



**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
Website address: www.dir.ca.gov/oshsb



**PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 555)**

INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition on February 22, 2016, from Mr. Colton Swingle (Petitioner). The Petitioner requests the Board to amend Title 8, California Code of Regulations, Section 4307(b) of the General Industry Safety Orders, concerning the guarding of portable power driven circular hand saws.

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 render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit an evaluation regarding the proposal.

SUMMARY

The Petitioner proposes changes to Title 8, Section 4307(b)(1) and (2).

The Petitioner's first of two requests is to modify requirements within Section 4307(b)(1). The requested change would modify requirements for lifting lugs and levers on portable power driven circular hand saws with a telescopic lower guard as follows:

(1) Telescopic guards shall be equipped with a hands free safe lifting device, remote from the blade teeth, lifting lug or lever, remote from the blade teeth, that will permit the operator to safely shift the guard for starting unusual cuts without touching the lifting lug or lever.

The second request would repeal the portable power driven circular hand saws requirement for two handles for portable power driven circular hand saws with hinged guards as follows:

(2) ~~Saws with hinged guards shall be equipped with 2 handles so arranged that neither hand is exposed to the hazard of the rotating blade. One handle shall be on the hinged guard, and of such design that its use will avoid exposure of the hand or fingers between the retracted guard and the blade.~~

The Petitioner argues that the existing standard poses an unacceptable hazard by permitting the user to release one of two hand grips to then bring the user's hand near the spinning saw blade

while lifting the guard to expose it. Perhaps worse, to avoid this inconvenience, operators commonly circumvent the saw guard by pinning it back in the retracted position with a wedge of wood or nail.

The Petitioner asserts that the changes he proposed would dissuade saw operators from circumventing the blade guard by providing the operator with the ability to raise and lower the (Saw Guard Dog equipped) blade guard with the push or release of a button, while still gripping the saw with both hands.

DIVISION'S EVALUATION

The Division has reviewed the pertinent information regarding the petition for including the requirement of a "hands free" device for retracting the guards of portable power-driven circular hand saws under Section 4307(b)(1) as well as the removal in its entirety, the language within Section 4307(b)(2). This included information provided by the Petitioner as to what would be accomplished by the petition, how the "hands free" device could be employed on circular saws, and the benefit the new regulation would provide for employee safety. Manufacturers' specifications and operating instruction for circular hand saws from several manufacturers were reviewed, as well as applicable consensus standards. In addition, representatives of saw manufacturers and end users including members of the Power Tool Institute, Inc. (PTI) and Carpenters Training Committee were contacted for input regarding the Petitioner's proposal.

The requirement for a "hands free" method of retracting the telescoping guard of portable power-driven circular hand saws could, in some instances, allow a saw operator to maintain a greater distance from the equipment's point of operation. However, because of the potential disadvantages of such devices, employing the methods for starting unusual cuts recommended by circular saw manufacturers would better ensure the safety of workers. The proposed amendments to Section 4307(b)(1) and (b)(2) are thus unnecessary, and the petition should be denied.

STAFF'S EVALUATION

Petitioner's first proposed change to Section 4307(b)(1):

(1) Telescopic guards shall be equipped with a hands free safe lifting device, remote from the blade teeth, lifting lug or lever, remote from the blade teeth, that will permit the operator to safely shift the guard for starting unusual cuts without touching the lifting lug or lever.

The terms "hands free" and "safe lifting device" are not adequately clear. The current standard clearly specifies the component allowed to retract the lower blade guard, namely a "lifting lug or lever." The Petitioner proposes to substitute a reference to those terms with the less specific term "safe lifting device." Beyond that, the Petitioner's "Saw Guard Dog" device could not accurately be described as "hands free," because even it requires manual (hand/thumb) manipulation of the

guard lever. In contrast to the proposed term “safe lifting device,” currently utilized terms “lifting lugs” and “levers” refer, with reasonable clarity, to components, the operation of which do not bring the saw operator’s hands within hazardous proximity of the blade, because operation of the lug or lever requires the grasping fingers to follow the retraction arc of the guard up and away from the exposed blade, toward the upper guard.

Petitioner’s second proposed change is the deletion of Section 4307(b)(2):

(2) Saws with hinged guards shall be equipped with 2 handles so arranged that neither hand is exposed to the hazard of the rotating blade. One handle shall be on the hinged guard, and of such design that its use will avoid exposure of the hand or fingers between the retracted guard and the blade.

The hinged guard appears as a clamshell configuration, with the lower guard opening away from the saw. It is unclear whether portable power driven circular hand saws of this type are still in use.

While the hinged guard saws appear to be a design similar to plunge cut saws, it is unclear whether the original intent of Section 4307(b)(2) includes plunge cut saws. Most plunge cut saws that Board staff identified meet the requirements of Section 4307(b)(2). For most modern portable power-driven circular hand saw designs (with the exception of plunge cut saws), the guard rotates along the same axis as the circular saw blade. It would appear that the Petitioner confuses the hinged guard with telescopic guards. Board staff finds no basis to delete Section 4307(b)(2).

In order to use the Petitioner’s device, the Saw Guard Dog, a saw owner would be making modification not recommended by any known saw manufacturer. Further, there is no assurance that any end user making such modifications would be adequately qualified to assure safe, reliably functional installation.

During the course of the evaluation, Board staff queried stakeholders such as PTI and the Carpenters Training Committee for Northern California. Neither organization would recommend use of the Petitioner’s product, and each opposed the Petitioner’s requested changes to Title 8 Section 4307. PTI, a representative of manufacturers of power tools, opposed, pointing out the modifications to the standard were inconsistent with the American National Standards Institute/Underwriters Laboratories standard and the International standard, IEC 60745-2-5. Additionally, PTI cautioned that the Petitioner’s product may “go against the manufacturer’s recommendation.”

Finally, the product’s absence of testing through a nationally recognized testing laboratory does not support petition approval, and is significant given that the subject equipment is so widely used and may pose significant risk to users in the event of blade guard failure.

CONCLUSION AND ORDER

Having carefully considered Petition No. 555, and above-referenced evaluations of it by the Division of Occupational Safety and Health and Board Staff, it is the conclusion and order of the Occupational Safety and Health Standards Board that Petition No. 555 hereby be DENIED.