural in nature.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

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.

### **BENEFITS OF THE REGULATION**

The proposal would provide businesses, small or large, clear instructions in protecting employees and property from vague and confusing, unenforceable guidance. The adoption of this proposal will ensure that expanded and enforceable instructions are provided when employees are engaged in helicopter landing operations in potentially dangerous operating environments.

### **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**  
                            Section 3314  
                            [Lockout Tagout \(LOTO\) – Group Lockout](#)

### **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

Review of Section 3314 of the General Industry Safety Orders (GISO) and Section 2320.4 of the Low-Voltage Electrical Safety Orders, discloses that group lockout/tagout requirements were lacking in Title 8 standards. Federal OSHA's comparable energy control standard specifically addresses group lockout/tagout device requirements. Therefore, the California standard is not at least as effective as (ALAEA) the federal standard.

This rulemaking action proposes amending Section 3314 to add the federal group lockout/tagout language derived from 29 CFR 1910.147(f)(3) and (4). The proposal will render Title 8, GISO, Section 3314 ALAEA the federal standard as required by Labor Code Section 142.3(a)(2). This proposal will ensure that a single individual will not have the ability to remove locks and tags from a group lockout/tagout device which could result in a serious injury or fatality. 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.
- This proposal is derived from Federal OSHA language for group lockout/tagout requirements that is lacking in Title 8. Federal standards address group lockout/tagout that requires each employee involved in working on or near equipment and machinery subject to inadvertent startups to place personal lockout/tagout devices on the master group energy control mechanism. Current Title 8

standards do not have an equivalent requirement comparable to 29 CFR 1910.147(f)(3) and (4). Therefore, the State proposes to align the instructions with the federal provisions and ensure that Title 8 is ALAEA the counterpart federal standards for group lockout/tagout.

- 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: (1) the requirement of the federal government and the Labor Code to the effect that the State's regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- This proposal will provide consistency by eliminating the discrepancy between existing Title 8 and its federal counterpart standard. The amendments align Title 8 standards with the federal instructions regarding group LOTO.

**Section 3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.**

This section applies to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment in which the unexpected energization or start-up of the machines or equipment, or release of stored energy could cause injury to employees. The standard includes unjamming prime movers, machinery and equipment as it pertains to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment.

**Subsections (h), (i), and (j).**

Existing subsection (h), "Periodic inspection," existing subsection (i), and existing subsection (j), "Training," have been relocated without revisions and are now formatted as subsections (j), (k) and (l), respectively, in the proposal.

The proposed new formatting of the existing subsections allows inclusion of a new subsection (h), Group Lockout or Tagout and a new subsection (i), Shift or Personnel Changes.

**New Subsection (h). Group Lockout or Tagout.**

New subsection (h)(1), entitled "Group Lockout or Tagout" requires that when servicing or maintenance is performed by a crew or group, a procedure will be used which affords employees a level of protection equivalent to that provided by a personal lockout/tagout device. New subsection (h)(2) requires that group lockout/tagout devices be used according to procedures specified in subsection (g) regarding the control of hazardous energy. Subsection (h) further states requirements that include, but are not necessarily limited to, responsibilities of an authorized employee as described in new subsections (h)(2)(A), (B), (C) and (D). New subsection (h)(2)(A) assigns responsibility to an authorized employee for a set number of employees working under a group lockout/tagout device. New subsection (h)(2)(B) requires that provisions be made available for the authorized employee to ascertain the exposure status of group members under the lockout/tagout requirements. New subsection (h)(2)(C) assigns overall lockout/tagout job associated control responsibility to an authorized employee when more than one crew, department, etc., is involved to coordinate the work force and maintain the continuity of protection. New subsection (h)(2)(D) requires each authorized employee to affix a personal lockout/tagout device to the group lockout mechanism at the beginning of the work and remove the device when work is completed on the equipment being serviced or maintained.

These new provisions will ensure that the Title 8 standard is ALAEA the equivalent Federal OSHA standards.

### **New Subsection (i). Shift or Personnel Changes.**

New subsection (i), entitled “Shift or Personnel Changes” requires specific procedures be utilized during a shift change to maintain continuity of protection, orderly transfer between off-going and oncoming employees, minimize exposure from unexpected energization of equipment, or release of stored energy.

The proposal also ensures that the state standard is ALAEA the 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**

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 expands the provisions of the existing standard by adopting the federal language as it pertains to group lockout/tagout procedures. This proposal amends Section 3314 to be consistent with 29 CFR 1910.147(f)(3) and (4) and renders Title 8 ALAEA the 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 regulation does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

## **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses. However, no adverse economic impact is anticipated. The proposal simply provides expanded instructions when servicing or maintenance of equipment is performed by a crew or group. The adoption of this proposal will promote worker safety by providing an added layer of protection for employees exposed to machinery subject to inadvertent start-ups.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

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.

## **BENEFITS OF THE REGULATION**

The proposal would provide businesses, small or large, clear direction in protecting employees from exposures to uncontrolled hazardous energy. The adoption of this proposal will ensure that current and expanded instructions are provided when employees are engaged in the cleaning, repairing, servicing, setting-up, or adjusting of machinery or equipment to prevent the unexpected energization or release of stored energy that could cause severe injuries or death. This regulatory proposal will render Title 8, Section 3314 of the GISO at least as effective as the counterpart federal regulation.

## **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 **May 8, 2014**. 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 **May 15, 2014**, 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](mailto: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

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DAVE THOMAS, Chairman