

**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 **November 18, 2010**, at 10:00 a.m.
in the Council Chambers of the Costa Mesa City Hall,
77 Fair Drive, Costa Mesa, 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 **November 18, 2010**, following the Public Meeting,
in the Council Chambers of the Costa Mesa City Hall,
77 Fair Drive, Costa Mesa, 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 **November 18, 2010**, following the Public Hearing,
in the Council Chambers of the Costa Mesa City Hall,
77 Fair Drive, Costa Mesa, 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, General Industry Safety Orders, as indicated below, at its Public Hearing on **November 18, 2010**.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 7
Section 3328
Machinery and Equipment

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 25
Section 3657
Elevating Employees with Lift Trucks

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 7
Section 3328
Machinery and Equipment

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This staff-initiated rulemaking proposal is the result of Occupational Safety and Health Appeals Board (OSHAB) Decisions After Reconsideration (DAR) in the Matter of E.L. Yeager Construction Company, Inc., Docket No. 01-R5D3-3261 dated November 2, 2007, and the OSHAB Decision and Order in the Matter of Jensen Precast, Inc., Dockets 07-R3D3-1928 through 1931, dated May 28, 2008. In Yeager, the employer marginally secured a 26,000 pound weigh hopper against inadvertent movement. The hopper broke loose from its support structure and fell on a skip loader operator causing fatal injuries. The Division of Occupational Safety and Health (Division) cited the employer for failing to secure the weigh hopper adequately. According to the Division, the hopper should have been provided with a secondary restraint system. The OSHAB DAR states that Section 3328(e) does not require machinery and equipment to be both designed and secured to minimize listed hazards. Similarly, in Jensen Precast, the OSHAB noted the disjunctive nature of the safety orders wording (designed or secured).

This rulemaking proposes to clarify the wording of Section 3328(e) by eliminating the disjunctive nature of the wording and requiring that machinery and equipment components are both designed and secured or covered or both to minimize the hazards that the safety order addresses. Requiring machinery and equipment components to be designed and secured or covered or both to withstand operational loads and stresses will reduce hazards and eliminate confusion regarding the intent of the standard.

Section 3328. Machinery and Equipment.

Subsection (e).

Existing Section 3328 establishes requirements for machinery and equipment to be designed, operated and maintained to ensure employee safety. Existing subsection (e) requires that machinery and equipment components be designed, secured, or covered to minimize hazards caused by breakage, release of mechanical energy, or loosening and falling. This language needs to be modified to address adequately the hazards discussed in the above-discussed OSHAB matters.

Amendments are proposed to require that machinery and equipment components be designed and secured or covered (or both) to minimize hazards unless the employer can demonstrate that doing so would be inconsistent with the manufacturer's recommendations or would impair employee safety. This proposal promotes safety by clarifying to employers and enforcement personnel the circumstances under which machinery and equipment components must be both designed and secured to minimize employee exposure.

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

The Board has made an initial 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.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

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

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

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendment to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 25
Section 3657
Elevating Employees with Lift Trucks

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal was initiated in response to a Division of Occupational Safety and Health (Division) Form 9 request for change in existing safety order. Existing Section 3657 addresses the hazard of elevating employees using conventional forklift trucks with vertical masts on level surfaces in industrial facilities such as warehouses and manufacturing plants. The existing standard does not adequately address the increased use of variable reach (boom type) rough-terrain forklift trucks for elevating employees on construction sites. A variable reach boom presents a significant tip-over hazard if the lift truck is not on level terrain or the load is too heavy or too far outside of the center of gravity of the lift truck. Also, sudden movement of the boom can cause an employee to fall from the work platform. To address this hazard, existing standards governing boom-type aerial devices, which are similar to boom-type forklifts, require the use of fall protection.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Subsection (a), Scope and application.

Existing subsection (a) would be renumbered as subsection (b). Proposed subsection (a) would identify those subsections of the standard that apply to all types of lift trucks and those subsections that apply only to variable reach lift trucks. The effect of this provision is to instruct the reader on the application of each provision of the standard with respect to variable reach lift trucks and other types of lift trucks.

To alert the reader to additional requirements in other standards that pertain to the use of lift trucks, the proposal would reference three General Industry Safety Orders (GISO) standards.

Subsection (b).

The existing text of renumbered subsection (b) prohibits elevating employees unless the conditions in the following subsections (1) through (6) are met. Subsections (1) through (5) pertain to the work platform, and subsection (6) pertains to the lift truck itself. The proposal would retain the numbering of the first five subsections but would renumber subsection (6) as subsection (c). Proposed subsection (b) would be amended for clarity and to limit its scope of application to work platforms. The effect of these editorial changes is to maintain the logical organization of this standard. The text of existing subsection (b) would be incorporated into the exemption from proposed subsection (b)(3), and existing subsection (b) would be deleted. (See the discussion under subsection (b)(3) for the effect of this amendment.)

Subsection (b)(1).

The existing text specifies dimensions in inches and meters. For consistency and simplicity, the proposal would convert the specified dimensions to feet. Also, the term “employee” would be replaced with “personnel” because more than one employee may work on the work platform. These editorial changes would have no regulatory effect.

Subsection (b)(2).

The existing text requires that the platform be secured to the forks or mast. The amended text would clarify that the platform does not need to be secured to the forks or mast if it is attached to the boom. The effect of this amendment is to exempt lift trucks equipped with platforms that attach directly to the boom from the requirement to secure the platform. Where platforms do not attach directly to the boom, the proposal would specify that the base of the platform must be secured to the forks or to the base of the fork carriage. The effect of this amendment is to ensure the platform is secured in a manner that prevents the platform from tipping, slipping or falling.

Subsection (b)(3).

The existing text requires that the platform meet the guardrail and toeboard requirements of Section 3210. The proposal would add an exemption to the existing requirement. The exemption is derived from the text of existing subsection (b). The effect of this amendment is to clarify that the employer is exempt from the requirement for guardrails if the employer complies with the conditions of the exemption.

Subsection (c).

Existing subsection (a)(6) would be renumbered as subsection (c), and the existing text would be amended to replace the term “employee” with “personnel,” delete unnecessary language and correct a misspelling. These editorial changes have no regulatory effect.

Subsections (d) and (e).

Existing subsections (c) and (d) would be renumbered as (d) and (e) respectively. The effect of this amendment is to maintain the sequential numbering of the subsections.

Subsections (f) and (g).

Existing subsections (e) and (f) would be renumbered as (f) and (g) respectively. The effect of this amendment is to maintain the sequential numbering of the subsections. The proposal would replace the term “elevatable” with “that elevate” or “elevating,” and would add the term “upper controls” in parentheses after the phrase “controls that elevate with the lifting carriage or forks.” The effect of these editorial changes is to improve clarity by using common terms.

Subsections (h) and (i).

Existing subsections (g) and (h) would be renumbered as (h) and (i) respectively. The effect of this amendment is to maintain the sequential numbering of the subsections. Proposed subsection (h) would replace the “or” following “cranes” with “and.” The effect of this amendment is to require that all moving or motorized equipment, including bridge cranes, which could overrun or otherwise injure the elevated worker, is shut down or locked out. Also, the term “Employees” would be replaced with “Personnel” because one or more employees may work on the work platform.

Subsection (j).

Existing subsection (i) would be renumbered as (j). The effect of this amendment is to maintain the sequential numbering of the subsections. The existing text provides that before lifting personnel the lift truck operator shall be instructed to follow the rules listed in the following subsections (1) through (9). The proposal would delete the subsection title and replace the requirement to instruct the operator on the listed operating rules with a requirement that the operator comply with the provisions listed in subsections (j)(1) through (j)(7). The effect of this amendment is to make compliance with the operating rules mandatory.

Subsection (j)(1).

The existing text provides that a securely attached platform be used. For clarity, the proposal would add the word “work” before the word “platform.” This editorial change would have no regulatory effect.

Subsection (j)(3).

The existing text provides that the mast be vertical and not tilted forward or rearward. Because variable reach lift trucks are equipped with booms instead of masts, the proposal would add text to clarify that this provision only applies if the lift truck is equipped with a mast. This amendment would improve clarity.

Subsection (j)(4).

The existing text provides that the truck be placed in neutral and the parking brake set. The proposal would add text to clarify that this provision only applies when the lift truck is stationary. The purpose of this amendment is to avoid conflict with proposed subsections (j)(7) and (k)(5)(C) which allow minor movement of the lift truck. The effect of this amendment is to require that lift trucks be placed in neutral with the parking brake set except when making minor movement of the lift truck as permitted in subsections (j)(7) and (k)(5)(C).

Subsection (j)(5).

The existing text says to lift and lower smoothly and with caution. For clarity, the proposal would add the word “personnel” after “lower.” This change would have no regulatory effect.

Subsection (j)(6).

The existing text says to watch for overhead obstructions. The proposal would provide that the operator make sure the path of the work platform travel is clear of hazards such as projections, overhead obstructions, and electrical wires. The effect of this amendment is to clarify that it is the lift truck operator’s responsibility to ensure that there are no physical or electrical hazards in the path of the work platform.

Subsections (j)(7) and (j)(8).

Existing subsection (i)(7) instructs the operator to keep hands and feet clear of controls other than those in use. The proposal would delete this provision. The effect of this amendment is to provide employers relief from a vague provision. For instance, the provision is vague as to when a control is “in use.” Existing subsection (i)(8) would be renumbered as (j)(7). The existing provision prohibits travel with personnel on the work platform other than to make minor movements for final positioning of the platform. The proposal would add an exception to this provision to permit minor movement of a variable reach rough-terrain lift truck used for construction operations when positioning the platform along a straight line where the path of movement is free from excavations, holes, obstructions and debris. The effect of the new exception is to allow employees on work platforms to perform construction activities such as nailing or installing materials on the side of a residential building without having to get on and off the work, so long as the requirements of the exception are met.

Subsection (i)(9).

The existing provision says never to sit, climb or stand on the platform guardrails or use planks, ladders or other devices to gain elevation. The proposal would delete this subsection. The effect of this amendment is to avoid duplication with proposed subsection (i) which is substantively the same.

New Subsection (k).

New subsection (k) would provide that where a variable reach lift truck is used to elevate personnel, the operation shall comply with the conditions listed under subsection (k), in addition to the requirements of subsections (a) through (j). The effect of this amendment is to provide additional requirements, which apply when variable reach lift trucks are used to elevate personnel, to address hazards such as lift truck tip-over and employee fall hazards, which are not adequately addressed by subsections (a) through (j).

New Subsection (k)(1).

New subsection (k)(1) would provide that if a load chart is provided for elevating personnel, then the work platform shall be loaded and positioned within the limitations on the load chart. The effect of this amendment is to prevent the lift truck from tipping due to the work platform load or position.

New Subsection (k)(2).

New subsection (k)(2) would provide that if there is no load chart provided for elevating personnel, then the combined weight of the work platform, load, and personnel shall not exceed one third of the rated capacity of the rough-terrain lift truck at the load center position as indicated on the load chart for regular loads. The effect of this amendment is to provide an extra margin of safety to ensure that the lift truck does not tip over as a result of the work platform being loaded or positioned beyond the designed safe lifting capacity of the lift truck.

New Subsection (k)(3).

New subsection (k)(3) would provide that: 1) the rough-terrain lift truck be placed on firm footing; 2) when used, outriggers or stabilizers be placed on a solid surface; and, 3) if necessary, pads or cribbing be used to provide a firm footing. The effect of this provision is to prevent a lift truck from tipping over when the boom is extended.

New Subsection (k)(4).

New subsection (k)(4) would provide that each person on a work platform supported by a variable reach rough-terrain lift truck use a personal fall restraint system or positioning device system as defined in GISO Section 3207 and that system be used in accordance with the requirements of Section 1670 of the Construction Safety Orders (CSO). The effect of this amendment is to prevent injury to employees on the work platform who are exposed to a fall hazard due to the lift truck boom shifting abruptly or unexpectedly. The provision would restrict the allowable types of fall protection systems to either a personal fall restraint system or a positioning device. The effect of this restriction is to limit the free fall distance from the work platform to two feet by prohibiting the use of fall arrest systems with longer allowable free fall distances which present a greater risk of injury to employees. The effect of the reference to the definitions in Section 3207 is to provide consistency and clarity. The effect of the reference to Section 1670 of the CSO is to include the provisions of that standard which pertain to the design, approval, inspection, anchoring, rigging, and use of personal fall restraint systems and positioning devices.

New Subsection (k)(4)(A).

New subsection (k)(4)(A) would provide that a lanyard be attached to each person's harness or safety belt and to an anchorage provided on the work platform. The effect of this provision is to ensure that each person on the elevated work platform is wearing a harness or safety belt that is attached to the anchorage point on the work platform.

New Subsection (k)(4)(B).

New subsection (k)(4)(B) provides that anchorages shall be capable of supporting the greater of 3000 pounds or twice the intended load, and each person's lanyard shall be attached to an approved anchorage point. The effect of this provision is to ensure that an anchorage point is capable of supporting the load placed on the anchorage when an employee using a positioning device free falls two feet. Also, the effect of this provision is to prevent more than one employee from attaching to a single lanyard.

New Subsection (k)(4)(C).

New subsection (k)(4)(C) provides that where a positioning device system is used, the combination of anchorage location and lanyard length shall be arranged so that a worker cannot fall more than two feet from the work platform. The effect of this provision is to be consistent with the requirements of Section 1670 and to prevent fall arresting forces from injuring an employee or exceeding the capacity of the anchorage or fall protection system.

New Subsection (k)(4)(D).

New subsection (k)(4)(D) provides that where personal fall restraint systems are used, the combination of anchorage location and lanyard length shall be arranged to allow the movement of employees only as far as the sides of the work platform. The effect of this provision is to be consistent with the requirements of Section 1670 and to prevent fall arresting forces from injuring an employee or exceeding the capacity of the anchorage or fall protection system.

New Subsection (k)(5).

New subsection (k)(5) provides that when elevating personnel with a variable reach rough-terrain lift truck, the operation shall comply with the provisions listed in subsections (k)(5)(A) through (k)(5)(D). The effect of this provision is to address hazards associated with variable reach rough-terrain lift trucks that are not present when using other types of lift trucks and are not addressed in subsection (j).

New Subsection (k)(5)(A).

New subsection (k)(5)(A) provides that the platform shall be maintained at level throughout the personnel lifting operation. The provision will, in effect, require that the angle between the boom and the platform be adjusted as the boom is raised or lowered so that the work platform remains level as the boom angle changes. The effect of the provision is to minimize the hazard of falling for persons on the platform.

New Subsection (k)(5)(B).

New subsection (k)(5)(B) provides that elevated personnel be alerted before moving the platform and that the platform then be moved smoothly and with caution. The effect of this provision is to prevent a sudden boom movement which could result in personnel being injured by falls or other accidents.

New Subsection (k)(5)(C).

New subsection (k)(5)(C) and its exception would prohibit traveling with personnel on the work platform except for the minor movement of a variable-reach lift truck used for construction operations when positioning the platform along a straight line where the path of movement is free from excavations, holes, obstructions and debris. The effect of the prohibition on traveling with personnel on the work platform is to prevent the lift truck from tipping while traveling with an elevated load and to prevent injury to personnel on the work platform from sudden movement of the platform. The effect of the exception is to allow employees on work platforms to perform construction activities, such as nailing or installing materials on the side of a residential building, where the travel is reasonably expected to be safe, so long as the requirements of the exception are met.

New Subsection (k)(5)(D).

New subsection (k)(5)(D) would provide that, when operating on a side slope, the lift truck be leveled before elevating personnel. The effect of this provision is to prevent the center of gravity of the lift truck and load from shifting towards the downhill side of the lift truck and causing the lift truck to tip over.

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

The Board has made an initial 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.

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 standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of

providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

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

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

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 November 12, 2010. 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 November 18, 2010, 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

NOTICE OF ADOPTION OF
REGULATIONS
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS
BY THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

1. Title 8, Division 1, Chapter 4, Subchapter 4, Construction Safety Orders, Article 4, Section 1532.2; Subchapter 7, General Industry Safety Orders, Article 110, Section 5206; and , Subchapter 18, Ship Building, Ship Repair, and Ship Breaking Safety Orders, Article 4, Section 8359, **Employee Notification Regarding Chromium (VI) Exposure Determinations (Horcher)**.

Heard at the July 15, 2010, Public Hearing; adopted on August 19, 2010; filed with the Secretary of State on September 13, 2010; and became effective on September 13, 2010.

Copies of this standard are available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: <http://www.dir.ca.gov/ohsb> and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: ohsb@dir.ca.gov.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Marley Hart, Executive Officer