

**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 **December 17, 2009**, at 10:00 a.m.
in the Auditorium of the State Resources Building,
1416 9th Street, Sacramento, 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 **December 17, 2009**, following the Public Meeting,
in the Auditorium of the State Resources Building,
1416 9th Street, Sacramento, 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 **December 17, 2009**, following the Public Hearing,
in the Auditorium of the State Resources Building,
1416 9th Street, Sacramento, 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**

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 **December 17, 2009**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 22
Section 1648; and Article 25
Sections 1675 and 1678
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 4
Sections 3276, 3277, 3278, 3279, and 3280;
Article 5, Section 3287; and Article 11, Section 3413
Portable Ladders

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 20
Section 3563 and Article 25, Section 3651
Rollover Protective Structures for Ride-On Power Lawn Mowers

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 22
Section 1648; and Article 25
Sections 1675 and 1678
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 4
Sections 3276, 3277, 3278, 3279, and 3280;
Article 5, Section 3287; and Article 11, Section 3413
Portable Ladders

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking is the result of a Division of Occupational Safety and Health (Division) Form 9, Request for Change in Existing Safety Order. Currently, Sections 3278, 3279 and 3280 of the General Industry Safety Orders (GISO) apply to portable ladders constructed from wood, metal and reinforced plastic, respectively. There are significant differences in the safety requirements referenced in each section. In addition, Section 3276 of the GISO and Section 1675 of the Construction Safety Orders (CSO) relate to the use of all portable ladders but the standards are not consistent or complete. The safety hazards associated with the use of portable ladders in construction and general industries, whether they are wood, metal, or reinforced plastic, are essentially the same, and therefore, the proposed amendments would consolidate the existing provisions pertaining to portable ladders into a single standard. The proposal would also add selection, care and use provisions from American National Standards Institute (ANSI) portable ladder standards to provide additional safety for workers and guidance to the regulated public.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Section 1648. Ladder-Jack Scaffolds.

Subsection (d) requires in part that ladders used with ladder jack scaffolds be heavy duty ladders and be designed and constructed in accordance with Sections 3278 and 3279.

The proposal would replace “heavy duty ladders” with “Type I, IA, or IAA duty rated ladders”. This amendment is consistent with ANSI labeling requirements for portable ladders and proposed Section 3276(d). The effect of this amendment would be to allow the use of Type IA (extra-heavy duty) and Type IAA (special duty) ladders which are designed to support a working load greater than Type I (heavy duty) ladders.

In addition, the proposal would replace the reference to the design and construction provisions in Sections 3278 and 3279 with a reference to proposed Section 3276(c). The effect of this amendment would be to require that wood, metal and reinforced plastic ladders be designed and constructed in accordance with the most recent applicable ANSI ladder standard or the applicable ANSI ladder standard in effect at the time the ladder is placed in service. The proposal would also add a NOTE following subsection (d) to refer the reader to proposed Section 3276(d) which would contain a table that compares the ladder duty rating with the ladder type and working load. The effect of this amendment would be to provide guidance on ladder selection.

Section 1675. General.

Subsection (b) prohibits the use of ladders with missing rungs or steps, broken or split side rails, or other faulty or defective construction; requires that when such defects are discovered the ladder be immediately withdrawn from service; and requires that the inspection of metal ladders include checking for corrosion of interiors of open end hollow rungs.

These provisions would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(1), (e)(2) and (e)(3), which would require ladders to be maintained in good condition, be inspected for defects, and be immediately removed from service if defective. Proposed subsection (b) would require that all portable ladders used in construction comply with the provisions of proposed Section 3276 of the GISO. The effect of this amendment would be to consolidate the requirements for the maintenance and inspection of portable ladders in proposed Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (c) requires portable wood ladders to be labeled as being designed and manufactured in accordance with ANSI A14.1-1982.

This provision would be deleted to avoid duplication and inconsistency with proposed Section 3276(c)(1) which would require portable wood ladders to meet the design and construction standards of applicable ANSI A14.1 standards which would be incorporated by reference. Subsection (m) would be renumbered to subsection (c) and subsections (d) through (n) would be deleted. This amendment would have no effect other than to retain the sequential numbering of the subsections and avoid duplication and inconsistency with proposed Section 3276.

Subsection (d) requires portable metal ladders to be labeled as being designed and manufactured in accordance with ANSI A14.2-1982.

Subsection (d) would be deleted to avoid duplication and inconsistency with proposed Section 3276(c)(2) which would require portable metal ladders to meet the design and construction standards of applicable ANSI A14.2 standards which would be incorporated by reference. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (e) requires portable ladder feet to be placed on a substantial base, and the area around the top and bottom of the ladder to be kept clear.

Subsection (e) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(7) and (e)(20), which would require, in part, the ladder base section of surface supported ladders to be placed on a secure and level footing, and the area around the top and bottom of the ladder to be kept clear. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (f) prohibits the use of planks on the top step of stepladders.

Subsection (f) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(16)(B), which would prohibit the use of planks on the top step or topcap of step ladders.

The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (g) requires ladders to be used at pitch of four to one, and prohibits using ladders in a horizontal position as platforms, runways, or scaffolds.

Subsection (g) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(9), which would require non-self-supporting ladders, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder; and prohibit using ladders in a horizontal position as platforms, runways, or scaffolds unless designed for such use. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (h) prohibits placing ladders in locations where they may be displaced by activities being conducted on any other work, unless protected by guards.

Subsection (h) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(14), which prohibits placing ladders in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards. The effect of his amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (i) requires that side rails extend at least 36 inches above the landing, unless this is not practical in which case grab rails be installed.

Subsection (i) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(11), which would require that side rails extend at least 36 inches above the landing, unless this is not practical, in which case grab rails be installed. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (j) requires that portable ladders in use be tied, blocked, or otherwise secured to prevent their being displaced.

Subsection (j) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(9), which would require, in part, portable ladders to be placed to prevent slipping or tied, blocked, held, or otherwise secured to prevent slipping. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (k) prohibits standing on the top 3 rungs of a ladder unless there are members of the structure that provide a firm handhold or the employee is protected by a personal fall protection system in accordance with the requirements of Article 24.

Subsection (k) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(15)(D), which would prohibit standing and working on the top 3 rungs of a single or extension ladder unless there are members of the structure that provide a firm handhold or the employee is protected by a personal fall protection system. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (l) prohibits the use of portable metal ladders for electrical work or where they may contact electrical conductors.

Subsection (l) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(18), which would require the use of a non-conductive ladders in locations where the ladder or user may contact unprotected energized electrical conductors or equipment. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (m) requires all fixed ladders used in construction comply with the provisions of Section 3277 of the GISO.

This subsection is proposed to be renumbered to Section 1675(c). This amendment would have no effect other than to retain the sequential numbering of the subsections.

Subsection (n) prohibits employees standing on the topcap or the step below the topcap of a stepladder.

Subsection (n) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(15)(E), which would prohibit employees standing on the topcap or the step below the topcap of a stepladder. The effect of this amendment would be to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Section 1678. Extension Ladders.

Subsection (a) specifies that the maximum length of extension ladders not exceed 44 feet.

Since proposed Section 1675(b) would require all portable ladders used in construction to comply with the provisions of proposed Section 3276, subsection (a) would be deleted to avoid duplication and conflict with proposed Section 3276(e)(16)(D), which would prohibit the use of two-section extension ladders exceeding 60 feet, which is the maximum length of two-section extension ladders permitted by ANSI A14.1-2007, ANSI A14.2-2007, and ANSI A14.5-2007. The effect of this amendment would be to provide consistency and to consolidate the requirements for portable ladders in proposed Section 3276.

Subsection (b) specifies the minimum overlap for two-section and three-section extension ladders based on the working length of the ladder.

Since proposed Section 1675(b) would require all portable ladders used in construction to comply with the provisions of proposed Section 3276, subsection (b) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(16)(E), which would specify a minimum overlap for two-section extension ladders that is consistent with ANSI A14 ladder standards. The effect of this amendment would be to provide consistency with ANSI provisions that relate to the design and construction of portable ladders, and to consolidate the requirements for portable ladders in proposed Section 3276.

Section 3276. Use of Ladders.

Section 3276 pertains to the use of both fixed and portable ladders. Except for subsection (b), which pertains to portable step ladders, each of the subsections applies to both fixed and portable ladders.

The proposal would renumber this section to Section 3278 and amend the title to “Use of Fixed Ladders” to avoid duplication and inconsistency with proposed Section 3276(e)(15) which would pertain to the use of portable ladders. The effect of these amendments would be to consolidate the requirements for portable ladders in proposed Section 3276, and to locate the requirements that pertain to the use of fixed ladders in proposed Section 3278.

Subsection (b) prohibits employees from standing on the topcap or step below the topcap of a stepladder.

Subsection (b) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(15)(E) , which would prohibit employees standing on the topcap or step below the topcap of a step ladder. The effect of this amendment would be to provide clarification that this provision applies to portable ladders and not to fixed ladders.

Section 3277. Fixed Ladders.

Subsection (c)(5) requires that all wood parts of fixed ladders meet the requirements of Section 3278. Section 3278 requires that the safety requirements for portable wood ladders meet the requirements of ANSI A14.1-1994, which is incorporated by reference, or the ANSI standard in effect at the time the ladder was placed in service.

The proposal would incorporate the design and construction requirements for all portable ladders in proposed Section 3276(c). Proposed new Section 3276(c)(1) would require that portable wood ladders placed in service after the effective date of this proposed amendment meet the design and construction requirements of ANSI A14.1-2007, which is incorporated by reference, or the ANSI A14.1 standard in effect at the time the ladder was placed in service. The proposal would amend Section 3277(c)(5) to require all wood parts of fixed ladders meet the design and construction requirements of proposed Section 3276(c). The effect of these amendments would be to provide clarity and consistency and to update the reference to the ANSI A14.1 standard.

Section 3278. Portable Wood Ladders.

The proposal would renumber this section to Section 3276 and amend the title to “Portable Ladders”. The effect of this amendment would be to consolidate the requirements for all portable ladders in proposed Section 3276.

The first paragraph of Section 3278 requires that the safety requirements for portable wood ladders meet the requirements of ANSI A14.1-1994, which is incorporated by reference, or the ANSI standard in effect at the time the ladder was placed in service.

The proposal would delete this provision and incorporate the design and construction requirements for all portable ladders in proposed Section 3276(c), which is discussed below. The effect of these amendments would be to consolidate the design construction requirements for all portable ladders in proposed Section 3276, and to update the reference to ANSI A14.1 to the most recent version of the standard.

Subsection (a), Scope, states that the standard is intended to provide rules for the construction, care, and use of the common types of portable wood ladders.

The proposal would amend subsection (a) to broaden the scope to include all self-supporting and non-self-supporting portable ladders and to include rules that pertain to ladder design and selection. The effect of this amendment would be to consolidate the requirements for all portable ladders in proposed Section 3276.

Subsection (c), Materials, General Requirements, requires that all wood parts be free from sharp edges, splinters, irregularities and defects which affect the ladder's structural integrity.

The proposal would re-title this subsection to "Design and Construction", delete the current provision, and consolidate provisions that pertain to ladder design and construction under amended subsection (c). New subsection (c)(1) would require portable wood ladders to be designed and constructed in accordance with ANSI A14.1, which is incorporated by reference, or Section 1676, which prohibit sharp edges, splinters, irregularities and defects. The proposal would also consolidate the provisions that pertain to ladder inspection, care and maintenance under proposed subsection (e), which would require ladders to be maintained in good condition, inspected for defects, and withdrawn from service if defective. The effect of this amendment would be to consolidate the requirements for the design and construction of all portable ladders in proposed subsection (c) and the requirements for inspection, maintenance and repair in subsection (e).

New Subsection (c)(1) would require portable wood ladders placed in service after the effective date of this proposed amendment to be designed and constructed in accordance with ANSI A14.1-2007, which is incorporated by reference, or for other such ladders the ANSI A14.1 standard in effect when the ladder was placed in service, unless, as provided by the exception, the ladder is a job-made cleat ladder that complies with Section 1676.

Currently, the first paragraph of Section 3278 requires that the safety requirements for portable wood ladders meet the requirements of ANSI A14.1-1994, which is incorporated by reference, or the ANSI standard in effect at the time the ladder was placed in service. The effect of this amendment would be to require portable wood ladders to be designed and constructed in accordance with ANSI A14.1-2007 or the applicable ANSI A14.1 standard in effect at the time the ladder was placed in service, unless the ladder is a job-made cleat ladder that complies with Section 1676.

New Subsection (c)(2) would require portable metal ladders placed in service after the effective date of this proposed amendment to be designed and constructed in accordance with ANSI A14.2-2007, which is incorporated by reference, or for other such ladders the ANSI A14.2 or A14.10 standard in effect when the ladder was placed in service.

Currently, the first paragraph of Section 3279, Portable Metal Ladders, requires that safety requirements for portable metal ladders meet the requirements of ANSI A14.2-1990 or ANSI A14.10-2000 or the ANSI A14.2 standard in effect when the ladder was placed in service. The effect of this amendment would be to require portable metal ladders to be designed and constructed in accordance with ANSI A14.2-2007 or the ANSI A14.2 or ANSI A14.10 standard in effect at the time the ladder was placed in service.

New Subsection (c)(3) would require portable reinforced plastic ladders placed in service after the effective date of this proposed amendment to be designed and constructed in accordance with ANSI

A14.5-2007, which is incorporated by reference, or for other such ladders the ANSI A14.5 or A14.10 standard in effect when the ladder was placed in service.

Currently, the first paragraph of Section 3280, Portable Reinforced Plastic Ladders, requires that safety requirements for portable reinforced plastic ladders meet the requirements of ANSI A14.5-1990 or ANSI A14.10-2000, which is incorporated by reference, or the ANSI A14.5 standard in effect when the ladder was placed in service. The effect of this amendment would be to require portable reinforced plastic ladders to be designed and constructed in accordance with ANSI A14.5-2007 or the applicable ANSI A14.5 or ANSI A14.10 standard in effect at the time the ladder was placed in service.

New Subsection (c)(4) would require portable special purpose ladders that are not covered by one of the referenced ANSI A14 standards to be designed and constructed in accordance with sound engineering principles and approved per Section 3206. As defined in proposed subsection (b), a special purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses. The ANSI A14 ladder standards cover a few types of special purpose ladders but most types are not covered. For example, ANSI A14.1-2007, Section 6.4, Special Purpose Ladders, contains specific requirements for platform ladders, painter's stepladders, and mason's ladders; but states that other types of special purpose ladders, such as cleat ladders, trolley and rolling ladders, tripod stepladders, three-section extension ladders, fruit-pickers ladders, combination step and extension ladders, stockroom stepladders, aisleway stepladders, shelf ladders, self-leveling ladders, and library ladders, are not covered.

Proposed subsection (c)(4) would require that these other types of special purpose ladders which are not covered by applicable ANSI standards be designed and constructed in accordance with sound engineering principles and approved per Section 3206. Section 3206 provides several means by which a product may be approved, including: certification of conformance with applicable governmental or other nationally recognized standards, or applicable scientific principles; certification by a nationally recognized testing laboratory; and Division approval based on submission of engineering calculations, stress analyses, and other data. The effect of this amendment would be to ensure that all portable ladders are designed and constructed in accordance with sound engineering principles.

Subsection (d) is titled "Construction Requirements."

The proposal would amend the subsection title to "Selection" and locate provisions regarding ladders selection to this subsection. The proposal would relocate provisions regarding the design and construction of portable ladders under proposed subsection (c), Design and Construction. The effect of these amendments would be to provide clarity and consistency.

Subsection (d)(1) is titled "Portable Step Ladders."

The proposal would delete the existing subsection title. The proposal would amend subsection (d)(1) to require that ladders be selected and their use restricted to the purpose for which the ladder is designed. The effect of this amendment would be to require that ladders be selected and used only for the purposes for which the ladders are designed.

Subsection (d)(1)(A) prohibits the use of stepladders longer than 20 feet and specifies that step-ladders be Type I, heavy duty, 3 to 20 feet; Type II, medium duty, 3 to 12 feet; or Type III, light duty, 3 to 6 feet.

The proposal would relocate the prohibition on the use of stepladders longer than 20 feet to proposed Section 3276(e)(16)(D) and relocate the specifications regarding ladder duty rating to proposed subsection (d)(2). The effect of this amendment would be to provide clarity and consistency.

Proposed subsection (d)(1)(A) would require that scaffolds or other worker positioning equipment be used when work cannot be safely done from ladders. The effect of this amendment would be to provide consistency with existing Section 1637 which requires that scaffolds be provided for all work that cannot be done safely by employees standing on permanent or solid construction at least 20 inches wide, except where such work can be safely done from ladders.

Subsections (d)(1)(B) through (d)(1)(D) specify design and construction requirements for steps, siderails, and spreaders.

The proposal would locate the design and construction requirements for all portable ladders in proposed subsection (c) which would require step ladders to meet the design and construction requirements of the applicable ANSI A14 ladder standards which include specifications for steps, siderails, and spreaders. The proposal would amend existing subsection (d)(1)(B) and delete subsections (d)(1)(C) and (d)(1)(D) to avoid duplication or conflict with proposed subsection (c). Proposed subsection (d)(1)(B) would require that when selecting a ladder for use, consideration be given to the ladder length or height required, the working load, the duty rating, worker position to the task to be performed, and the frequency of use to which the ladder will be subjected. The effect of these amendments would be to require that ladders be selected for use based on the ladder length or height required, the working load, the duty rating, worker position to the task to be performed, and frequency of use to which the ladder will be subjected.

Subsection (d)(2) prohibits the use of single ladders longer than 30 feet.

The proposal would relocate this provision to subsection (e)(16)(D). Proposed subsection (d)(2) would provide a table that compares the ladder duty rating with the ladder type and working load; and would require ladders to be used according to the duty classifications provided in the table which are consistent with the design, construction, and labeling requirements in the ANSI A14 standards for portable ladders. The effect of this amendment would be to provide clarity in regards to ladder duty rating, ladder type, and working load.

Subsection (d)(3) prohibits the use of two-section extension ladders longer than 60 feet and requires ladders of this type consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.

The proposal would relocate the prohibition on the use of extension ladders longer than 60 feet to proposed subsection (e)(16)(D) and would delete the remaining text regarding the design of extensions ladders. Proposed subsection (c) would require that two-section extension ladders meet the design and construction requirements of applicable ANSI A14 ladder standards which are at least as comprehensive as the requirements of subsection (d)(3). The effect of this amendment would be to provide clarity, consistency and non-duplication.

The proposal would further amend subsection (d)(3) to require ladders used in connection with ladder jack scaffolds to be Type I, IA, or IAA duty rated ladders which are to be installed and used in accordance with Section 1648 of the CSO. The effect of these amendments would be to inform

employers in the construction industry of the additional requirements regarding ladders used with ladder-jack scaffolds.

Subsection (d)(4) prohibits the use of trestle ladders or extension sections or base sections of extension trestle ladders longer than 20 feet.

The proposal would relocate this provision to proposed subsection (e)(16)(D) and delete existing subsection (d)(4). The effect of this amendment would be to provide clarity and consistency.

Subsection (d)(5) prohibits the use of painter's step ladders longer than 12 feet.

The proposal would relocate this provision to proposed subsection (e)(16)(D) and delete existing subsection (d)(5). The effect of this amendment would be to provide clarity and consistency.

Subsection (d)(6) defines mason's ladder as a special type of single ladder intended for use in heavy construction work, and prohibits the use of a mason's ladder longer than 40 feet.

The proposal would relocate the prohibition to proposed subsection (e)(16)(D) and delete existing subsection (d)(6). The effect of this amendment would be to provide clarity and consistency.

Subsection (d)(7) defines a cleat ladder as a special type of single ladder intended for general use in construction work.

The proposal would delete this subsection. The effect of this amendment would be to avoid confusion with the description of cleat ladder provided in Section 1676, Job-Made Cleat Ladders.

Subsection (d)(7)(A) prohibits the use of cleat ladders longer than 30 feet.

The proposal would relocate this prohibition to proposed subsection (e)(16)(D) and delete existing subsection (d)(7)(A). The effect of this amendment would be to provide clarity and consistency.

Subsections (d)(7)(B), (d)(7)(C) and (d)(8) provide specifications regarding the dimensions of the cleats on cleat ladders and the attachment of the cleats to the ladder. A cleat ladder is a type of wood ladder used in construction work and is regulated under Section 1676, Job-Made Cleat Ladders of the CSO, which provides specifications regarding the dimensions of the cleats on cleat ladders and the attachment of the cleats to the ladder.

The proposal would delete existing subsections (d)(7)(B), (d)(7)(C) and (d)(8). The effect of this amendment would be to avoid duplication or conflict with the requirements of Section 1676.

Subsection (d)(9) provides that other types of special ladders such as three-section extension ladders, fruitpicker's ladders, combination step and extension ladders, stockroom step ladders, aisle way step ladders, shelf ladders, and library ladders are not specifically covered by this code.

Proposed subsection (c)(4) requires other types of special purpose ladders that are not covered by the ANSI ladder standards to be designed and constructed in accordance with sound engineering principles and approved per Section 3206. The proposal would delete existing subsection (d)(9). The effect of this amendment would be to require that other types of special ladders be designed and constructed in accordance with sound engineering principles.

Subsection (d)(10) prohibits the use of trolley ladders and side rolling ladders longer than 20 feet.

The proposal would relocate this provision to proposed subsection (e)(16)(D) and delete existing subsection (d)(10). The effect of this amendment would be to provide clarity and consistency.

Subsection (e) is titled “Care and Use of Ladders.”

The proposal would amend the title to “Care, Use, Inspection and Maintenance of Ladders.” The effect of this amendment would be to provide clarity in regards to the additional requirements in proposed subsection (e) that pertain to the care and maintenance of ladders.

Subsection (e)(1) pertains to the maintenance of ladders.

The proposal would merely add the word “Maintenance” as a heading at the beginning of the subsection. The effect of this amendment would be to provide clarity and consistency.

Subsection (e)(2) requires that metal bearings of locks, wheels, pulleys, etc., be frequently lubricated.

The proposal would delete this provision because subsection (e)(1) already requires that ladders be maintained in good condition at all times and that the moveable parts operate freely without binding or undue play. In addition, the term “frequently lubricated” is vague. The effect of this amendment would be to provide clarity and consistency.

The proposal would amend subsection (e)(2) to require that ladders be inspected by a competent person for visible defects prior to the start of the shift and after any occurrence that could affect their safe use. This proposal would be at least as effective as (ALAEA) federal 29 CFR Section 1926.1053(b)(15) which requires ladders used in construction to be inspected by a competent person for visible defects on a periodic basis and after any occurrence that could affect their safe use. The effect of this amendment would be to ensure the proposal is ALAEA the counterpart federal standard.

Subsection (e)(3) requires frayed or badly damaged ropes to be replaced.

The proposal would delete this provision because subsection (e)(1) already requires ladders to be maintained in good condition at all times. The effect of this amendment would be to avoid duplicative provisions.

The proposal would amend subsection (e)(3) to require ladders that have developed defects be withdrawn from service for repair or destruction; and tagged or marked “Dangerous, Do Not Use” or similar language. In addition, the amended subsection would specifically prohibit the use of ladders with broken or missing steps, rungs, cleats, safety feet, side rails, or other defects. The effect of this amendment would be to ensure the proposal is ALAEA as federal 29 CFR Section 1926.1053(b)(16) which requires that portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, either be immediately marked in a manner that readily identifies them as defective, or be tagged with “Do Not Use” or similar language, and be withdrawn from service until repaired.

Subsection (e)(4) requires that safety feet and other auxiliary equipment be kept in good condition to ensure proper performance.

The proposal would delete this provision because subsection (e)(1) already requires that ladders be maintained in good condition at all times and proposed subsection (e)(3) would additionally prohibit the use of ladders with broken or missing steps, rungs, cleats, safety feet, side rails, or other defects. The proposal would modify the provisions of subsection (e)(6) and relocate them to proposed subsection (e)(4) to require that ladders be cleaned of oil, grease, or slippery materials. The effect of this amendment would be to provide clarity and avoid duplicative provisions.

Subsection (e)(5) requires that ladders be inspected frequently and those that have developed defects be withdrawn from service for repair or destruction and tagged or marked as “Dangerous, Do Not Use.”

This provision would be relocated to proposed subsection (e)(3). Subsection (e)(5) would be amended to “Protective Coatings” which would be the title for new subsections (e)(5)(A) and (e)(5)(B). The effect of this amendment would be to consolidate the requirements that pertain to protective coatings for wood and metal ladders.

New Subsection (e)(5)(A) would require that when metal ladders are subject to deteriorating agents, a protective coating be applied in accordance with the manufacturer’s guidelines.

Currently, Section 3279(d)(3) requires a protective coating to be applied to metal ladders which are subject to deteriorating agents. The proposal would relocate this provision to new subsection (e)(5)(A) and would amend it to add “in accordance with the manufacturer’s guidelines”. The effect of this amendment would be to provide clarity and consistency.

New Subsection (e)(5)(B) would prohibit painting wood ladders with anything other than a transparent material.

The effect of this proposal would be to be ALAEA as federal 29 CFR Section 1926.1053(a)(12) which requires that wood ladders not be coated with any opaque covering, except for identification or warning labels which may only be placed on one face of a side rail.

Subsection (e)(6) requires rungs to be kept free of grease and oil.

This provision would be relocated to proposed subsection (e)(4) and would be amended to require that ladders be kept free of oil, grease, and slippery materials. Proposed subsection (d)(2) would require that ladders be used according to their specified duty classification. The proposal would amend subsection (e)(6) to specifically prohibit ladders from being overloaded when used. The effect of this amendment would be to provide clarity and consistency.

Subsection (e)(7) requires that ladders be used at a 4 to 1 pitch where possible and be placed to prevent slipping, or lashed or held in position; it prohibits using ladders in horizontal position as platforms, runways or scaffolds.

These provisions would be relocated to proposed subsection (e)(9). The proposal would amend subsection (e)(7) to require that ladders be placed on secure and level footing and when necessary ladder levelers be used on uneven surfaces. The proposed subsection would also prohibit using unstable bases to obtain additional height, and using ladders on slippery surfaces unless suitable means of preventing slippage are employed. The effect of this amendment would be to be ALAEA federal 29 CFR Sections 1926.26(c)(3)(iii), 1925(d)(2)(v), and 1926.1053(b)(7) which require ladders to be placed on secure

footing, prohibit ladders from being placed on unstable bases to obtain additional height, and prohibit using ladders on slippery surfaces, respectively.

Subsection (e)(8) requires the use of a specially designed ladder when it is used by more than one person or with a ladder jack scaffold.

The proposal would delete this provision. The effect of this amendment would be to avoid conflict with proposed subsections (d)(2) and (d)(3) which require ladders to be used according to their duty rating and specify the minimum duty ratings for ladders used with ladder jack scaffolds. Subsection (e)(8) would be amended to require the top of non-self-supporting ladders such as single and extension ladders to be placed with the two rails supported equally, unless a single support attachment is provided and used. The effect of this amendment would be to be ALAEA federal Section 1926.1053(b)(10) which requires that the top of a non-self-supporting ladder be placed with the two rails supported equally unless it is equipped with a single support attachment.

The proposal would also relocate the provision in subsection (e)(9) to subsection (e)(8), which requires that the top rest for portable rung and cleat ladders be reasonably rigid and have ample strength to support the load. The effect of this amendment would be to provide clarity and consistency.

Subsection (e)(9) provides that the side rails of ladders be placed on a secure footing and that the top support be reasonably rigid and have ample strength to support the load.

The separate requirements for footing support and top support would be relocated to proposed subsections (e)(7) and (e)(8), respectively. Subsection (e)(9) would be amended to incorporate the requirements of Sections 1675(g) and (j) which pertain to the ladder's angle of inclination and securing the ladder, respectively. The effect of this amendment would be to provide clarity and to consolidate the requirements for portable ladders in proposed Section 3276.

Subsection (e)(10) prohibits placing a ladder in front of a door opening towards the ladder unless the door is blocked open, locked, or guarded.

This provision would be amended and relocated to proposed subsection (e)(14) which would prohibit placing ladders in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards. The effect of this amendment would be to be ALAEA federal 29 CFR Section 1926.1053(b)(8).

Proposed subsection (e)(10) would require that, except for ladders used for access to fixed ladders, when two or more ladders are used for access to elevated work areas the ladders be offset with a platform or landing between them. The effect of this amendment would be to be ALAEA federal 29 CFR Section 1926.1053(a)(10) which contains a provision that is substantively the same.

Subsection (e)(11) prohibits placing ladders on boxes, barrels, or other unstable bases to obtain additional height.

This provision would be relocated to proposed subsection (e)(7). Proposed subsection (e)(11) would require that the side rails of portable ladders used for access to an upper landing surface extend not less than 36 inches above the upper landing surface, unless such an extension is not possible, in which case the ladder be secured at its top to a rigid support that will not deflect, and a grasping device, such as a grabrail, be provided to assist employees in mounting and dismounting the ladder. The proposed

amendment would prohibit an extension that would, by itself, cause the ladder to slip off its support when the ladder deflects under load. The amendment would also include an exception that would exempt employers from the requirement to provide a grasping device provided that personal fall protection is used. The effect of this amendment would be to be ALAEA federal 29 CFR Section 1926.1053(b)(1) which contains a provision that is substantively the same.

Subsection (e)(12) prohibits the use of ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment.

This prohibition would be relocated to proposed subsection (e)(3). Existing Section 3279(d)(9) prohibits splicing short metal ladders together to provide long sections unless the manufacturer endorses extended uses and the ladders are equipped with the necessary hardware fittings. This provision would be amended to apply to all portable ladders and relocated to proposed subsection (e)(12). The effect of this amendment would be to broaden the prohibition on the splicing of metal ladders, to additionally include wood and plastic ladders.

Subsection (e)(13) prohibits splicing short ladders together to provide long sections.

This provision would be deleted because proposed subsection (e)(12) would contain the same prohibition. Proposed subsection (e)(13) would require extension ladders to be erected with the top section above and resting on the bottom section with the rung locks engaged. The effect of this amendment is to ensure extension ladders are used as designed.

Subsection (e)(14) prohibits using ladders made by fastening cleats across a single rail.

This provision would be deleted because proposed subsection (c)(1) would require job-made cleat ladders to comply with proposed Section 1676 which prohibits single rail cleat ladders. The effect of this amendment would be to avoid duplication. Proposed subsection (e)(14) would prohibit placing ladders in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards. The effect of this amendment would be to be ALAEA federal 29 CFR Section 1926.1053(b)(8) which contains a provision that is substantively the same.

Subsection (e)(15) prohibits using ladders as guys, braces, or skids, or for other than their intended purposes.

This prohibition would be amended and relocated to subsection (e)(16)(A) which would prohibit ladders from being used as a brace, skid, guy or gin pole, gang-way, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer. Proposed subsection (e)(15) would be titled "Climbing and Working Location". The effect of this amendment would be to provide clarity.

New Subsection (e)(15)(A) would provide that employees climb or work with the body near the middle of the step or rung and would prohibit over-reaching from this position.

The intent of this subsection is to prevent the employee from climbing or working with his/her center of gravity near or outside of the side rail. When it is not practical to work with the body near the middle of the step or rung, the proposal would provide an exception which would exempt employers from this requirement provided that the ladder is secured to the top support and personal fall protection is used.

The effect of this amendment would be to prevent an employee from over-reaching and falling from the ladder and/or the ladder from becoming unstable and falling.

New Subsection (e)(15)(B) would prohibit employees from carrying equipment or materials that prevent the safe use of ladders.

The effect of this amendment would be to inform the regulated public that the stated prohibition, applicable to all ladders pursuant to subsection (a)(1) of existing Section 3276, would remain applicable to portable ladders, since existing Section 3276 is proposed to be renumbered and limited to fixed ladders.

New Subsection (e)(15)(C) would require that when ascending or descending a ladder, the user face the ladder and maintain contact with the ladder at three-points at all time.

The effect of this amendment would be to inform the regulated public that the provision currently applicable to all ladders pursuant to subsections (a)(2) and (a)(3) of existing Section 3276, would remain applicable to portable ladders, since existing Section 3276 is proposed to be renumbered and limited to fixed ladders.

New Subsection (e)(15)(D) would prohibit an employee from standing and working on the top 3 rungs of a single or extension ladder unless there are members of the structure that provide a firm handhold or the employee is protected by a personal fall protection system.

This proposed provision is the same as the provision in existing Section 1675(k) which is proposed for deletion. The effect of this amendment would be to consolidate the requirements for all portable ladders in Section 3276.

New Subsection (e)(15)(E) would prohibit employees from standing on the top step or topcap of step ladders.

This proposed provision is the same as the provision in existing Section 1675(n) which is proposed for deletion. The effect of this amendment would be to consolidate the requirements for all portable ladders in Section 3276.

New Subsection (e)(15)(F) would prohibit using the cross-bracing on the rear section of step ladders for climbing unless the ladders are designed and provided with steps for climbing on both front and rear sections.

This proposed provision is the same as the provision in existing subsection 3279(d)(10)(B) which is proposed for deletion. The effect of this amendment would be to consolidate the requirements for all portable ladders in Section 3276.

New Subsection (e)(15)(G) would prohibit ladders from being moved, shifted, or extended while occupied, unless the ladder is designed and recommended for this purpose by the manufacturer.

The effect of this amendment would be to be ALAEA federal 29 CFR Section 1926.1053(b)(11) which is identical to the proposed amendment.

Subsection (e)(16) specifies the minimum overlap for the two sections of two-section extension ladders.

This provision would be amended and relocated to proposed subsection (e)(16)(E). The effect of this amendment would be to provide clarity and consistency with the minimum overlap requirements for two-section extension ladders specified in ANSI A14.1-2007, ANSI A14.2-2007, and ANSI A14.5-2007. Proposed subsection (e)(16) would be titled “Prohibited Uses” and the provisions that pertain to prohibited uses would be located under this subsection. The effect of this amendment would be to provide clarity.

New Subsection (e)(16)(A) would prohibit using ladders as a brace, skid, guy or gin pole, gang-way, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer.

This proposed provision is substantively the same as the provision in existing Section 3279(d)(10)(A) which is proposed for deletion. The effect of this amendment would be to consolidate the requirements for all portable ladders in Section 3276.

New Subsection (e)(16)(B) would prohibit the use of planks on the top step or topcap of step ladders.

This proposed provision is substantively the same as the provision in existing subsection 1675(f) which is proposed for deletion. The effect of this amendment would be to consolidate the requirements for all portable ladders in Section 3276.

New Subsection (e)(16)(C) would prohibit using step ladders as single ladders or in the partially closed position.

Section 8.3.13.2 of ANSI A14.1-2007 requires that the user ensure the step ladder is fully opened, with spreaders locked and all feet contacting a firm level support surface. The effect of this amendment would be to require that step ladders be used as designed so they do not collapse or slip and injure the user.

New Subsection (e)(16)(D) would specify the maximum length for various types of ladders and prohibit the use of ladders that exceed the specified maximum length.

The proposed provisions are the same as those provided under existing subsection (d), except for two-section extension ladders made of metal or reinforced plastic which are not currently addressed. The proposal would relocate the existing provisions regarding maximum ladder lengths to the proposed new subsection. In addition, the proposal would specify a maximum length of 72 feet for two-section metal and reinforced plastic extension ladders. The effect of this amendment would be to prohibit the use of ladders that exceed the lengths specified in ANSI A14.2 and ANSI A14.5.

New Subsection (e)(16)(E) would specify the minimum overlap for the two sections of two-section extension ladders when the ladders are in use.

The proposed specifications update those in existing subsection (e)(16) to be consistent with ANSI A14.1-2007, ANSI A14.2-2007, and ANSI A14.5-2007. The effect of this amendment would be to prohibit the use of ladders that do not provide the minimum overlap specified in the ANSI ladder standards.

Subsection (e)(18) prohibits using a ladder to gain access to a roof unless the top of the ladder extends at least 3 feet above the point of support at the eave, gutter, or roof line.

This provision would be deleted, as it is superseded by proposed subsection (e)(11) which would require the side rails of ladders to extend not less than 36 inches above the landing surface to which the ladder is used to gain access. The effect of this amendment would be to avoid conflict or duplication with the provisions of proposed subsection (e)(11).

Proposed subsection (e)(18) would require the use of non-conductive ladders in locations where the ladder or user may contact unprotected energized electrical conductors or equipment. The proposal would also require that conductive ladders be legibly marked with signs reading “CAUTION – Do Not Use Around Electrical Equipment”, or equivalent wording. These proposed provisions are substantively the same as the provisions of existing Section 3279(c)(11) which is proposed for deletion. The effect of this amendment would be to consolidate the requirements for all portable ladders in proposed Section 3276.

The proposal would also add a NOTE following this subsection. The effect of this amendment would be to inform the reader that additional requirements for working in proximity to energized electrical equipment can be found in Article 37 of the Electrical Safety Orders.

Subsection (e)(19) provides portable rung ladders are to be equipped with non-slip bases when there is a hazard of slipping and clarifies that non-slip bases are not intended as a substitute for care in safely placing, lashing, or holding a ladder that is used on a slippery surface.

This provision lacks clarity because “non-slip bases” is not defined in the standard or in the ANSI A14 ladder standards which are incorporated by reference in proposed subsection (c). The ANSI standards do, however, contain requirements regarding the provision of safety feet. Proposed subsection (e)(3) would prohibit the use of ladders with broken or missing safety feet. In addition, proposed subsection (e)(7) would prohibit using ladders on ice, snow or slippery surfaces unless suitable means to prevent slippage have been employed, and proposed subsection (e)(9) would require ladders to be placed to prevent slipping or tied, blocked, held, or otherwise secured to prevent slipping. The proposal would delete the current provisions in subsection (e)(19). The effect of this amendment would be to provide clarity and to avoid duplication or conflict with proposed subsections (e)(3), (e)(7), and (e)(9).

Proposed subsection (e)(19) would require that ladders transported on motor vehicles be properly supported and secured to prevent falling. The effect of this amendment would be to prevent damage to ladders during transport and to prevent injury to employees who may be struck by the ladder or subsequently use the damaged ladder.

Subsection (e)(20) prohibits climbing on the rear cross-bracing of step ladders unless the ladders are provided with steps on both sides.

This provision is substantively the same as the provisions of subsection (e)(15)(F). The proposal would delete this provision from subsection (e)(20). The effect of this amendment is to prevent duplication. Proposed subsection (e)(20) would require the area around the top and bottom of a ladder to be kept clear. The effect of this amendment would be to be ALAEA federal 29 CFR Section 1926.1053(b)(9) which contains the identical provision.

New Subsection (f), titled “Employee Training”, would require employees and supervisors to be provided training on ladder safety. New subsections (f)(1) through (f)(7) would list the training topics to be included in the training, unless the employer can demonstrate that a topic is not applicable to the employer’s workplace.

The training topics relate to the topics covered in subsections (a) through (e) of this proposed standard. The effect of this amendment would be to ensure ladder users and supervisors know how to safely select, maintain, inspect, and use ladders in accordance with the proposed standard.

Section 3279. Portable Metal Ladders.

This section pertains to the design, construction, and use of portable metal ladders.

The proposal would delete the existing provisions of Section 3279 and consolidate the requirements for portable wood, metal, and reinforced plastic ladders in proposed Section 3276, as discussed prior.

The first paragraph of existing Section 3279 requires that the safety requirements for portable metal ladders meet the requirements of ANSI A14.2-1990, ANSI A14.10-2000 or the ANSI A14.2 standard in effect at the time the ladder was placed in service.

The proposal would delete this provision to avoid duplication and inconsistency with proposed Section 3276(c)(2) which would require that portable metal ladders placed in service after the effective date of this amendment meet the design and construction requirements of ANSI A14.2-2007, which is incorporated by reference, or for other such ladders, the ANSI A14.2 or ANSI A14.10 standard in effect at the time the ladder was placed in service. The effect of this amendment would be to consolidate the design and construction requirements for all portable ladders in proposed Section 3276(c), and to update the reference to ANSI A14.2 to the most recent version of the standard.

Section 3280. Portable Reinforced Plastic Ladders.

This section requires that the safety requirements for portable plastic ladders meet the requirements of ANSI A14.5-1992, ANSI A14.10-2000, which are incorporated by reference, or the ANSI A14.5 standard in effect at the time the ladder was placed in service.

The proposal would delete this provision to avoid duplication and inconsistency with proposed Section 3276(c)(3) which would require that portable plastic ladders placed in service after the effective date of this amendment meet the design and construction requirements of ANSI A14.5-2007 or the ANSI A14.5, which are incorporated by reference, or for other such ladders, the ANSI A14.5 or ANSI A14.10 standard in effect at the time the ladder was placed in service. The effect of this proposal would be to consolidate the design construction requirements for all portable ladders in proposed Section 3276(c), and to update the reference to ANSI A14.5 to the most recent version of the standard.

Section 3287. Ladders.

This section pertains to ladders used for window cleaning operations.

Subsection (b)(1) requires that wood ladders comply with Section 3278, not be painted with other than a transparent material, and includes an exception which refers the reader to Section 3287(a)(1) for maximum length.

This provision would be amended to apply to all portable ladders. The reference to Section 3278 would be amended to reference Section 3276. The provision regarding the painting of ladders would be deleted, since proposed Section 3276(e)(5)(B) would prohibit painting wood ladders with other than a transparent material. The effect of these amendments would be to inform the regulated public that the

proposal would delete existing Section 3278 and relocate the provisions regarding portable wood ladders in Section 3276.

Subsection (b)(2) requires that metal ladders meet the requirements of Section 3279 and includes an exception which refers the reader to Section 3287(a)(1) for maximum length.

The proposal would delete existing subsection (b)(2) and the exception. The effect of these amendments would be to avoid duplication or inconsistency with proposed subsection (b)(1) which would apply to portable metal ladders.

Subsection (b)(3) requires that reinforced plastic ladders meet the requirements of Section 3280.

This subsection is proposed to be deleted. The effect of this amendment would be to eliminate duplication or inconsistency with proposed subsection (b)(1) which would apply to portable reinforced plastic ladders.

Subsection (b)(4) would be renumbered to subsection (b)(2). This amendment would have no effect other than to maintain the sequential numbering of the subsections.

Section 3413. Ladders.

This section pertains to ladders used for outdoor advertising operations.

Subsection 3413(a) requires that ladders be at least Type I, Type IA, or Type IAA duty ladders and be designed and constructed in accordance with Sections 3278 and 3279.

The reference to Sections 3278 and 3280 would be amended to reference Section 3276(c). The effect of this amendment would be to update the internal reference to the design and construction requirements for portable wood and metal ladders from existing Sections 3278 and 3279 to proposed Section 3276(c) where the design and construction requirements for wood, metal and reinforced plastic ladders would be consolidated.

Section 3458.1. Ladders Attached to Date Palms.

This section pertains to ladders attached to date palms.

Subsection (b) requires that the use of date palm ladders be in accordance with the requirements of Section 3276.

The reference to Section 3276 would be amended to reference Section 3278. This amendment would have no effect other than to provide consistency because the proposal would renumber Section 3276 to Section 3278.

DOCUMENTS INCORPORATED BY REFERENCE

1. American National Standard for Ladders – Wood Safety Requirements, ANSI A14.1 – 2007.
2. American National Standard for Ladders – Portable Metal – Safety Requirements, ANSI A14.2-2007.

3. American National Standard for Ladders – Portable Reinforced Plastic – Safety Requirements, ANSI A14.5-2007.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of 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.

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.

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.)

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 amendment may affect small businesses. However, no economic impact is anticipated.

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**
Division 1, Chapter 4, Subchapter 7, Article 20
Section 3563 and Article 25, Section 3651
Rollover Protective Structures for Ride-On Power Lawn Mowers

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The proposed amendments for this rulemaking action were initiated in large part from recommendations submitted to the Board in the matter of Petition File No. 494 submitted by Julio and Madeline Petrini.

The Petitioners' son was fatally injured when the riding lawn mower¹ he was operating went over a landscaping retaining wall and overturned on him. The lawn mower he was operating was not equipped with a rollover protective structure (ROPS).

Title 8 standards pertaining to power lawn mowers are located in the General Industry Safety Orders (GISO) Section 3563. The existing standard does not address the use of ROPS in combination with seat belts for riding lawn mowers. Therefore, the petition recommended that the Board consider a rulemaking action that would address ROPS and seat belt requirements for the operators of riding power lawn mowers. At the direction of the Board, an advisory committee of stakeholders was convened and the proposal was developed.

A review of the accidents and injuries associated with riding lawn mowers in the federal OSHA data base indicates a number of serious injuries and sometimes fatal accidents related to workers being crushed by lawn mowers overturning on them or being drowned when mowers overturned in water, pinning the operator. California has fared better than some other states with a history of only several occupational fatalities. The Bureau of Labor Statistics Information for the year 2007 indicated that nationally, there were 21 fatal accidents on riding lawn mowers. In 2006, there were at least 290 non-fatal, nationwide reported accidents involving riding lawn mowers.

Federal OSHA accident data included similar circumstances involved in accident injuries, including operating the riding lawn mowers on slopes that exceeded the manufacturer's specifications or operation of riding mowers on wet and slippery surfaces encountering an obstruction such as a tree stump, a ditch, or a body of water. The water in some of the incidents was not very deep, less than two feet in some cases, but the operator was pinned under the mower with no one to provide assistance. In some accidents, the mower was equipped with ROPS and/or seatbelts, but the ROPS were not in use having been folded down in the disengaged position.

A primary purpose of this rulemaking action is to address requirements for ROPS and seatbelt use during operation of ride-on, sit-down, power lawn mowers. However, the proposal also seeks to replace outdated language and include provisions that ensure power lawn mowers meet applicable ANSI consensus standards. The proposal also limits the use of ride-on, sit-down mowers in areas and situations that have been found to be unsafe and hazardous for the operator. The proposal also includes training requirements for the operators of power lawn mowers.

Section 3563 Power Lawn Mowers.

Existing Section 3563 includes the general requirements for power lawn mowers.

Subsection (a) Scope.

The existing scope, subsection (a) states that these regulations apply to power lawn mowers of 20-horsepower or less and addresses provisions for walk-behind and riding mowers including lawn riding tractors and lawn and garden riding tractors and related mowing attachments. Certain types of grass/turf cutting machines such as sulky-type units, flail mowers and sickle bar mowers often associated with agricultural operations are excluded. An informational "Note" refers to Article 25 (which includes provisions for agricultural/industrial tractors) when tractors of more than 20-horsepower are used.

¹ When the term "riding lawn mower" is used in this document, it means the same as a "ride-on, sit-down lawn mower."

An amendment deletes the reference to “20-brake horsepower” which essentially can also be referred to as “20 engine horsepower.” The provisions in Section 3563 go back to at least 1978 when 20 engine horsepower likely was an accurate way to determine a machine intended primarily for mowing lawns versus agricultural/industrial operations. Agricultural and industrial tractors are typically utility tractors designed for use with multiple implements and attachments for agricultural or industrial work. However, today many zero turn lawn mowers² and lawn riding tractors designed primarily for mowing are well over 20 engine horsepower and often can range up to 30 engine horsepower. Consequently, the references to “20-brake horsepower” including the “Note” for subsection (a) are deleted because they are obsolete indicators of the type and design of machines that are currently used as ride-on, sit-down power lawn mowers.

Agricultural and industrial tractors are designed as utility machines for multiple uses with a variety of implements and attachments. They are not designed primarily for mowing lawns but in some cases can be equipped with turf mowing implements that cut grassy areas. These types of tractors are frequently used along freeways and highways for cutting grassy, turf areas. These utility tractors are covered by provisions in GISO Article 25 which address ROPS and seatbelt use for tractors.

Some lawn mower manufacturers also produce a wide variety of lawn and garden riding tractors that are usually smaller in size, weight and power than agricultural tractors but differ from agricultural tractors in that they are designed primarily and with the specific intent of mowing lawns. Most models of lawn and garden riding tractors designed for lawn care and maintenance are equipped with an under belly mowing deck, although a limited number of models such as the John Deere Lawn Mower, Model 1445 have a power drive that allows the use of reel or rotary bladed front-mounted mowing decks. An amendment is proposed for subsection (a) that clarifies lawn riding tractors and lawn and garden riding tractors “with mowing attachments” are included in the scope section.

In order to ensure that machines designed primarily for mowing lawns are covered by the appropriate provisions in Section 3563 and that agricultural/industrial tractors are covered in Article 25, an amendment is made to subsection (a) that excludes tractors from the provisions of Section 3563 unless the tractor is designed primarily for mowing lawns and is manufactured in conformance with national consensus standards for power lawn mowers.

The effect of the proposed amendments for subsection (a) is to remove outdated and obsolete language and provide clarity to provisions in the scope section of the standard.

Subsection (b) General.

Subsection (b)(1)

Existing subsection (b)(1) provides that mowers placed in service after March 29, 1975 through April 15, 1999, shall be designed, constructed, tested and labeled to meet the provisions of ANSI B71.1-1972 and B71.1a-1974 or ANSI B71.1-1980, Safety Specifications for Power Lawn Mowers, Lawn and Garden Tractors and Lawn Tractors. Amendments are proposed having the effect of providing consistency with the proposed provisions in subsection (b)(2) and would require that lawn mowers “meet the requirements” of the aforementioned ANSI B71.1 standards.

² A zero turn mower is a machine designed for mowing lawn with a ride-on operator and can be turned in a full circle in a stationary spot because of the design of the wheels and drive mechanism.

An additional amendment permits that power lawn mowers can meet the requirements of the applicable ANSI B71.1 or B71.4 standard in effect at the time the mower was manufactured for the time frame specified in subsection (b)(1). The effect of this amendment merely permits the mower to meet the appropriate provisions of a later edition of the ANSI B71.1 or B71.4 standard published during the time period specified in the subsection (i.e. through April 15, 1999).

Subsection (b)(2)

Existing subsection (b)(2) states that power mowers placed in service after April 15, 1999 shall be “approved” as defined in Section 3206 of the GISO. An amendment is proposed that deletes language allowing mowers to be “approved” in lieu of language for this subsection that would require mowers to meet the requirements of the specific ANSI/OPEI³ power lawn mower standards published after April 15, 1999, which are hereby incorporated by reference. The term “approved” as defined in GISO Section 3206 has broad application, however, it does not provide specific safety information and guidance for the design, guarding, controls and safety features necessary for safe mowing operations. Therefore, the amendment has the effect of ensuring that power lawn mowers meet the provisions of the applicable consensus standard for the mower design type and date of manufacture.

Subsection (b)(3)

A new proposed subsection (b)(3) would require power lawn mowers manufactured after the effective date of the regulation to have a durable label stating that the power lawn mower is manufactured in accordance with the applicable ANSI B71.1 or B71.4 standard. The ANSI B71 standards already require a durable label on power lawn mowers that provides the name of the manufacturer or supplier; model number or serial number, or both; and the name and address of a source for replacement parts.

The advisory committee including manufacturer representatives agreed that adding a statement of compliance with the applicable ANSI B71.1 or .4 standard would have the effect of assisting both the employer and the Division in determining that the mower is in compliance with the provisions of subsection (b)(2). It should be noted that stakeholders determined that the ANSI compliant labeling provision should be omitted for existing mowers as to retroactively label mowers currently in use would be very onerous and difficult to achieve with effective results.

Subsection (c) Roll-Over Protective Structures (ROPS) and Seat Belts.

New proposed subsection (c) would require that when visual inspection or technical information from the manufacturer indicates that a riding lawn mower is designed by the manufacturer to be equipped with ROPS, or to accept ROPS as an option, ROPS engineered and approved for the mower shall be provided and used. The amendment further requires that approved seat belt assemblies shall be provided and used on all riding lawn mowers where ROPS are installed. An exception is proposed stating that ROPS and seat belts may be temporarily suspended only when operating in areas where the vertical clearance is insufficient to allow a ROPS equipped mower to operate.

The proposed amendment would have the effect of requiring that riding mowers designed by the manufacturer for use with ROPS and seatbelts to be used and equipped in accordance with the manufacturer’s design and engineering decision that such features provide additional safety for the operator. The proposed exception has the effect of permitting the riding mower to be operated in areas where the vertical clearance is insufficient to allow a ROPS equipped mower to operate.

³ OPEI means “The Outdoor Power and Equipment Institute”

A “Note” is proposed for this subsection providing an informational reminder that the requirements for ROPS on agricultural and industrial tractors are provided in Article 25 of the General Industry Safety Orders.

Subsection (d) Prohibited Use of Ride-On, Sit-Down Lawn Mowers.

Proposed subsection (d)(1) would require that ride-on, sit-down mowers be used on slopes in accordance with the manufacturer’s recommendations. When the manufacturer’s recommendations are not obtainable or do not address using such mowers on slopes, subsection (d)(2) would require ride-on, sit-down mowers to be used on slopes consistent with angle limitations typically specified by mower manufacturers. Operating riding mowers on steep slopes is a frequent cause of serious accidents. The proposed amendments would have the effect of requiring such mowers to be used in accordance with the recommendations of manufacturers.

Subsection (d)(3) would have the effect of prohibiting the use of ride-on, sit-down mowers within 5 feet of the hazards outlined in subsection (d)(3)(A) & (B). These hazards to mower operators were identified in committee discussions and included review of power lawn mower owner’s manuals and accident causes. Maintaining a 5 foot distance from known hazardous areas would allow the use of 48 inch, 36 inch, or 21 inch deck walk-behind mowers to complete work near hazardous conditions.

Subsection (e) Power Operator Lawn Mower Training.

Proposed subsection (e) outlines the training requirements for the operators of power lawn mowers that are included in the scope of Section 3563. It was the consensus of the advisory committee to include specific training requirements for operators given that ROPS will not eliminate all serious accidents and that not all riding lawn mowers are designed for ROPS systems.

Proposed subsections (e)(1) and (e)(2) address issues such as safety training and would require that power lawn mower operators are trained by qualified persons. Further, subsection (e)(2)(C) would in part require instruction and demonstrations by the trainer and practical exercises to be performed by the trainee. Proposed subsection (e) would have the effect of providing specific training provisions that have been successful with other equipment such as the use of powered industrial trucks (forklifts).

Subsection (e)(3) Training program content.

Proposed subsection (e)(3)(A) through (G) would have the effect of outlining the training program content and provisions such as, but not limited to the review of the operator’s manual, safety devices, controls, the use of ROPS, seatbelts and hazardous conditions that could affect the stability of a mower.

Subsection (e)(4) Refresher training and evaluation.

Proposed subsection (e)(4) would have the effect of providing requirements that would trigger operator refresher training including when the operator receives a new job assignment that includes operating a mower or machinery that the operator is unfamiliar with or includes mowing lawns on terrain or surfaces that present hazards unfamiliar to the operator in their current or past work assignments.

Subsection (e)(5) Avoidance of duplicative training.

Subsection (e)(5) will have the effect of avoiding duplicative training when an employee has received training previously and is found to be competent to safely operate the type of mower that he or she will be authorized to use.

Subsection (e)(6) Recordkeeping.

Proposed subsection (e)(6) has the effect of requiring instruction and training documentation in accordance with the general record keeping provisions in GISO Section 3203, Injury and Illness Prevention Program.

Section 3651 Agricultural and Industrial Tractors.

Section 3651(a) addresses ROPS protection requirements for all agricultural and industrial tractors manufactured after October, 25, 1976. An information "Note" is proposed for subsection (a) for clarity to indicate that tractors that are designed and used for the purpose of mowing lawns and that meet power lawn mower national consensus standards are covered in Section 3563 "Power Lawn Mowers."

DOCUMENTS INCORPORATED BY REFERENCE

1. American National Standards Institute/Outdoor Power Equipment Institute (ANSI/OPEI) B71.1-1998 standard for Consumer Turf Care Equipment-Walk-Behind Mowers and Ride-On Machines with Mowers-Safety Specifications.
2. ANSI B71.1-2003 standard for Consumer Turf Care Equipment-Walk-Behind Mowers and Ride-On Machines with Mowers-Safety Specifications.
3. ANSI/OPEI B71.4-1999 standard for Commercial Turf Care Equipment-Safety Specifications.
4. ANSI B71.4-2004 standard for Commercial Turf Care Equipment-Safety Specifications.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of 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.

SPECIFIC TECHNOLOGY OR EQUIPMENT

The provisions in proposed Section 3563(c) would require the use of roll-over protective structures (ROPS) in combination with seat belts for riding lawn mowers designed by the manufacturer to be equipped with such safety equipment. A number of major lawn mower manufacturers selling mowers in California are equipping commercial riding mowers with ROPS and seatbelts as standard equipment. Some riding lawnmower models are not designed to accept ROPS systems by the manufacturer. In these cases, the proposal would not require retrofitting the mower for ROPS systems. However, riding lawn mower models sold without ROPS that were designed by the manufacturer to accept ROPS as an optional safety related accessory would be subject to the ROPS provisions of the proposal.

The proposal would allow employers 180 calendar days to inventory their equipment and meet the ROPS related provisions. A number of employers and agencies, both public and private, would already be in compliance or near compliance with the proposal. Furthermore, one major manufacturer is

offering a free program and another manufacturer a reduced price program to equip certain commercial riding lawn mowers with ROPS and seatbelts when the mower is designed to accept such safety equipment. It is not known at this time if other manufacturers will offer similar programs but it is likely that additional cost reducing/discount programs would be offered that would reduce the average estimated costs for ROPS when required.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

There are a limited number of state agencies that own and operate riding power lawn mowers. These agencies would be minimally impacted to the extent outlined in the cost analysis. The Department of Parks and Recreation (DPR) likely owns the most number of riding lawn mowers at 60 statewide. It is estimated for DPR that between 10 and 20 mowers would need consideration for updating to the ROPS provisions in the proposal. The average cost to update a mower for ROPS is approximately \$425.00.

The Department of General Services (DGS) indicates it owns approximately 15-20 riding mowers statewide and that no more than half of those would need consideration for a ROPS system. It should be noted from a review of the OSHA accident summary document outlined in item No. 5, under the heading "Documents Relied Upon" that riding lawn mower accidents are often serious and frequently fatal. Eliminating just one accident would likely far outweigh any one-time cost for any employer/agency to update applicable mowers that are designed for ROPS systems.

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.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person would necessarily incur related to the proposed action. The primary business with the potential to incur costs would be landscape contractors providing lawn care services. A number of contractors are already in compliance or near compliance with the proposal's ROPS related provisions. Landscape contractors attended the advisory committee that reached consensus for the provisions in this proposal and the California Landscape Contractors Association provided assistance with the potential cost analysis for this rulemaking. The typical or average one-time cost expected for those landscape contractors affected are not expected to be onerous or burdensome. For example, the average small landscape contractor affected by the proposal would have 4 riding mowers of which 2 may need a ROPS system, for an estimated average one-time cost of \$425.00 per mower.

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

The proposal imposes nondiscretionary costs on local agencies; however, only agencies owning riding lawn mowers within the scope of the proposed regulations would be affected. A number of agencies would already be in compliance or near compliance with the proposal. Additionally, some agencies contract a portion or all of their landscape and lawn care services to private contractors. Of those agencies affected, the costs are not expected to be onerous or burdensome. This is because the average agency affected by the proposal has a significant percentage of riding mowers typically in compliance and the average cost to update a mower with ROPS when necessary is nominal.

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 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, primarily lawn care/landscape businesses. The smallest lawn care contractors are often maintaining residential/home lawns that do not require the use of riding lawnmowers and consequently, these contractors would not be affected by the proposal. For other small contractors affected by the proposal, the costs are not expected to be onerous or burdensome as outlined under the heading "Cost Impact on Private Persons or Businesses."

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.

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 December 11, 2009. 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 December 17, 2009, 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 Marley Hart, Executive Officer, or Mike 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

JOHN D. MACLEOD, Chairman

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, Division 1, Chapter 4, Subchapter 5, Low-Voltage Electrical Safety Orders, Article 11, Section 2395.6, **Portable and Vehicle-Mounted Generators.**

Heard at the July 16, 2009, Public hearing; adopted on August 20, 2009; filed with the Secretary of State on October 7, 2009; and will become effective on November 6, 2009.

Copies of this standard 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**.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Marley Hart, Executive Officer