

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **August 21, 2014**, 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 **August 21, 2014**, at 10:00 a.m.
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 **August 21, 2014**, at 10:00 a.m.
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**

DAVE THOMAS, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **August 21, 2014**.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Sections 5620, 6165, 6180, 6181, 6182, 6183, and 6184
 [Update of Title 8 General Industry National Fire Protection Association \(NFPA\) Fire Protection Standards](#)

Descriptions of the proposed changes are as follows:

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Sections 5620, 6165, 6180, 6181, 6182, 6183, and 6184
[Update of Title 8 General Industry National Fire Protection Association \(NFPA\) Fire Protection Standards](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is initiated by the Occupational Safety and Health Standards Board (Board). On February 13, 2012, Mr. Ray Bizal, Southwest Regional Director, National Fire Protection Association (NFPA), sent an email suggesting an update to various sections in Title 8 that refer to badly outdated NFPA standards. According to Mr. Bizal, the referenced documents have undergone multiple technical and technological revisions and are updated about every three years. These obsolete documents conflict with the California Fire Codes (CFC) which follow the most recent editions of the NFPA. Board staff notes that the counterpart federal standards do not reference NFPA codes.

The proposal amends the existing language of the affected subsections to state that when structures, devices, equipment or systems are provided, they shall be designed, installed, constructed, inspected or maintained in an approved manner. The new language uses the word “approved,” which is defined in Title 8 as referring to “products, materials, devices, systems, or installations that have been approved, listed, labeled, or certified as conforming to applicable governmental or other nationally recognized standards, or applicable scientific principles.” Using this definition of “approved” allows for compliance using a variety of methods, including the NFPA standards and the CFC.

A “NOTE” is added following each amended subsection which directs the public to consult a specific NFPA code and/or their local jurisdiction fire departments for information. These local fire jurisdictions provide additional information on fire safety utilizing the CFC, California Code of Regulations, Title 24, Part 9, as well as the latest NFPA standards for reference. Board staff notes that CFC and NFPA documents are accessible on line, free of charge. These amendments clarify the requirements and make the regulations more uniform throughout Title 8. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal regulations in that the federal regulations do not reference the NFPA fire protection standards. This proposal will update the badly outdated NFPA references to the most recent NFPA editions. The proposal will ensure that Title 8 is consistent with the fire codes administered by the state Fire Marshall and local jurisdictions which adhere to the latest editions of the NFPA standards.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that

system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

- This proposal will clarify the language to be consistent with other Title 8 flammable liquids and fire protection sections as well as applicable governmental or other nationally recognized standards. The proposal ensures that employers will have the latest technological and technical developments that have occurred since the last revision.

Section 5620. Wharves.

Section 5620 defines the term, "wharf" and describes the operational requirements for pressurized hoses and piping systems carrying flammable liquids or gases to a wharf.

Subsection (a)(1)

Existing subsection (a)(1) states, "If flammable or combustible materials are handled in bulk quantities across general purpose piers or wharves the Standard for the Construction and Protection of Piers and Wharves, NFPA No. 87, shall be followed." The proposal replaces the term, "If" with "When" and deletes the reference to NFPA 87, which is no longer available and has been relocated into NFPA 307. The proposed language also adds the phrase, "...shall be designed and constructed in an approved manner," similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6165. Standpipe and Hose Systems.

Section 6165 addresses the use, protection, testing and maintenance of small standpipe and hose systems.

Subsection (b)(1)

Existing subsection (b)(1) requires that where standpipe and hose systems are provided, they shall meet the design requirements of the NFPA 14, 1978 edition. The proposal deletes the reference to the outdated 1978 edition. The phrase "...be designed and installed in an approved manner" is added to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6180. Fixed Extinguishing Systems; Dry Chemical.

Section 6180 applies to all fixed extinguishing systems using a dry chemical extinguishing agent.

Subsection (a)(2)

Existing subsection (a)(2) requires compliance with the design requirements of the NFPA 17, 1980 edition when dry chemical extinguishing systems are provided. The proposal deletes the reference to the outdated 1980 edition. The proposed amendments will add the phrase "...be designed and installed in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6181. Gaseous Systems.

Section 6181 applies to all fixed extinguishing systems using a gas as the extinguishing agent.

Subsection (b)(1)

Subsection (b)(1) requires that when carbon dioxide extinguishing systems are provided, they shall meet the design, inspection, maintenance and instruction requirements of the NFPA 12, 1977 edition. This proposal deletes the reference to the outdated 1977 edition. The proposed amendments will add the phrase "...be designed, installed, inspected and maintained in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6182. Water-Spray Fixed Systems, Foam-Water Sprinkler Systems.

Section 6182 addresses all water-spray fixed extinguishing systems and all foam-water sprinkler systems.

Subsection (a)

Subsection (a) requires that when water-spray fixed systems are provided, they shall meet the design requirements of the NFPA 15, 1977 edition or meet the NFPA 16, 1974 edition for foam-water sprinkler systems. This proposal deletes the references to the outdated 1977 and 1974 editions, respectively. The proposed amendments will add the phrase "...be designed and installed in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed

following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6183. Fire Detection Systems.

This section applies to all automatic fire detection systems.

Subsection (b)(1)

Subsection (b)(1) specifies that all devices and equipment shall be designed, installed and maintained in accordance with this section and applicable provisions of the NFPA 72, 1978 series. This proposal deletes the reference to the outdated 1978 series. The series of codes (from NFPA 72A to 72H) no longer exist and have been consolidated into NFPA 72, the latest being the 2013 edition. The proposed amendments adds the phrase "...an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6184. Employee Alarm Systems.

Existing Section 6184 applies to all emergency employee alarms.

Subsection (b)(1)

Subsection (b)(1) states that where local fire alarm signaling systems are required, they shall meet the design requirements of the NFPA 72A, 1975 edition. This proposal deletes the reference to the outdated 1975 edition. NFPA 72A is no longer available and the series (from NFPA 72A to NFPA 72H) have been consolidated into NFPA 72, the latest being the 2013 edition. The proposed amendments will add the phrase "...be designed and installed in an approved manner" to the amended regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

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/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposal updates the references to badly outdated NFPA codes to the latest editions. This proposal amends Sections 5620, 6165, 6180, 6181, 6182, 6183 and 6184 of GISO, to reflect technical and technological advances since previous revisions of the NFPA codes. The amendment will align Title 8 consistent with the fire codes administered by the State Office of the Fire Marshall and local jurisdictions which follow the most recent editions of the NFPA fire protection codes. The proposed changes provide employers with more options to comply with federal, state and local regulations pertaining to fire safety.

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. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no adverse economic impact is anticipated because the amendments refer to updated NFPA editions that describe testing data, technological advances and procedural improvements.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

The proposal would provide businesses, small or large, clear direction in designing, installing, inspecting and maintaining fire protection systems. The adoption of this proposal will ensure that the most current information is provided when fire protection systems are involved. This regulatory proposal will render Title 8, GISO consistent with the fire codes of state and local fire jurisdictions.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **August 15, 2014**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **August 21, 2014**, 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

DAVE THOMAS, Chairman