

**INITIAL STATEMENT OF REASONS
CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
CALIFORNIA CODE OF REGULATIONS
TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
SECTIONS 5349 THROUGH 5357, NOT CONSECUTIVE**

The California Occupational Safety and Health Standards Board's (Board) mission is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers. The Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for variances from adopted standards and respond to petitions for new or revised standards. The part-time, independent board holds monthly meetings throughout California.

The Board proposes to amend regulations in subchapter 7 (General Industry Safety Orders) to ensure worker safety by amending language in article 121 Snow Avalanche Blasting sections 5349, 5350, 5355.1, 5357, and adding new section 5349.1.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAWS AND REGULATIONS

The following are summaries of the existing laws and regulations that relate directly to the proposed regulations. (Gov. Code, § 11346.5, subd. (a)(3)(A).)

LAW:

Labor Code section 142.3 establishes the Board as the only state agency authorized to adopt occupational safety and health standards and requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

REGULATIONS:

Current regulations provide that article 121 pertains only to snow avalanche control operations. Section 5349 specifies that the sections within article 121 take precedence when in conflict with other safety orders; section 5350 regulates training for snow avalanche blasting crewmembers; and section 5355.1 regulates the arming rooms; and section 5357 regulates snow avalanche control blasting.

SUMMARY OF SECTIONS AFFECTED

Adopt: 5349.1

Amend: 5349, 5350, 5355.1, 5357

AUTHORITY AND REFERENCE

Labor Code section 142.3 establishes the Board as the only state agency authorized to adopt occupational safety and health standards. In addition, Labor Code section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards. These proposed regulations will implement, interpret and make specific Labor Code section 142.3.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

There are currently no federal statutes or regulations that mandate licensing, training, or procedures for snow avalanche control. The proposed amendments do not conflict with and are at least as effective as federal occupational safety and health standards.

POLICY STATEMENT OVERVIEW

This rulemaking action proposes to amend regulations for snow avalanche control blasting. These amendments would align with industry best practices; require that employers provide written procedures and training, as specified; clarifies handcharging procedures; clarifies who is authorized to deploy handcharges; allows the use of RACS, as specified. These changes are necessary to clarify existing requirements while updating language to allow blasting activities that will improve employee safety by reducing employee exposure to blasting hazards.

1. Amend Section 5349

The word “operations” is deleted and replaced with “activities” to clarify that the scope of the sections in article 121 relates to all the activities that pertain to snow avalanche control activities and not solely to operations.

2. Add Section 5349.1

Section 5349.1 is added to provide definitions that are exclusive to article 121 in order to clarify terms used throughout the text. The following terms are added:

Avalanche blaster (“blaster”) is added to clarify that a person who performs avalanche blasting activities must be licensed or in training if not licensed under supervision of a blaster in charge. This is necessary to differentiate from “Blaster, Licensed” as defined in section 5237.

Avalanche blaster in charge (“blaster in charge”) is added to clarify that a blaster in charge within article 121 must be a licensed avalanche blaster, designated by the employer, and oversees all phases of snow avalanche control activities as specified. This is necessary to identify the responsibility for this role that extends beyond the avalanche blaster.

Avalanche blasting crewmember(s) is added to make clear who is a crewmember for snow avalanche control activities. This is necessary to differentiate

crewmembers from other employees who may be assigned to other duties not associated with snow avalanche control activities.

Avalanche path is added to define an area of land that is or may be affected by the movement of snow and other debris during an avalanche. This is necessary to ensure it is clear that the area affected by an avalanche includes the entire path of an avalanche from beginning to end, rather than just the runout zone, which is currently used.

Blast is added to describe the visual effect of an explosion. This is necessary because the snow avalanche blaster needs to know what to look for to ensure the explosive functioned properly.

Deploy is added to specify the various methods a charge can be placed for detonation. This is necessary to ensure that the charge is properly and safely placed in order to reduce avalanche hazards.

Essential personnel is relocated from the Note in section 5355.1(a)(3) and amended by deleting “transportation and site clearing” and replacing with “transportation of personnel, equipment, and materials; and site clearing to facilitate avalanche hazard reduction” to provide more specific details as to the role of transportation and site clearing.

Explosive charge (“Charge”) is added to specify the term for explosives used in snow avalanche blasting. This is necessary to ensure the correct terminology is used to ensure safety of all personnel involved in the snow avalanche blasting activities.

Position of safety is added to identify a location where an employee conducting snow avalanche activities can isolate or use to protect themselves from hazards and avalanches. This is necessary to ensure the safety of crewmembers doing the blasting.

Remote Avalanche Control System (RACS) is added to provide a description of these devices as a remotely controlled avalanche control method. It is necessary to provide this description because this type of device is being added as an alternative method to conduct snow avalanche blasting.

Terrain barrier is added to clarify that it is a natural or constructed physical obstacle used to provide the blaster protection from debris or the avalanche and requires it to be located outside of the avalanche path. This is necessary because it identifies a position of safety where avalanche blasting crewmembers can be protected while performing their duties.

3. Amend Section 5350

§ 5350. Training.

Subsection (b)(5)(C) is amended to replace “runout zones” with “the avalanche path” to make consistent the term used throughout article 121 and defined in new section 5349.1. Additionally, the phrase “requirements in” are deleted because they are not needed. The referenced subsections are amended due to the renumbering within those sections.

Section 5357(b)(4)(A)–(D) is added because its requirements are applicable to this section.

Nonsubstantive grammatical changes were made.

Amend subsection (e) to remove “, as defined in the Note in Section 5355.1(a), other than avalanche blasting crewmembers” since this definition was moved to new section 5349.1.

Amend subsection (e)(2) to remove “requirements in” to simplify the language used to reference the sections applicable to section 5350(e)(2). Additionally, replace referenced subsection 5357(a)(2) with subsection 5357(a)(3) and subsection 5357(b)(6) with subsection 5357(b)(7) to accommodate changes made to the section references to those sections. The addition of reference to section 5357(b)(4)(A)–(D) to ensure that all applicable sections for 5350(e)(2) are referenced.

Nonsubstantive grammatical changes were made.

4. Amend Section 5355.1

Amend subsection (a)(3) to replace “Only authorized and essential personnel to the operation” with “Only essential personnel authorized to participate in the arming procedure” to clarify which activity the essential employees need to be authorized to participate in to be allowed within the arming room and within the equivalent distance to occupied structures for the amount of explosives present.

Move and amend the “NOTE” below subsection (a)(3), as a definition in new proposed section 5349.1. This is necessary to ensure that all text within section 5355.1 is enforceable and to consolidate all definitions for article 121 into the new section 5349.1.

5. Amend Section 5357

Subsection (a) paragraphs are renumbered and current language moved due to the addition of new language.

Subsection (a)(1) current language is moved to (a)(2). Additionally, it is amended to add new language.

Subsection (a)(1)(A–E) is added to require employers develop and implement effective written procedures for all avalanche blasting activities; review and update them as necessary to reflect industry practices; require the procedures to include at a minimum the specific content outlined in subsection (a)(1)(B)1.-8.; require employers to allow crewmembers to participate in the development of the procedures; require the employer to specify the method(s) to ensure crewmember competency of the procedures; and require the employer provide training on the procedures with a questions and answers session facilitated by a licensed avalanche blaster before the first blasting of the season. This is necessary to ensure that individuals conducting or participating as a crewmember are kept safe.

Existing subsection (a)(1) is renumbered to subsection 5357(a)(2) and amended to delete the phrase “who is a licensed avalanche blaster, certified by the Division to perform such blasting activities” as requirement for a blaster in charge because this role is now defined in new section 5349.1.

Existing subsection (a)(2) is renumbered to subsection 5357(a)(3). It is also amended to delete “(runout zone)” since “avalanche path” is referenced, which is a more specific term for the area affected by the avalanche and a term that is proposed to be added as a definition in new section 5349.1. Furthermore, “not be opened” is deleted and replaced with “shall remain closed” to be consistent with current language.

Existing subsection (a)(3) is renumbered to subsection 5357(a)(4). Additionally, it is amended to delete “insure” and replace with “ensure” because insure was unintentionally used in the previous rulemaking. It also deletes “from the fuse” as it is redundant language. Nonsubstantive grammatical and/or editorial amendments were made for clarity purpose.

Existing subsection (a)(4) is renumbered to subsection 5357(a)(5). Additionally, it is amended to add “deployed” and delete “placed, thrown or propelled to the desired location” since deployed is defined in new section 5349.1, making it clearer for the user.

Amend new subsection (a)(5)(E) (previously (a)(4)(E)) to delete “such” and “devices” and “accepted by the Division as providing equivalent safety to the remote control devices allowed under”; and add “avalanche” after “remote” and “systems (RACS)” after control and add “pursuant to”. These changes replace the use of “remote control devices” with “remote avalanche control system (RACS)” to align with industry terminology. Furthermore, it also allows for RACS to be used for snow avalanche blasting without having to meet the approval

criteria for these systems, which currently require devices to be approved only by the Division if the devices provide equivalent safety to the remote control devices allowed under subsection (e), however, this is amended to reference criteria specifically for RACS in new subsection (f). This is necessary because it not only establishes specific requirements for RACS but is designed to provide equivalent or greater safety for these devices than the requirements in subsection (e).

Existing subsection (a)(5) is renumbered to subsection (a)(6). Current language is amended to add subsection (f) as an exception to allow employers to conduct non-emergency avalanche blasting in daylight and non-daylight hours when using a RACS for snow avalanche control blasting and amend “emergency operations” to “an emergency in accordance with employer’s written procedures, as required by subsection (a)(1)(B)8” to ensure that the written procedures are followed.

Existing subsection (a)(6) is renumbered to subsection (a)(7). Also, it is amended to delete “not” and replace with “only” and delete “not” in “cannot” to “can” in order to improve the clarity of this requirement. Additionally, it is amended to relocate existing language to new subparagraphs to make it easier for the user to identify when the blaster can conduct avalanche blasting.

New subsection (a)(7)(A) is added to relocate criteria from subsection 5357(a)(6) and amends it to delete “fuse is lit” and replace with “charge is initiated” to clarify the intent of this subsection is to identify the initial stage of an explosive charge that will result in an explosion if the process is not disabled and deletes “or” replacing it with “and” to require either new subsections (a)(7)(B) or (C). This is necessary to ensure the safety of the blaster.

New subsection (a)(7)(B) is added to relocate existing criteria from subsection 5357(a)(6) that requires the blaster to clearly identify the target area for the detonation of the charge. This is necessary to make it clear to the blaster that they can only conduct avalanche blasting in targeted areas.

New subsection (a)(7)(C) is added to allow blasters to deploy charges using a RACS while maintaining requirements to verify initiation of the charge and the selected target area for the detonation of the charge. This is necessary because it reinforces the use of RACS as an alternative method and provides guidance to the blaster on verification of charge initiation.

Amend subsection (b) to add “handcharges” for consistency throughout the section and to be in coordination with industry terms.

Amend subsection (b)(4)(A) to update the description of the location the blaster is deploying the charge by deleting “the deployment target” and replace with “location where the handcharge is intended to land.” This provides additional

clarity to ensure that the blaster determines the location they are intending the handcharge to land before they deploy it.

Amend subsection (b)(4)(B) to delete the requirement to “Check the runout zone for personnel” since this will be addressed by subsection (b)(5). It is further amended to add new language to establish minimum safety requirements for determining a position of safety prior to attaching an igniter to a handcharge.

New subsection (b)(4)(B)1 is added to allow avalanche blasting crewmembers to use a terrain barrier as an option for a position of safety when they are deploying handcharges. This is necessary to keep the blaster safe.

New subsection (b)(4)(B)2 is added as an option that allows avalanche blasting crewmembers to use a location that is at least 100 feet from both the location where the handcharge is intended to land and the location where the blaster deploys the charge. This is to provide clarity on where the blaster can safely deploy handcharges and where the pre-determined position of safety shall be located.

New exception for new subsection (b)(4)(B)2 is added to allow blasters to use the location they deploy handcharges from as a position of safety if it is 100 feet or greater from the deployment target and if moving to another position of safety creates a greater hazard to the blaster than remaining in the location they deploy the handcharges from.

Amend subsection (b)(4)(C) to delete “Check the blast area for personnel” and replace with “Ensure there are no personnel in locations that could be affected by deployment of the handcharge, including, but not limited to the blast area and avalanche path.” This change is necessary to ensure blasters consider all areas that could be affected by the explosion of a handcharge and ensure no personnel are in any of those areas.

New subsection (b)(4)(D) is added to require blasters to communicate orally each time a charge will be deployed. This improves employee safety by identifying a specific activity of deploying handcharges that could lead to a severe injury or fatality if affected crewmembers are not notified of each deployment.

Amend subsection (b)(5) by deleting “runout zone” and replace with “avalanche path” to ensure all areas that could be affected by the displaced snow and other debris are considered by the blaster before attaching an igniter to the fuse to the handcharge. The proposal also adds “of personnel” after “clear” to clarify to the blaster that personnel are not in any area that could be affected by hazards caused by explosives prior to attaching an igniter to the safety fuse of a handcharge. Additionally, the proposal replaces “the igniter shall be attached to the safety fuse and immediately activated and the charge deployed within 20

seconds of attaching the igniter onto the fuse” with “the blaster shall attach the igniter onto the safety fuse, immediately activate it and deploy the charge within 20 seconds”; this change is to clarify who deploys the charge and how the igniter is attached to the fuse.

Subsection (b)(6) is amended to move current language to new subsections (b)(4)(B), (b)(4)(B)1, and (b)(4)(B)2 and add new language specifying that handcharges can only be ignited and deployed by a licensed avalanche blaster or someone being directly supervised by a licensed avalanche blaster. This is to ensure that the handcharges are properly and safely deployed.

New subsection (b)(7) is added to require all avalanche blasting crewmembers not directly involved in igniting or deploying the handcharge to be in a pre-determined position of safety. This is necessary to ensure the safety of all crewmembers.

New subsection (b)(7)(A) is added to require that avalanche blasting crewmembers orally report the position of safety they are in and to have the blaster orally confirm the crewmembers report, and if necessary direct the crewmembers to relocate to another position of safety prior to initiating the fuse of the handcharge. This is necessary to ensure the safety of all crewmembers during avalanche blasting.

New subsection (b)(8) is added to at all avalanche blasting crewmembers shall be in or relocate to a position of safety immediately after the blaster attaches the igniter onto the safety fuse. This is necessary to ensure the safety of all crewmembers.

Subsection (b)(7) is renumbered to new subsection (b)(9). Additionally, it is amended to delete “individual” and replace with “each”, delete “routes” and replace with “activity”, and add “any” in front of “unused” to make clear that the blaster after each avalanche control activity must deploy or disarm any unused charges. This change is necessary to clarify when, how and specify that all unused charges must be disarmed or deployed as specified. Also, “Subsection 5358(h)(1)” is amended to “subsections 5358(h)(2) – (4)” to update the subsections in 5358(h) related to disarming charges for the purposes of safe transportation of the charges at the completion of avalanche blasting activities.

Amend the exception for subsection (b)(9) [previously (b)(7)] to make clear the exception only applies to it.

New subsection (f) is added to list the requirements that must be followed in order to use RACS. This new subsection is necessary to establish requirements for the use of RACS as an alternative method for snow avalanche blasting

activities since the proposed language is eliminating the requirement that such devices need to be approved by the Division prior to use.

New subsection (f)(1) is added to clarify that only personnel authorized by the employer and trained in accordance with the manufacturer's instructions are allowed to operate RACS. This new requirement is necessary to establish who is permitted to operate RACS.

New subsection (f)(2) is added to require employers that use RACS that do not expose employees to explosive hazards to ensure the devices are installed, maintained, serviced, and repaired in accordance with the manufacturer's instructions and to specify that these devices can be excluded from the requirements for RACS that deploy explosive charges as specified in new subsection (f)(3). This new requirement is necessary to ensure that employers can identify the type of RACS that are required to follow either the new proposed subsection (f)(1) – (2) or new subsections (f)(1) and (f)(3).

New subsection (f)(3) is added to provide a section for minimum safety standards for using RACS that could expose employees to the hazards of explosives. This new requirement is necessary to establish requirements for the use of RACS that deploy explosive charges.

New subsection (f)(3)(A) is added to specify that avalanche blasters who are qualified to perform the loading, arming, and deployment of explosive charges for a RACS, shall be the only person performing those actions or they may also be directly supervising another avalanche blaster. This new requirement is necessary to ensure that the licensed blasters responsibilities for RACS are clearly identified.

New subsection (f)(3)(B) is added to require that RACS are in good working condition and assembled, maintained, repaired, and operated in accordance with the manufacturer's instructions. This new requirement is necessary to ensure that the RACS equipment and components are functioning, installed, repaired, and maintained according to the manufacturer's instructions.

New subsection (f)(3)(C) is added to require that the explosive charges used by RACS are inspected by an avalanche blaster to ensure there are no defects that could impair its ability to operate correctly.

New subsection (f)(3)(C)1 is added to require avalanche blasters inspect the explosive charges prior to them being transported to the site of the RACS.

New subsection (f)(3)(C)2 is added to require avalanche blasters to inspect the explosive charges prior to loading or installing them into the RACS.

New subsection (f)(3)(D) is added to ensure that defective RACS explosives and related components are not used and if discovered, the employer shall properly dispose of them or return them to the manufacturer.

New subsection (f)(3)(E) is added to ensure that the deployment of charges from a RACS is only conducted when there are no personnel “in any area where they could be injured by the avalanche blasting activities, including but not limited to the blast area and the avalanche path.”

New subsection (f)(3)(F) is added to ensure that RACS and its components are made accessible in accordance with the manufacturer’s instructions while also following all federal, state, or local authority applicable requirements. This new requirement is necessary to ensure that no unauthorized person can access the RACS and its components and all applicable government requirements are being followed.

New exception for subsection (f)(3)(F) is added to specify the circumstances that the RACS and its components may be unlocked by a qualified person. This is necessary when a qualified person needs to complete a task with a RACS that requires the RACS or its components to be unlocked. Before the qualified person performs the task, they must disable the RACS explosive charge initiation and deployment functions in accordance with the manufacturer’s instructions. This new exemption is necessary to clarify what circumstances allow a RACS and its components to be unlocked by a qualified person.

New subsection (f)(3)(G) is added to require employers to have a copy of the written procedures for all RACS operations, the names of the RACS manufacturer and RACS supplier available onsite for the Division to review and copy. This new subsection is necessary to ensure that employers have proper documentation available to representatives from the Division so they can review and copy if needed.

New subsection (f)(3)(H) is added to require employers to have documentation identifying the minimum distance that employees need to be from the explosions caused by detonation of the charges to protect them from the blast and fragmentation. This new subsection is necessary to ensure that employers have identified the safe distance that employees need to be from the explosive charge before they are detonated.

New subsection (f)(3)(H)1 is added to allow employers to create their own documentation to satisfy the requirement in new subsection (f)(3)(H). This new subsection is necessary to allow a qualified professional to identify the safe distance from the explosive charge if the manufacturer has not provided sufficient documentation.

New subsection (f)(3)(H)2 is added to require the employer to make the documentation required by new subsection (f)(3)(H) available to employees so they can see what the safe distance is from the explosive charge when it is detonated.

New subsection (f)(3)(I) is added to require the employer to designate an avalanche blasting crewmember to act as an observer during operations involving explosive charges with initiation systems attached, including when these charges are handled or otherwise manipulated in a way that the charge could be accidentally initiated. This new subsection is necessary to ensure that a qualified employee is monitoring operations to identify accidental ignition of an explosive charge.

New subsection (f)(3)(I)1 is added to require the designated observer to monitor operations for ignition of a fuse or other indication of initiation. This new subsection is necessary to clarify what the observer is required to identify.

New subsection (f)(3)(I)2 is added to require the designated observer to notify the blaster in charge if they identify that the fuse has been initiated or if they suspect the fuse has been initiated. This new subsection is necessary to clarify what actions the designated observer is required to take when initiation of a fuse is observed or suspected.

New subsection (f)(3)(J) is added to require employers to have written procedures that identify what employees need to do if there is an accidental or suspected ignition of an explosive charge that has an initiation system attached. This new subsection is necessary to ensure that employers have procedures that will keep employees safe if an explosive charge is accidentally initiated.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None
- Costs or savings to any state agencies: None
- Costs or savings to local agencies or school districts, which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None
- Other nondiscretionary costs or savings imposed on local agencies: None
- Costs or savings in federal funding to the state: None

BUSINESS IMPACT STATEMENT

The Board has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states, and will not affect the creation or elimination of jobs in the State of California because the proposed amendments to the regulations clarify existing safety requirements for

handcharge deployment, establish requirements for written avalanche control blasting procedures, and provide safety requirements for RACS as an alternative method for snow avalanche blasting that employers are not required to use.

SMALL BUSINESS IMPACT STATEMENT

The proposed regulations may affect small business. The Board has calculated initial costs for a small business to be \$17,808. More detailed information is provided in the Initial Statement of Reasons and the Std. Form 399, Economic and Fiscal Impact Statement.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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.

ECONOMIC IMPACT ANALYSIS / ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The Board has made an initial determination that this proposed regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California and will not result in the elimination of existing businesses nor create or expand businesses in the State of California because it does not require tasks that could not be completed by existing employees and does not impose new equipment purchase requirements.

The proposed regulatory action was developed with the assistance of an advisory committee made up of industry and labor representatives discussing the least burdensome means for accomplishing the necessary objectives. While this proposal includes additional requirements for employers to develop a written plan for snow avalanche blasting and to maintain and update that plan as necessary, these requirements are administrative in nature and Board staff anticipates they can be completed by existing employees. The Board staff also anticipates that any time associated with preparing and updating the written plan will be minimal and will not result in significant costs. The proposal also clarifies existing requirements to improve compliance. In addition, the proposal allows employers to use RACS using explosive charges as an alternative method. Since employers are not mandated to use RACS, only employers who choose to use RACS at their worksites to supplement their other existing avalanche control methods will be affected. Board staff does not anticipate the proposal will result in significant costs and will not affect the creation or elimination of businesses and jobs.

HEALTH AND WELFARE BENEFITS FOR CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

The Board has determined that these proposed regulations will benefit worker safety by making clear and specific the requirements for snow avalanche control blasting using handcharges and RACS. It also benefits worker safety by making clear and specific

requirements for employers to have written procedures for all snow avalanche control activities. Employers and Division of Occupational Safety and Health (Cal/OSHA) personnel will have clearer requirements allowing for simpler and more uniform compliance and enforcement of existing regulations.

CONSIDERATION OF ALTERNATIVES

The Board has determined no alternative considered, identified, or brought to its attention would be more effective in carrying out the purpose for which the action is proposed. The Board continues to support the statement made in the Notice of Purposed Action that “no reasonable alternative will be more effective in carrying out the purpose for which this regulatory action is proposed” or “will be as effective as, and equally effective in to affected private persons than the proposed action.” The Board has determined that this proposed regulatory action represents the most cost-effective, efficient and practical process achievable.

ANTICIPATED BENEFITS OF THE PROPOSAL

The Board has determined that these proposed regulations will benefit worker safety by consolidating and clarifying terminology into a new proposed section for definitions, requiring employers to have written procedures that ensure employee safety for all avalanche control blasting activities, clarity on employee involvement in the development of those procedures and requiring employers to provide effective training to all avalanche blasting crewmembers prior to the first blasting operation. In addition, the proposal clarifies what is an acceptable position of safety for avalanche blasting crewmembers when conducting handcharge operations.

The proposed regulatory action also provides a new subsection 5357(f) that provides employers with requirements for RACS using explosives. This will replace the existing requirement that employers get approval for RACS from the Division.

As a result of this rulemaking action, employers and Division of Occupational Safety and Health (Cal/OSHA) personnel will have clearer requirements allowing for simpler and more uniform compliance and enforcement of existing regulations.

DOCUMENTS RELIED UPON - STUDIES, REPORTS, AND SIMILAR DOCUMENTS

1. Petition 575 submitted by Nathan Heit and Charles Megivern, received April 19, 2020. <https://www.dir.ca.gov/oshsb/documents/petition-575.pdf>
2. August 7, 2018, list of advisory committee members, advisory committee roster, and minutes. <https://www.dir.ca.gov/oshsb/Snow-Avalanche-Control-Blasting-AC.html>
3. November 14, 2024, list of advisory committee members, advisory committee roster, and minutes, <https://www.dir.ca.gov/oshsb/Snow-Avalanche-Blasting-AC.html>
4. September 16, 2025, list of advisory committee members, advisory committee roster, and minutes. <https://www.dir.ca.gov/oshsb/Snow-Avalanche-Blasting-2nd-AC.html>

These documents are available for review BY APPOINTMENT Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. Appointments can be scheduled via email at oshsbrulemaking@dir.ca.gov or by calling (916) 274-5721.

SPECIFIC TECHNOLOGIES AND EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

PETITION

Petitioner: Nathan Heit and Charles Megivern

File No.: 575

The Occupational Safety and Health Standards Board received a petition on April 19, 2019, to amend Section 5357(a) of the General Industry Safety Orders contained in Title 8 of the California Code of Regulations regarding snow avalanche blasting. On September 19, 2019, the Occupational Safety and Health Standards Board granted the petition "to the extent that an advisory committee be convened by Board staff to consider the advisability of an (at least as protective) update to the Section 5357, Snow Avalanche Control Blasting standard."

A copy of the petition, the Division's evaluation and the Board's petition decision are included as Documents Relied Upon.

ADVISORY COMMITTEE

This proposal was developed with the assistance of an advisory committee. (A list of advisory committee members, attendance sheets, and minutes are included as Documents Relied Upon.)