

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

Title 8, Sections 2940.2 and 2940.7 of the Electrical Safety Orders and Sections 8602, 8610, 8611, and 8615 of the Telecommunication Safety Orders.

Fed OSHA DFR, Revision to CDAC Scope: Exception For Digger Derricks

**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

Summary and Response to Oral and Written Comments:**I. Written Comments**

Mr. David Y. Shiraishi, MPH, Area Director, Occupational Safety and Health Office (Federal OSHA), by letter dated January 15, 2014.

Comment:

The proposed occupational safety and health standard does not appear to be commensurate with the federal standard. Section 2940.2, Table 2940.2-1 omits the AC-Live-Line Work Minimum Approach Distance, Phase to Phase Exposure. Recommend an explanation stating the reason for not including the minimum approach distance, phase to phase exposure.

Response:

The reason for the omission of the minimum approach distances for phase-to-phase exposures from the Table 2940.2-1 of Section 2940.2 is that such information is not relevant to work permitted under Title 8. This sort of live-line bare hand work is performed when the employee is typically positioned between two or more phase conductors. In California, live-line bare hand work of this sort is not permitted by Title 8 standards.

Live-line bare hand work in California requires a variance from such provisions of the Electrical Safety Orders as those listed below:

2940.2 (a)(1) and (2)	Clearance and guarding from energized parts
2940.6(h)	Conductive objects used near energized parts
2940.7(b)(5)(A)	Aerial lifts-climbing on edge of baskets
2940.(b)(6)	Use of aerial lift equipment near energized parts
2941(f)	Working on conductors or equipment energized at 600 volts or more
2944(f)	High voltage stations or switchyards: Working on conductors or equipment energized in excess of 7,500 volts

The intent of these standards is to prevent employee burns and electrocution through the use of insulation/isolation methods including the use of non-conductive tools and ensuring a safe distance to preclude employees from coming in contact with energized conductors. There are no Title 8 provisions comparable to 29 CFR Section 1910.269 and 1926.955 which *specifically* permit live-line bare hand work. Employers who are granted a permanent variance to perform live-line bare hand work in California provide equivalent safety by adhering to numerous conditions relating to work procedures, training, and equipment.

For these reasons, the Board has determined that no phase-to-phase exposure table is needed. The Board acknowledges Mr. Shiraishi’s comment and appreciates his participation in the Board’s rulemaking process.

II. Oral Comments

There were no oral comments at the January 16, 2014, Public Hearing in Costa Mesa, California.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

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 persons and equally effective in implementing the statutory policy or other provision of law.