

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

**INITIAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 59,  
Section 4297 of the General Industry Safety Orders

**Definitions of Woodworking Machines and Equipment****SUMMARY**

This rulemaking action was initiated by the Occupational Safety and Health Standards Board (Board). On October 12, 2012, Mr. Paul Burnett, Safety and Health Administrator of the Santa Clara Valley Water District, sent an e-mail to Board staff noting that band knife and band saw (types of woodworking machinery) may be equipped with two or more wheels. A band of blade wraps around the wheels and one or more wheels would drive the motion of the blade to perform the cutting action. Board staff has determined that it is necessary to make technical corrections to the definitions of band knife and band saw in order to provide an accurate description of the above-mentioned machines so that it will be clear to the employer and to the Division of Occupational Safety and Health that the corresponding woodworking safety standards contained in Section 4310, Band Knives and Band Saws, apply to band saws and band knives regardless of whether they are designed with just two wheels or more than two wheels. Additional updates of the definitions also are proposed.

**SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**

This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board “is the only agency in the state authorized to adopt occupational safety and health standards”. When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at

least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.

- This proposal provides technical corrections clarifying existing definitions in Title 8 consistent with the way industrial band saws and band knives are currently designed and manufactured. Both machines can be made with more than two wheels. Band knife blades are manufactured in configurations other than what is mentioned in the existing definition.
- 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 requirement of the federal government and the Labor Code to the effect that the state's 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).
- The proposed definitions would provide clarification so as to not exclude band saws and band knives that operate with more than two wheels from the regulatory requirements of Section 4310.

#### Section 4297. Definitions.

This section contains definitions of various woodworking machines and equipment regulated by Title 8. The proposed amendments to the definitions of band saw and band knife would include band knives and band saws with more than two wheels. In addition, it would not limit the configuration of the band knife blade to the two types of blades as specified in the existing definition. Also, since the existing last sentence of the "band saw" definition is based on the outdated two-wheel conception, that sentence also is eliminated.

The proposed amendments are necessary to clarify to the employer the duty to comply with Title 8 standards that apply to band saws and band knives which will ensure that these machines will be used and operated safely by employees.

#### DOCUMENTS RELIED UPON

1. American National Standards Institute (ANSI), 01.1 – 2004 Standard for Woodworking Machinery Safety Requirements, Section 2.1.1, Band Saw.
2. E-mail from Mr. Paul Burnett to Marley Hart, dated October 12, 2012.

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

None.

#### REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

#### SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

#### COST ESTIMATES OF PROPOSED ACTION

##### Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

##### Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

##### Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal amends the definitions of wood working equipment for clarity. It does not add additional regulatory requirements or alter existing regulatory requirements, and thus will not have an economic impact.

The adoption of the proposed amendments to the standard will not create or eliminate jobs in the State of California. It will not eliminate existing businesses or create or expand businesses in the State of California.

This regulatory proposal is intended to provide worker safety at places of employment in California.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

**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.

**EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses. However, the proposal does not create additional regulatory requirements. The clarification in the definitions will improve the understanding of the application of the standards.

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses because it does not propose additional regulatory requirements.

### **BENEFITS OF THE REGULATION**

The clarification of the existing definition of band knives and band saws would benefit the employer because accurate definitions of these machines would inform the employer if the guarding requirements of Title 8, Section 4310 applies to the machines they own. Machine guarding is intended to protect employees from inadvertent contact to moving parts; therefore, help prevent accidents and incurrence of associated medical costs.

### **ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS**

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private person and equally effective in implementing the statutory policy or other provision of law.