

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
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FINAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Sections 3420 and 3425
of the General Industry Safety Orders

Tree Work, Maintenance or Removal – Use of Portable Power Saws

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.

Summary of and Responses to Written and Oral Comments:

I. Written Comments

Amber Rose, Area Director, Occupational Safety and Health Administration, by letter dated October 18, 2019.

Comment:

Ms. Rose comments the proposed standards appear to be commensurate with the federal standard.

Response:

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

Karin Umfrey, Legal Fellow, Worksafe, Inc., by email on November 21, 2019.

Comments:

Ms. Umfrey states that Worksafe, Inc. approves of the substantive and organizational changes to the California Code of Regulations, Title 8, Sections 3420 and 3425: Tree Work, Maintenance or Removal – Use of Portable Power Saws. The substantive changes support a safe and healthy workplace because they will prevent potential injuries. First, defining what drop starting means

clarifies for personnel how to be in compliance with the regulation. Second, prohibiting drop-starting of chainsaws can prevent injuries that have happened when operators could not grip firmly the saw while drop-starting it. Defining how power saws should be started clarifies how to safely use the power saw. Also, having a broad provision that requires personnel to ensure no one is below the power saw while being operated protects people, who may be below from potential injuries, if an accident occurs. Worksafe, Inc. approves of the organizational changes because it makes the provisions more cohesive and easier to read.

Response:

The Board thanks Ms. Umfrey for her comments and participation in the Board’s rulemaking process.

II. Oral Comments

There were no oral comments received at the November 21, 2019 Public Hearing in Oakland, 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.

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.