

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 5, Group 1, Low-Voltage Electrical Safety Orders.
Articles and Sections as follows:

Article	Section
2. Administration.	2305.2 Application.
4. Requirements for Electrical Installations.	2340.12 Mechanical Execution of Work ¹ 2340.16 Work Space About Electric Equipment.
6. Branch Circuits.	2360.3 Ground-Fault Circuit Interrupter Protection for Personnel – General Industry.
13. Temporary Wiring.	2405.4 Ground-Fault Circuit Protection-Construction Site.
45. Cabinets, Boxes, and Fittings	2473.1 Conductors Entering Boxes, Cabinets, or Fittings. ¹
58. Capacitors.	2534.8 Disconnecting Means.

Low-Voltage Electrical Safety Orders (LVESO) - Addendum

MODIFICATIONS AND RESPONSE 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 non-substantive modifications that are the result of public comments and/or Board staff evaluation.

Sections 2473.1(b) and 2340.12(a) – proposed amendments withdrawn.

As originally noticed, Section 2473.1(b) which requires that unused openings in cabinets, boxes and fittings be effectively closed, would have been deleted and the requirement for closure of openings in fittings would have been relocated to Section 2340.12(a) where other similar requirements are found. The rationale for the original proposal was that the requirements of Section 2473.1(b) are collectively duplicated in Sections 2340.12(a) and 2473.2(a). As the result of a comment received during the public comment period, it has been determined that the

¹ Proposed changes to Sections 2340.12 and 2473.1 are withdrawn.

proposed amendments may have unintended consequences; therefore these proposed amendments have been withdrawn. The purpose and necessity for this action is to assure that openings in existing cabinets, boxes or fittings that may be created by maintenance, vibration, movement, or other wear and tear will be closed to protect employees by preventing inadvertent contact with live parts.

Summary and Response to Oral and Written Comments:

I. Written Comments

Gerald R. Fulghum, CSP, by letter dated October 6, 2009.

Comment:

Mr. Fulghum is of the opinion that Section 2473.1(b) should not be deleted because it addresses openings in cabinets, boxes and fittings that may occur as the result of modification of existing electrical installations. Furthermore, closures in cabinets, boxes and fittings may be lost as the result of movement, vibration, or other cause. He does not feel that these conditions are adequately addressed by relocating the requirement for fittings to Section 2340.12 which he opines addresses the initial installation of electrical equipment. Additionally, the location of the existing requirement within Article 45, Cabinets, Boxes and Fittings, provides for easy reference and is a logical location for this requirement to be found. He concludes that the Section 2473.1(b) is a provision that is clear, concise and that unambiguously applies at all times and under all operational conditions, and that it should be retained in its present form and location.

Response:

The Board agrees with the commenter and proposes to withdraw amendments of Sections 2340.12 and 2473.1(b).

The Board thanks Mr. Fulghum for his interest and participation in the rulemaking process.

Ken Nishiyama Atha, Regional Administrator-Region IX, Occupational Safety and Health Administration, U.S. Department of Labor by letter dated November 9, 2009.

Comment:

Mr. Nishiyama Atha states that the proposed modification (1) addresses Federal concerns regarding the effectiveness of California's LVEESO as compared with 29CFR 1910 Subpart S, and (2) revises portions of the LVEESO language determined ambiguous, obsolete, overlapping, conflicting, and/or unnecessary by board staff during the Horcher Process. Therefore, the modified standard, as proposed, is at least as effective as the federal standard.

Response:

The Board thanks Mr. Nishiyama Atha for his participation in the rulemaking process.

II. Oral Comments

No oral comments were received at the November 19, 2009, Public Hearing in Costa Mesa, California.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

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

ALTERNATIVES CONSIDERED

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