

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**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 **January 18, 2001**, at 10:00 a.m.
in the Carmel Room of the California State Building,
320 West 4th Street, Los Angeles, California.

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 **January 18, 2001**, following the Public Meeting,
in the Carmel Room of the California State Building,
320 West 4th Street, Los Angeles, California.

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 **January 18, 2001**, following the Public Hearing,
in the Carmel Room of the California State Building,
320 West 4th Street, Los Angeles, California.

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**

JERE INGRAM, 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 **January 18, 2001**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 2
Section 1504
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 23
Section 3622
Structural and Scaffold Planks

2. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29
Section 1712
Hazards Associated with Reinforcing Steel

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 2
Section 1504
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 23
Section 3622
Structural and Scaffold Planks

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Existing Title 8 Sections 1504 and 3622 require a structural and scaffold plank to have an allowable bending stress of at least 1900 pounds per square inch (psi). These two sections also state that planks selected in accordance with the grading rules published by the West Coast Lumber Inspection Bureau in 1970 and the Western Wood Products Association in 1974 shall satisfy the definitional requirements.

The proposed revision will increase the allowable bending stress level and reference the latest editions of the two lumber grading documents. The effect of this proposal will be to increase the allowable bending stress level and the selection criteria for structural and scaffold planks to reflect current industry practice.

The proposal is more effective than the counterpart Federal OSHA standards which have a non-mandatory reference to plank selection criteria in Appendix A to the construction industry scaffold requirements in 29 CFR 1926 Subpart L and a minimum bending stress requirement of 1500 psi for scaffold planks in general industry Section 29 CFR 1910.29.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

Since the proposal will update the requirements to be as protective as current industry practice, no costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

Since the proposal will update the requirements to be as protective as current industry practice, the proposal will not significantly affect housing costs.

Impact on Businesses

Since the proposal will update the requirements to be as protective as current industry practice, this proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

Since the proposal will update the requirements to be as protective as current industry practice, the proposal will not require private persons or entities to incur additional costs in complying with the proposal.

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

Since the proposal will update the requirements to be as protective as current industry practice, 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 regulations 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 these regulations 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.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations 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.)

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

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in this notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendments to these regulations 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.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us 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.

2. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
 Chapter 4, Subchapter 4, Article 29
 Section 1712
 Hazards Associated with Reinforcing Steel

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 1712. Hazards Associated with the Use of Reinforcing Steel and Other Similar Projections.

Section 1712 contains regulations addressing the prevention of typical workplace hazards that are frequently associated with working around exposed projecting reinforcing steel (rebar). Subsection (a) provides the scope of the regulation, while subsections (b) through (d) provide the definitions, design, and testing standards needed to build or manufacture approved protective rebar coverings that prevent impalement. Subsections (e), (f), and (g) address other unique hazards, such as protecting employees from falls during the placement and tying of rebar, preventing the collapse of rebar cages, walls, or columns, and, preventing the dangerous recoiling of wire mesh rolls.

A revision is proposed to the title of Section 1712 to delete the phrases: “the Use of” and “and Other Similar Projections”. The proposed changes will help clarify the title and more accurately reflect the contents of the regulation. The revision will also clarify that the regulations in Section 1712 address other unique hazards which are associated with rebar, and not just those involving projections. The proposed changes will have no effect on the regulated public.

Existing Section 1712(a) informs employers that the regulations apply to all work sites and locations where employees are working around or over projecting reinforcing steel or other similar projections. A revision is proposed to change the scope to include all work sites and locations where employees work on reinforcing steel at heights more than 6 feet above the surface below, or on, around or over exposed, projecting, reinforcing steel. The phrase “or other similar projections” is proposed for deletion for clarity purposes. The proposed revisions are necessary to better clarify the scope of Section 1712 and will have no effect on the regulated public.

Existing subsection (e) prohibits employees from placing or tying reinforcing steel in walls, piers, columns, or other similar locations, which are more than 6 feet above an adjacent surface, unless employees are wearing personal fall protection or other equivalent means of fall protection has been provided. An exception permits employees to move from point-to-point without the use of any fall protection or other restriction. Proposed revisions will replace the phrase “an adjacent surface” with “the surface below”, and the phrase “or other method affording equivalent protection from the hazard of falls from elevated surfaces” with “or other methods affording equivalent protection are provided”. These proposed amendments will help clarify the intent of the regulation and will have no effect on the regulated public.

Revisions are also proposed to the exception of subsection (e) which will limit the fall distance height to 24 feet, provided employees are not exposed to the hazard of impalement. Should the hazard of impalement exist, the proposed amendment will require employers to provide protective covers in accordance with subsection 1712(d). The effect of this change will be to give employers the option of providing protective

covers on exposed projecting rebar when employees are moving from point-to-point between heights of 6 and 24 feet without the use of fall protection.

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 (see “Identified Alternatives that Would Lessen Adverse Impact on Small Businesses”). In addition, Board staff has not identified any state agencies that have a direct or indirect relationship to these proposed changes. Therefore, Board staff does not anticipate the proposal will have any direct impact, positive or negative, upon state agencies.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments consist of clarifying changes to the title, scope, and exception for work being performed on rebar assemblies. Therefore, Board staff does not believe that the proposal will have a new or added effect upon the employer with respect to the construction of rebar assemblies.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Cost 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. 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 regulation 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 proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation 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.)

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

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendments to these regulations 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.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us 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.

The above proposals do not contain building standards regulations as defined by Health and Safety Code Section 18909.

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 [*date of Friday before Public Hearing*]. 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 [*Public Hearing date*], 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. 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 [*Executive Officer*], Executive Officer, or [*Principal Safety Engineer*], 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

JERE INGRAM, Chairman