

NOTICE OF PROPOSED ACTION

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS – OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

TITLE 8. INDUSTRIAL RELATIONS DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS

SNOW AVALANCHE BLASTING

NOTICE IS HEREBY GIVEN that the California Department of Industrial Relations – Occupational Safety and Health Standards Board (Board) proposes to adopt regulations governing snow avalanche control blasting in sections 5349, 5350, 5355.1, 5357, and adding new section 5349.1 of the General Industry Safety Orders (GISO) contained in Title 8 of the California Code of Regulations. The proposed regulations require employers to have written procedures for all avalanche blasting activities, ensure that employees are in a safe location when a handcharge is ignited and deployed to an intended target, and allow for the use of remote avalanche control systems (RACS) that deploy explosive charges.

PUBLIC HEARING

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date: December 17, 2026

Location: **California State University, Stanislaus**
Mart Stuart Rogers Building, Room MSR 130
One University Circle
Turlock, California 95382

OR

Videoconference: <https://tkoworks.zoom.us/j/87501250331>
(Conference ID: 875 0125 0331)

Call-in Number: (669) 444-9171
(Conference ID: 875 0125 0331)

Live video stream and audio stream (English and Spanish):
<https://videobookcase.com/california/oshsb>

Time: 10:00 AM

Pre-hearing registration will be conducted prior to the hearing. Those registered will be

heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or their authorized representative, may submit written comments relevant to this proposed regulatory action. All written comments must be received by the Board no later than 5:00 p.m. on December 17, 2026, in order to be considered. Written comments may be submitted by mail or email as follows:

By mail to: Department of Industrial Relations
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, STE. 350
Sacramento, CA 95833

ATTN: Snow Avalanche Blasting – Darus Wise, Regulatory Analyst

By email to: oshsbrulemaking@dir.ca.gov

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, the Board may adopt the proposals, as described below, or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15-days prior to its adoption from the contact person(s) designated in this notice and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. Board will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

The authority and reference for this action occur through both implied and express authority as described below:

Authority: Labor Code, section 142.3

Reference: Labor Code, sections 142.3 and 6710

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAWS AND REGULATIONS

Existing state regulations establish requirements for snow avalanche blasting. The requirements are found in Title 8, California Code of Regulations, sections 5349, 5350, 5355.1, and 5357.

SUMMARY OF THE EFFECT OF PROPOSED REGULATORY ACTION

The Board amends sections 5349, 5350, 5355.1, 5357 and adds definitions in new section 5349.1 to ensure worker safety. The purpose of the proposed regulations is to:

- Require employers to develop and implement written procedures for all avalanche control blasting activities to ensure safety.
- Require employers to allow avalanche blasting crewmembers to participate in developing written procedures for all avalanche blasting activities.
- Clarify that prior to attaching the igniter to a handcharge, the blaster shall determine the location where the handcharge is intended to land, determine pre-selected safe positions and terrain barriers, ensure the blast area and avalanche path are clear of personnel, and orally alert all affected crew members each time a charge is deployed.
- Make sure that only a licensed avalanche blaster, certified by the Division of Occupational Safety and Health (Cal/OSHA) to perform avalanche blasting activities, or a person trained in accordance with this section and who is supervised by a licensed avalanche blaster, shall deploy a handcharge.
- Clarify that prior to a handcharge being ignited, avalanche blasting crewmembers not involved in igniting or deploying the handcharge must stay behind the pre-selected terrain barrier.
- Require that following the deployment of a handcharge, the avalanche blasting crewmember responsible shall move to a preselected position of safety or terrain barrier with equivalent safety.
- Provide occupational safety requirements for remote avalanche control systems (RACS) that may be used as an alternative method to mitigate the hazards posed by uncontrolled snow avalanches. When RACS are used, the proposed safety requirements include:
 - The RACS is operated by authorized personnel trained in accordance with the manufacturer's instructions and always under the supervision by a licensed avalanche blaster for handling and operating RACS.

- Explosives and other components used in RACS are inspected by a licensed blaster before transport and loading.
- Personnel safety is ensured during the deployment.
- All RACS components are locked and secured at all times. Unless exempted by activities identified in this section are being performed while the initiation and deployment functions of the RACS are deactivated
- Documentation of minimum safe distances from blasts is made available to all affected employees.
- There is a designated observer to monitor for accidental ignition of explosive charges with an initiation system attached during activities that include, but are not limited to, the handling and preparation of such charges.
- A set of written procedures that shall address accidental or suspected initiation of explosive charges with an initiation system attached during activities including but not limited to the handling and loading such charges into a RACS.

Those sections within Title 8, California Code of Regulations affected by this rulemaking (see “Sections Affected,” below), and the specific purpose for each adoption in these proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action.

SECTIONS AFFECTED

Following are the specific Sections of Chapter 4 affected by this proposed action:

Adopt: 5349.1

Amend: 5349, 5350, 5355.1, 5357

POLICY STATEMENT OVERVIEW

ANTICIPATED BENEFITS OF THE PROPOSED ACTION

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.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any related regulations in this area, the Board has found that these are the only regulations concerning snow avalanche blasting. Therefore, the

proposed regulations are not inconsistent or incompatible with existing state regulations..

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.

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
- Costs to housing: NONE

BUSINESS IMPACT

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.

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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Board has made an initial determination that the proposed regulatory action 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 and may have minimal impact on the creation or expansion of businesses in the State of California. The Board has further determined that this regulatory action will benefit the health and welfare of California snow avalanche blasters, ski resorts, railroads, and other entities and will benefit work safety and the State's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from at the following location or from the contact people listed below:

Department of Industrial Relations
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, STE. 350
Sacramento, CA 95833

In addition, the Notice of Proposed Action, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the Board's website at the following address: <https://www.dir.ca.gov/oshsb/>

Questions regarding the regulatory process or clarification on the substance of this regulatory proposal may be directed to:

Darus Wise, Regulatory Analyst
Telephone: (916) 274-5721 / Email: oshsbrulemaking@dir.ca.gov

Kevin Goddard, Principal Safety Engineer
Telephone: (916) 759-6481 / Email: kgoddard@dir.ca.gov