

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/oshsh](http://www.dir.ca.gov/oshsh)



NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
AND NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **February 21, 2008**, at 10:00 a.m.  
in the Harris State Building, Auditorium  
1515 Clay Street, Oakland, California 94612.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **February 21, 2008**, following the Public Meeting  
in the Harris State Building, Auditorium  
1515 Clay Street, Oakland, California 94612.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **February 21, 2008**, following the Public Hearing  
in the Harris State Building, Auditorium  
1515 Clay Street, Oakland, California 94612.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

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JOHN D. MACLEOD, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS  
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **February 21, 2008**.

1. TITLE 8:     **CONSTRUCTION SAFETY ORDERS**  
Chapter 4, Subchapter 4, Article 3  
Section 1524  
**Drinking Water in Construction**
  
2. TITLE 8:     **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7  
Article 91, Section 4885  
Article 93, Section 4924  
Article 98, Section 5004(e)(3)  
**Mobile Crane Load Safety Devices**

Descriptions of the proposed changes are as follows:

1. **TITLE 8:**        **CONSTRUCTION SAFETY ORDERS**  
Chapter 4, Subchapter 4, Article 3  
Section 1524  
**Drinking Water in Construction**

### **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

This proposal was initiated in response to a Division of Occupational Safety and Health (Division) Form 9 received by the Occupational Safety and Health Standards Board (Board) on November 3, 2004. The Division requests that Section 1524, Water Supply, be amended to allow the use of sealed one-time use water containers and re-usable individual water containers which, the Division asserts, the current standard does not permit. The Division also requests that the standard be revised to specifically prohibit the use of common drinking receptacles in order to reduce the risk of disease transmission.

Section 1524 of the Construction Safety Orders contains requirements regarding the provision of potable drinking water, including safeguards to protect employees from exposure to pathogenic microorganisms which can be transmitted from one employee to another when employees share drinking water containers. Section 1524 and the counterpart federal standard, 29 Code of Federal Regulations (CRF), Section 1926.51, contain nearly identical requirements, except the federal standard prohibits the common use of a drinking receptacle.

The proposed revisions would provide employers with two additional options for providing drinking water for employees. These options are: 1) ensure access to re-usable, closable, personally identifiable containers for individual employee use, and 2) provide sealed one-time use water containers for individual employee use. In order to be at least as effective as the counterpart federal standard, the proposal would also prohibit the common use of a drinking cup or container. In addition, the proposal would reference Section 3395, Heat Illness Prevention in Outdoor Places of Employment, to inform employers that there are additional requirements in that standard which may be applicable.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

#### **Section 1524(a)(1)**

Subsection (a)(1) requires that an adequate supply of drinking water be provided; however, it does not give any guidance on the quantity of water which must be provided. The proposal would add a note to inform employers that additional requirements for the provision of drinking water in outdoor places of employment are contained in Section 3395 of the General Industry Safety Orders. Section 3395, Heat Illness Prevention for Outdoor Places of Employment, became effective July, 27, 2006, as a permanent standard. One of the provisions of that standard requires that outdoor places of employment provide, or have effective replenishing procedures which are capable of providing, one quart of water per employee per hour. The effect of this proposed amendment is to give direction to employers on the quantity of

water which must be provided in outdoor places of employment and to make employers aware of other additional requirements which apply to the provision of drinking water in outdoor places of employment.

### **Section 1524(a)(2)**

Subsection (a)(2) requires that portable containers used to dispense drinking water be equipped with a faucet or drinking fountain. It also prohibits the dipping of water from containers and requires that containers be designed, constructed and serviced so that sanitary conditions are maintained. The proposed amendment would clarify that faucets or fountains are only required on containers that are used to provide water to more than one person. The effect of this proposed amendment is to provide more flexibility for employers to make potable water readily available to their employees without diminishing existing provisions which guard against unsanitary conditions and practices.

### **Section 1524(a)(4)**

Subsection 1524(a)(4) specifies that single-service cups shall be supplied where there is no drinking fountain. The proposed amendment would provide employers with two additional alternatives for providing drinking water when drinking fountains are not available. One of the new, proposed alternatives would require that the employer supply sealed one-time use water. The other new, proposed alternative would require that the employer ensure each employee has access to a refillable, closable, personally identifiable container for the employee's individual use. The proposal would move the requirement regarding containers for storing and disposing of single-service cups to new subsection (a)(5). The effect of this proposed amendment is to provide more flexibility for employers to make potable water readily available to their employees without diminishing existing provisions that guard against unsanitary conditions and practices.

### **New Section 1524(a)(5)**

Subsection (a)(5) would contain the requirement, which was relocated from subsection 1524(a)(4), that employers provide containers for storing and disposing of single-service cups where these cups are supplied. A provision would be added to require that a receptacle for disposing of one-time use water containers be provided where these containers are supplied. The effect of this amendment is to require that a receptacle for disposal of one-time use water containers be provided where these containers are supplied.

### **New Section 1524(a)(6)**

Subsection (a)(6) and the related exception is proposed to prohibit employees from using the same drinking cup or container unless it can be done in a sanitary manner. The counterpart federal standard, 29 CFR, Section 1926.51 prohibits the common drinking cup. The effect of this proposed amendment is to be at least as effective as the counterpart federal standard.

## **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.

### **Impact on Businesses**

The Board has made an initial 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 would allow more flexibility for employers to supply potable water to their employees.

### **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 standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposal does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way

require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

### **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated. The proposed amendment allows more flexibility for employers to supply potable water to their employees.

### **ASSESSMENT**

The adoption of the proposed amendments to this standard 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.

### **REASONABLE ALTERNATIVES CONSIDERED**

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:**      **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7  
Article 91, Section 4885  
Article 93, Section 4924  
Article 98, Section 5004(e)(3)  
**Mobile Crane Load Safety Devices**

### **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

Proposed changes to General Industry Safety Orders (GISO) Section 4885, “Definitions” and Section 4924, “Load Safety Devices” and Section 5004, “Crane or Derrick Suspended Personnel Platforms” are in large part the result of the Division of Occupational Safety and Health (Division) Memorandums to the Occupational Safety and Health Standards Board (Board) dated April 23, 2001, modified by the Division’s Memorandum dated February 9, 2007. The Division states that it investigated two fatal accidents where the crane’s “headache ball” was dropped as the result of a two-blocking condition<sup>1</sup>. When a crane is equipped with a functional anti two-block device or warning feature, the hazards of a crane’s load block or any part of the load hitting the crane’s boom tip point sheave assembly, which could part the load line and cause the headache ball or load to drop, is greatly mitigated.

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<sup>1</sup> Two-Blocking is a condition in which the lower load block or hook assembly comes into contact with the upper load block or boom point sheave assembly of a crane.

The Division indicates that certain mobile crane related safety standards in the GISO are not equivalent to national consensus safety standards for mobile cranes provided in the American Society of Mechanical Engineers (ASME) B30.5 standards. Safety orders in Section 5004 address provisions for preventing accidents/injuries from two-blocking situations when a crane is hoisting a platform with personnel in it and the proposal provides clarity amendments for this section. However, Title 8, GISO crane safety standards do not adequately specify provisions for preventing hazardous two-blocking situations when cranes are used for general lifting service. The proposal addresses these concerns.

Additionally, this rulemaking action proposes amendments related to the requirements for crane load indicating devices, and boom angle indicators. Several new definitions are proposed for clarity in Section 4885. The proposal was developed with the assistance of an advisory committee.

### **Section 4885. Definitions**

Section 4885 contains the definitions for standards related to cranes and other hoisting equipment. New definitions are proposed for the following terms; anti two-block device, two-block damage prevention feature, two-block warning feature, and two-blocking. These definitions are consistent with terms provided in the ASME B30.5 national consensus standards for mobile and locomotive cranes and would have the effect of providing clarity to crane related safety orders.

### **Section 4924. Load Safety Devices**

Section 4924 provides the general requirements for load safety devices for cranes with a rated capacity exceeding one ton.

### **Subsection (a), Exceptions 1 and 2**

Subsection (a), Exception 1, states that the exception is applicable for boom-type excavation work and all equipment used exclusively for pile driving or log handling. An amendment is proposed to delete the phrase “used exclusively” and replace it with “when configured.” It is not feasible to equip cranes used in pile driving and log handling operations with the devices required by Section 4924. However, some cranes used in pile driving or log handling operations are occasionally used in general lifting service. Because these cranes are not “used exclusively” for pile driving or log handling operations, the existing language taken literally, requires them to be in full compliance with Section 4924 during pile driving or log handling operations. The amendments would have the effect of providing clarity to the standard and permit the exception to Section 4924 provisions during pile driving or log handling crane operations.

Existing subsection (a), Exception 2, states that articulating boom cranes are exempt from the provisions of subsections (c) and (d). Existing subsections (c) and (d) pertain to requirements for boom angle and radius indicators. The proposal deletes the provisions in existing subsection (c) and existing subsection (d) is designated as subsection (c). Therefore, an editorial amendment for clarity deletes the unnecessary reference to subsection (d).

### **New Subsection (b)(1)**

Subsection (b) requires that mobile cranes having either a maximum rated boom length exceeding 200 feet or a maximum rated capacity exceeding 50 tons to be equipped with a load indicating device or a load moment device, or a device that prevents an overload condition. A new subsection (b)(1) specifies that mobile cranes manufactured after September 27, 2005, with a maximum rated capacity exceeding 3

tons shall have a load indicating device, load moment device, or a device that prevents an overload condition. Mobile cranes are manufactured in accordance with provisions in the ASME B30.5 standards and the recent 2004 edition of this standard requires mobile cranes with a maximum rated capacity of 3 tons or more to have load indicating devices. Therefore, the proposal would require compliance consistent with the September 27, 2005, effective date of the ASME B30.5-2004 standard.

As the advisory committee discussed, when load indicating devices are not functioning properly, there are other means of effectively checking the weight of the load. Therefore, an exception is proposed to subsection (b)(1) that would have the effect of permitting a qualified person to determine the weight of loads when a load indicating device is not functioning.

### **New Subsection (b)(2)**

A new subsection (b)(2) is proposed that would have the effect of requiring load indicating devices to be repaired in accordance with the manufacturer's recommendations.

### **Subsection (c)**

Existing subsection (c) is proposed for deletion because the proposed revisions for existing subsection (d) would encompass the provisions for boom angle or radius indicators on mobile cranes making the deleted subsection unnecessary.

### **Subsection (d)**

Existing subsection (d), designated as subsection (c) in the proposal, requires that cranes having a boom exceeding 60 feet in length or a maximum rated capacity exceeding 15 tons shall be provided with an approved boom angle or radius indicator which clearly shows the boom angle in degrees to the operator at all times. The existing subsection also provides that the indicator shall give a clear visual warning signal before high or low unsafe boom angles are reached; the indicator shall be adjustable and under the control of the operator at all times; and a visual inspection of the indicator shall be made each day by the operator to see that it is properly functioning.

Mobile cranes are manufactured in conformance with the ASME B30.5 national consensus standards. The ANSI B30.15-1973 edition and subsequent ASME B30.5 editions have required a boom angle indicator on mobile cranes irrespective of the boom length and rated capacity. An amendment is proposed to delete the more than 60 foot boom length and more than 15 ton capacity criteria that would trigger the requirement for the boom or radius indicator. The effect of this amendment would be that mobile cranes subject to Section 4924 provisions would be required to have a boom angle or radius indicator which clearly shows the boom angle in degrees to the operator at all times.

Proposed for deletion is existing language that requires the indicator to give a clear visual warning signal before high or low unsafe boom angles are reached and that the indicator be adjustable and be under the control of the operator at all times. Advisory committee members expressed concern that this language lacked clarity and purpose and that it does not provide any relevant safety provisions. The existing language in this subsection that requires a daily inspection of the indicator is proposed for deletion as Section 5033 already requires daily inspections of a crane's operational and functional mechanisms. The proposed amendments would have the effect of providing clarity to the standard and avoiding duplication of requirements.

### **New Subsection (d)**

New subsections (d)(1) and (2) provide the requirements for anti two-block prevention and warning features for telescopic and lattice boom cranes respectively that are manufactured after February 28, 1992. The February 28, 1992, effective date is consistent with the ASME B30.5 standards for mobile cranes. Manufacturers design mobile cranes consistent with the ASME B30.5 standards and have been equipping mobile cranes with these devices since the proposed effective date. The proposed amendments would have the effect of ensuring that anti two-block devices or two-block prevention and/or warning features are provided on mobile cranes in accordance with the proposed standard.

A proposed exception states that the requirements of subsection (d)(2) do not apply to lattice boom cranes when used for dragline, clamshell (grapple), magnet, and drop ball work. These types of exempted crane operations are not considered lifting services, and the use of anti two-block features is unnecessary and not feasible.

### **New Subsection (d)(3)**

Proposed new subsection (d)(3) provides that articulating boom cranes manufactured after August 30, 2001, equipped with a load hoisting device (winch) shall be equipped with a two-block damage prevention feature. This provision would have the effect of providing consistency with the same effective date and similar provisions outlined in the ASME B30.22-2000 standard for “Articulating Boom Cranes.”

### **Section 5004(e)(3)**

Section 5004 contains provisions for the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on load lines of cranes and derricks.

With respect to preventing two-blocking hazards during the hoisting of personnel platforms, existing Section 5004(e)(3) states that, “a positive acting device shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).” The existing language lacks clarity in that it begins by stating that “a positive acting device shall be used” which implies that an “anti two-block device” as defined in Section 4885 of this proposal must be used. However, the subsection ends with parenthetical language permitting the use of a “two-block damage prevention feature” which contradicts the language that precedes it.

Amendments in proposed Section 5004(e)(3)(A) would have the effect of clarifying the standard to ensure that when personnel platforms are hoisted that an anti two-block device is used which when activated, disengages all crane functions that can cause two-blocking. Similarly, new Section 5004(e)(3)(B) would provide that when a derrick is used to hoist personnel platforms, limiting devices shall be installed to prevent two-blocking.

## **SPECIFIC TECHNOLOGY OR EQUIPMENT**

This proposal will not mandate the use of specific technologies or equipment. In Section 4885, the proposal would add new definitions for clarity. Proposed Section 4924(b)(1) specifies that mobile cranes manufactured after September 27, 2005, with a maximum rated capacity exceeding 3 tons shall have a load indicating device, load moment device, or a device that prevents an overload condition. Mobile cranes are manufactured in accordance with provisions in the ASME B0.5 standards and the recent 2004 edition of this standard requires mobile cranes with a maximum rated capacity of 3 tons or

more to have load indicating devices. Therefore, mobile cranes manufactured after September 27, 2005, the effective date of the ASME B30.5-2004 standard, are already equipped with a load indicating device.

Amendments are proposed for Section 4924(c) so that mobile cranes subject to Section 4924 provisions would be equipped with a boom angle or radius indicator which clearly shows the boom angle in degrees to the operator at all times. Crane manufacturers follow provisions in national consensus standards and the ANSI B30.15-1973 standard to current ASME B30.5 standards have required a boom angle indicator on mobile cranes irrespective of the boom length and rated capacity. Employers are required to maintain mobile cranes in accordance with the manufacturer's recommendations. Therefore, the proposal ensures compliance with the manufacturer's design.

Proposed amendments for Sections 4924(d)(1) and (2) ensure that anti two-block devices, or two-block prevention and/or warning features are provided on mobile cranes manufactured after February 28, 1992. Manufacturers have been designing and equipping mobile cranes with anti two-block features/devices since the proposed February 28, 1992, effective date that is consistent with provisions in ASME B30.5 mobile crane standards. Similarly, proposed Section 4924(d)(3) provides that articulating boom cranes manufactured after August 30, 2001, equipped with a load hoisting device (winch) shall be equipped with a two-block damage prevention feature. Proposed Section 4924(d)(3) and its effective date is consistent with the ASME B30.22-2000 standard for "Articulating Boom Cranes." Therefore, the proposed amendments do not impose new requirements but rather ensure compliance with the manufacturer's design.

Amendments are also proposed in Section 5004(e)(3)(A) for clarity to ensure when personnel platforms are hoisted that an anti two-block device is used which when activated, disengages all crane functions that can cause two-blocking. Similarly, proposed Section 5004(e)(3)(B) provides that when a derrick is used to hoist personnel platforms, limiting devices shall be installed to prevent two-blocking.

## **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. The proposal does not impose new requirements upon State agencies. See the rationale under the heading, "Specific Technology or Equipment."

### **Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### **Impact on Businesses**

The Board has made an initial 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. Also, see the rationale under the heading, "Specific Technology or Equipment."

### **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. Also, see the rationale under the heading, “Specific Technology or Equipment.”

### **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 standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

## **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments would clarify for small businesses that cranes must be equipped with load safety devices designed and equipped by the crane manufacturer. However, no economic impact is anticipated as explained under the heading “Specific Technology or Equipment.” In the event that businesses (crane owners) have not maintained the load safety devices by altering them,

removing them or not maintaining them, the employer would need to equip and maintain these devices in accordance with the manufacturer's design.

### **ASSESSMENT**

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.

### **REASONABLE ALTERNATIVES CONSIDERED**

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 15, 2008. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 21, 2008, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

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JOHN D. MACLEOD, Chairman