

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**TITLE 8. CALIFORNIA CODE OF REGULATIONS****General Industry Safety Orders
Section 4412****Pulp, Paper and Paperboard Mills – Conveyor Warning Sign (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 at 77 Fair Drive, Costa Mesa, CA 92626**. 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.

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 safety 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) 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 U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations addressing Updating OSHA Standards Based on National Consensus Standards on June 13, 2013, as 29 Code of Federal Regulations, Part 1910, Section 1910.261(c)(15)(iv). The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 78, No. 114, pages 35559-35567, June 13, 2013, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt a regulation which is the same as the federal regulation except for editorial and format differences.

The proposed regulation would require signage for conveyors that crossover walkways and roadways to alert employees to the overhead hazard. The Board determined, as a result of a review of the referenced portion of the Federal Register, that Title 8 did not have an equivalent standard to the Federal 1910.261(c)(15)(iv). The proposed regulation would adopt the signage provisions into the Conveyor standard in the Pulp, Paper and Paperboard Mills Article within Group 8 of the General Industry Safety Orders.

The proposed regulation is substantially the same as the final rule promulgated by Federal OSHA. 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; and,
- 3) Solicit comments on the proposed effective date.

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. 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: (1) the requirements of the federal government and Labor Code to the effect that the State regulations be at least as effective as their federal counter parts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

DOCUMENTS RELIED UPON

1. Federal Register, Vol. 78, No. 114, pp. 35559 – 35567, June 13, 2013
2. United States Census, Industry Snapshot, Pulp, Paper, and Paperboard Mills (NAICS 3221) Key Industry Statistics - California

These documents 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.

DOCUMENTS INCORPORATED BY REFERENCE

1. USAS Z35.1-1968, USA Standard Specifications for Accident Prevention Signs
2. ANSI Z535.2-2011, Environment and Facility Safety Signs

These documents are too cumbersome or impractical to publish in Title 8 and may include copyrighted items. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents 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.

COST ESTIMATES OF PROPOSED ACTION

Based on the 2012 census for California, there are 14 establishments within the Pulp, Paper and Paperboard Mill in operation. Conveyors which cross above walkways and roadways within these facilities would require signage for each direction of traffic per crossing. Signage costs would range from \$8.00 to \$40.00 per sign. The number of conveyor crossings would depend on the length of the conveyor and the configuration of the conveyor. The total cost of the signage would be \$800.00 per company. In California, the average salary within Pulp, Paper and Paperboard Mills is \$78,520 per year or \$37.75 per hour. A total of 6 hours of labor is expected to complete the purchase and installation of the signage. The total cost of the installation of the signage would be \$1,026.00 per establishment. The total cost is \$14,371.00 for all establishments in California.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard 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 amendment may affect small businesses. The proposed amendment imposes a one-time minor cost upon small businesses in California.

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 regulations, 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 regulation 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 web site. Copies of the text of the regulations 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>.