

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

Title 8, Division 1, Chapter 4, Subchapter 5, Group 2, Article 36, Section 2940.6, and Appendix C of the High Voltage Electrical Safety Orders.

Updating National Consensus Standards for Insulating Protective Equipment.SUMMARY

This rulemaking action makes clarifying and technical changes to standards in the High Voltage Electrical Safety Orders (HVESO), Section 2940.6(a) and Appendix C of Article 36. These provisions refer to a number of American Society for Testing Material (ASTM) national consensus standard specifications for protective insulating equipment such as rubber insulating gloves, sleeves, blankets, matting and other protective equipment. The editions of these ASTM standards which are referenced in this proposal are outdated by at least 10 to 15 years from the current editions. Therefore, this proposal updates the references to various ASTM standards to more current editions which are more readily available and consistent with electrical industry practices.

The proposal also clarifies that the ASTM standards in Section 2940.6(a)(4) are listed in reference to the required electrical testing intervals for the insulating equipment listed. Further, the proposal corrects an incorrect reference in Section 2940.6(a)(4) for the electrical testing interval for rubber insulating sleeves. The proposal also adds provisions consistent with the listed ASTM standards and federal OSHA provisions that address the electrical testing of insulating gloves, sleeves and blankets that have been electrically tested but not recently issued for service.

Section 2940.6. Tools and Protective Equipment.

Section 2940.6 is included in the HVESO, Article 36 which is titled "Work Procedures and Operating Procedures." Section 2940.6 contains provisions related to the use of electrical insulating equipment, fall protection, the use of live line and hand tools, and suitable apparel.

Subsection (a)

Subsection (a) pertains to the specifications and use of insulating equipment for high voltage electrical work. This subsection also specifies that insulating equipment shall meet the standards shown in Appendix C of Article 36. Further, the provisions in subsection (a) include requirements such as periodic electrical testing, daily inspection, and storage of insulating equipment such as gloves, sleeves, blankets, line hose and covers.

Existing subsection (a)(4) states that the employer is responsible for the periodic visual and electrical re-testing of all insulating gloves, sleeves and blankets. The maximum re-testing intervals in the listed ASTM standards are provided and incorporated by reference. An amendment is proposed to delete language that refers to “incorporation by reference” in this subsection. The existing language that specifies “incorporation by reference” for these standards is unnecessary since the provisions for the electrical re-testing intervals are already provided in subsection (a)(4). Further, the requirements for the use, daily inspections, examination and storage of insulating equipment are provided in the listed ASTM standards of this subsection and also covered within the requirements of subsections (a)(1) through (a)(10). Therefore, this amendment is necessary to provide clarity and eliminate duplication of similar requirements.

Existing subsection (a)(4) lists the appropriate ASTM standard titles for the corresponding insulating equipment and shows the required electrical test intervals for such equipment. This subsection incorrectly indicates that the electrical testing interval for insulating sleeves is 6 months, while the ASTM required testing interval for sleeves is 12 months. Therefore, amendments are necessary to provide clarity and show the correct testing interval for insulating sleeves and specifically identifying under the proposed new heading “Electrical Test Intervals” that 6 month electrical test intervals apply to gloves and the 12 month electrical test intervals applies to both sleeves and blankets. The proposed new heading “For line hose and covers” is provided for clarity in delineating test intervals for such equipment. This proposal also updates the listed ASTM standards to current editions.

An additional amendment is proposed for this subsection that requires gloves, sleeves, and blankets that have been electrically tested but not issued for service shall not be placed into service unless they have been electrically tested within the previous twelve months. This provision is consistent with manufacturer’s recommendations, industry practice and the provisions in the listed ATSM standards of this subsection. This proposal is necessary for equivalency with federal OSHA counterpart provisions in 29 CFR 1910.137, Table I-6 and to provide clarity to the provisions in subsection (a)(4) that outline the required electrical testing intervals for insulating equipment.

Article 36, Appendix C, Protective Equipment.

Appendix C provides that insulating equipment must meet the provisions of the ASTM standards that are listed and incorporated by reference for the specific type of insulating equipment such as gloves, sleeves, blankets, matting and other protective equipment. The listed editions of these

ASTM standards currently reference outdated publications from the early 1990's. Electrical insulating equipment is manufactured and designed in accordance with ASTM standards.

Therefore, the amendments to Appendix C are proposed to reference current editions of these ASTM standards that are more readily available and consistent with insulating equipment currently in use.

DOCUMENTS RELIED UPON

1. American Society for Testing Materials (ASTM) F 496-02a, Standard Specification for In-Service Care of Insulating Gloves and Sleeves.
2. ASTM F 479-06, Standard Specification for In-Service Care of Insulating Blankets.
3. ASTM F 478-92 (Reapproved 1999), Standard Specification for In-Service Care of Line Hose and Covers.
4. 29 Code of Federal Regulations, Ch. XVII (7-1-07 Edition), Section 1910.137, Electrical Protective Equipment.

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. American Society for Testing Materials (ASTM) D 120-02a (Reapproved 2006), Standard Specification for Rubber Insulating Gloves.
2. ASTM D 178-01 (Reapproved 2005), Standard Specification for Rubber Insulating Matting.
3. ASTM D 1048-05, Standard Specification for Rubber Insulating Blankets.
4. ASTM D 1049-98 (Reapproved 2002), Standard Specification for Rubber Insulating Covers.
5. ASTM D 1050-05, Standard Specification for Rubber Insulating Line Hose.
6. ASTM D 1051-06, Standard Specification for Rubber Insulating Sleeves.
7. ASTM F 696-06, Standard Specification for Leather Protectors for Rubber Insulating Gloves and Mittens.

8. ASTM F 968-93 (Reapproved 2002) Standard Specification for Electrically Insulating Plastic Guard Equipment for Protection of Workers.
9. ASTM F 1564-95 (Reapproved 2006), Standard Specification for Structure-Mounted Insulating Work Platforms for Electrical Workers.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the 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. The proposed amendments provide clarity and accuracy to the provisions in Section 2940.6(a)(4) that outline the required electrical testing intervals for insulating equipment.

Electrical insulating equipment is manufactured and designed in accordance with ASTM standards listed in the HVESO, Article 36, Appendix C and consequently, it is not expected the employers in the electrical and/or utility industries would incur costs as a result of these amendments. Further, Board staff compared provisions in the outdated ASTM standards currently referenced in Appendix C with the recent editions listed in the proposal. While the recent editions of the ASTM standards proposed for incorporation by reference make technical, clarifying and editorial changes to the provisions in the outdated ASTM standards, there are no significant new design requirements that would require the purchase of new 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.

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 a 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.

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 standards do 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 amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do 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.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require local agencies to take certain

steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do 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.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. Also, see the rationale under the heading, "Specific Technology or Equipment."

ASSESSMENT

The adoption of the proposed amendments to these standards 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.