

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only
IN THE OFFICE OF

STD. 400 (REV. 01-2013)

NOTICE FILE NUMBER Z-2013-0422-03	REGULATORY ACTION NUMBER 2013-0719-005	EMERGENCY NUMBER
---	--	------------------

2013 AUG 29 PM 3:25

RECEIVED FOR FILING PUBLICATION DATE APR 22 '13 MAY 03 '13 Office of Administrative Law NOTICE	2013 JUL 19 PM 4:49 OFFICE OF ADMINISTRATIVE LAW REGULATIONS
---	--

DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
Occupational Safety and Health Standards Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Construction Safety Orders, Section 1533	TITLE(S) Title 8	FIRST SECTION AFFECTED 1533	2. REQUESTED PUBLICATION DATE May 3, 2013
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Marley Hart, Executive Officer	TELEPHONE NUMBER (916)-274-5721	FAX NUMBER (Optional) (916)-274-5743
5. ACTION ON PROPOSED NOTICE <input checked="" type="checkbox"/> ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2013 182	PUBLICATION DATE 5/3/2013	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Internal Combustion Engine-Driven Equipment (Technical Amendments)

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES(S) AND SECTIONS(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ACTION
	ADOPT
	AMEND Section 1533
TITLE(S) 8	REPEAL

3. TYPE OF FILING

Regular Rulemaking (Gov. Code §11346)
 Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
 Emergency (Gov. Code, §11346.1(b))

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
 Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)

Emergency Readopt (Gov. Code, §11346.1(h))
 File & Print
 Other (Specify) _____

Changes Without Regulatory Effect (Cal. Code Regs. title 1, §100)
 Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, 944 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(b); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 §100 Changes Without Regulatory Effect
 Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM 56650) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON
Marley Hart, Executive Officer

TELEPHONE NUMBER
916-574-5721

FAX NUMBER (Optional)
916-274-5743

E-MAIL ADDRESS (Optional)
mhart@dir.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Marley Hart

DATE
July 18, 2013

TYPED NAME AND TITLE OF SIGNATORY
Marley Hart, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 29 2013

Office of Administrative Law

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 1 of 2

PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 1533 to read as follows:

§1533. Internal Combustion Engines.

(a) Internal combustion engine-driven equipment shall be operated inside buildings or enclosed structures, or, if they are 20 feet or less in depth, inside shafts, culverts, and pipelines ~~or other excavations~~, only when such operation does not result in exposure to dangerous gases or fumes in concentrations above the maximum acceptable limits listed in Section 5155 of the General Industry Safety Orders. Some acceptable methods of control are:

- (1) Piping exhaust gases to the outside atmosphere.
- (2) Providing a system of building ventilation that dilutes and removes exhaust products to outside atmosphere.
- (3) Installing effective, catalyst-type exhaust treatment units on the engines.

(b) When internal combustion engine-driven equipment is operated in shafts that are 20 feet or less in depth into which employees enter, culverts into which employees enter, or pipelines or other excavations are 20 feet or less in depth and into which employees enter and when a hazardous atmosphere exists or could be reasonably expected to exist, when internal combustion engine-driven equipment is operated therein, a mechanical ventilation system shall be provided to prevent exposure to the internal combustion engine's emissions. The ventilation system, which may consist of a mechanical exhaust system, a forced air ventilation (blower) system or a combination of the two, shall:

- (1) Supply fresh air at a minimum of 60 lineal feet per minute through the area where the engine is operated;
- (2) Supply at least 100 cubic feet of fresh air per minute per engine brake horsepower of the internal combustion engine used;
- (3) Supply a minimum of 200 cubic feet of fresh air per minute for each person that enters the space, and
- (4) Be inspected by a competent person at the beginning of each shift, or more frequently, to ensure an effective supply of fresh air.

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 2 of 2

PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

(c) When internal combustion engine-driven equipment is operated in excavations that are greater than 4 feet in depth into which employees enter, and a hazardous atmosphere exists or could be reasonably expected to exist, employees shall be protected in accordance with the requirements of Section 1541(g).

(ed) If any work location subject to subsection (b) is subject to confined space safety orders contained in these orders, the General Industry Safety Orders or other Title 8 safety orders, and if the provisions of subsection (b) are less protective than a confined space safety order, the confined space safety order shall take precedence.

Note: For shafts greater than 20 feet in depth and excavations subject to the Tunnel Safety Orders, refer to Title 8, Division 1, Chapter 4, Subchapter 20, the Tunnel Safety Orders.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.