

DEPARTMENT OF INDUSTRIAL RELATIONS

Occupational Safety and Health Standards Board

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OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

BOARD STAFF'S REVIEW OF
PETITION FILE NO. 552

Petitioner: Rob Neenan, President/CEO, California League of Food Processors

Submitted by: Dirk J. Duchscherer, MS, CSP, ARM

Title: Associate Safety Engineer-Standards

Date: March 22, 2016

INTRODUCTION

On November 9, 2015, the Occupational Safety and Health Standards Board (Board) received a petition via written correspondence dated November 6, 2015 from Rob Neenan, President/CEO, California League of Food Processors (Petitioners). The Petitioner requested that Title 8, California Code of Regulations, Section 3314, exception 2, cord and plug regulations be amended and clarified to apply to the entire standard (Section 3314). Alternately, the Petitioner also suggested 29 CFR 1910.147 fully replace General Industry Safety Orders (GISO) 3314.

Labor Code Section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health and requires the Board to consider such proposals and to render its decision no later than six months following their receipt. In accordance with Board policy, the purpose of this evaluation is to provide the Board with relevant information upon which to base a reasonable decision.

HISTORY

A review of the Board's petition log indicates the Board has not granted or denied any petitions regarding the issue raised by this petition.

PETITIONER'S REQUEST

The petitioner states that Federal OSHA excludes cord and plug connected equipment from the requirements of 29 CFR 1910.147 Control of Hazardous Energy, and recommends that language verbatim the Federal standard be included in Title 8. The Petitioner is requesting the "cord and plug" exception to Section 3314(c) and (d) be amended. As an alternative measure, the Petitioner proposes fully replacing Section 3314 with 29 CFR 1910.147.

NATIONAL CONSENSUS STANDARD

The American National Standard Institute (ANSI) Z244.1-2003 Control of Hazardous Energy Lockout/Tagout and Alternative Methods establishes requirements and performance objectives for procedures, techniques, designs, and methods that protect personnel where injury can occur as a result of the unexpected release of stored energy. Unexpected release of hazardous energy can include any unintended motion, energization, start-up or release of stored energy, deliberate or otherwise, from the perspective of the person(s) at risk.

This standard does not apply to work on cord and plug connected electrical equipment for which exposure to the hazards of unexpected energization or start up of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the individual performing the servicing or maintenance.

FEDERAL OSHA STANDARDS

For the control of hazardous energy (lockout/tagout), 29 CFR 1910.147(a)(1)(ii) covers the servicing and maintenance of machines and equipment in which the unexpected energization or start up of the machines or equipment, or release of stored energy, could harm employees. This

standard establishes minimum performance requirements for the control of such hazardous energy.

29 CFR 1910.147(a)(2)(iii)(A) does not cover work on cord and plug connected electric equipment for which exposure to the hazards of unexpected energization or start up of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the servicing or maintenance.

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH EVALUATION (DIVISION)

The Division's evaluation was received on February 16, 2016. Board Staff concurs with the Division staff to deny petitioner's request to amend Title 8 Section 3314 to expand the cord and plug exception.

In their recommendation to deny the Petitioner's request, the Division states implementation of safety procedures for cord and plug equipment may be simpler than for more sophisticated machinery but the need for such procedures still exist. The potential of serious injury and death equally exists from use of cord and plug equipment as with other machinery and equipment. In addition, errors, confusion, and accidentally energizing the wrong equipment have a potential to occur and endanger employees while working on numerous types of similar cord and plug equipment at the same time. The Division states Title 8 is more protective than the Federal Standard.

STAFF EVALUATION

There is a need to control the release of stored energy and the unexpected energization or start-up/re-start-up of high rotating speed equipment such as pedestal/bench grinders, drill presses, mixers, meat slicers, cutting saws, blenders, and portable power tools to significantly reduce risk of serious injury to employees.

The stored energy from numerous pieces of cord and plug rotating machinery and equipment exposes workers to increased risk of injury. The Board staff has observed several instances in machine shops, school classrooms, and commercial kitchens of cord and plug connected equipment connected directly into extension cords and into multiple outlet strips/surge protectors significantly increasing the shock and fire hazard. The Board staff is aware of similar hazards to workers where extension cords and multiple outlet strips/surge protectors have been connected end-to-end. In many of these instances, employers have failed to use an energy control procedure, group lockout/tagout, and applicable employee training/retraining. Utilizing an energy control procedure and the energy control training as required by Section 3314 would safeguard workers from the release of hazardous energy by ensuring that workers will know not to start up and/or inadvertently reenergize a locked out or tagged out powered tool or piece of equipment by simply plugging it in to a power source.

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Exception 2, cord and plug regulations

Section 3314 (g) and (h) hazardous energy control procedures and group lockout or tagout procedures are essential accident prevention and reduction measures for all types of machinery and equipment including but not limited to cord and plug connected equipment.

GISO Section 3314(g) requires a hazardous energy control procedure be developed and utilized by the employer when engaged in the cleaning of all machinery and equipment to ensure connected equipment is not accidentally energized. Section 3314 (h), applying to circumstances in which servicing or maintenance is performed by a crew, or other work group, requires a group lockout or tagout procedure providing a level of protection equivalent to that of a personal lockout or tagout device. In terms of reasonableness, subsection (h) avoids being overbroad by applying to circumstances involving multiple workers, of a crew, craft, department, or other group, while being adequately clear as to its inapplicability to the situation of a single worker engaging with a single piece of equipment remaining completely within that individual worker's control.

Excluding cord and plug connected equipment from the requirements of Section 3314 hazardous energy control standards would reduce the present level of safety protections provided by Section 3314 since it protects employees from inadvertent re-energized equipment causing extreme injuries to employees from electrical shock, burns, cuts, and amputations.

Board staff advises against deleting Section 3314 in its entirety and replacing it with Federal Section 29 CFR 1910.147. Section 3314 and related energy control requirements contained in other parts of Title 8 exist to go beyond equivalence to federal standards in order to provide California workers with additionally protective and enforceable Title 8 standards.

Simply disconnecting cord and plug connected electrical equipment does not eliminate the realistic possibility of severe harm to employees from burns, cuts, amputations, electrical shock, and similar accidents which may result from inadvertently re-energized equipment.

RECOMMENDATION

It is Board staff's recommendation that the Petitioner's request to amend Title 8, California Code of Regulations, Section 3314, exception 2, cord and plug regulations be DENIED.

It is Board staff's recommendation that the Petitioner's alternative request to insert section 29 CFR 1910.147 into the California Code to fully replace GISO 3314 should also be DENIED.