

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**TITLE 8. CALIFORNIA CODE OF REGULATIONS**

General Industry Safety Orders  
Sections 4307

**Exception for Portable Power-Driven Circular Saw Blade Guarding (Horcher)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

**PUBLIC HEARING**

The Board will hold a public hearing starting at 10:00 a.m. on **November 19, 2015**, in the **Council Chambers** of the **Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

**WRITTEN COMMENT PERIOD**

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **October 2, 2015** and closes at 5:00 p.m. on **November 19, 2015**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

**AUTHORITY AND REFERENCE**

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

## **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT** **OVERVIEW**

The Occupational Safety and Health Standards Board (Board) notes the need to address a Federal OSHA guarding specification which is lacking in Title 8. Federal OSHA construction standard Section 1926.304(d) provides specific portable power-driven saw blade guarding requirements for circular saws. The federal standard requires a minimum arc of saw teeth exposure to allow a safe engagement of the saw blade with the piece to be cut. The proposed amendment adds the federal language to Section 4307(a) and (b) of the General Industry Orders (GISO) to provide the minimum arc of blade exposure for the upper and lower blade guard allowing the base plate to move freely and the saw blade to safely contact and retract from the work to be cut.

The proposed amendments ensure that California is at least as effective as the federal standard for guarding portable, power-driven circular saw blades. This proposed regulation adopts the federal language essentially verbatim to clarify existing instructions for the proper operation and use of circular saw blade guards.

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues. The Board proposes to adopt a regulation which is the same as the federal regulation except for editorial and format differences.

The proposed regulation is substantially the same as the Federal OSHA standard. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

1. Identify any clear and compelling reasons for California to deviate from the federal standard;
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking;

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. The 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: (1) 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, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

## **DOCUMENT RELIED UPON**

1. 29 CFR, Part 1926, Safety and Health Regulations for Construction, Subpart I, Tools-Hand and Power, Section 1926.304, Woodworking tools.

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10692](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10692)

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.

## **COST ESTIMATES OF PROPOSED ACTION**

A cost estimate of the proposed action cannot be provided as this amendment does not require the purchase of new equipment or a retrofit of existing equipment. This federal requirement has been in effect for decades and saws produced meet the federal requirement.

## **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

## **SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated since portable power-driven saws have been manufactured and sold for decades in compliance with federal and industry provisions for the minimum arc required to permit the base to be tilted and to allow proper contact and retraction from the work piece.

## **CONTACT PERSONS**

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

## **AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE**

The Board will have the entire rulemaking file and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

### **AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS**

Upon its completion, copies of the Memorandum may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.