

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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

The proposed rulemaking seeks to clarify existing regulations that were affected by a rulemaking entitled Electrical Power Generation, Transmission, and Distribution; Electrical Protective Equipment: Final Rule, which was adopted by the Occupational Safety and Health Standards Board (Standards Board) on December 21, 2017 and became effective April 1, 2018.

Section 3425(a)(2) and (a)(5) were amended to be as effective as federal standard 29 CFR 1910.269(r)(5)(iv) and (vi). Adopting the federal language verbatim appeared to have created some confusion regarding drop starting and starting power saws at an elevation. 29 CFR 1910.266(e)(2)(vi) prohibits drop starting of chain saws and 29 CFR 1910.269(r)(5)(iv) only permits saws that are not chain saws to be drop started.

In order to improve clarity and safety, amendments to Sections 3420 and 3425 are being proposed. The proposal adds a definition of "drop starting" and clearly prohibits drop starting of chain saws. In addition, the application of the work practice to ensure that there is no personnel below prior to starting a power saw is expanded to apply to all elevated work locations, not just while elevated on aerial lifts.

**Section 3420. Scope and Definitions.**

Section 3420 contains the scope and definitions that apply to Article 12, Tree Work, Maintenance or Removal.

**Subsection (b). Definitions.**

The proposal adds a definition of the term "drop starting" using the federal interpretation of the term from the Response to Question No. 40 of the Federal OSHA Questions and Answers on 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V at [https://www.osha.gov/dsg/power\\_generation/QandAFinal.html](https://www.osha.gov/dsg/power_generation/QandAFinal.html). The addition of the definition of "drop starting" is necessary to provide the meaning of the term because the term "drop starting" or "drop started" is used in Section 3425.

## **Section 3425. Portable Power Hand Tools.**

Section 3425 contains regulations regarding the use of portable hand tools including power saws. Chain saws are a subset of power saws.

### **Subsection (a). Power Saws.**

The proposed amendments to subsection (a)(2) are as follows:

- Clarification of the method for starting a power saw by adding the words “held or” before the existing term “supported” and including the phrase “to prevent unintended movement of the saw” to specify the intent of the regulation.

The existing regulation requires that the power saws be started on the ground or otherwise firmly supported. However, depending on the type or size of the power saw, firmly holding the power saw prior to starting may be sufficient to prevent unintended movement.

- Deletion of the sentence “Drop starting of saws over 6.8 kilograms (15 pounds), other than chain saws, is permitted outside of the bucket of an aerial lift only if the area below the lift is clear of personnel.”

The existing regulation is proposed to be replaced with the clear prohibition for drop starting a chain saw regardless of size.

- Clarification of the existing regulation by specifying in a separate sentence that drop starting a chain saw is prohibited. This proposal is consistent with the goal of preventing unintended movement when starting the saw. The practice of drop starting is contrary to the work practice of starting the saw on the ground or when otherwise firmly supported.

The existing regulation only permits power saws, with the exception of chain saws, to be drop started. The person reading the regulatory text may inadvertently miss the requirement that chain saws are not permitted to be drop started. Therefore, this clarification makes the regulation more concise and easier to understand.

- Expansion of the scope of the existing regulation to require employees to make sure the area below is clear of personnel before starting a power saw at any elevated location.

The existing regulation requires employees using an aerial lift to make sure the area below the lift is clear of personnel prior to starting the saw. This existing requirement is proposed to be replaced with the proposal that workers at any elevated location (e.g. tree, scaffold, roof), not just on aerial lifts, ensure that there are no personnel below prior to starting the power saw. This proposal is necessary to prevent injuries in the event the operator accidentally drops the saw while in the process of starting the saw.

The proposed amendment to subsection (a)(6) is as follows:

- The proposal relocates existing subsection (a)(6) to new subsection (a)(3) to provide better organization of the power saw requirements. This relocation is necessary to facilitate the planning of the work by making the reader immediately aware of the need to secure power saws heavier than 15 pounds. As a result of this relocation, existing subsections (a)(3), (a)(4), and (a)(5) are proposed to be renumbered to subsections (a)(4), (a)(5), and (a)(6), respectively.

**TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDIES,  
REPORTS OR DOCUMENTS RELIED ON BY THE BOARD**

- Federal OSHA Questions and Answers on 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V at [https://www.osha.gov/dsg/power\\_generation/QandAFinal.html](https://www.osha.gov/dsg/power_generation/QandAFinal.html). (Response to Question 40).

This document is 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.

**PETITION**

This proposal was not the result of a petition.

**ADVISORY COMMITTEE**

The proposal was developed without the assistance of an advisory committee.

**FIRE PREVENTION STATEMENT**

This proposal does not include fire prevention or protection standards. Therefore, approval of the State Fire Marshal pursuant to Government Code Section 11359 or Health and Safety Code Section 18930(a)(9) is not required.

**SPECIFIC TECHNOLOGY OR EQUIPMENT**

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

**ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

There is no significant cost impact to the proposal. The proposal clarifies the existing requirement in order to ensure the regulation is more concise and easier to understand. The expansion of the requirement for all employees at elevated locations to ensure the area below is clear of personnel before safely starting a power saw is a reasonable work practice with direct consequences of preventing injuries.

This proposal will have no economic impact on California businesses and also will not impact the following:

- The creation or elimination of jobs within the State of California,
- The creation of new businesses or the elimination of existing businesses within the State of California, and
- The expansion of businesses currently doing business within the State of California.

### **BENEFITS OF THE PROPOSED ACTION**

The proposal to ensure that there are no employees below prior to starting the saw will prevent employee injuries in the event the operator accidentally drops the saw while starting the saw. In addition, the clarifying proposed revisions in the language will make it easier for employers to comply with the regulation because it provides a better understanding of what is expected from them. This proposal does not offer a direct benefit or affect the state's environment.

### **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states. The proposal does not require the purchase of new equipment. The implementation of the work practice to ensure the area below an elevated location is clear of personnel prior to safely starting a power saw requires minimal time and effort and does not adversely impact their work.

### **REASONABLE ALTERNATIVES TO THE PROPOSAL AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No reasonable alternatives to the proposal were identified or brought to the Board's attention. It is important for elevated employees, before safely starting a power saw or cutting, to ensure there is no personnel below the tree trimming area.