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## **FINAL STATEMENT OF REASONS**

### CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 3999(b)  
of the General Industry Safety Orders

### **Guarding of Conveyor Belt Support Rollers**

### **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 substantive and sufficiently related modifications that are the result of public comments and/or Board staff evaluation.

After reviewing the comments and suggestions, including stakeholders and the Division of Occupational Safety and Health (Division), the Board staff proposes to modify the proposal to retain the Note in Section 3999(b) deleting the words “Normally” and “serious injury” and adding a cross-reference to the hazards described in Section 4002, the machine guarding standard applicable to the support rollers of a belt conveyor. The proposed modification is necessary due to the following reasons:

- The support rollers are major components of a belt conveyor, and they have rotating action which can injure employees upon contact. Retaining the Note will be helpful in clarifying when the support rollers require guarding.
- The term “Normally” is vague and ambiguous, and does not provide clear direction to employers when guarding of the support roller is needed, and therefore, should be deleted.
- The referencing of only those hazards which can cause “serious injury”, as it currently exists in the Note, is inconsistent with California Labor Code. Employers must protect their employees not only from “serious injury” but any injury. Providing a cross-reference to the hazards covered in Section 4002 correctly informs employers that support rollers are subject to the guarding requirements in Section 4002.

**SUMMARY OF AND RESPONSES TO WRITTEN AND ORAL COMMENTS**

I. Written Comments:

**Amber Rose, Area Director, Occupational Safety and Health Administration, by letter dated March 29, 2018.**

Comment:

Ms. Rose comments that the proposed deletion of the Note appears to be commensurate with the federal standard.

Response:

The Board thanks Ms. Rose for her comment and participation in the Board's rulemaking process.

**Roger A. Isom, President/CEO, Western Agricultural Processors Association, by letter dated April 2, 2018.**

Comment 1:

Western Agricultural Processors Association (WAPA) opposes removal of the Note. WAPA believes the Note makes it clear that if a potential for "serious injury" exists, the support roller would have to be guarded.

Response 1:

The preexisting language does not fulfill one of the essential purposes of a safety order note, which is to provide employers a more clear and correct understanding of what the subject provision requires. Therefore, Board staff initially proposed deletion of the Note because it did not contribute to a more clear and correct understanding of guarding requirements. However, after careful consideration of public comments in response to the original proposal for Note deletion, Board staff recognized the benefit in retaining a revised version of the Note providing clear information about the correct level of hazard necessitating guarding (injury), and of the applicability of Section 4002 requirements to support rollers also the subject Section 3999(b).

Comment 2:

WAPA states that there will be a significant financial impact to employers if they are required to retrofit non-powered support rollers with guards.

Response 2:

The Board does not find that the proposal will add a financial burden to employers. The deletion of the Note neither adds new requirements nor changes the existing requirement, under Section 4002, for guarding of the support rollers. Similarly, the Board's modified proposal would also be cost neutral for employers.

The Board thanks Mr. Isom for his comments and participation in the Board's rulemaking process.

**Charles L. Rea, Director, Communications & Policy, California Construction and Industrial Materials Association, by letter dated April 13, 2018.**

Comment 1:

Mr. Rea mentions the California Construction and Industrial Materials Association (CalCIMA) members find the Note helpful in clarifying equipment and technical terms, and request the Board to retain the Note.

Response 1:

Please see Response 1 to Mr. Isom's written comments.

Comment 2:

Mr. Rea explains that there are a multitude of federal and state regulations and inspections related to conveyors and guarding at mines sites.

Response 2:

The conveyor requirements for mining operations contained in Section 7030(b) of the Mining and Tunneling Safety Orders (MTSO), take precedence over the General Industry Safety Orders (GISO) for mining operations. MTSO Section 7030 does not contain a Note similar to that of GISO Section 3999(b) despite the guarding requirement being identical.

Comment 3:

Mr. Rea expected more outreach with affected parties prior to advancing the proposal.

Response 3:

The Board believes the outreach performed by staff following the April 2018 Public Hearing is sufficient for this type of rulemaking which is essentially non substantive and cost neutral.

Comment 4:

Mr. Rea comments that the Note was a long standing provision.

Response 4:

The age of the standard has no bearing on the necessity of the language. The current Note is imprecise in its wording, inconsistent with the guarding requirements found in Section 4002, and lacks conformity with California Labor Code Sections 6400(a), 6401, 6402, 6403, 6404 and the Board's policy of promulgating standards that protect workers from all injuries, not just from "serious injuries."

Comment 5:

Mr. Rea mentions the Note helped to clarify the difference between support rollers and pulleys during a 2012 Appeals Board Decision.

Response 5:

As the Note is deficient in clarifying when support rollers are to be guarded and when not, it does not correctly differentiate the guarding requirements for support rollers and pulleys.

Comment 6:

Mr. Rea comments that deletion of the Note implies a change in policy.

Response 6:

The Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. Board's policy is also to revise existing Title 8 Sections when needed. Because the Note in its current form is vague, and inconsistent with Section 4002 and the Labor Code, it needs deletion or modification. Modification of the Note as proposed does not imply a change in the Board's policy.

Comment 7:

Mr. Rea opines the Note provides clarity about specific items needing to be guarded.

Response 7:

Please see Response 1 and Response 5.

Comment 8:

Mr. Rea mentions Section 3999(b) and the Note would seem, in combination, to help provide the specificity to understand Section 4002(a) as it pertains to certain types of equipment.

Response 8:

The Note in its current form is less protective than Section 4002(a), as it concerns only those hazards that can cause "serious injury", and therefore, does not complement the guarding requirements provided in Section 4002(a). It makes less clear that no exception for the support rollers exists from the protective requirements of Section 4002(a).

Comment 9:

Mr. Rea comments that Mining and Tunneling Safety Orders in Section 7030(b) have similar provision as in Section 3999(b).

Response 9:

Board staff agrees with Mr. Rea's comment that Section 7030(b) of the Mining and Tunneling Safety Orders does include a similar provision. However, as explained in Response 2, it does not contain a Note.

Comment 10:

Mr. Rea comments that removing the word "Normally" would make more sense than deleting the Note.

Response 10:

Even without the word "Normally", the Note would lack consistency with Section 4002 and the Labor Code. Please see Response 1.

Comment 11:

Mr. Rea comments that a 1984 advisory committee's comment about support rollers being hazardous when loaded did not cause the Note to be removed.

Response 11:

The Board finds that the Note will provide important clarifying guidance as to when conveyor support rollers require guarding. See Response 1 and Response 4.

Comment 12:

Mr. Rea comments that the rulemaking proposal appears to be a paperwork exercise without an attempt to understand actual equipment or workplace conditions.

Response 12:

The rulemaking follows substantial research on equipment, workplace conditions, existing standards, and is part of the Board's ongoing fulfillment of its duties under the California Labor Code. The Board is responsible for maintaining Title 8 standards in the best possible form in terms of their effectiveness in protecting employees.

Comment 13:

Mr. Rea opines there could be substantial economic impact for employers if the Note is deleted.

Response 13:

Please see Response 2 to Mr. Isom's Comment.

The Board thanks Mr. Rea for his comments and his participation in the Board's rulemaking process.

**Douglas S. Bowles, Production Supervisor, Pacific Aggregates Inc., by letter dated April 13, 2018.**

**Michael J. Garcia, Production Manager, Pacific Aggregates Inc., by letter dated April 13, 2018.**

**Tyler Elzig, Compliance Manager, Pacific Aggregates/Rancho Ready Mix, by letter received April 16, 2018.**

**Brian Bigley, LeHigh SW Cement, by letter received April 16, 2018.**

Comments:

The letters submitted by Mr. Bowles, Mr. Garcia, Mr. Elzig, and Mr. Bigley are similar in content to that of Mr. Charles L. Rea of CalCIMA.

Responses:

Please refer to the Responses to Mr. Rea's comments (Response 1 through Response 13) for the content of the responses.

The Board thanks Mr. Bowles, Mr. Garcia, Mr. Elzig, and Mr. Bigley for their comments and participation in the Board's rulemaking process.

**Rob Neenan, President/CEO, California League of Food Producers (CLFP), by letter dated April 16, 2018.**

Comment 1:

Mr. Neenan writes that CLFP views that the proposed deletion of the Note will unnecessarily cause many employers to incur substantial compliance costs.

Response 1:

Please see Response 2 to Mr. Isom's comments.

Comment 2:

Mr. Neenan mentions CLEF is not clear if the proposal meets California Administrative Procedure Act's (APA) necessity threshold.

Response 2:

The Board is responsible for maintaining Title 8 standards in clear and understandable form in terms of their effectiveness in protecting employees. The Note in its current form lacks clarity and consistency with the Board's policy and the Labor Code. Please see Response 1 to Mr. Isom's comments.

Comment 3:

Mr. Neenan explains that there is low risk for serious injuries from the conveyor rollers and that employees are trained to avoid the hazards from the rollers.

Response 3:

The Board is responsible for developing standards that effectively protect employees not just from serious injuries but all injuries. On this basis alone, the Note warrants modification. See the Response 1 to Mr. Isom's comments. Regarding training of employees, training alone may not protect the employees when the rotating support rollers present hazards. In such cases, guarding should be provided as required in Section 4002.

Comment 4:

Mr. Neenan writes the cost to retrofit the conveyors with guards would be considerable and not warranted relative to the risk involved.

Response 4:

Please see Response 1 above.

Comment 5:

Mr. Neenan opines food safety should be considered before mandating any changes to equipment that could inhibit plant sanitation.

Response 5:

Both the initial proposal to delete the Note and the modified proposal to retain the Note do not add any new requirements nor eliminate existing guarding requirements. Therefore, food safety should not be impacted.

Comment 6:

Instead of deletion of the Note, Mr. Neenan suggests proper guarding in places close to head and tail pulleys where there are known safety risks and instructing workers on how to avoid injury.

Response 6:

Section 4002(a) already contains the guarding requirement for the support rollers. The Note in its current form does not correctly explain when the guarding of the support roller is necessary. Therefore, modification of the Note is necessary. Please see Response 1 to Mr. Isom's comments.

The Board thanks Mr. Neenan for his comments and participation in the Board's rulemaking process.

**California Construction and Industrial Materials Association, California Chamber of Commerce, California Manufacturers and Technology Association, California Asphalt Pavement Association, California Farm Bureau Federation, California Framing Contractors Association, California Residential Contractors Association, California Professional Association of Specialty Contractors, Walter & Prince, LLP, Western Steel Association, by letter dated April 18, 2018.**

Comments:

The associations' comments are very similar to some of the comments brought forth by Mr. Charles L. Rea of CalcIMA. Please refer to Mr. Rea's comments 4, 5, 7, 8, 11, and 13.

Response:

Please refer to the respective Board's responses to Mr. Rea's comments.

The Board thanks the associations for their comments and participation in the Board's rulemaking process.

**Juliann Sum, Chief, Division of Occupational Safety and Health (Division), by a memorandum dated April 30, 2018.**

Comment:

The Division supports the proposal to delete the Note in Section 3999(b). The Division comments that the term "Normally" is subjective and introduces confusion, and the term "serious injury" erroneously indicates the guarding requirements to apply to support rollers causing only the "serious injuries." The Division further comments the Note reduces enforceability of other applicable Title 8 regulations such as Section 4002 and considers it unnecessary.

Response:

The Board does not take exception to the Division's comments and initially proposed to delete the Note. However following careful consideration of public comments, the Board now proposes to retain a modified Note as also suggested by the Division in its May 8, 2018 addendum memorandum.

**Juliann Sum, Chief, Division of Occupational Safety and Health, by an addendum memorandum dated May 8, 2018.**

Comment:

The Division's addendum memorandum explains that the Note in Section 3999(b) should be deleted, however, if the Board decides to retain the Note it would support modifying the proposal to reference Section 4002 as follows, to reduce confusion:

Note: ~~Normally, e~~Conveyor belt support rollers need not be guarded unless they create a potential hazard for serious injury as described in Section 4002.

Response:

Please see Response 1 to Mr. Isom's comments.

The Board thanks Ms. Sum for the Division's comments and participation in the Board's rulemaking process.

II. Oral Comments:

Oral comments received at the April 19, 2018, Public Hearing in Oakland, California.

**Charles L. Rea, Director, Communications & Policy, representing California Construction and Industrial Materials Association.**

Comment:

Mr. Rea stated that no reason has been given as to why this change is necessary; that the Note provides clarity between Sections 3999 and 4002; and that despite the neutral economic impact, there is no mention of what industries will be affected by this change. He stated that it costs \$125 to guard a roller (\$250 if both sides need guarding), which can be very costly for a business with thousands of rollers. There would also be additional hazards for the workers who would install, weld, and cut the guards, as well as the workers responsible for maintaining the guards.

Response:

Mr. Rea's oral comments are similar to his written comments that are addressed under "Written Comments" of this document. For Board's responses to the comments, please refer to the respective responses (Response 1 through 13) under the individual comments.

Regarding additional hazards from the installation and maintenance of roller guards, the Board does not agree with Mr. Rea that deletion of the Note would add hazards for workers. By definition, a Note is non-regulatory and unenforceable. Its purpose is to explain the requirement in the Title 8 section it follows, and it does not add any requirements or hazards. Therefore, retention of the Note as proposed in the modified proposal does not add any hazards.

The Board thanks Mr. Rea for his comment and participation in the Board's rulemaking process.

**Kevin Bland, representing the California Framing Contractors Association, the Residential Contractors Association, and the Western Steel Council.**

Comment:

Mr. Bland stated that the Note provides better understanding and guidance regarding the hazards at play when the equipment is being used. He said that deleting this Note, which has worked for many years and was discussed by a previous advisory committee, will remove the necessary guidance and also set bad policy.

Response:

The Board agrees with Mr. Bland that the accurate and non-contradictory explanatory features of the Note are helpful. However, the Note in its current form lacks clarity and consistency with the Labor Code and the Board's policy to protect workers from all injuries, not just "serious injuries." The Board initially proposed deletion of the Note and is now proposing modified language. Please see Response 1 to Mr. Isom's written comments for the Board's explanation.

The Board thanks Mr. Bland for his comment and participation in the Board's rulemaking process.

**Bruce Wick, Director of Risk Management, California Professional Association of Specialty Contractors (CALPASC).**

Comment:

Mr. Wick echoed the comments made by Mr. Rea and Mr. Bland. He said that no reason has been given as to why the Note needs to be removed, and that removing it is unnecessary and will cost employers a lot of money. He recommended that the Board staff conduct an advisory committee via conference call so that this issue can be discussed before proceeding further.

Response:

Please see Board responses to Mr. Bland's oral comments and Mr. Rea's written and oral comments regarding proposed changes to the Note, comments on cost and other concerns. The Board staff believes the modified proposal does not need to be discussed any further in an advisory committee meeting because it is non-regulatory, consistent with the Labor Code, and does not create new or added costs.

The Board thanks Mr. Wick for his comment and participation in the Board's rulemaking process.

**Mike Herges, Granite Rock.**

Comment:

Mr. Herges stated that his organization does not support removing the Note because it explains the difference between a support roller and a pulley, adding clarity to the regulation that is very helpful to employers.

Response:

The Board recognizes the interest of some commenters, including Mr. Herges, in retaining the Note. However, the Note in its current form lacks clarity and consistency with the Labor Code and the Board's policy to protect workers from all injuries, not just "serious injuries." The Board initially proposed deletion of the Note and is now proposing modified language. Please see Response 1 to Mr. Isom's written comments for the Board's explanation.

The Board thanks Mr. Herges for his comment and participation in the Board's rulemaking process.

**Michael Musser, California Teachers Association.**

Comment:

Mr. Musser stated that there are aspects of this proposal that are somewhat confusing and challenging, including under Section 4000 where it says that "any piece of equipment that could hurt someone needs to be guarded". He said that it seems like this was done without very much input from industry stakeholders. He echoed Mr. Wick's recommendation that the Board staff hold an advisory committee meeting to get more industry input before proceeding any further.

Response:

Please see the Board's responses to Mr. Herges' oral comment and Mr. Rea's written comments dated April 13, 2018 for the Board's explanations.

Regarding the advisory committee meeting, please see Board's response to Mr. Wick's oral comment.

The Board thanks Mr. Musser for his comment and participation in the Board's rulemaking process.

**David Harrison, Occupational Safety and Health Standards Board Member.**

Comment:

Mr. Harrison stated that he does not understand why this Note is being deleted, and he is not comfortable changing a rule that seems to have been effective for many years, due only to possible redundancy or clarity issues. He asked the Board staff if there is any history of injuries related to this Note that may justify removing it. He said that if this change is made based on redundancy or an inspector's misunderstanding, then it will open the door for many other rules to be challenged on the same grounds, therefore taking up a lot of the Board's time. He stated that if the Board decides to move forward on this, the Board staff will need to spend some more time working on it.

Response:

Please see the Board's responses to Mr. Herges' oral comment and Mr. Rea's written comments dated April 13, 2018 for explanations of the initial proposal to delete the Note, and the modified proposal to retain the Note in a revised form. The proposal for deletion of the Note was not based on redundancy or an inspector's misunderstanding. The current Note is vague, and may be misunderstood to erroneously indicate the guarding requirements only apply to support rollers

posing a hazard of serious injuries, and as such would be inconsistent with the Labor Code and the Board's policy to protect workers from all injuries, not just "serious injuries."

In response to Mr. Harrison's request for injury history, search of OSHA records for keywords "conveyor" and "roller" showed 40 accidents in California for the years 1990 through 2017. Based on accident description, over a third of these 40 accidents involve conveyor belt and rollers, and some definitely involve belts and unguarded non-powered rollers. The accidents could not be identified to be specific to the support rollers, however it is possible that these unguarded non-powered rollers could be the support rollers. Consequently, Board staff concludes there is a reasonable concern over the ability of support rollers to injure employees when the rollers expose employees to the mechanical actions described in Section 4002. This coupled with the DOSH and Board staff concerns over the use of vague and erroneous language that is inconsistent with the Labor Code and the Board's policy necessitates the need for deletion or modification of the current Note.

**David Thomas, Occupational Safety and Health Standards Board Chair.**

Comment:

Mr. Thomas echoed Mr. Harrison's oral comments. He also stated that it would be helpful to convene an advisory committee meeting to discuss this before moving forward.

Response:

Please see the Board's responses to Mr. Herges' oral comment and Mr. Rea's written comments dated April 13, 2018 for the Board's explanations for the initial proposal to delete the Note, and the modified proposal to retain the Note in a revised form. Regarding an advisory committee meeting, please see the Board's response to Mr. Wick's oral comment.

**Chris Laszcz-Davis, Occupational Safety and Health Standards Board Member.**

Comment:

Ms. Laszcz-Davis echoed Mr. Harrison's comment.

Response:

Please see the Board's response to Mr. Harrison's oral comment.

**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 15-DAY NOTICE OF PROPOSED MODIFICATIONS**

No further modifications are proposed as a result of the 15-day Notice of Proposed Modifications mailed on October 11, 2018.

## **SUMMARY OF AND RESPONSES TO WRITTEN COMMENTS**

### I. Written Comments:

#### **Charles L. Rea, Director, Communications & Policy, California Construction and Industrial Materials Association, by email dated October 29, 2018.**

Mr. Rea stated the California Construction and Industrial Materials Association (CalCIMA) members continue to oppose changes to the Note in Section 3999(b).

#### Comment 1:

Mr. Rea expected an advisory committee or other forum for dialogue to discuss the Note in more detail. CalCIMA believes that past advisory committee recommendations should not be changed without due consideration of all the factors that went into the original decision, or a detailed look at current conditions.

#### Response 1:

The current Note is vague and does not conform with the California Labor Code and the Board's policy of promulgating standards that protect workers from all injuries, not just from "serious injuries." Therefore, modification of the Note is necessary, however, Board staff believes the modified proposal does not need to be discussed in an advisory committee meeting because it is non-regulatory, consistent with the Labor Code, and does not create new or added requirements and costs for employers. Board staff believes the minutes from the 1984 advisory committee meeting do not offer rationale for deviating from Board's policy of protecting workers from all injuries, not just from "serious injuries."

#### Comment 2:

Mr. Rea explains that the current regulatory structure follows a logical pattern: a general standard for moving parts on machines, and a specific conveyor standard followed by a Note clarifying the most common moving part on conveyors, the support rollers, do not necessarily need to be guarded.

#### Response 2:

Board staff continues to propose the retention of the Note; however, in a form that is clear and consistent with existing requirements and policy (see Response 1). This comment is not specifically directed at the 15-Day Notice of Proposed Modifications.

#### Comment 3:

Mr. Rea comments that the rationale for the proposed change is insufficient. He opines the explanations provided for the change are only assumptions, and do not explain what is unclear, inconsistent, or deficient. He further comments that there is no evidence of how the lack of clarity has resulted in misapplication of the standard of increased injuries.

#### Response 3:

The explanation provided for the proposed modification is not assumption, rather a rationale based on Board policy and existing Title 8 guarding requirements for the support rollers (see

Response 1). This comment is not specifically directed at the 15-Day Notice of Proposed Modifications.

Comment 4:

Mr. Rea comments that the proposed change creates a confusing, circular, and probably unresolvable understanding of the standards. He also comments that it will be hard to know with the proposed change where the two standards, Section 4002(a) and 3999(b), would intersect or not.

Response 4:

On the contrary to Mr. Rea's comment and concern, the proposed change improves clarity, and thus enables employers to correctly understand what is needed to protect employees from the potential hazards presented by a conveyor support roller. More importantly, the modified proposal will ensure that the employer does not disregard the conveyor support rollers from consideration as a possible hazard.

Comment 5:

Mr. Rea is concerned that the regulatory structure is changing.

Response 5:

The proposed modification does not change the regulatory structure; it merely restates the explanatory Note in clear and non-conflicting terms. This comment is not specifically directed at the 15-Day Notice of Proposed Modifications.

Comment 6:

Mr. Rea comments that he is unsure of what level of injury is the concern (all injuries or only the serious injuries) in the proposal and opines the proposed modification adds confusion.

Response 6:

The Board wishes to emphasize that the Note in its current form lacks clarity and consistency with the Labor Code and the Board's policy to protect workers from all injuries, not just "serious injuries."

Given the Labor Code and the Board's policy, the proposed modification makes the guarding requirement for conveyor support rollers very clear by stating that only those rollers that create the physical actions described in Section 4002(a) and are not already guarded by the frame of the machine or by location require guarding. This comment is not specifically directed at the 15-Day Notice of Proposed Modifications.

Comment 7:

Mr. Rea stated that the cited 40 accidents that have occurred since 1990 provided no indication how the injuries happened, the severity, in what industries, the actual part of the conveyor which created the hazard, whether there were guards, and how the Note in Section 3999(b) impacted them. He also mentioned the lack of any petitions to the Standards Board, and absence of Cal-OSHA enforcement action.

Response 7:

While Board staff could not determine how many of the cited 40 accidents were caused by the conveyor support rollers, it is a well understood and fundamental principle in machinery safety that rotating parts exposing employees to potential pinch points and entanglement hazards require guarding if they are not guarded by the frame of the machine or by location. The proposed Note helps employers and employees understand this principle and know their duty to comply in such situations, which is the intent of the proposed modification.

The lack of any petitions to the Standards Board, and absence of Cal-OSHA enforcement action, does not change the Labor Code and the Board's policy to protect workers from all injuries, not just "serious injuries."

This comment is not specifically directed at the 15-Day Notice of Proposed Modifications.

Comment 8:

Mr. Rea comments that cost implications of the proposed change is substantial for the industry.

Response 8:

The cost impact analysis for this rulemaking was based on the proposal of the deletion of the Note. The modified proposal, like the original proposal, is non-regulatory and unenforceable, and does not add any new requirement for the employers. As a result, it does not add any compliance cost to the employers. This comment is not specifically directed at the 15-Day Notice of Proposed Modifications.

Comment 9:

Mr. Rea expressed concern that this proposal could result in the need to guard all rollers on conveyors, and opines this would introduce many new hazards and increase injuries.

Response 9:

The modified proposal does not mandate anything that is not already required under Section 4002(a). Therefore, the concern over all support rollers needing to be guarded as a result of this proposal is invalid. The Note is provided to help employers and employees know that the support rollers need to be guarded only if they pose hazards to employees. The Board does not agree with Mr. Rea that the modified proposal will add new hazards, rather it will help employers control support roller hazards as the Note is made clear and consistent with the existing guarding requirement.

Comment 10:

Mr. Rea stated that a new approach should be devised to address the Note by conducting a review of the Title 8 machine guarding standards via the advisory committee process.

Response 10:

Board policy to protect workers via standards is well established as it is the mandate and duty under the Labor Code to protect workers from workplace hazards. The proposed modification of the Note is only about making it clear to the employers when guarding is needed on the support rollers, and making it consistent with the existing requirement. Therefore, no advisory committee or review of the entire Title 8 machine guarding standard is necessary (see Response 1).

This comment is not specifically directed at the 15-Day Notice of Proposed Modifications.

The Board thanks Mr. Rea for his comments and his participation in the Board's rulemaking process.

**California Construction and Industrial Materials Association, California Chamber of Commerce, California Manufacturers and Technology Association, California Asphalt Pavement Association, California Farm Bureau Federation, California Framing Contractors Association, California League of Food Processors, California Residential Contractors Association, California Professional Association of Specialty Contractors, Western Steel Council, by letter dated October 29, 2018.**

Comments:

The organizations' comments are similar to the comments brought forth by Mr. Charles L. Rea of CalCIMA. Please refer to Mr. Rea's comments.

Response:

Please refer to the Board's responses to Mr. Rea's comments.

The Board thanks the organizations for their comments and participation in the Board's rulemaking process.

**ADDITIONAL DOCUMENTS RELIED UPON**

None.

**ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE**

None.

**DETERMINATION OF MANDATE**

This standard does not impose a mandate on local agencies or school districts.

**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: (1) more effective in carrying out the purpose for which the action is proposed, or (2) would be as effective as and less burdensome to affected private persons than the adopted action, or (3) would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Board staff were unable to come up with any alternatives or no alternatives were proposed by the public that would have the same desired regulatory effect.