

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 3, Section 3241(a)  
of the General Industry Safety Orders (GISO)Live Loads

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

Existing Section 3241 contains requirements pertaining to live loads and addresses the posting of approved loads, weight carrying capacity of floors/platforms, how materials are to be safely stored to ensure pile stability, and the maintenance of all prime movers, machines and equipment to safely support the loads imposed upon them.

Existing subsection (a) requires that durable load plates be supplied and conspicuously placed at all related storage spaces within every building or other structure, or portion thereof, used for mercantile, business, industrial or storage purposes. This subsection also requires each plate to list the safe maximum carrying capacity of the applicable space. In addition, subsection (a) prohibits the removal or defacing of the plates and requires their replacement if removed, defaced or lost.

The proposed revision to this subsection would have replaced the existing language with language *essentially* verbatim of that contained in Title 24, Section 1607.3.5 of the 1998 California Building Code (CBC). The existing CBC parenthetical reference would also be updated to this current CBC section reference.

A modification to this revision is proposed to use language verbatim of the CBC reference.

The proposed modification is necessary to render Title 8 live load requirements identical with its Title 24 counterpart in order to clarify to employers where live load information is to be posted.

**SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS****I. Written Comments**

Mr. Thomas L. Morrison, Deputy Executive Director, California Building Standards Commission (CBSC), by memorandum dated March 4, 2002.

Comment:

Mr. Morrison's memorandum to the Standards Board stated that the proposed amendment to Title 8, Chapter 4, Section 3241(a) was not taken verbatim from Title 24, Part 2, Section 1607.3.5 and creates overlap and conflict between the Occupational Safety and Health Standards Board's (OSHSB) regulations and Title 24. The CBSC recommends that the language in both sections read verbatim of each other.

Response:

The Board agrees that modification to the proposed language is necessary and consequently, Board staff has modified the proposed language in Title 8, Section 3241(a) to read verbatim of the language contained in Title 24, Part 2, Section 1607.3.5.

The Board thanks Mr. Morrison for his comment and participation in the Board's rulemaking process.

II. Oral Comments

Oral comments received at the March 21, 2002, Public Hearing:

Mr. John Bobis, representing GenCorp/Aerojet.

Comment:

Mr. Bobis suggested a more aggressive approach to amending Section 3241 than what Board staff was proposing. Mr. Bobis indicated, for example, that the term "live loads" is unclear as the regulation only addresses the weight of materials placed on a load and vibration. Mr. Bobis recommended substantial revision of Section 3241, including a new title to be called "Loading of Floors of Buildings and Structures." In addition to editorial and format changes, Mr. Bobis suggested revising and rewording existing subsection (b) as proposed new subsection (a), which would require that the maximum load placed on building floors or load carrying platforms not exceed their safe carrying capacity. Mr. Bobis went on to propose a new subsection (b), which would require that the allowable loads for the floors of buildings and structures required by the Uniform Building Code be conspicuously posted on durable signs and that floors not be loaded beyond these allowable limits. Mr. Bobis also indicated that the operative word "designed" in subsection (c) only applies to buildings and structures, which, in his opinion, is not the intent of the regulation. Mr. Bobis notes that the Division of Occupational Safety and Health cites employers for not stacking materials safely and suggested removing the word "designed". Mr. Bobis had no comment for subsection (d) but, in conclusion, suggested that subsection (e) be reworded either one of two ways: "storage racks shall be designed to safely support their intended loads" or, "storage racks shall not be loaded above their designed capacity."

Response:

Board staff notes that the intent of the proposed rulemaking is 1) to harmonize Title 8 and Title 24 regulations with specific regard to live load posting requirements and clarify that live load information is to be posted on the floor or portion of the floor to which the information applies and not on individual storage racks, containers, bins, etc., and 2) to place language in Title 8 (new subsection 3241(e)) to ensure that storage racks used in warehouses and other facilities are designed to safely support their intended loads and are not loaded beyond their designed load capacity as recommended by the manufacturer. Board staff notes that the proposal was noticed accordingly to the regulated public.

Board staff agrees with Board Chairman, Jere Ingram, that the scope of Mr. Bobis' suggested amendments to Section 3641 go well beyond the original proposed amendments (as discussed above) noticed to the regulated public, and therefore, staff is precluded from making such amendments to the proposal without re-noticing the rulemaking package. Moreover, in reviewing Mr. Bobis' comments to Section 3241, staff believes that the issues raised in his comments are already effectively addressed in the existing and proposed language of Section 3241. In addition, Board staff believes Mr. Bobis' comment relating to new subsection (e) is not as effective as what has been proposed because it would only require the storage racks to either be designed to safely support the load, or (emphasis added) not be loaded beyond their safe storage capacity. For storage racks to be used safely, Board staff believes that they must be designed to safely support the intended load and not be overloaded.

Consequently, Board staff believes further modifications of the proposal are unnecessary at this time. The Board thanks Mr. Bobis for his comment and participation in the Board's rulemaking process.

Board Dialog between Mr. Jere Ingram, Board Chairman, Mr. Michael J. Manieri Jr., Board Staff, Ms. Vicky Bradshaw, Board Member, and Mr. Steve Smith, Division Representative.

Chairman Ingram stated that Mr. Bobis' proposals were substantial and that the current proposal had been revised without an advisory committee, to which Mr. Manieri responded that an advisory committee was unnecessary given the scope and intent of the proposal. Ms. Bradshaw indicated that the proposal might not resolve all the issues raised by Mr. Bobis, to which Chairman Ingram stated that the proposal was not a long term solution but a short term one. Chairman Ingram suggested that use of the petition process would be appropriate in this case and suggested that Mr. Bobis submit his comments in writing.

Ms. Bradshaw then asked Mr. Smith if Section 3241(a) is the section that is cited by the Division when employers have boxes stacked that could fall. Mr. Smith replied that he did not know and would have to look into it. Mr. Smith added that it would also depend on where the boxes were stacked, as Section 3241 pertains more to storage shelves. Ms. Bradshaw stated that while she did not want to create compliance issues for employers and more regulatory references on this subject, if no other regulation exists for citation purposes, Section 3241 should cover the issue of stacking of materials. Mr. Ingram interjected that Section 3241(c) is comparable to federal regulations.

Response:

See Board staff's previous response to Mr. Bobis' oral comment.

Board staff notes, in response to Board member Bradshaw's question, that Section 3241(c) would be the section cited by the Division regarding stacked materials. Board staff concurs with Chairman Ingram that Section 3241(c) is comparable to federal regulations and believes it adequately addresses the issue of safely stacked materials.

In conclusion, the Board believes that the scope of Mr. Bobis' proposed changes exceed the extent of the proposed amendments to Section 3641, as was originally noticed to the regulated public, and that it is not clear from Mr. Bobis' comments that such changes are even necessary. The Board believes that such amendments should be studied via the petition process to give staff an opportunity to consider their merits and determine whether a "long term solution" as stated by Chairman Ingram is needed. Consequently, the Board believes that further modification of the proposal is unnecessary at this time.

Mr. Art Murray, OSHSB member.

Comment:

Mr. Murray stated that durable metal signs need to be replaced if damaged and that such a requirement does not appear to be included in Section 3641(a). Mr. Murray suggested modifying subsection (a) to include such a requirement.

Response:

Board staff proposes to modify the proposal to be verbatim of what is required in Title 24, Part 2, Section 1607.3.5 of the CBC. This language specifically requires that durable, metal signs be conspicuously posted and makes it unlawful to remove or deface such notices. It stands to reason that, should such notices be damaged, the employer/building owner is responsible for ensuring that a new sign is provided and posted in order to comply with the level of posting continuity that is mandated by the regulation. For this reason, Board staff believes no further modification of the proposal, which would constitute a deviation from the Title 24 language, is necessary.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

These regulations do 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 regulation. 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 and less burdensome to affected private persons than the adopted action.