

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 606)**

I. INTRODUCTION

The Occupational Safety and Health Standards Board (Board or OSHSB) received a petition on August 27, 2024, from Carsten Jonas (Petitioner), a private citizen. The Petitioner requests the Board to amend title 8, California Code of Regulations¹, section 3216 Exit Signs, to allow the option of utilizing in lieu of or in addition to the word “exit”, a pictogram of an emergency exit, as specified in ISO Standard 7010 published by the International Organization for Standardization, on exit signs. The Petitioner notes that the internationally standardized pictogram enhances safety by making it easier for occupants to find the exit, especially if it’s a building that they’re not familiar with. The Petitioner adds that this would be particularly beneficial in buildings where there may be people who don’t read or understand English.

The Petitioner states that since 2003, the National Fire Protection (NFPA) 101 Life Safety Code published by NFPA expressly allows the internationally standardized pictograms on exit signs, including in lieu of the word “exit”, if allowed by the state/local jurisdiction. The Petitioner further states that federal OSHA has recognized the new NFPA 101 pictograms to be compliant with their regulations. Therefore, the Petitioner contends that this petition would make Cal/OSHA regulations more consistent with the federal OSHA regulations.

Labor Code (LC) 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 LC 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 (Cal/OSHA) must be referred to Cal/OSHA for evaluation, and Cal/OSHA has 60 days after receipt to submit an evaluation regarding the proposal.

¹ Unless otherwise noted, references are to the California code of Regulations, title 8.

II. SUMMARY

The Petitioner requests to amend section 3216 to allow the option to use the internationally standardized pictogram specified in the International Organization for Standardization (ISO) 7010 standard. Specifically, the Petitioner proposes that pictogram(s) may be used in lieu of or in addition to an "exit" sign.

Petitioner seeks to add subsection (d) as follows:

Section 3216. Exit Signs.

(d) Option To Use Internationally-Standardized Pictogram. In lieu of or in addition to the word "EXIT", exit signs may contain the pictogram for an emergency exit as specified in Standard 7010 as published by the International Organization for Standardization. The pictogram shall be at least 6 inches in height.

Petitioner states a pictogram (symbol) for exit signs is internationally standardized and has been adopted in many countries around the world. As a result, the internationally standardized pictogram makes exit signs easily understandable by anyone regardless of the language they speak. This would be particularly beneficial in buildings such as a hotel or an international airport.

Petitioner asserts federal OSHA does not object to the use of the internationally standardized pictogram on exit signs, to the extent that the state/local jurisdiction allows it. Therefore, this petition would make Cal/OSHA regulations more consistent with the federal OSHA regulations. The Petitioner also offers that federal OSHA has recognized the new NFPA 101 pictograms to be compliant with their regulations

Petitioner provides an example an internationally standardized pictogram with a directional arrow:



Lastly, Petitioner recognizes the California Building Code (CBC) and the California Fire Code (CFC) have sections regulating exit signs. Petitioner states he plans to submit petitions to the Building Standards Commission (BSC) to make amendments to the CBC and CFC codes.

III. RELEVANT STANDARDS

Title 8 Standards

Title 8, Section 3216. Exit Signs.

(a) Luminance. Exit and directional signs shall have a luminance on the face of such signs of not less than 50 lux. The words used on such signs shall be in block letters at least 6 inches in height with a stroke of not less than 3/4 inch.

Exception: Existing signs may have the word "EXIT" in lettering not less than 5 inches high with principal strokes of letters of not less than 1/2 inch. Letters shall be of such color or design as to be in strong contrast to the background of the sign. Arrows or other directional symbols shall be of equal visibility to that stipulated herein for letters.

(c) Electrically Illuminated Signs. Exit and exit directional signs which are required to be electrically illuminated shall be lighted with two electric lamps, either one of which shall be sufficient to provide the required luminance on the face of the sign.

NOTE: Radioactive isotope self powered signs with a luminance of not less than 0.02 lamberts during its useful life will be acceptable.

Federal Standards

General Industry

29 Code of Federal Regulations (CFR) 1910.35. Compliance with alternate exit-route codes

OSHA will deem an employer demonstrating compliance with the exit-route provisions of NFPA 101, Life Safety Code, 2009 edition, or the exit-route provisions of the International Fire Code, 2009 edition, to be in compliance with the corresponding requirements in §§ 1910.34, 1910.36, and 1910.37 (incorporated by reference, see section § 1910.6).

29 CFR 1910.37. Maintenance, safeguards, and operational features for exit routes

(b) Lighting and marking must be adequate and appropriate

(2) Each exit must be clearly visible and marked by a sign reading "Exit."

(6) Each exit sign must be illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color. Self-luminous or electroluminescent signs that have a minimum luminance surface value of at least .06 footlamberts (0.21 cd/m²) are permitted.

(7) Each exit sign must have the word "Exit" in plainly legible letters not less than six inches (15.2 cm) high, with the principal strokes of the letters in the word "Exit" not less than three-fourths of an inch (1.9 cm) wide.

Consensus Standards

International Organization for Standardization (ISO) 7010 Graphical Symbols – Safety colours and safety signs – Registered safety signs

The International Organization for Standardization (ISO) prescribes safety signs for the purposes of accident prevention, fire protection, health hazard information, and emergency evacuation in “*ISO 7010 Graphical Symbols – Safety colours and safety signs – Registered safety signs standard.*”

National Fire Protection Association (NFPA) 101 Life Safety Code

The NFPA 101 Life Safety Code addresses construction, protection and occupancy features of buildings and structures necessary to minimize danger to life from the effects of fire include safe egress. Chapter 7 of 2009 edition of NFPA 101 referenced by CFR 1910.35 includes egress requirements for new and existing buildings. Section 7.10.3.2 allows the use of internationally standardized pictograms to mark exits in compliance with NFPA 170 if approved by the authority having jurisdiction.

Section 7.10.3.2

Where approved by the authority having jurisdiction, pictograms in compliance with NFPA 170 shall be permitted

NFPA 170 Standard for Fire Safety and Emergency Symbols

The National Fire Protection Association (NFPA) addresses symbols used for fire safety, emergencies and associated hazards in the NFPA 170 Standard for Fire Safety and Emergency Symbols. The 2024 edition of NFPA 170 includes general references and fire safety symbols required for fire prevention and visual alerting for fire and related safety emergencies in Chapter 4.

IV. CAL/OSHA’S EVALUATION

Cal/OSHA found Petitioner’s request unnecessary because currently there is no prohibition on pictograms. Subsection 3216(a) references directional signs and does not prohibit the use of exit pictograms. Additionally, the Petitioner’s proposed amendment does not require the use of exit pictograms but proposes them as an option, which is allowed under current regulations.

The Petitioner proposes use of the emergency exit pictograms specified in the ISO 7010 standard. However, according to Cal/OSHA, some of the pictograms included in ISO 7010 are not equivalent to those included in NFPA 170. Cal/OSHA asserts the ISO 7010 standard allows for the use of a direction arrow alone while the NFPA 170 standard pictograms include both a directional arrow and a figure posed in a running stance.

The Cal/OSHA evaluation also noted federal OSHA regulations currently allow for exit pictograms included in the NFPA 170 standard via a reference to the 2009 NFPA Life

Safety Code in CFR 1910.35. The ISO 7010 standard is not referenced directly by federal OSHA nor any other referenced standards.

Based on these irregularities, Cal/OSHA concluded the Petitioner's proposal is not compliant with CFR 1910.35 and a resultant regulation would not be at least as effective as (ALEA) federal OSHA regulations.

Lastly, Cal/OSHA believes the use of ISO 7010 pictograms could also be confusing to building occupants who are accustomed to the NFPA 170 pictograms currently allowed by federal OSHA regulations.

Cal/OSHA recommends that Petition 606 be DENIED. However, if the Board decides to proceed with rulemaking, Cal/OSHA recommends a note be included in section 3216 similar to that included in section 1910.35 of federal OSHA regulations clarifying that pictograms for exits included in the NFPA 170 standard are permissible.

V. STAFF'S EVALUATION

Board staff reviewed the federal OSHA Letter of Interpretation on Exit Signs, relevant standards on exits and consulted the BSC. Board staff noted the federal OSHA Letter of Interpretation does not prohibit the use of pictograms. However, deference is given to state and local jurisdictions.

According to Board staff, historically, section 3216 was consistent with sections of title 24 CBC pertaining to exit signs because the Board was part of the Coordinating Council for building standards. However, after the passage of Assembly Bill 3000 in 2002, OSHSB no longer formally coordinates with the Building Code. The Bill amended section 18909 of the Health and Safety Code (HSC) to state:

(j) "Building standard" does not include any regulation adopted by the California Integrated Waste Management Board, the Department of Toxic Substances Control, the Occupational Safety and Health Standards Board, or the State Water Resources Control Board concerning the discharge of waste to land or the treatment, transfer, storage, resource recovery, disposal, or recycling of the waste.

With respect to state and local jurisdiction of exit signs, the BSC referred staff to the Department of Housing and Community Development (HCD), Division of State Architects (DSA) and Office of State Fire Marshall (SFM).

Both DSA and SFM agree that because the International Building Code (IBC) and the International Fire Code (IFC) are adopted by the state as the model code basis for the BSC, any change to the exit sign criteria would need to be processed through the

International Code Council (ICC) for inclusion in future editions of the IBC and IFC. Alternatively, the SFM can process it as an amendment to the California Codes.²

According to Board staff, local jurisdictions, such as cities and counties, adopt ordinances based on title 24 regulations. Regulatory changes relating to exit signs should first undergo the rulemaking process by the BSC prior to amending title 8. Board staff recommends the Board deny Petitioner's proposal to assure consistency throughout California.

VI. DISCUSSION

The Board finds that an amendment to section 3216 is not necessary under the Administrative Procedures Act (APA).

A. Providing an Additional Option Not Currently Prohibited Does Not Meet the Necessity Requirement Under the APA.

Regulations may only be amended if the amendment is necessary. Government Code (GS) section 11349(a) states that the record must demonstrate by substantial evidence the need for a regulation to effectuate the purpose of the statute or other provision of law that the regulation implements, interprets, or makes specific, taking into account the totality of the record.

The Petitioner's proposed amended language states "In lieu of or in addition to the word 'EXIT', exit signs may contain the pictogram for an emergency exit."

The Petitioner further explains, "This proposed amendment does not, however, require that exit signs contain the internationally-standardized pictogram – if a new or existing building prefers to use the word "EXIT", this would still be permitted."

The Board agrees with both Cal/OSHA and Board staff that subsection 3216(a) currently references directional signs and does not prohibit the use of exit pictograms. Furthermore, the Petitioner has not submitted substantial evidence demonstrating a need for change in the regulation. Thus, the necessity required for amending the regulation has not been shown.

B. The Building Standards Commission, Should First Undertake Amendments Over Exit Signs.

Where approved by the authority having jurisdiction, NFPA 101-2009 allows the use of pictograms in compliance with NFPA-170, Standard for Fire Safety and Emergency Symbols, in lieu of, or in addition to, signs with text.

² September 17, 2024 email between Board staff and a DSA representative where HCD and SFM were copied. And October 17, 2024 email from the SFM Chief of Code Development confirming agreement with DSA.

As a practical matter, amendments to exit signs should be first undertaken by the BSC under title 24 before amendments to section 3216 are initiated.

Board staff noted that the Petitioner filed a similar petition with the BSC. As stated by DSA, California adopts the International Building Code (IBC) and International Fire Code (IFC) as the model code basis for the BSC. The SFM can also process a state amendment.

Given that the BSC has yet to make a determination as to rulemaking in the area of exit signs, Board purview is premature.

1. As a Matter of Procedure, Deference is Given to Local Jurisdictions.

As Board staff correctly noted, local jurisdictions, such as cities and counties adopt ordinances based on title 24 regulations. Regulatory changes relating to exit signs should first undergo the rulemaking process by the BSC at the local level prior to amending title 8 at the state level. This bottom-up approach will ensure consistency throughout California.

The Board recommends Petitioner work with agencies that have local jurisdiction and continue to work with the BSC.

2. The Proposed Amendment Will Result in Inconsistencies, Confusing the Regulated Public.

The Board is in agreement with Board staff that amending the regulation as proposed would result in inconsistencies. The lack of new changes at the local level would further result in confusion.

3. Petitioner's Request Was Similarly Proposed in Oregon and Denied Due to Lack of Necessity, Authority and Jurisdiction.

The Petitioner submitted a similar petition in Oregon to this Petition 606. Oregon took the matter into consideration and denied the petition based on lack of need. Oregon also appeared to indicate the Oregon Buildings Codes Division as the correct initial rulemaking authority.

C. Although Cal/OSHA Raises Additional Concerns, These Issues Can be Overcome Should the Building Standards Commission Proceed with Rulemaking.



Cal/OSHA takes issue with federal OSHA regulations allowing for exit pictograms to be included in the NFPA 170 standard via a reference instead of the standard being referenced directly by federal OSHA. However, standards are often incorporated by reference which have no bearing on their validity. Interestingly, Cal/OSHA suggests this same implementation scheme should the Board decide to grant this petition. This is not

a persuasive argument to show that the proposed regulation is not at least as effect as the current regulation.

In addition, Cal/OSHA claims the ISO 7010 standard allows for the use of a direction arrow alone while the NFPA 170 standard pictograms include both a directional arrow and a figure posed in a running stance. Cal/OSHA believes this would cause confusion to building occupants accustomed to the NFPA 170 pictograms.

However, this argument is unsupported and contradicts Cal/OSHA's evaluation. On page 4 under applicable consensus standards, Chapter 5 of ISO 7010 shows registered safety signs that include both pictograms and directional signs. The pictogram offered by the Petitioner as an example shows a figure and a directional arrow.

On page 6 of the Cal/OSHA evaluation, examples of NFPA 170 symbols for general use, the example provided by the Petitioner is again included.

ISO 7010 standard	NFPA 170 standard
	

Although there are differences between the acceptable pictograms in the ISO 7010 and NFPA 170 standards, there are enough commonalities to overcome an argument that the differences between the two would cause confusion. Any future rulemaking could simply pick and choose the pictograms that are similar enough to apply to a given situation.

The Board agrees with Board staff that OSHSB may engage in the rulemaking process to update existing regulation after the outcome of the Petitioner's petition to the BSC is decided by the SFM and the title 24 regulations are amended. If BSC chooses to update their regulations to add the use of symbols as proposed by the Petitioner, it would not contradict federal OSHA.

VII. CONCLUSION AND ORDER

The Board has considered the petition of Carsten Jonas, private citizen, to make recommended changes to section 3216 Exit Signs, to allow exit signs the option of utilizing in lieu of or in addition to the word "exit", a pictogram of an emergency exit, as specified in ISO Standard 7010. The Board has also considered the recommendations of Cal/OSHA and Board staff.

For reasons stated in the preceding discussion, the Petition is hereby DENIED.