

# Memorandum

To : ALL STANDARDS BOARD MEMBERS

Date: January 23, 2007

From : **Occupational Safety and Health Standards Board**  
Tom Mitchell, Senior Industrial Hygienist

Subject : **Assigned Protection Factors for Respirators**

At the January 18, 2007, Public Hearing, the Occupational Safety and Standards Board considered revisions to California Code of Regulations, Title 8, Chapter 4, Subchapter 4, Article 4, Sections 1529, 1532, 1532.1, and 1535 of the Construction Safety Orders; Chapter 4, Subchapter 7, Article 107, Section 5144; Article 109, Sections 5190 and 5198; and Article 110, Sections 5200, 5202, 5207, 5208, 5210, 5211, 5212, 5213, 5214, 5217, 5218, and 5220 of the General Industry Safety Orders; and Chapter 4, Subchapter 18, Article 4, Section 8358 of the Ship Building, Ship Repairing, and Ship Breaking Safety Orders. These standards are substantially the same as the counterpart federal standards promulgated on August 24, 2006.

Labor Code Section 142.3(a)(3) exempts the Board from providing a comment period when adopting a standard substantially the same as a federal standard. However, as indicated in the Notice and Informative Digest, the Board still provided a comment period for the purpose of identifying only issues related to the following three areas: 1) any clear and compelling reasons for California to deviate from the federal standards; 2) any issues unique to California related to this proposal which should be addressed in this rulemaking and/or subsequent rulemaking; and, 3) solicit comments on the proposed effective date.

The standards have been modified as a result of Division and Board staff consideration. These modifications are nonsubstantive, editorial, or grammatical and are not discussed; however, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format.

## SUMMARY OF WRITTEN AND ORAL COMMENTS

### Comment:

On January 17, 2007, the Board received a written comment from Mr. John Vocke, Pacific Gas and Electric Company, recommending that Section 1536 of the Construction Safety Orders, regarding Ventilation Requirements for Welding, Brazing, and Cutting, be revised to incorporate the assigned protection factor for respiratory protective equipment used when welding in enclosed spaces. The current standard requires that supplied-air respirators be used whenever toxic substances are used in welding operations in an enclosed space. The commenter proposed amending the standard to provide employers with the additional option of using respirators with an assigned protection factor for the toxic material in the concentration anticipated as specified in Section 5144(d)(3)(A)1.

Response:

Board staff considered the commenter's recommended revision and concludes that it is outside the scope of this rulemaking proposal and does not identify issues that are unique to California; therefore the Board declines to modify the proposal as a result of this comment.

The Board thanks Mr. Vocke for his comment and participation in the Board's rulemaking process.

DETERMINATION OF MANDATE

These standards do not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.