

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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January 4, 2012

Subject: Construction Safety Orders, Article 15, Cranes & Derricks in Construction (Clean-up).
Minutes of the October 4-5, 2011, Advisory Committee, with reference to Section
1610.1(c)(8), Exclusion for Forklifts.

Dear Advisory Committee Member:

As you know, minutes of the October 4-5, 2011, advisory committee meeting were distributed to committee members requesting their review and soliciting their questions and comments prior to moving forward with a formal rulemaking proposal. The minutes indicated that a consensus had been reached to modify the exclusion for forklifts [Section 1610.1(c)(8)].

A reviewer questioned whether a consensus actually existed to make the proposed modification. Board staff has reviewed the recordings of the advisory committee deliberations (both days), and has determined from the recordings that there was no consensus among labor, management and subject matter experts on the proposed modification. Furthermore, the Board is required by Labor Code section 142.3 to adopt standards at least as effective as (ALAEA) federal standards. Concerns that had been raised during deliberations about ALAEA issues were not resolved at the meetings, and they may not be resolved until further clarification is received from federal OSHA.

Thus the proposed modification to the forklift exclusion [Section 1610.1(c)(8)] will be set aside for further consideration at a later date and will not be included in the proposal when it is noticed for public comment.

Your participation in the advisory committee process has been very much appreciated.

Sincerely,

Conrad E. Tolson
Senior Engineer – Standards

cc: All Standards Board Members
Deborah Gold, Deputy Chief for Health, DOSH
David Shiraishi, Area Director, Federal OSHA Oakland Area Office
Marley Hart, Executive Officer, OSHSB
Michael Manieri, Principal Safety Engineer, OSHSB