

**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 **August 17, 2006**, at 10:00 a.m.  
in the Council Chambers of the Costa Mesa City Council,  
77 Fair Drive, Costa Mesa, California 92626.

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 **August 17, 2006**, following the Public Meeting  
in the Council Chambers of the Costa Mesa City Council,  
77 Fair Drive, Costa Mesa, California 92626.

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 **August 17, 2006**, following the Public Hearing  
in the Council Chambers of the Costa Mesa City Council,  
77 Fair Drive, Costa Mesa, California 92626.

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, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **August 17, 2006**.

1. TITLE 8:     **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 98  
Section 5006.1  
**Mobile and Tower Crane Operator Certification, Exception No. 2—  
Electric Line Trucks**
  
2. TITLE 8:     **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 25  
Section 3650  
**Labeling, Design, and Construction of Powered Industrial Trucks**

A description of the proposed changes are as follows:

1. **TITLE 8:**        **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 98  
Section 5006.1  
**Mobile and Tower Crane Operator Certification, Exception No. 2—  
Electric Line Trucks**

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

This proposal is in response to a Division of Occupational Safety and Health (Division) Request for New or Change in Existing Safety Order (Form 9-048) to amend Exceptions No. 1 and No. 2 to Section 5006.1 of the General Industry Safety Orders (GISO). Board staff intends to convene an advisory committee at a later date to consider the proposed amendments to Exception No. 1 regarding mobile crane boom length and lifting capacity. This proposal addresses Exception No. 2 which pertains to the applicability of the mobile and tower crane certification standards for operators of electric line trucks (a highly specialized vehicle) used by the electric utility industry to (1) transport workers, tools, and materials and (2) serve as a traveling workshop for electric power line construction and maintenance work.

Electric line trucks are usually equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or workers. This type of vehicle is also known as a digger derrick or derrick truck and is regulated by Section 2940.7 of the High Voltage Electrical Safety Orders (HVESO). Electric line trucks are designed and built to meet American National Standard (ANSI) A10.31 which applies to digger derrick trucks, whereas mobile and locomotive cranes are built to the American Society of Mechanical Engineer (ASME) B30.5 standard.

Since Section 5006.1 became enforceable on June 1, 2005, there has been some confusion over whether hydraulic, telescopic, mobile truck cranes used by utility companies to perform electric line work (e.g. tower construction) are exempt from Section 5006.1 crane operator certification standards. This proposed rulemaking makes it clear that mobile truck cranes manufactured to the ASME B30.5 standards are not exempt from crane operator certification. Only electric line/digger derrick trucks manufactured to the ANSI A10.31 standard are exempt.

During advisory committee deliberations, it was determined that electric line trucks with lifting capacities below 3 tons (typical for a digger derrick truck) should be exempt from the operator certification requirements. The committee also concluded that electric line trucks as defined in Section 2700 of the Electric Safety Orders and regulated by HVESO Section 2940.7 should be excluded from the requirements of Section 5006.1 since they are not mobile cranes designed and built to conform to ASME B30.5 mobile crane standards and do not present the same degree of risk posed by mobile cranes. These cranes are unique as they are exclusively used for specialized functions, such as placement and removal of poles.

The rulemaking documentation both implicitly and explicitly identified electric line trucks as “derrick trucks” or “digger derrick trucks,” not ASME B30.5 cranes. For example, a response to comment in the rulemaking’s Final Statement of Reasons states, “there is no good reason not to afford private utility

contractors the same exception with regard to the use of electric line trucks (also known as digger derrick trucks)...”

Throughout HVESO Section 2940.7 the terms electric line and digger derrick or derrick truck are used interchangeably confirming that the intent of Section 2940.7 is to pertain to electric line/digger derrick trucks used in electric line maintenance, construction and repair.

The following amendments are proposed:

### **Section 5006.1. Mobile Crane and Tower Crane-Operator Qualifications and Certification.**

This section contains standards pertaining to the qualifications of operators of mobile and tower cranes. Employers are required to only permit crane operators to operate a crane covered by this section who have a valid certificate of competency for the type of crane to be used. This standard also contains three exceptions which address applicability of the standard to (1) mobile cranes according to their rated load capacity and boom length, (2) exemption of all electric line trucks, and (3) cranes used in marine terminal operations.

Exception No. 2 exempts all electric line trucks as defined and regulated in HVESO Sections 2700 and 2940.7. An amendment is proposed to clarify that electric line/digger derrick trucks are exempt from the requirements of Section 5006.1, but not mobile cranes designed and built in accordance with the ASME B30.5.

The effect of the proposed amendment is to clarify the intent of the term “electric line trucks” and that mobile cranes designed and built in conformance with ASME B30.5 standards are not exempt from Section 5006.1’s certification requirements.

## **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. There are no state agencies identified that conduct electric line work using hydraulic, telescopic mobile truck cranes.

### **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 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.

### **Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impact 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 amendment 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 proposed standard 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.

**ASSESSMENT**

The adoption of the proposed amendment 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**

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 or would be as effective and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:**      **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 25  
Section 3650  
**Labeling, Design, and Construction of Powered Industrial Trucks**

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

The Division of Occupational Safety and Health (Division) submitted a Request for New or Change in Existing Safety Order (Form 9) to the Occupational Safety and Health Standards Board (Board). The Division stated that existing Section 3650 language only requires various types of powered industrial trucks (PIT) to be labeled as meeting applicable national consensus standards (NCS) design and construction requirements. It is necessary to amend Section 3650, consistent with the aforementioned labeling requirement, so that employers understand that PIT's are to be designed, built and maintained in accordance with the applicable NCS.

The Federal Occupational Safety and Health Administration (OSHA) requires all new powered industrial trucks to meet the design and construction requirements as specified in the ANSI B56.1-1969 standard. Federal OSHA also requires that PIT's bear a label or other identifying mark indicating acceptance by a nationally recognized testing laboratory.

This rulemaking proposal would make a revision to Section 3650 to clarify to the regulated public that PIT's are to be designed, constructed and maintained in accordance with the applicable NCS. This was intended and implicit in the text of the existing language but not so stated in the text of the standard.

This proposed rulemaking action contains nonsubstantive, editorial, reformatting of subsections, and grammatical revisions consistent with Title 8 format. 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 3650. Industrial Trucks. General**

This section contains standards governing the labeling of various types of powered industrial trucks as meeting applicable national consensus standards as specified in the text of the standard, and also contains standards which address but are not limited to: requirements that all name plates be legible and bear specific identifying information specific to the industrial truck upon which it is affixed, use of front end attachments, truck modifications, approvals for trucks used in hazardous atmospheres, carrying/balancing loads, use of fork extensions, driver safety, unattended vehicles and use of two or more PIT's to handle loads.

A new subsection (c) is proposed that clarifies that consistent with PIT's existing labeling requirements, powered industrial trucks are to be designed, constructed and maintained in accordance with the applicable national consensus standards listed in subsections (a) and (b).

The effect of the proposed amendment is to clarify to the employer that PIT's are to be designed, constructed and maintained in accordance with the NCS listed in Section 3650 (a) and (b).

### **DOCUMENTS INCORPORATED BY REFERENCE**

None.

### **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 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.

#### **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 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, the 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.)

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

### **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

### **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 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 August 11, 2006. 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 August 17, 2006, 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 proposal 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 Keith Umemoto, 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

**TITLE 8**

**GENERAL INDUSTRY SAFETY ORDERS**

**CHAPTER 4, SUBCHAPTER 7, ARTICLE 98**

**SECTION 5006.1**

**MOBILE AND TOWER CRANE OPERATOR CERTIFICATION,  
EXCEPTION NO. 2—ELECTRIC LINE TRUCKS**

**TITLE 8**

**GENERAL INDUSTRY SAFETY ORDERS**

**CHAPTER 4, SUBCHAPTER 7, ARTICLE 25**

**SECTION 3650**

**LABELING, DESIGN, AND CONSTRUCTION OF POWERED INDUSTRIAL  
TRUCKS**

NOTICE OF ADOPTION OF  
REGULATIONS  
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS  
BY THE  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

1. ~~Title 8, Chapter 4, Subchapter 4, Construction Safety Orders, Article 29, Section 1710, Column Stability for Structural Steel Erection.~~

~~Heard at the December 15, 2005 Public Hearing; adopted on February 16, 2006; filed with the Secretary of State on March 15, 2006; and will become effective on April 14, 2006.~~

A copy of these standards are available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: <http://www.dir.ca.gov/oshsb> and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

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Keith Umemoto, Executive Officer