

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
Website address [www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



Attachment No. 2

**INITIAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

Title 8, Division 1, Chapter 4, Subchapter 7, Article 59,  
Section 4297 of the General Industry Safety Orders.

**Definitions for Woodworking Machines and Equipment****SUMMARY**

The proposed amendments for this rulemaking action were initiated by the Division of Occupational Safety and Health (Division) in its memorandum to the Board dated May 11, 2011, with an attachment that included a number of new proposed definitions recommended for addition to the General Industry Safety Orders (GISO) Article 59, Section 4297 "Definitions" for woodworking machinery and equipment.

The intent of this rulemaking action is to add definitions in Section 4297 to clarify the existing standards which, in part, include provisions that address older equipment and machinery that is still in use, but not defined in Article 59. The proposed definitions also include terms for some commonly used woodworking machinery and equipment that are undefined. Other added definitions are either trade terms used by professionals in woodworking shops and mills or terms for equipment that, in some cases, are rarely used but are still encountered by Division compliance personnel and therefore, the Division finds it necessary to define these terms and/or equipment.

The definitions are applicable to existing Article 59 standards, and consequently, may not be verbatim of, or necessarily included in, the latest editions of consensus standards for woodworking equipment. In some cases, particularly for older and less common woodworking operations, some definitions are unique and were drafted with the assistance of the Division and reviewed by several power tool manufacturers. The addition of these definitions will provide clarity for Division personnel and stakeholders in woodworking industries that are subject to the provisions in Article 59.

**SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**

This regulatory proposal is intended to improve and provide worker safety at places of employment in California involved in operations that utilize woodworking machinery and equipment by adding a number of new definitions that provide clarity to the existing standards.

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 mirrors 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 regulations in that federal OSHA does not have specific counterpart definitions for the majority of these definitions of terms and equipment used in woodworking operations. Further, the federal woodworking standards do not specifically address some of the equipment and machinery that is defined in this proposal.
- 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 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.
- Is the least burdensome effective alternative. The proposed definitions were developed with the assistance of the Division and several woodworking equipment manufacturers and reviewed by a stakeholder organization representing employers that use woodworking equipment and machinery. The proposal, thereby, will enhance understanding on the part of stakeholders impacted by these woodworking definitions. No alternative proposal has been suggested.

GISO Article 59. Woodworking Machines and Equipment.  
Section 4297. Definitions.

Existing Section 4297 contains five definitions specific to Article 59 standards. However, Article 59 contains a broad range of woodworking machinery and associated woodworking terms. The proposal adds a number of new definitions for some commonly used terms or equipment such as, but not limited to, “arbor,” “band saw,” “dado,” “jointer” and “miter saw” etc.

The proposal also adds a number of definitions for more obscure or antiquated types of woodworking equipment that are still in use and occasionally encountered by Division staff and other stakeholders. An example is “cordwood saw”, which is a circular saw powered by an agricultural tractor power take-off or other drive mechanism usually associated with a tractor or farm vehicle/equipment. Another example is the “box shook cut-off saw”, which was once commonly used to cut wood slats to be banded up and assembled into fruit boxes in orchards or packing houses. These saws feature a rolling tray on which the stock is stacked and moved through the saw blade. While these saws are uncommon, the Division notes that the rolling tray configuration has now begun to reappear on certain saws that are encountered. An additional

example is the “wobble saw”, which is a saw prohibited by Section 4323, and yet not many individuals understand its design or use.

With respect to the existing definitions in Article 59, amendments are proposed for the definition of “block”, to acknowledge that it is more commonly referred to as a “push block.” Additional language for this definition is provided for clarity, stating that it can be designed with one or more handles and can be made of wood or other non-metallic material.

It is not expected that the amendments or proposed definitions will change the regulatory requirements in Article 59 but are necessary to provide clarity and a better understanding of the existing provisions applicable to woodworking machinery and equipment.

#### DOCUMENTS RELIED UPON

These document(s) 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.

1. Memorandum from Ms. Ellen Widess, Chief, Division of Occupational Safety and Health dated May 18, 2011, to Marley Hart, Executive Officer, of the Occupational Safety and Health Standards Board. The memorandum has an attachment with recommended woodwork related definitions for the General Industry Safety Orders, Article 59, Section 4297 “Definitions.”
2. American National Standards Institute (ANSI) 01.1 – 2004 standard for Woodworking Machinery Safety Requirements.

#### 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.

### Economic Impact Analysis

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 concerns the definition of woodworking terms and equipment for clarity. It does not add regulatory requirements or alter existing regulatory requirements, and thus, will not have an economic impact.

Therefore, the adoption of the proposed amendments to these standards 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.

This regulatory proposal is intended to provide worker safety at places of employment in California.

### 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 amendments 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 standards.

#### EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal does not add regulatory requirements. However, the additional definitions provided will improve understanding of the requirements and simplify compliance for businesses of all sizes.

#### 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.