

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS  
Title 8: Chapter 4, Subchapter 4, Article 32, Section 1740(b)  
of the Construction Safety Orders

**Storage and Use of Fuel Gas Cylinders****MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons except for the following substantive and sufficiently related modifications that are the result of public comments and Board staff evaluation.

**Section 1740. Storage and Use of Cylinders**

This section contains standards addressing the safe use and storage of compressed gas cylinders, including fuel gas cylinders, such as protection against heat, storage, portable service use, handling and storage near energized conductors.

The proposed amendment to subsection (b), which currently requires all gas cylinders to be stored and used with the valve end up and that cylinders containing oxygen, acetylene or fuel gases shall not be taken into confined spaces, would add the words, "Acetylene and fuel" in front of "gas cylinders."

A modification of subsection (b) is proposed to add an Exception statement that would preclude fuel gas cylinders containing fuel gas used to power industrial trucks regulated by Article 25 of the General Industry Safety Orders (GISO) from the vertical storage requirement. The proposed modification is necessary to specify that subsection (b) applies to vertical use and storage of acetylene and welding and cutting fuel gas cylinders, not to industrial trucks regulated by other standards.

**Summary and Response to Oral and Written Comments:**

There were no oral comments received at the March 15, 2007, Public Hearing in San Diego, California.

**Written Comments**

Mr. Larry Pena, Southern California Edison, by letter received on March 15, 2007.

Comment:

Mr. Pena suggested modifying the proposal by placing the words “used in welding and cutting operations” after “fuel gas cylinders” so as not to conflict with powered industrial truck fuel gas cylinders which are mounted in the horizontal position with the valve end to one side in accordance with the manufacturers design.

Response:

The Board agrees that the language in Section 1740(b) would conflict with powered industrial truck fuel tank cylinders and the applicable national consensus standards which are required by Title 8. The Board proposed to modify the language by placing an Exception statement following subsection (b), which would exclude fuel gas cylinders containing fuel gas used to power industrial trucks regulated by Article 25 of the GISO.

The Board thanks Mr. Pena for his comment and participation in the Board’s rulemaking process.

MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 15-DAY NOTICE OF PROPOSED MODIFICATIONS

No further modifications to the information contained in the Initial Statement of Reasons are proposed as a result of the 15-day Notice of Proposed Modifications mailed on May 7, 2007.

Summary and Response to Written Comments:

Mr. Christopher Lee, Acting Regional Administrator, Region IX, U.S. Department of Labor Occupational Safety and Health Administration, by letter received May 17, 2007.

Comment:

Federal OSHA asserts that all compressed gas cylinders regardless of use or type are to be secured in an upright position to protect them from damage and leakage due to unpredictable jobsite conditions (e.g., movement, heavy equipment, sources of ignition) and that the proposed amendments would remove the performance-based requirement that all compressed gas cylinders be stored upright. Consequently, the existing standard cannot be considered to be at least as effective as (ALAEA) its counterpart federal standard for gas cylinders used in welding and cutting.

Response:

The Board believes the proposal is ALAEA the federal standard because:

- 1) Three other Title 8 Sections address the Federal OSHA issue to protect the cylinders from damage and leakage. The GISO, Section 4650 and Construction Safety Orders (CSO), Sections 1740 and 1743 apply to compressed gas cylinders and address storage and transportation of compressed gases to prevent damage to cylinders caused by tipping, falling or rolling. Section 4650(h) requires all gas cylinders in portable service

- to be securely conveyed in suitable trucks or held in substantial racks or secured to other rigid structures. Furthermore, these standards address: 1) employee training, 2) protection from sources of ignition, radiant heat, electric arc or high temperature steam lines, 3) secure storage inside buildings, and 4) separation of incompatible gases. The proposal does not remove the employer's duty to comply with the other provisions of the GISO and CSO described above.
- 2) Regarding the Federal OSHA's issue to apply to all compressed gas cylinders, other than for fuel gas cylinders, the Board is unable to ascertain any factual basis for any discernible danger that would result if compressed gas cylinders are not stored valve end up. Since the proposal requires upright storage in all areas where there is an actual risk of injury, the proposal abates the risk addressed by the federal standard and the proposal is therefore ALAEA.

The Board believes no further modification of the proposal is necessary.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the adopted action.