

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



Attachment No. 2

**INITIAL 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****SUMMARY**

On May 29, 2013, Federal OSHA issued a final rule revising the exemption for digger derricks in the construction standard. Digger derricks used by electrical and telecommunication industries for auguring holes for poles carrying electric and telecommunication lines, placing and removing poles, and for handling associated materials to be installed or removed from the poles were excluded from the crane and derrick requirements of the construction standard, 29 CFR 1926 Subpart CC-Cranes and Derricks in Construction. Digger derricks engaged in the above mentioned tasks are now governed under Subpart R and Subpart S of 29 CFR 1910 relating to telecommunication and electrical safety standards.

Since California standards already include a similar exemption, Board staff reviewed California's electrical and telecommunication orders that correspond with the federal standards to ensure that equivalent safety is provided. As a result, Board staff proposes amendments to affected sections.

**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.
- Is relying on the explanation of the provisions of the federal regulation(s) in Federal Register, Vol. 78 No. 103, Pages 32110-16, May 29, 2013 as the justification for the Board's proposed rulemaking action.

- 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).
- Will clarify regulatory language pertaining to digger derricks and will provide consistency by eliminating the discrepancy between existing Title 8 and its Federal counterpart standards.

#### Section 2940.2. Clearances.

This section prescribes clearances for qualified electrical workers performing live-line work. Table 2940.2-1 was amended for clarity and change in format. Table 2940.2-2 and Table 2940.2-4 were added to adopt tables found in 29 CFR 1910.269: Table R-7 (AC Live-Line Work Minimum Approach Distance with Overvoltage Factor Phase to Ground Exposure) and Table R-10 (Altitude Correction Factors). The existing standard does not have a table for minimum approach distances with a known maximum anticipated transient overvoltage. It also does not have a table for altitude correction.

Minimum approach distances are based on the formula found in 29 CFR 1910.269 Appendix B. These distances found in Table R-7 of the federal standard were calculated to be able to withstand a specific range of transient overvoltage (spike in voltage). Table R-7 prescribes an approach distance dependent on the maximum anticipated per-unit (kilovolt) transient overvoltage. This table will inform employers that they can utilize a minimum approach distance different from Table 2940.2-1 of Section 2940.2, if they have determined the anticipated transient overvoltage of their system through engineering analysis.

Altitude correction factors are necessary to obtain the correct approach distances for higher altitude. At elevations above 3,000 feet or mean sea level, the minimum approach distance increases due to the increase in the conductivity of air at higher altitudes. Table 2940.2-4 contains the necessary correction factors to calculate minimum approach distances at elevations above mean sea level.

#### Section 2940.7. Mechanical Equipment.

The subject of this section is mechanical equipment such as derrick trucks, cranes, and other lifting equipment that are used by electric and telecommunication companies to install and maintain overhead lines. The proposal corrects an oversight to include Article 101 in Section 2940.7(c)(1). Cranes and other hoisting equipment are covered by Articles 91 through 101 of the General Industry Safety Orders.

The other proposed change is for editorial clarification. It divides subsection 2940.7(c)(1)(A) into two sentences and thus requires renumbering for a subsequent subparagraph. These changes

are necessary to describe more clearly the two different types of clearances that are mentioned in the section. Amendments are necessary to clarify that clearances in Section 2940.2 are for qualified electrical workers performing work on or in proximity to high voltage lines, and clearances in Section 2946 are for workers not qualified to encroach in clearances specified in Section 2940.2 or other trades performing work in proximity to high voltage power lines.

#### Section 8602. General.

Proposed amendments to this section are for editorial clarification. Alternating Current was added to the title of Table TC-1. The header of the table was amended to read as nominal voltage to make it consistent with the electrical safety orders.

#### Section 8610. Vehicle-Mounted Material Handling Devices and Other Mechanical Equipment (General).

This section contains general provisions such as: inspections, rollover protection, and testing of brakes for vehicles used by the telecommunication industry to handle materials. The proposal is to add subsection (c) which requires the operator to secure the vehicle from inadvertent movement by using parking brakes, stabilizers and chocking the wheels when situated on a grade. The text in subsection (c) was adopted from the federal standard 29 CFR 1910.268(j)(4)(iv)(C). The proposed amendment is necessary to ensure that the vehicle remains stationary after it is staged for work. Unanticipated movement can cause accidents such as dropping of a load, displacement of a load, or contact with an overhead power line.

In addition, subsection (c) required the renumbering of the subsection following subsection (c).

#### Section 8611. Hoisting Equipment.

Board staff proposes a title change to clarify that this section also applies to derrick trucks and cranes. Subsection (a) was added to reference safety requirements for digger derricks to the General Industry Safety Orders. This is necessary to provide safety equivalent to the federal standard.

#### Section 8615. Overhead Lines.

Section 8615 contains work procedures and required personal protective equipment relating to installation, maintenance and removal of power lines and/or poles. Subsection (i)(4) was amended to reference Section 2940.6 to clarify the phrase “suitable insulating glove.” The proposal is to add subsection (i)(6) requiring guarding energized conductors when performing such work during rain, sleet or snow. This requirement will render the state standard to be equivalent to the federal standard. The text in subsection (i)(6) was adopted verbatim from the federal standard 29 CFR 1910.268 (n)(11)(ii). The requirement to guard power lines is necessary because rain, sleet or snow creates slippery conditions compared to dry conditions.

### REFERENCE TO COMPARABLE FEDERAL REGULATION

The Occupational Safety and Health Standards Board is proposing this rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

In conformance with Government Code Section 11346.9(c), the Board provides the following information. Federal OSHA promulgated regulations addressing Working on Exposed Energized Parts on May 29, 2013, as 29 Code of Federal Regulations, Section 1910.269 Appendix B. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 78, No. 103, pages 32110-16, May 29, 2013, as the justification for the Board's proposed rulemaking action.

#### DOCUMENTS RELIED UPON

1. Federal Register, Vol. 78 No. 103, Pages 32110-16, May 29, 2013
2. 1910.269 Appendix B – Working on Exposed Energized Parts

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.

#### 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.

##### Economic Impact Analysis

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 various sections that affect digger derricks performing a specific task related to line and pole installation and removal. It does not add additional regulatory requirements, and thus, will not have an economic

impact. On the contrary, this rulemaking is related to the exemption of digger derricks used in pole handling by the utility and telecommunication industry from the larger regulatory requirements of Article 15 of the Construction Safety Orders, which is equivalent to the Federal 1926 Subpart CC.

Therefore, the adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of 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 will not affect small businesses. No economic impact is anticipated. This rulemaking would affect large electrical and telecommunication companies.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

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.

## BENEFITS OF THE REGULATION

The amendments to the regulation would provide equivalent safety as the federal standards. Standards were amended to help prevent accidents related to the use and operation of digger derricks.

## 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 or 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.