

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8, Chapter 4, Subchapter 7, Article 165, Section 6184
of the General Industry Safety Orders.

Employee Alarm SystemsSUMMARY

The Occupational Safety and Health Standards Board (Board) initiates this rulemaking as result of a Request For New or Amended Safety Order (Form 9), dated October 19, 2001, submitted by the Division of Occupational Safety and Health (Division), to revise Section 6184 of the General Industry Safety Orders (GISO).

Existing Section 6184 contains minimum requirements for the design, maintenance, testing, and approval of all types of emergency employee alarm systems. Subsections (a)(4), (a)(5), and (a)(6) under "Scope and Application" contain prescriptive language regarding the installation and use of employee alarm systems, and therefore, are proposed to be relocated under the general requirements contained in subsection (b). Additionally, it is proposed to amend subsection (b) to specify that where required by these orders, local fire alarm signaling systems be designed to meet specific national consensus standards, depending on when they were installed, in addition to the requirements of the section. Those systems installed on or before the effective date of the standard would be required to meet the design requirements of National Fire Protection Association (NFPA) 72A1975, while those installed after the effective date would be required to meet the design requirements of NFPA 72, 2002. And finally, subsections (c), (d), and (e) are proposed to be amended to add clarifying language to be consistent with Federal OSHA requirements contained in 29 Code of Federal Regulations (CFR) 1910.165.

This proposed rulemaking action contains several nonsubstantive editorial revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Section 6184. Employee Alarm Systems.
Subsection (a) Scope and Application.

Subsection (a) establishes which alarm systems are regulated by Section 6184, and the requirements that apply to those regulated systems.

Subsections (a)(4), (a)(5) and (a)(6)

Subsection (a)(4) requires that the employee alarm be distinctive and recognizable as a signal to evacuate the work area or to perform actions designated under the emergency action plan.

Subsection (a)(5) requires that all employees be made aware of means and methods of reporting emergencies, and provides examples of various reporting means and methods.

Subsection (a)(6) requires that the employer establish procedures for sounding emergency alarms in the workplace, and identifies procedures deemed appropriate for employers with 10 or fewer employees.

An amendment is proposed to relocate subsections (a)(4), (a)(5), and (a)(6) to subsection (b), General Requirements, as new subsections (b)(4), (b)(5), and (b)(6), respectively.

The relocation of these subsections is necessary to improve the clarity of this section by organizing the standards consistent with existing subsection titles. The proposed amendment is nonsubstantive in that it does not alter existing requirements, but rather, organizes the section in a more clear and consistent format comparable to federal counterpart standards contained in 29 CFR, section 1910.165.

Subsection (b) General Requirements.

Subsection (b)(1)

Subsection (b)(1) mandates that required local fire alarm signaling systems meet the requirements of Section 6184, and the design requirements of the National Fire Protection Association's (NFPA) Standard for the Installation, Maintenance, and Use of Local Protection Signaling Systems for Watchman, Fire Alarm and Supervisory Service, NFPA No. 72A1975. It is proposed to require that those systems installed on or before the specified effective date of the standard meet the design requirements contained in NFPA 72A1975, while those installed after the specified effective date would be required to meet NFPA 72, 2002. It is proposed to incorporate both documents by reference. This amendment is necessary to ensure that new local fire alarm installations meet current design standards, consistent with current industry practice, while retaining the national standard design requirements already in effect for existing installations.

New Subsections (b)(4), (b)(5), and (b)(6)

See proposed amendments to subsections (a)(4), (a)(5), and (a)(6) above.

Subsection (c) Installation and Restoration.

Subsection (c)(2)

Subsection (c)(2) requires that all employee alarm systems be restored to normal operating conditions as promptly as possible after each test or alarm. A nonsubstantive, editorial amendment is proposed to add the phrase, “The employer shall assure that” at the beginning of the sentence, consistent with federal counterpart language. Additionally, an amendment is proposed to add the sentence, “Devices and components of alarm systems that are subject to wear or destruction shall have replacements available in sufficient quantities and locations for prompt restoration of the system.” The amendments are for clarity purposes, and to ensure that California’s requirements are at least as effective as federal counterpart standards.

Subsection (d) Maintenance and Testing.

Subsections (d)(1), (2), (4), and (5), regarding the maintenance and testing of employee alarm systems, are proposed to be editorially revised to be consistent with federal counterpart standards contained in 29 CFR 1910.165. The phrase, “The employer shall assure that” is proposed to be added at the beginning of each subsection, and the second sentence in (d)(4). The amendments are for clarity purposes, and to ensure that California’s requirements are at least as effective as federal counterpart standards.

Subsection (e) Manual Operation.

Subsection (e)(1) requires that manually operated actuation devices for use in conjunction with employee alarms are to be unobstructed, conspicuous and readily accessible. A nonsubstantive, editorial amendment is proposed to add the phrase, “The employer shall assure that” at the beginning of the sentence, consistent with federal counterpart language. The amendment is for clarity purposes, and to ensure that California’s requirements are at least as effective as federal counterpart standards.

DOCUMENTS RELIED UPON

1. Division of Occupational Safety and Health, Request for New, or Change in Existing, Safety Order (Form 9) and attachments, dated October 19, 2001.
2. Federal Register Vol. 45, No. 179, dated September 12, 1980; pages 60700 through 60703.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DOCUMENTS INCORPORATED BY REFERENCE

1. The National Fire Protection Association’s Fire Alarm Code, NFPA No. 72, 2002 Edition.

2. National Fire Protection Association's Standard for the Installation, Maintenance, and Use of Local Protection Signaling Systems for Watchman, Fire Alarm and Supervisory Service, NFPA No. 72A1975.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate these documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

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 because this rulemaking only proposes to update a 30-year old, national standard reference that is out of print and no longer available, and add language consistent with the federal counterpart standard.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial 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 proposed amendments improve the clarity of this section by organizing the standards consistent with the existing subsection titles. Additionally, the proposal requires fire alarm signaling systems installed after the effective date of the standard to adhere to current national consensus design standards, consistent with current industry practice. Systems installed prior to the effective date are essentially unaffected in that they are still required to meet the design requirements specified in the existing standard. This proposal also makes Section 6184 consistent with corresponding federal requirements.

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 standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a “new program or higher level of service of an existing program within the meaning of section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would 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 than the proposed action.