

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 59, Section 4301(c)
of the General Industry Safety Orders

Spreaders for Self-Feed Circular Ripsaws**SUMMARY**

This rulemaking was initiated by Board staff in response to an application for a permanent variance (File No. 08-V-032) from Section 4301(c) which the Board granted on July 17, 2008. Section 4301 pertains to self-feed circular ripsaws. Saws of this type are known as gang saws, straight line rip saws, or other similar names, and may have either a single or multiple circular blade(s). Section 4301(c) requires that a spreader be fastened securely to such saws. A spreader, also known as a splitter or riving knife, is a flat metal device located behind the saw blade that is designed to prevent the saw blade kerf from closing on the sides of the blade which could cause the workpiece to kickback. The Board Decision in the Matter of Sanford Lussier Inc., Variance File No. 08-V-032, dated July 17, 2008 indicates that manufacturers do not provide spreaders on self-feed circular ripsaws; it is not practicable to add spreaders to such saws; and, spreaders are not necessary if the saws are equipped with anti-kickback devices and power feed devices are properly adjusted for each piece of stock in order to reduce the possibility of kickback. This rulemaking would amend Section 4301(c) to delete the requirement for a spreader and replace it with a provision which would require employers to ensure that power feed devices are properly adjusted for each piece of stock in order to reduce the possibility of kickback.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Section 4301(c).**

Section 4301, Self-Feed, Circular Ripsaws, contains various self feed circular ripsaw requirements that address the use of hoods, guards and blade covers; the use, design and installation of spreaders; and the use of anti-kickback devices. Subsection (c) requires that a spreader be fastened securely to the saw, and that the spreader be designed and installed in accordance with the provisions of Section 4296.

The proposed amendment to Section 4301(c) would delete the current requirement for the provision of a spreader and replace it with a provision which would require employers to ensure that power feed devices are properly adjusted for each piece of stock in order to reduce the

possibility of kickback. The current wording of the subsection does not adequately promote worker safety, in that it may require the use of spreaders under circumstances where the use of spreaders is unsafe. This amendment is necessary to modify Section 4301(c) from a prescriptive to a performance standard which is consistent with general industry practices and applicable national consensus standards.

Board staff investigation revealed that self-feed circular ripsaws with multiple adjustable blades are not manufactured with spreaders, and it is not practicable to modify such saws to add spreaders. These types of gang saws are equipped with power feed rollers, top and bottom both on the in-feed and out-feed sides. When properly adjusted, these rollers provide greater control of the stock than would be provided with a spreader, thereby reducing the risk of the stock binding against the saw blade and kicking back.

The Federal OSHA woodworking machinery standard, 29 CFR 1910.213, addresses self-feed circular saws in subsection (f) and self-feed circular ripsaws in subsection (f)(2). Neither of these federal provisions requires that saws be equipped with spreaders. In addition, the American National Standards Institute (ANSI) standard for Woodworking Machinery Safety Requirements, O1.1-2004 Section 5.2.2, does not require spreaders on self-feed ripsaws. The minutes from the ANSI O1.1, Accredited Standards Committee meeting on March 29-30, 2007, includes a response to an inquiry from Sanford Lussier, Inc. seeking an interpretation on whether the ANSI standard defines that splitter knives are to be used on a gang saw. The response states clearly that splitter knives are required for table saws; however there is no requirement for a spreader on a straight line rip saw or gang ripsaw.

Title 8, Section 4301(d), Federal Section 29 CFR 1910.213(f)(2), and Section 5.2.2.5 of ANSI O1.1-2004 require self-feed ripsaws to be equipped with anti-kickback devices. In addition, Section 5.2.2.2 of ANSI O1.1-2004 requires that the employer shall ensure power feed devices are properly adjusted for each piece of stock in order to reduce the possibility of kickback.

DOCUMENTS RELIED UPON

1. Board staff evaluation for OSHSB variance File No. 08-V-032, from Sanford Lussier (Applicant) dated May 29, 2008.
2. OSHSB File No. 08-V-032, Decision in the Matter of an Application for a Permanent Variance by Sanford Lussier, Inc., dated July 17, 2008.
3. U.S. Department of Labor, Occupational Safety and Health Administration, 29 CFR 1910.213, Woodworking Machinery Requirements. <http://www.osha.gov>
4. Minutes of the Accredited Standards Committee for ANSI O1.1, March 29-30, 2007, Hilton Carillon Park, St. Petersburg, Florida, response to inquiry from attorney representing Sanford-Lussier Company regarding safety requirements for gang ripsaws and the use of splitter knives (spreaders).
5. American National Standards Institute (ANSI) O1.1-2004, Woodworking Machinery Safety Requirements, Section 5.2.2.

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 Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

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 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.

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 the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, 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, this 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.)

This proposed standard does not impose unique requirements on local governments. All state, local and private employers 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 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.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that 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 proposed action.