

**OCCUPATIONAL SAFETY
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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8, Section 1520 of the Construction Safety Orders, and
Section 3384 of the General Industry Safety Orders

Hand Protection**MODIFICATIONS AS THE RESULT OF COMMENTS FROM
THE 45-DAY PUBLIC COMMENT PERIOD AND
SUBSEQUENT 15-DAY NOTICES OF PROPOSED MODIFICATIONS**

There are no modifications to the information contained in the Initial Statement of Reasons except for the following non-substantive, substantive, and sufficiently-related modifications that are the result of public comments, Occupational Safety and Health Standards Board (Board) staff evaluation, and/or Board direction.

Section 1520. Hand Protection.

Original amendments to this section consisted of replacing existing construction industry hand protection requirement with the identical language of the originally amended General Industry Safety Orders (GISO), Section 3384. A subsequent modification was proposed to delete Section 1520 entirely.

The proposed amendment is necessary to eliminate duplicative language since the organization and relationship of the GISO to the various industry specific subchapters of Title 8, allow the hand protection requirements of GISO Section 3384 to automatically apply to construction industry employers and their employees, when there is no construction standard.

Section 3384. Hand Protection.

Originally, amendments were proposed to delete language containing the phrase "unusual and excessive" and replace it with language requiring the employer to select and provide hand protection when the employee's hands are exposed to a variety of hazards which include cuts or lacerations, abrasions, thermal burns, chemical burns and harmful temperatures extremes as contained in the Federal 29 CFR 1910.138(a). Subsequent modifications were proposed to add the term "severe" in front of the word cuts and abrasions. A second modification was proposed to delete the words "severe" in both locations and include an Exception statement, to clarify that when the employer's Section 3380(f) hazard assessment indicates that the employee's hands are

exposed to cuts, lacerations and abrasions that are infrequent or superficial in nature hand protection is not required.

These proposed modifications are necessary to ensure that the employer's responsibility under the Labor Code to provide a safe and healthful working environment and to safeguard employees against all recognized hazards is not diminished and to provide that the hand protection requirement when supported by findings from the employers Section 3380(f) hazards assessment is not necessary.

**SUMMARY OF AND RESPONSES TO WRITTEN AND ORAL COMMENTS
AS A RESULT OF THE 45-DAY PUBLIC COMMENT PERIOD PUBLISHED IN
THE CALIFORNIA REGULATORY NOTICE REGISTER
DATED AUGUST 30, 2013**

I. Written Comments

Mr. John McCullough CSP, Assistant Vice President, Wells Fargo Insurance Services USA, Inc., by letter dated August 29, 2013.

Comment:

Mr. McCullough stated the modifier "severe" should be added to Sections 1520 and 3384 to make the proposal read verbatim of the Federal language in 29 CFR 1910.138(a). Mr. McCullough indicated that in the absence of the modifier "severe", the proposal would require the employer to provide hand protection even when employees were exposed to the possibility of receiving a paper cut which is unreasonable.

Response:

The Board staff accepts this comment, and the word "severe" has been added to Section 3384. Section 1520 has been repealed.

The Board thanks Mr. McCullough for his participation in the Board's rulemaking process.

Mr. John L. Bobis, P.E., PhD., Technical Principal, Environmental Health and Safety, Aerojet and Rocketdyne, by letter dated, September 23, 2013.

Comment:

Mr. Bobis' comment letter is broken down into sub comments as follows:

- A. Section 1520 should be repealed as duplicative and include a reference to Section 3384.
- B. Section 3384(a) contained repetitive language some of which should be reinstated.

- C. Section 3384, Note No. 2 should be revised to clarify that jewelry should be removed only if there is potential for coming in contact with energized parts.

Response:

- A. The Board accepts Mr. Bobis comment and will repeal Section 1520 as suggested.
- B. The Board does not accept this comment. Section 3380(f) already requires the employer to conduct an assessment of existing and potential exposures; therefore, reinstatement of the phrase “capable of causing impairment or injury” is redundant and unnecessary. Staff also rejects the reinstatement of “unusual” and “excessive” which has been identified by the Occupational Safety and Health Appeals Board as being indeterminate and lacking clarity, because there is no criteria provided in Title 8 that an employer may apply with consistency to determine what is unusual and excessive. The Board also rejects the removal of the terms “thermal burns” and “harmful” as these terms are contained in the federal language and like the word “severe” help to ensure that the requirement is not overly burdensome or excessive in terms of the employer’s responsibility to take action and provide Personal Protective Equipment.
- C. The Note is merely informational, unenforceable language that was not proposed for amendment by staff. The employer’s injury and illness prevention program (Section 3203 IIPP program) is the best way for an employer to gauge whether there is a potential for contact with energized parts of equipment and machinery. A blanket requirement that requires what is already required by Section 3380(f) is unnecessary; therefore the Board believes no modification of Note No. 2 is necessary.

The Board thanks Mr. Bobis for his participation in the Board’s rulemaking process.

Mr. Bill Taylor, CSP, PASMA-South Chapter, Legislative and Regulatory Representative, by letter dated October 7, 2013.

Comment:

Mr. Taylor is concerned over the Division arbitrarily issuing citations to employers for the failure to provide hand protection to prevent minor cuts or lacerations. Mr. Taylor also stated that in the absence of the modifier “severe” contained in 29 CFR 1910.138 (a,) the proposal which was intended to eliminate vague and ambiguous language will again create a standard that is equally vague and ambiguous. He suggests the proposal be verbatim of the federal standard or that the term ““unusual” and excessive exposure” should be defined.

Response:

See the Board’s response to Mr. McCullough’s written comments above.

The Board thanks Mr. Taylor for his participation in the Board’s rulemaking process.

Ms. Dana Lahargoue, Chair, CEA Safety Committee, Construction Employer's Association, by letter dated October 10, 2013.

Comment:

Ms. Lahargoue echoed the written comments from Mr. Taylor and Mr. McCullough regarding the inclusion of the term "severe" into Sections 3384(a) and 1520. Ms. Lahargoue also suggested keeping the exception in Section 1520.

Response:

See the Board's response to Mr. McCullough's written comments above. Additionally, the Board rejects keeping the exception for Section 1520 as the wording of this exception is reflected in the wording of Section 3384(b).

The Board thanks Ms. Lahargoue for her participation in the Board's rulemaking process.

Mr. Dave Tognetti, Senior Safety Manager, Raley's Supermarkets, by written submission received October 16, 2013.

Comment:

As the previous commenters, Mr. Tognetti recommended the proposal be modified to be verbatim of the Federal standards in 29 CFR 1910.138 (a), stating that as written, the proposal will be enforced to require employers to provide hand protection even for the most minor cut or abrasion hazards which is unreasonable.

Response:

The Board agrees and accepts Mr. Tognetti's comment and will modify the proposal to include the term "severe" in Section 3384(a) as suggested.

The Board thanks Mr. Tognetti for his participation in the Board's rulemaking process.

Mr. Tim James, Manager, Local Government Relations, California Grocers Association, Ms. Karen Bush, Senior Legislative Director, Government Affairs and Public Policy, California Restaurant Association, and Ms. Mandy Lee, Director of Government Association, California Retailers Association jointly, by letter dated October 16, 2013.

Comment:

Mr. James, Ms. Bush and Ms. Lee, stated concerns over the omission of the term "severe" in staff's proposal which is essentially verbatim of the Federal standard in 29 CFR 1910.138(a). As

the previous commenters, they recommend that the Board modify the proposal to read essentially verbatim of the Federal standard by including the modifier “severe”.

Response:

The Board agrees with the commenters and will modify the proposal to include the omitted modifier “severe” in Section 3384(a) [CSO Section 1520 will be repealed leaving Section 3384 as the operative provision for construction, as well as general industry].

The Board thanks Mr. James, Ms. Bush and Ms. Lee for their participation in the Board’s rulemaking process.

Mr. Patrick Singh, Director of Safety, Safeway Inc., by written submission to the OSHSB at the October 17, 2013 Public Hearing.

Comment:

Mr. Singh’s concerns echoed those of Mr. Tognetti.

Response:

See the Board’s response to Mr. Tognetti’s written comments above.

The Board thanks Mr. Singh for his participation in the Board’s rulemaking process.

Ms. Anne Katten, MPH, California Rural Legal Assistance Foundation (CRLAF), by letter dated October 17, 2013.

Comment:

Ms. Katten stated that she supports the proposed amendment and agrees with the deletion of the words “unusual” and “excessive” as not being protective. She stated that the incidence of skin disorders among agricultural workers is high due to the nature of their exposure in the field. She also stated that the argument expressed by industry at the Board’s October 2013 Public Hearing is shallow as far as the potential for adverse cost impact due to an overly broad duty to comply created by the omission of the federal modifier “severe” in the text since the proposal already states that employers must supply “appropriate” hand protection. Therefore CRLAF strongly opposes modification of the proposal to include such modifiers as it would deny hand protection to many workers who routinely are exposed to single or multiple skin hazards.

She also suggested the addition of several more examples of common skin hazards such as those that cause blisters, chemical irritation and sensitization due to biological agents, and disease causing organisms.

Response:

The Board believes that in the absence of statistical data supporting Ms. Katten's claim of a higher incidence of certain types of skin disorders among agricultural workers, it cannot determine whether Ms. Katten's comment alone is sufficient basis to merit modification of the proposal. The Board notes that the amended proposal addresses contact with harmful substances which would include skin irritants and sensitizers be they chemical or biological. The Board also wishes to point out that to require *appropriate* hand protection pertains to the selection of the type of hand protection according to the nature of the hazard and has nothing to do with when the employer is required to provide hand protection. Therefore, to say that the word "appropriate" provides the relief employers are concerned about with regard to their duty to provide hand protection for even the most subtle or minute exposures is not accurate. Ms. Katten is reminded that Section 3380(f) of the GISO addresses the employer's duty to assess, select and therefore provide the proper type of personal protection for his/her employees, thus requiring the employer to take into account the nature of the work and exposure to ensure personal protective equipment (e.g. hand protection) will be effective. The Board believes that compliance with this standard is effective in ensuring that hand protection is provided when it is actually needed and not unnecessarily which raises a reasonable cost concern expressed by some of the previous commenters.

The Board also believes that the existing list of exposure types contained in the proposal is adequate to address most, if not all, of the most commonly encountered hand exposures for a wide variety of general industries in California. In fact, the list of hand exposures is larger than the federal hand protection standard as it includes radioactive materials which are not listed in the federal standard. If Ms. Katten has credible documentation that shows that agricultural employees are exposed to factors in their occupations which are not found in other occupations which could result in safety or health trauma to their hands that are not included in exposure types listed in Section 3384(a), Ms. Katten may wish to consider petitioning the Board to amend agricultural operations standards to address any such unique hand exposures.

Consequently, the Board believes that no further modification of the proposal based on Ms. Katten's comments, are necessary.

The Board thanks Ms. Katten for her comments and participation in the Board's rulemaking process.

II. Oral Comments

Oral comments received at the October 17, 2013, Public Hearing in Sacramento, California.

Mr. Bill Taylor CSP, Legislative and Regulatory Representative, representing PASMA, South Chapter.

Comment:

Mr. Taylor stated the proposal is vague and creates confusion by omitting the term “severe”. As proposed, the standard would obligate every employer to provide hand protection for every situation where a laceration could possibly occur. Mr. Taylor stated that the proposal should be verbatim of the federal standard or the terms “unusual” and “excessive” should be clarified.

Response:

The Board agrees with Mr. Taylor and has modified the proposal to include the modifier “severe” in the proposal. See the Board’s response to Mr. Taylor’s written comment letter dated October 7, 2013.

Mr. Tim James, California Grocers Association.

Comment:

Mr. James stated he notes the lack of descriptors in the proposal with regard to the absence of the terms “severe” and that this could lead to the employer being obligated to provide hand protection for even the most minor of injuries caused by tools such as scissors. He recommended the Board review the federal hand protection standard and consider using the word “severe” and other qualifiers to eliminate confusion.

Response:

The Board agrees with Mr. James. See the response to Mr. Taylor’s oral comments.

Mr. Robert Singh, Safeway, Inc.

Comment:

Mr. Singh recommended the proposal fully adopt 29 CFR 1910.138(a) and (b), which will provide consistency needed in the proposal.

Response:

The Board agrees with Mr. Singh. See the Board’s response to Mr. Patrick Singh’s written comments received by the Board on October 17, 2013.

Ms. Anne Katten, CRLA

Comment:

Ms. Katten opined that the proposal is not excessive and supports the proposal. She indicated that she believes the amendments render a clearer hand protection standard as it captures the

concept of the employee being provided with hand protection as deemed necessary by the nature of the exposure.

Response:

The Board acknowledges Ms. Katten for her support of the proposal. However, see the Board's response to Ms. Katten's written comments dated October 17, 2013.

Ms. Dorothy Wigmore, WORKSAFE.

Comment:

Ms. Wigmore stated that she supports the proposed amendments and indicated that there has been disagreement over what is the difference between what is "serious" and what is "unusual" and believes that the proposal will ensure that the employer selects proper hand protection for the employee as needed.

Response:

The Board acknowledges Ms. Wigmore for her support of the proposal. However, see the Board's response to Ms. Katten's written comments to the Board dated October 17, 2013.

Mr. Kevin Bland, representing the California Framing Contractors Association and the Residential Contractors Association.

Comment:

Mr. Bland recommended the Board revise the proposal, because it is not clear and may result in hand protection being required in any situation where insignificant injury could occur. He said that the lack of modifiers in the proposal makes it too broad and could result in unintended consequences.

Response:

The Board agrees with Mr. Bland and has modified the proposal accordingly consistent with the federal hand protection standard by adding the modifier "severe".

**SUMMARY OF AND RESPONSES TO COMMENTS AS A RESULT OF THE
FIRST 15-DAY NOTICE OF PROPOSED MODIFICATIONS
MAILED ON NOVEMBER 19, 2013**

Ms. Juliann Sum, Acting Chief, Division of Occupational Safety and Health (Division), by letter dated December 4, 2013.

Comment:

The Division stated concerns about the proposed modifications and does not recommend they be adopted unless further modified. The Divisions stated that the term “severe” should be deleted from the language as it does nothing to improve the clarity of the proposal, since there is no definition proposed for the term ‘severe’. The Division stated that the various definitions of the word ‘severe’ may cause employers to determine that hand protection need not be required for a variety of operations in which glove use is common and necessary to prevent injuries. The Division emphasized that Title 8 has provided effective hand protection to employees without having California employers determine the severity of an injury to establish a threshold of protection.

The Division also stated that the Section 3380(f) requirement for personal protective equipment (PPE) assessment will ensure the proper level and degree of protection if any, is provided. The Division stated that if the Board believes further clarification of this point is needed in the absence of the term “severe”, an exception should be added and follow this subsection to state that “hand protection for cuts, lacerations and abrasions is not required when the employer’s PPE assessment as required by Section 3380(f) determines that the risk of such injury to the employee’s hands is infrequent and superficial.”

The Division concluded by also recommending the term “employees” be replaced by the term “employee’s”, to ensure the employer understands that the duty to provide PPE is applicable to one or more employees.

Response:

The Board agrees with the suggested modifications, and the proposal will be further modified accordingly.

The Board thanks Ms. Sum for her comments and participation in the Board’s rulemaking process.

Mr. David Y. Shiraishi, MPH, Area Director, Region IX, OSHA U. S. Department of Labor, by letter dated December 5, 2013.

Comment:

Federal OSHA stated that it believes the modified proposal to be commensurate with the comparable Federal standard.

Response:

The Board acknowledges Region’s IX’s comment and thanks Mr. Shiraishi for his participation in the Board’s rulemaking process.

Mr. Jeremy Smith, Deputy Legislative Director, State Building and Construction Trades Council, by letter dated December 6, 2013.

Comment:

Mr. Smith stated that while the terms “unusual and excessive” need to be stricken from the proposal, the addition of the term “severe” to the proposal will weaken the existing standard, and he believes such inclusion is not justified. Mr. Smith noted that Section 3380(f), which requires PPE hazard assessment by the employer, will ensure that hand protection is provided when necessary and will not encumber the employer unreasonably to provide hand protection.

Mr. Smith also stated that repealing the Construction Safety Order could cause problems with citations, if the Division does not have a distinct hand protection standard for the Construction industry.

Response:

The Board agrees with Mr. Smith with regard to the need to delete the term “severe” from the proposal. (See the response to Ms Sum’s December 4, 2013, comment letter).

The Board does not agree to keep the Construction Safety Order hand protection standard, since the PPE requirements of Article 10 of the General Industry Safety Orders apply to workers in the construction industry and any other industry for which a specific vertical standard is not provided. The Board believes there is no need to continue to maintain duplication within Title 8 which does nothing to improve the overall level of worker safety.

The Board thanks Mr. Smith for his comments and participation in the Board’s rulemaking process.

Ms. Dorothy Wigmore, WORKSAFE, by letter dated, December 6, 2013.

Comment:

Ms. Wigmore’s nine page comment letter essentially echoed the concerns raised by the Division and Jeremy Smith, stating that the term “severe” should be deleted from the proposal and that the hand protection language in the construction safety orders should not be repealed. Besides the accident experience which supports a finding that hand injuries by workers are of significant numbers and frequency in certain industries such as the grocery industry, which opposed the proposal as originally submitted to the Board and public for comment. The cost to industry is significant according to the accident documentation submitted compiled by Ms. Wigmore. Ms. Wigmore also noted claims by businesses who commented on the original proposal, that without the addition of the term “severe”, the proposal would legally obligate the employer to provide hand protection when there is the slightest risk of even the most minor injury; according to Ms. Wigmore, those claims are unsubstantiated. She stated that the basic accident data that is public

record, compiled from long standing studies, consistently counters the employer's arguments the need for hand protection only for "severe" cuts, lacerations and abrasions.

Ms. Wigmore recommended that the term "severe" be stricken from the proposal and that the construction industry not be left out of the hand protection requirement. Ms. Wigmore stated that specific training requirements be added for supervisors and employees with special attention given to workers other than white males and for the Board to review its process for requiring evidence from those making comments and from its own staff who are responding to those comments.

Response:

In response to those portions of Ms. Wigmore's comments that are relevant and within the scope of the 15-day notice, the Board agrees with Ms. Wigmore with regard to the need to delete the term "severe" from the modified proposal. (See the Board's response to Ms. Sum's written comments above). In regards to keeping the Construction hand protection standard, see the response to Mr. Smith's written comments above.

With regard to the matter of training raised by Ms. Wigmore, the Board does not accept this comment given the Injury and Illness Prevention Program (IIPP) requirements of Section 3203 and Construction Safety Orders, Section 1509 IIPP program requirements, both of which address employee training and instruction without regard to race, color, ethnicity, sexual orientation and creed.

The Board believes, Ms. Wigmore's comment concerning the process of requiring evidence from public commenters and the Board's response to such comments is outside the scope of this rulemaking.

The Board thanks Ms. Wigmore for her comments and participation in the Board's rulemaking process.

**Mr. Bill Taylor, CSP, PASMA-South Chapter, Legislative and Regulatory Representative.
by letter dated December 6, 2013.**

Comment:

Mr. Taylor states he supports the inclusion of the term "severe" in the proposal and states he supports the change.

Response:

The Board appreciates Mr. Taylor's participation in the rulemaking process and acknowledges his support for the proposal as modified; however upon reconsideration, the Board has determined that an exception statement as described in Ms. Sum's December 4, 2013, comment letter should be added, which will hone and restrict the employers duty to comply through

compliance with the Section 3380(f) Hazard Assessment requirement. The employer would not be required to provide hand protection for every employee and for every case, but only those employees and in such cases where the assessment deems it necessary.

The Board thanks Mr. Taylor for his comments and participation in the Board's rulemaking process.

Ms. Jacqueline Nowell, Director Occupational Safety and Health Office, United Food and Commercial Workers International Union, by letter dated December 6, 2013.

Comment:

Ms. Nowell stated that, based on the Bureau of Labor Standards accident data for meat packing and poultry plants, there is clear evidence that the use of the term "severe", when used as it is in the Federal OSHA hand protection standard does not protect workers from cuts, lacerations and abrasions. She stated that California should not follow this approach as contained in the proposed modification. She also stated that it is questionable whether use of the term "severe" violates the California Labor Code in Section 6401 requiring all employers to furnish a safe and healthful place of employment and provide and use all means of safeguarding that is adequate to render such places of employment safe.

Ms. Nowell concluded by urging the Board to delete the term "severe" where used in the proposed modifications.

Response:

The Board agrees with Ms. Nowell and proposes to modify the proposal further by deleting the term "severe".

The Board thanks Ms. Nowell for her comment and participation in the Board's rulemaking process.

Ms. Anne Katten, MPH, and Mr. Michael Meuter, Attorney, California Rural Legal Assistance Foundation , by letter dated December 6, 2013.

Comment:

Ms. Katten and Mr. Meuter's comments echoed those of Ms. Wigmore, Ms. Nowell, the Division and Mr. Smith with regard to the use of the term "severe" in the modified proposal (refer to those comments for specific details). They asked that the Board modify the proposal to delete the term "severe" because only requiring hand protection to prevent severe cuts and abrasions would not adequately protect California workers nor comply with California labor laws.

Response:

The Board agrees with Ms. Katten and Mr. Meuter and proposes to modify the language further to delete the term “severe”.

The Board thanks Ms. Katten and Mr. Meuter for their comments and participation in the Board’s rulemaking process.

**MODIFICATIONS AS A RESULT OF COMMENTS FROM THE
SECOND 15-DAY NOTICE OF PROPOSED FURTHER MODIFICATIONS**

No further modifications have been made to the proposed standard as the result of the Second 15-Day Notice of Proposed Modifications mailed on January 10, 2014.

**SUMMARY OF AND RESPONSES TO COMMENTS AS A RESULT OF THE
SECOND 15-DAY NOTICE OF PROPOSED FURTHER MODIFICATIONS**

**Mr. Bill Taylor CSP, PASMA Legislative and Regulatory Representative, by letter dated
January 17, 2014**

Comment:

Mr. Taylor stated that PASMA opposes deletion of the term “severe” which is used in federal counterpart language and the inclusion of the exception and its use of the term superficial which he believes should be deleted as it introduces confusion.

Response:

Notwithstanding the use of the terms “unusual and excessive” which we know to have created employer confusion as evidenced by the OSHAB decision that triggered this rulemaking proposal, the Board notes that existing Section 3384 language does not contain the terms “severe”.

The Board believes the common meaning of the term “superficial” is sufficiently clear to define the employer’s obligation under Section 3384 to provide hand protection. The Board also notes that the employer’s responsibility to provide or not provide personal protective equipment (PPE) is governed in significant part by the hazard assessment requirement of Section 3380(f) which ensures that PPE is worn when necessary as determined by the hazard assessment that is to be performed.

For these reasons, the Board believes no further modification of the proposal is necessary.

The Board thanks Mr. Taylor for his comment and participation in the Board’s rulemaking process.

Ms. Anne Katten, MPH, California Rural Legal Assistance Foundation (CRLAF), by letter dated January 24, 2014

Comment:

Ms. Katten stated that the CRLAF supports the second modified proposal and urged the Board to adopt it.

Response:

The Board acknowledges CRLAF support for the second modified proposal and thanks Ms. Katten for her participation in the Board's rulemaking process.

Ms. Dorothy Wigmore, WORKSAFE, by letter dated January 27, 2014

Ms. Wigmore stated WORKSAFE supports the second modifications of the proposal but does not support the deletion of hand protection requirements from CSO Section 1520, citing that construction industry employees need to know that they are covered by the hand protection standard contained in GISO Section 3384 and that their hand protection requirements are shifted and not removed.

Ms. Wigmore also stated that her comments pertaining to training were misinterpreted regarding employees that are white and/or male, clarifying that her point was that all PPE must be selected on the basis of fit according to the unique physical characteristics of each worker.

Ms. Wigmore re-iterated her concerns regarding the process by which public hearing testimony is handled by staff, from her letter dated December 6, 2013 (see above).

Ms Wigmore concluded her comments stating (1) the CSO should be clear that construction workers are covered by Section 3384, (2) add a requirement that supervisors and workers alike be trained about selecting and using gloves with attention to the anthropomorphic uniqueness of each worker and, (3) review the Board's process for reviewing evidence from commenters and staffs manner in which such comments and evidence are handled.

Response:

The Board does not believe further amendment of Section 1520 in particular or the CSO in general is necessary given the relationship of the GISO. GISO Section 3384 hand protection requirements automatically apply when a vertical hand protection standard does not exist. To date there have not been any problems associated with industry-specific repealed standards and reliance on the GISO as far as employees being left unprotected. This suggests that California construction industry employers are well aware of the fact that, that when a vertical standard is absent from any of the industry-specific subchapters of Title 8, that per GISO Section 3202(a) the general orders apply.

Therefore, Ms. Wigmore's closing point No. 1 is not accepted for further modification by the Board

With regard to Ms. Wigmore's point No. 2, this comment is outside the scope of this 15-day notice.

With regard to point No. 3, this issue pertains to an internal Board process that is completely outside the scope of this 15-day notice.

The Board believes no further modification of the proposal is necessary and thanks Ms. Wigmore for her comments and participation in the Board's rulemaking process.

Mr. Jeremy Smith, Deputy Legislative Director, State Building and Construction Trades Council, by letter dated January 27, 2014

Comment:

Mr. Smith stated that he supports removal of the term "severe" from the proposal. Mr. Smith stated however, that California's men and women in the construction industry need and deserve a distinct hand protection standard in the CSO and ask that a notation be placed in CSO Section 1520 directing the employer to GISO section 3384. A similar reminder should be placed on appropriate websites and on handouts as well.

Response:

See response #1 to Ms. Wigmore's January 27, 2014, comment letter.

The Board believes no further modification of Section 1520 is necessary and thanks Mr. Smith for his comments and participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does 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.