



August 7, 2008

Occupational Safety & Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

RE: Petitioners request to amend Title 8, California Code of Regulations, Construction Safety Orders, Section 1590 (d), Section 1591 (b), and Section 1597.

Dear Honorable Board Members,

The Associated General Contractors of California and The Operating Engineers, Local 3 hereby jointly petition the California Occupational Safety & Health Standards Board to amend Title 8, California Code of Regulations, Construction Safety Orders, Section 1590 (d), Section 1591 (b), and Section 1597 to read as follows:

1590 (d) Exhaust. ~~Arrangements shall be made to direct exhaust gases away from the operator's breathing zone.~~

- (1) Engine exhaust piping shall direct exhaust gases away from the operator's breathing zone.
- (2) No modifications shall be made to the exhaust systems that would create a fire hazard, or expose employees to burns from radiant heat and or high temperature surfaces.

1591 (b) Equipment and accessories. ~~installed on haulage vehicles shall be arranged so as to avoid impairing the driver's operational vision to the front or sides.~~

- (1) Equipment and accessories installed on haulage vehicles shall be so arranged as to avoid impairing the driver's operational vision.
- (2) Modifications and structural changes to haulage and earth moving vehicles that affect the capacity, safety, structural integrity, operator's visibility, or handling of the vehicle shall not be performed by the employer or user without prior written approval from the vehicle's manufacturer.

Modifications to Section 1597 Jobsite Vehicles (add section l and m)

(l) Vehicles excluded from provisions of 1591 and the State of California Motor Vehicle Code shall not be modified in any way that affects the capacity, safety, structural integrity, operator's visibility, or handling of the vehicle without prior written approval from the vehicle's manufacturer or certification of modifications by a California Registered Professional Engineer.

(m) Exhaust.

(1) Exhaust piping of internal combustion engines shall direct exhaust gases away from the operator's breathing zone.

(2) No modifications shall be made to the exhaust systems that would create a fire hazard, or expose employees to burns from radiant heat and or high temperature surfaces.

Recent modifications have been done to haulage and other off-road vehicles to comply with new California Air Resource Board (CARB) requirements. These modifications have proven to create safety hazards due to placing large or bulky exhaust purifiers on equipment in such a manner that blocks or limits the operator's visibility. In some cases these modifications have placed extremely hot surfaces adjacent to hand rails and ladders. Structural members on some equipment installations have been modified or cut through without engineering or manufacturers approval. We believe that it is only a matter of time before these modifications lead to injury or death of an operator or other personnel working in the proximity of the equipment.

The CARB regulation allows for exemption from modification of the equipment if the modification violates a CAL/OSHA requirement. Current regulations do not adequately address this type of modification and, as such, no exemptions have been made even though these modifications present a clear and imminent danger to operators and personnel working on or around this equipment. Petitioners jointly request the Boards expedient review and approval of these changes to Sections 1590 (d), Section 1591 (b), and Section 1597 as the number of these modifications will be significantly increasing over the next several years.

Sincerely in Safety,

Bo Bradley

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AGC of California

Guy Prescott

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Operating Engineers, Local 3

CC: Len Welsh, Chief DOSH
Mike Manieri, Principal Safety Engineer