

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 59, Sections 4297, 4300, and 4300.1  
of the General Industry Safety Orders

Table Saws**MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM  
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons except for the following substantive modifications that are the result of public comments and/or Board staff evaluation.

Section 4297. Definitions.

The original proposal would add text to the definition of push stick to indicate that the purpose of a push stick is “to provide a safe distance between the hand(s) and the cutting tool.” The revised definition of push stick would remove this text. This revision is necessary to eliminate the term “safe distance” which is vague and not defined.

Section 4300. Circular ripsaws – Manual Feed (Class B).Subsection (f).

The original proposal would retain the provision which requires that a push stick be used, and add text to clarify that a push stick is required to be used “when the size of the piece being cut does not provide a safe distance between the hand(s) and the cutting tool.” The revised proposal would remove the added text. This revision is necessary to eliminate the term “safe distance” which is vague and is not defined. The revised proposal would also add text to clarify existing provisions pertaining to the suitability and availability of push sticks. The revised text clarifies that a push stick must be suitable “for the work being performed” and that it shall be provided “in the workplace.” This revision is necessary to more closely conform with the counterpart federal standard, Section 1910.213(s)(9), which contains similar language.

Section 4300.1. Table Saws – Manual Feed (Class B)

Subsection (a)(2).

The original proposal would retain the provision which requires that the space between the manually adjusted guard and the material being cut does not exceed ½ inch. The revised proposal would also retain this provision but reduce the maximum allowable space from ½ inch to ¼ inch. This revision is necessary to be at least as effective as the counterpart federal standard, 1910.213(c)(1), which requires that the hood automatically adjust to the thickness of, and remain in contact with, the material being cut.

Subsection (c)(2).

The original proposal would retain the provision which requires that a push stick be used, and add text to clarify that a push stick is required to be used “when the size of the piece being cut does not provide a safe distance between the hand(s) and the cutting tool.” The revised proposal would remove the added text. This revision is necessary to eliminate the term “safe distance” which is vague and is not defined. The revised proposal would also add text to clarify existing provisions pertaining to the suitability and availability of push sticks. The revised text clarifies that a push stick must be suitable “for the work being performed” and that it shall be provided “in the workplace.” This revision is necessary to more closely conform with the counterpart federal standard, Section 1910.213(s)(9), which contains similar language.

SUMMARY AND RESPONSES TO ORAL AND WRITTEN COMMENTS

I. Written Comments

Ms. Teresa A. Harrison, Acting Regional Administrator, U.S. Department of Labor, Occupational Safety and Health Administration, Region IX, by letter dated January 4, 2008.

Comment:

Ms. Harrison states that new Section 4300.1(a)(2), which allows a half inch opening between the material being cut and the bottom of a fixed or manually adjusted guard, would not provide protection equivalent to the counterpart federal standard, 29CFR 1910.213(c)(1), which requires the hood to automatically adjust to the thickness of, and remain in contact with, the material being cut.

Response:

The Board agrees with Ms. Harrison that a fixed guard with an opening of ½ inch would not prevent an operator’s finger from contacting the saw blade as effectively as an automatically adjustable guard. Therefore, the Board has amended proposed subsection 4300.1(a)(2) and

4300(c) to reduce the maximum allowable opening from ½ inch to ¼ inch. A maximum opening of ¼ inch is consistent with the American National Standard for Woodworking Machinery – Safety Requirements, ANSI -O1.1-1992, which states that the clearance of the guard over the work piece shall not exceed one quarter inch. A maximum opening of ¼ inch is also consistent with Section 4186, Maintenance and Use of Point of Operation Tools and Guards, Figure G-8, which prescribes a maximum width of opening of ¼ inch when the distance of the opening to the point of operation hazard is between ½ and 1-½ inches. The Board concludes that an opening of ¼ inch would prevent an operator’s finger from contacting the saw blade, and therefore, the amended proposal is as effective as the counterpart federal standard.

The Board thanks Ms. Harrison for her comment and participation in the rulemaking process.

Mr. Bruce Wick, Director of Risk Management, California Professional Association of Specialty Contractors, by email dated January 16, 2008.

Comment #1:

Mr. Wick states that the proposed definition of “push stick” in Section 4297 should be amended to: “Push stick. A piece of wood or other soft material which is used to push pieces of material through woodworking machines to provide a safe distance between the hand(s) and the cutting blade.”

Response:

Mr. Wick does not explain how the amendment he is requesting is preferable to the original proposal that was noticed for public hearing. The Board is unable to ascertain any reason, based on Mr. Wick’s email or on the wording of his proposed definition, as to why the definition originally proposed should be changed. See response to Mr. Bland’s oral comment #1.

Comment #2:

Mr. Wick states that the proposed new Section 4300.1(c)(2) should have the phrase “of suitable design” deleted.

Response:

See response to Mr. Bland’s oral comment #2.

The Board thanks Mr. Wick for his comments and participation in the rulemaking process.

Mr. Ken Dunham, Executive Director, Lumber Association of California and Nevada, by letter dated January 17, 2008.

Comment #1:

Mr. Dunham states that retailers, wholesalers and manufacturers of building materials, including lumber, panels and engineered wood products, commonly use large saws with industrially mounted overhead saw guards. He states that these are not the table mounted guards that are affixed to spreaders as shown in the proposal. Therefore, it would be helpful if the language in the proposed rule is clarified to indicate that the rule only applies to small “homeowner” style table saws. Mr. Dunham states that their members use table saws with 10 to 16 inch blades as opposed to small homeowner table saws that use an 8 inch blade. Mr. Dunham asserts that if the proposed table mounted guards become the standard, it will negatively affect safety. Mr. Dunham concludes that there is a big difference between what is required for the safe operation of an industrial size table saw in a production environment as opposed to a small consumer table saw.

Response:

The guarding provisions of Section 4300.1(a) ensure that the saw guard encloses the blade in a manner that does not provide an opening large enough for the operator’s finger(s) to contact the blade. Section 4300.1 does not specify that guards be attached to the table by a spreader nor does it prohibit industrially mounted overhead saw guards. The Board concludes that it is necessary and feasible for large table saws with industrially mounted overhead guards to comply with the guarding provisions of Section 4300.1(a), and therefore, declines to amend the proposal to exclude these types of table saws from the standard.

Comment #2:

Mr. Dunham questions the safety value of a spreader. Mr. Dunham states that overhead guards are not attached to the saw table by a spreader and that requiring a spreader on a saw with an overhead guard is detrimental to safety as material may bind between the spreader and the fence.

Response:

Except when crosscutting, or making non-through cuts where the saw blade does not cut all the way through the stock, Section 4300.1(b) requires that a spreader be attached to the saw in accordance with Section 4296. In regards to spreaders, the provisions of Section 4296 address the following: materials of construction, strength, width, and location and alignment in relation to the saw blade. When the spreader is removed for non-through cuts, Section 4296 provides that it be immediately replaced on completion of such operations. The purpose of the spreader is to prevent kickback, which occurs when the stock being rip cut is caught by the rear edge of the table saw blade, lifted off of the table and propelled backwards toward the operator. Two circumstances usually cause kickback: 1) the closure of the kerf behind the blade due to the relief of stresses in the wood as it is rip cut, and/or 2) binding of the wood between the blade and a vertical fence used to guide the wood into the blade during the ripping operation. The Board concludes that it is necessary and feasible for a spreader to be attached to a large table saw

equipped with an industrially mounted overhead guard, and therefore, declines to amend the proposal to exclude these types of table saws from the standard.

The Board thanks Mr. Durham for his comments and participation in the rulemaking process.

## II. Oral Comments Received at the Public Hearing on January 17, 2008.

Kevin Bland, Granado – Bland APC, representing the California Framing Contractors Association, and the Residential Framing Contractors Association and Mr. Bruce Wick for CalPASC.

### Comment #1:

Mr. Bland requested that the definition of push stick be amended to delete “with a notch on the end” and to replace the term “cutting tool” with “blade”. Mr. Bland stated that pieces of scrap wood are used as push sticks in the framing industry and contractors are cited because the scrap wood does not have a notch. Mr. Bland asserts that the notch is not necessary.

### Response:

Proposed Section 4297 defines push stick as follows, “A narrow strip of wood or other soft material with a notch cut into one end and which is used to push pieces of material through woodworking machines to provide a safe distance between the hand(s) and the cutting tool.” Prescribing that a push stick have a notched end is consistent with the definition of push stick in ANSI and federal standards. The American National Standards Institute (ANSI) Standard for Woodworking Machinery – Safety Requirements, ANSI O.1.1-1992, defines push stick as follows, “A non-metallic stick shaped device designed to provide a safe distance between the hand(s) and the cutting tool. It has, as part of its design, a notched end with a heel and toe to hold down and feed the workpiece past the cutting tool.” Federal OSHA standard 1910.211(a)(2) defines push stick as follows, “Push stick means a narrow strip of wood or other soft material with a notch cut into one end and which is used to push short pieces of material through saws.” Push sticks can be purchased in different sizes, shapes, and materials but one design feature they share is a notch. The notch in the push stick acts to position the operator’s hand above the saw blade, prevent the push stick from slipping off the edge of the stock being pushed through the saw blade, and resist the force of the saw blade pushing the stock upwards and backwards towards the operator. The Board concludes that the notch is a necessary safety component of the push stick and therefore declines to amend the definition of push stick to delete this specification.

In regards to Mr. Bland’s recommendation to replace the phrase “cutting tool” with “blade”, the Board is amending the proposed definition in response to another comment received. The amended proposal would not use “cutting tool” or “blade.” See the Board’s response to Board Member Kastorff’s oral comments.

Comment #2:

Mr. Bland requested that Sections 4300(f) and 4300.1(c)(2) be amended to delete “of suitable design” because it is not necessary to further define the term push stick.

Response:

A push stick that conforms to the proposed definition of push stick may not be suitably designed for use in a particular operation. For example, a push stick that is suitable for making a three inch wide rip cut may be too wide to use when making a ½ inch rip cut. In addition, the counterpart federal standard, 29 CFR, Section 1910.213(s)(9) states, “Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done”. Therefore, the Board declines to amend Sections 4300(f) and 4300.1(c)(2) to delete the term “suitable”. However, the Board is amending these proposed sections in response to another comment received. See the Board’s response to Board Member Kastorff’s oral comments.

Comment #3:

Mr. Bland stated that proposed Sections 4300(e) and 4300.1(b), which exempt specific operations from the requirement to provide a spreader, are identical and should be amended to clarify that the exemption also extends to guards since they are commonly mounted on a spreader.

Response:

Subsection (e) of Section 4300, which applies to hand-fed ripsaws, is not proposed for amendment. Both Section 4300(e) and subsection (b) of proposed new section 4300.1, which applies to hand-fed table saws, require the use of a spreader, except when making non-through cuts where the blade does not saw all the way through the stock. Section 4300.1(b) also exempts crosscutting operations from this requirement, since cutting across the grain of wood does not present the kickback hazard posed by ripping along the grain. Crosscutting operations, unlike non-through cuts, do not prevent the use of a spreader, and therefore, do not prevent the use of a guard that is mounted on a spreader. Also, crosscutting and non-through cutting operations do not prevent the use of overhead guards which are not attached to the table by a spreader. The Board recognizes that non-through cuts do not permit the use of a guard that is attached to a spreader; however, it is essential that the saw blade be guarded whenever the operation permits. As denoted in their titles, Sections 4300 and 4300.1 are designated as “Class B” safety orders. Section 4188, Definitions, states that the designation “Class-B” means that the order applies unless the nature of the work, type of machinery, or size and shape of material being worked will not permit. The Board concludes that the Class-B designation addresses the situation where a non-through cutting operation does not permit the use of a guard that is mounted on a spreader.

The Board thanks Mr. Bland for his comments and participation in the rulemaking process.

Mr. Jack Kastorff, Board Member.

Comment:

Board Member Kastorff stated that Sections 4300(f) and 4300.1(c)(2) require that a push stick be used when the size of the piece being cut does not provide a safe distance between the hand(s) and the cutting tool; however, the term “safe distance” is vague and is not defined. Board Members Rank and Jackson indicated that they shared Mr. Kastorff’s concerns.

Response:

There is no consensus on the minimum size of material that can be safely cut without the use of a push stick. Rather than attempting to clarify when a push stick must be used, the Board chooses to amend Sections 4300(f) and 4300.1(c)(2) to require that push sticks be provided in the work place for the operator’s use. The proposed amendment would closely parallel the federal provisions in Section 1910.213(s)(9).

The Board is also revising the proposed definition of push stick in Section 4297 by deleting the phrase “to provide a safe distance between the hand(s) and the cutting tool”.

MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM  
THE FIRST 15-DAY NOTICE OF PROPOSED MODIFICATIONS

As a result of written comments to the proposed modifications contained in the 15-Day Notice of Proposed Modifications mailed on February 26, 2008, the following sufficiently related modifications have been made to the Informative Digest published in the California Regulatory Notice Register dated November 30, 2007.

Section 4300. Circular Ripsaws – Manual Feed (Class B).

Subsection (f).

In response to comments received during the 45 day comment period, the original proposal was amended to require that “A push stick of suitable design for the work being performed shall be provided in the workplace.” This language was further modified to require that “Push sticks or push blocks shall be provided at the work place in several sizes and types suitable for the work to be done.” This revision is necessary to eliminate potential confusion in regards to what constitutes a “suitable design”, and to ensure the provision is at least as effective as the counterpart federal requirement which is identical to the revised text.

Section 4300.1. Table Saws – Manual Feed (Class B)

Subsection (c)(2)

In response to comments received during the 45 day comment period, the original proposal was amended to require that “A push stick of suitable design for the work being performed shall be provided in the workplace.” This language was further modified to require that “Push sticks or push blocks shall be provided at the work place in several sizes and types suitable for the work to be done.” This revision is necessary to eliminate potential confusion in regards to what constitutes a “suitable design”, and to ensure the provision is at least as effective as the counterpart federal requirement which is identical to the revised text.

SUMMARY AND RESPONSES TO WRITTEN COMMENTS

Mr. Bruce Wick, Director of Risk Management, California Professional Association of Specialty Contractors, by email dated March 17, 2008.

Comment:

Mr. Wick stated that in Sections 4300(f) and 4300.1(c)(2), the phrase “suitable design” is used regarding a push stick. Design is a very broad word that could seem to indicate that some type of engineering needs to go into the making of a push stick. The reality is that a push stick needs to have a notch, per the definitions in Section 4297, and be the correct size.

Therefore, Mr. Wick proposed that the phrase “suitable design” in Sections 4300(f) and 4300.1(c)(2) be changed to “suitable size”.

Response:

The counterpart federal standard, Section 1910.213(s)(9), states, “Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.” The Board concludes that Mr. Wick’s proposal to replace “suitable design” with “suitable size” would not be as effective as the counterpart federal standard which requires a push stick to be suitable in regards to both size and type. The Board concurs with Mr. Wick that the word “design”, as used in the proposal, is not defined and therefore the proposed text has been amended and replaced with the text of the counterpart federal standard.

The Board thanks Mr. Wick for his comments and participation in the rulemaking process.

Mr. Kevin Bland, Granado – Bland APC, representing the California Framing Contractors Association, and the Residential Contractors Association.

Comment:

Mr. Bland stated that in Sections 4300(f) and 4300.1(c)(2), the phrase “suitable design” is used regarding a push stick. The term "design" is a very broad term and may be considered to indicate that some type of engineering is required in the making of a push stick. The standard should be clear that a push stick needs to have a notch, per the definitions in Section 4297, and be the correct size for the application for which it is intended to be used. Beyond those two points, there should be no further "design" elements and the term becomes misleading.

Therefore, Mr. Bland proposes that the phrase “suitable design” in Sections 4300(f) and 4300.1(c)(2) be changed to “suitable size”.

The Board thanks Mr. Bland for his comments and participation in the rulemaking process.

Response:

See response to Mr. Wick’s comment.

MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM  
THE SECOND 15-DAY NOTICE OF PROPOSED MODIFICATIONS

No further modifications to the information contained in the second 15-Day Notice of Proposed Modifications mailed on April 8, 2008.

SUMMARY AND RESPONSES TO WRITTEN COMMENTS:

No written comments were received during the second 15-Day Notice period.

ADDITIONAL DOCUMENTS RELIED UPON

1. U.S. Department of Labor, Occupational Safety and Health Administration, 29 CFR 1910.211(a)(2), Machinery and Machine Guarding, Definitions.
2. U.S. Department of Labor, Occupational Safety and Health Administration, 29 CFR 1910.213(s)(9), Machinery and Machine Guarding, Woodworking Machinery Requirements.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board office located at 2520 Venture Oaks Drive, Suite 350, Sacramento, California.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

#### DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

#### ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.