

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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NOTICE OF PROPOSED MODIFICATION TO  
CALIFORNIA CODE OF REGULATIONS  
TITLE 8: Chapter 4, Subchapter 7, Article 7,  
New Section 3324 of the General Industry Safety Orders

Horizontal Sliding Gates

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written comments on the above-named standards in which modifications are being considered as a result of public comments and/or Board staff consideration.

On May 17, 2007, the Standards Board held a Public Hearing to consider Title 8, New Section 3324 of the General Industry Safety Orders. The Standards Board received oral comments on the proposal. The standard has been modified as a result of these comments and Board consideration.

A copy of the full text of the standard, with the modifications clearly indicated, is attached for your information. In addition, a summary of all comments regarding the original proposal and staff responses is included.

Any written comments on these modifications must be received by 5:00 p.m. on August 14, 2007, at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. The standards will be scheduled for adoption at a future business meeting of the Standards Board.

The Standards Board's rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office.

Inquiries concerning the proposed changes may be directed to Keith Umemoto, Executive Officer at (916) 274-5721.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date: July 25, 2007

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Keith Umemoto, Executive Officer

**PROPOSED MODIFICATIONS**  
(Modifications are indicated in bold,  
underline wording for new language,  
and bold, ~~strikeout~~ for deleted language.)

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

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PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Add to the General Industry Safety Orders, new Section 3324 to read:

Section 3324. Horizontal Sliding Gates.

(a) All horizontal sliding gates shall be equipped with positive stops or devices that limit the gate travel to the designed fully open and closed positions.

(b) Positive stops or devices shall be constructed, **and** installed **and maintained by a qualified person** to resist impact loads in order to safely contain sliding gate components within the designed stop limits.

~~(c) Horizontal sliding gates shall be inspected by a qualified person to ensure that gates are maintained in safe operating condition.~~

~~(d)~~ (c) Employees responsible for operating or inspecting horizontal sliding gates shall be instructed in the safe operation of such gates.

~~(e)~~ (d) Repairs to gate hardware shall only be performed by a qualified person.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

## **SUMMARY AND RESPONSE TO COMMENTS**

## SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS

### I. Written Comments

Mr. Frank Strasheim, Regional Administrator, U.S. Department of Labor, Occupational Safety and Health Administration, Region IX, by letter dated April 6, 2007.

#### Comment:

Federal OSHA reviewed the proposed changes for horizontal sliding gates and indicated that the proposed standard is more effective than the federal standard.

#### Response:

The Board thanks Mr. Strasheim and Federal OSHA for their input and for their participation in the rulemaking process.

### II. Oral Comments

There were no oral comments received from the public at the May 17, 2007, Public Hearing, however Board Member William Jackson expressed a concern regarding proposed Section 3324(c).

#### Mr. William Jackson, Board Member

Mr. Jackson asked how frequently the inspection by a qualified person as specified in subsection (c) was to take place. He suggested that the frequency of inspection be specified in the standard.

#### Response

This standard applies to a broad range of horizontal sliding gates some of which are used very infrequently in remote areas such as utility plants or rural settings such as agricultural properties. Other gates are located in industrial areas and are used on a frequent and daily basis. Board staff believes it is very difficult to select specific inspection intervals that would be appropriately applicable to the wide range of situations in which these gates are used. Board staff and the Division of Occupational Safety and Health believe that Section 3203(a)(4) and (6) adequately address responsibilities to identify unsafe gate conditions and make necessary corrections or repairs. Therefore, modifications are proposed for clarity that would delete subsection (c) as originally proposed and that would move the requirements to maintain positive stops and devices by a qualified person to subsection (b).

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