

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

**INITIAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 3314 of the General Industry Safety Orders

**Lockout Tagout (LOTO) – Group Lockout****SUMMARY**

Review of Section 3314 of the General Industry Safety Orders (GISO) and Section 2320.4 of the Low-Voltage Electrical Safety Orders, discloses that group lockout/tagout requirements were lacking in Title 8 standards. Federal OSHA's comparable energy control standard specifically addresses group lockout/tagout device requirements. Therefore, the California standard is not at least as effective as (ALAEA) the federal standard.

This rulemaking action proposes amending Section 3314 to add the federal group lockout/tagout language derived from 29 CFR 1910.147(f)(3) and (4). The proposal will render Title 8, GISO, Section 3314 ALAEA the federal standard as required by Labor Code Section 142.3(a)(2). This proposal will ensure that a single individual will not have the ability to remove locks and tags from a group lockout/tagout device which could result in a serious injury or fatality.

**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 is derived from Federal OSHA language for group lockout/tagout requirements that is lacking in Title 8. Federal standards address group lockout/tagout that

requires each employee involved in working on or near equipment and machinery subject to inadvertent startups to place personal lockout/tagout devices on the master group energy control mechanism. Current Title 8 standards do not have an equivalent requirement comparable to 29 CFR 1910.147(f)(3) and (4). Therefore, the State proposes to align the instructions with the federal provisions and ensure that Title 8 is ALAEA the counterpart federal standards for group lockout/tagout.

- 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).
- This proposal will provide consistency by eliminating the discrepancy between existing Title 8 and its federal counterpart standard. The amendments align Title 8 standards with the federal instructions regarding group LOTO.

Section 3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

This section applies to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment in which the unexpected energization or start-up of the machines or equipment, or release of stored energy could cause injury to employees. The standard includes unjamming prime movers, machinery and equipment as it pertains to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment.

Subsections (h), (i), and (j).

Existing subsection (h), "Periodic inspection," existing subsection (i), and existing subsection (j), "Training," have been relocated without revisions and are now formatted as subsections (j), (k) and (l), respectively, in the proposal.

The proposed new formatting of the existing subsections allows inclusion of a new subsection (h), Group Lockout or Tagout and a new subsection (i), Shift or Personnel Changes.

New Subsection (h). Group Lockout or Tagout.

New subsection (h)(1), entitled "Group Lockout or Tagout" requires that when servicing or maintenance is performed by a crew or group, a procedure will be used which affords employees a level of protection equivalent to that provided by a personal lockout/tagout device. New subsection (h)(2) requires that group lockout/tagout devices be used according to procedures specified in subsection (g) regarding the control of hazardous energy. Subsection (h) further states requirements that include, but are not necessarily limited to, responsibilities of an authorized employee as

described in new subsections (h)(2)(A), (B), (C) and (D). New subsection (h)(2)(A) assigns responsibility to an authorized employee for a set number of employees working under a group lockout/tagout device. New subsection (h)(2)(B) requires that provisions be made available for the authorized employee to ascertain the exposure status of group members under the lockout/tagout requirements. New subsection (h)(2)(C) assigns overall lockout/tagout job associated control responsibility to an authorized employee when more than one crew, department, etc., is involved to coordinate the work force and maintain the continuity of protection. New subsection (h)(2)(D) requires each authorized employee to affix a personal lockout/tagout device to the group lockout mechanism at the beginning of the work and remove the device when work is completed on the equipment being serviced or maintained.

These new provisions are necessary to ensure that the Title 8 standard is ALAEA the equivalent Federal OSHA standards.

New Subsection (i). Shift or Personnel Changes.

New subsection (i), entitled “Shift or Personnel Changes” requires specific procedures be utilized during a shift change to maintain continuity of protection, orderly transfer between off-going and oncoming employees, minimize exposure from unexpected energization of equipment, or release of stored energy. The proposal is necessary to ensure that the State standard is ALAEA the federal standard.

DOCUMENTS RELIED UPON

1. E-mail transmission, dated September 15, 2010, from Maryrose Chan to Kevin Chu.
2. Federal provisions pertaining to the control of hazardous energy (lockout/tagout) are in 29 CFR 1910.147. <https://www.osha.gov>

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.

#### 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 expands the provisions of the existing standard by adopting the federal language as it pertains to group lockout/tagout procedures. This proposal amends Section 3314 to be consistent with 29 CFR 1910.147(f)(3) and (4) and renders Title 8 ALAEA the federal standards as required by Labor Code Section 142.3(a)(2).

The adoption of the proposed amendments to this standard will not have any effect on the creation or elimination of California jobs nor result in the creation or elimination of existing businesses or affect the expansion of existing California businesses. The proposal simply provides expanded instructions when servicing or maintenance of equipment is performed by a crew or group. The adoption of this proposal will promote worker safety by providing an added layer of protection for employees exposed to machinery subject to inadvertent start-ups.

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, no adverse economic impact is anticipated.

## RESULTS OF THE ECONOMIC IMPACT 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. The proposal simply provides expanded instructions when servicing or maintenance of equipment is performed by a crew or group. The adoption of this proposal will promote worker safety by providing an added layer of protection for employees exposed to machinery subject to inadvertent start-ups.

## BENEFITS OF THE REGULATION

The proposal would provide businesses, small or large, clear direction in protecting employees from exposures to uncontrolled hazardous energy. The adoption of this proposal will ensure that current and expanded instructions are provided when employees are engaged in the cleaning, repairing, servicing, setting-up, or adjusting of machinery or equipment to prevent the unexpected energization or release of stored energy that could cause severe injuries or death. This regulatory proposal will render Title 8, Section 3314 of the GISO at least as effective as the counterpart federal regulation.

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