



ASSOCIATION OF
EQUIPMENT MANUFACTURERS

AGRICULTURE
CONSTRUCTION
FORESTRY
MINING
UTILITY

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Occupational Safety and Health Standards Board
2520 Venture Oaks Way
Suite 350
Sacramento, CA 95833

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Re: Petition to modify Title 8 regulation, Section 3441(b) to allow use of highly automated and autonomous agricultural equipment

The Association of Equipment Manufacturers, AEM, in consultation with our member organizations, ask that you accept this petition to modify Title 8, Section 3441(b) to allow the use of highly automated agricultural equipment and autonomous agricultural equipment.

AEM represents over 1000 firms that either manufacture or directly support the manufacture of mobile off-road machines. Over 350 of those firms produce agricultural equipment.

As you well know, there has been a lot of design effort directed toward developing highly automated agricultural equipment and autonomous agricultural equipment. This equipment has many applications where they need to operate in close proximity to humans. Title 8, Section 3441(b), as currently published, will prohibit use of highly automated agricultural equipment and autonomous agricultural equipment as intended and severely limit its functionality.

Recognizing the progressive nature of California and its strong embrace of new technologies, please consider making the following changes to the above-mentioned regulation. I have included the original text with the proposed changes added in red:

§ 3441. Operation of Agricultural Equipment.

...

(b) All self-propelled equipment shall, when under its own power and in motion, have an operator stationed at the vehicular controls. This shall not prohibit the operator occupying or being stationed at a location on the vehicle other than the normal driving position or cab if controls for starting, accelerating, decelerating and stopping are provided adjacent and convenient to the alternate position. If the machine requires steering other than ground or furrow steering or operates at ground speeds in excess of two miles per hour, steering controls shall also be provided at the alternate location. Seedling planters and other similar equipment

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traveling at a speed of two miles an hour or less where a control that will immediately stop the machine is located at the operator's work station will satisfy this requirement.

(1) Furrow guided self-propelled mobile equipment may be operated by an operator not on the equipment provided that all of the following are complied with:

- (A) The operator has a good view of the course of travel of the equipment and any employees in the immediate vicinity.
- (B) The steering controls, when provided, and the brake and throttle controls are extended within easy reach of the operator's station.
- (C) The operator is not over 10 feet away from such controls and does not have to climb over or onto the equipment or other obstacles to operate the controls.
- (D) The equipment is not traveling at over two miles per hour ground speed.

(2) Highly automated agricultural equipment and autonomous agricultural equipment may be operated by an operator not on the equipment provided that it is used in accordance with manufacturers' instructions and guidance.

AEM members are fully committed to provide the safest and most technologically advanced products possible. This regulation, in its current form, does not allow for the use of highly automated and autonomous agricultural equipment as intended. By modifying this regulation, California farmers can take full advantage of the advanced designs that continue to make American production agriculture the envy of the world.

The underlying technologies that make highly automated agricultural equipment and autonomous agricultural equipment safe and possible are very advanced. Therefore, we offer access to our member experts who work closely with the development and implementation of this technology in a safe and practical manner should you have any questions or concerns regarding this request.

Thank you in advance for your consideration and please feel free to contact me if I can be of any assistance.

Sincerely



Michael Pankonin
Senior Director
Tech & Safety Services