

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS**CALIFORNIA CODE OF REGULATIONS****TITLE 8: LOGGING AND SAWMILL SAFETY ORDERS**

Chapter 4, Subchapter 13, Articles 1, 1.5, 2, 4, 5, 7, and 12; Sections 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329, and Appendix A

Amendments to the Logging and Sawmill Safety Orders with regard to Logging Operations**PROBLEM ADDRESSED BY PROPOSED ACTION**

This rulemaking action is initiated in response to letters to the Occupational Safety and Health Standards Board (Board) from the Associated California Loggers (ACL) and the California Lumberman's Accident Prevention Association (CLAPA) with recommended amendments to various regulations affecting logging operations. The recommendation letters, dated September 24, 1998 from ACL and November 11, 1998 from CLAPA, address outdated definitions and regulations in the LSSOs with respect to current logging operations and logging industry work procedures. This rulemaking addresses the concerns of ACL and CLAPA and proposes additional amendments to regulations identified for amendment in accordance with the advisory committee process.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Section 6249. Definitions and Glossary.**

Section 6249 contains definitions for terminology used in logging and sawmill operations. The sentence "Short for donkey engine" is proposed for deletion as unnecessary language and the parenthetical term "yarder" is proposed for addition to the definition of the term "donkey". These two terms can be used interchangeably and have the same meaning (i.e., a machine equipped with a drum and cable for moving or transporting logs). The amendment is necessary to provide a definition for the term "yarder."

The terms "Gin Pole", "Hay Rack or McLean Broom", "Speeder", and "Whistle Punk" are proposed for repeal. The repeal of these terms is necessary to eliminate employer confusion caused by definitions that are outdated and no longer used in current logging operations.

A new definition "landing chute or landing slip" is proposed for addition to the defined terms in Section 6249 and is necessary for consistency with current logging operations.

In addition, a new definition "twister" is proposed which will provide clarity where it is used as an example of an acceptable method for providing safety holdbacks in the proposed amendment for Section 6295(j).

Section 6251. First Aid.

Subsection (a)

Section 6251 provides the requirements for first aid in logging and sawmill operations. Existing subsection (a) requires a means of communication at all operations. Amendments are proposed that are necessary to provide examples of acceptable means of communication (i.e., two-way radio, phone, and citizens' band radios as a secondary means of communication only). Use of these communication methods are already effective and accepted practices in current logging operations.

Subsection (b)

Subsection (b) requires first aid materials at every camp, mill, log landing, or other active logging operation. An amendment is necessary to clarify that necessary first aid materials are required at "any active" operation.

Subsection (d)(1)

Subsection (d)(1) requires those in charge of work crews to have general knowledge of specific first-aid techniques and cardiopulmonary resuscitation (CPR). Standards for CPR training are required to follow the principles of the American Heart Association or the American Red Cross. An amendment is proposed to clarify that "supervisors or persons in charge at a work site" are required to have a valid first-aid and CPR certificate. An additional amendment is proposed which provides that the standards for first-aid and CPR training shall follow the principles of the American Heart Association, the American Red Cross, or other recognized agency. The proposed amendments are necessary for consistency with Federal OSHA's requirement that supervisors receive first-aid and CPR training and to ensure that the first-aid knowledge and CPR training remain current with a valid certificate or documentation.

Subsection (d)(2)

Subsection (d)(2) requires that at "operations employing 5 or more employees", employers shall have employees trained to have a valid first-aid certificate from either the Red Cross, Mine Safety and Health Administration (MSHA), or other recognized agency. An amendment is proposed which deletes the reference to "operations employing 5 or more employees" and adds a CPR certificate requirement to ensure that employers arrange to have employees trained in both first-aid and CPR regardless of the size of the operation. In addition, an amendment is proposed which deletes the reference to MSHA and adds the American Heart Association as a certifying agency, since the MSHA no longer issues first-aid certificates. Employers within the logging and

sawmill industries realize the inherent hazards of the industry and providing persons on a job site with training in first-aid and CPR is already an accepted practice. The proposed amendments are therefore necessary to reflect current industry practice for first-aid and CPR training.

Subsection (e)

Subsection (e) requires that adequate transportation to medical care be provided for immediate use for injured persons. The logging employer in general does not directly provide medical transportation for injured workers, but rather ensures that arrangements are made for emergency medical service transportation by a qualified provider such as ambulances or by medically equipped helicopters with trained personnel. The language requiring that transportation to medical care be "provided for immediate use" is replaced in the proposal with language that will clarify that transportation to medical care shall be "arranged and made available" for injured persons. The proposed amendment is necessary to reflect current industry practice for transportation of injured workers.

In addition, since the application of tourniquets is no longer recommended as a first aid treatment, the reference to the use of a tourniquet is deleted in subsection (d). The amendment is necessary for consistency with current first aid practices.

Section 6260. Riding Rigging Equipment.

Section 6260 prohibits employees from riding logs or any rigging except where the controlled lifting or lowering of employees will provide a safe means of access. An amendment will delete the exception language and prohibit employees from riding logs and any rigging or rigging equipment. Logging employers indicate it is already current industry practice to prohibit employees from riding on logs or any rigging equipment. The proposed amendment is necessary to ensure that employees are not injured as a result of falls from riding on rigging or rigging equipment.

Section 6262. Fuels, Oil and Other Flammable Liquids.

Subsection (a)

Subsection (a) requires that flammable liquids be stored and transported in closed metal containers or approved safety cans properly marked. An amendment is proposed to delete the reference to "metal" containers and require that flammable liquids be stored and transported in closed containers that are "Underwriters Laboratories Inc. (UL) listed or classified, Factory Mutual (FM) approved, or other approved flammable liquid containers properly marked". The term "flammable liquid container" is also added to the proposal in lieu of the term "safety cans" to address the variety of approved containers that may be used for storage or transportation of flammable liquids. The proposed amendments recognize that there are approved containers for storing or transporting flammable liquids other than those made of metal or those referred to as "safety cans". The proposed amendment is necessary to ensure that approved containers are used to store or transport flammable liquids.

Subsection (b)

Subsection (b) requires that a pump be provided to service equipment fuel tanks unless the fueling is done by gravity flow with a metal-to-metal contact between the container and the fuel tank. Some fuel pumps are designed for diesel fuel and should not be used with gasoline. Gasoline fuel pumps are designed to accommodate the flammability of gasoline while diesel pumps may not be. An amendment is proposed to require that the pump be approved and designed for the fuel to be used. The amendment is necessary to prevent the possibility of fuel pump leaks which, if ignited, could result in a fire and/or serious employee injury.

Section 6270. Signal Systems.

Subsection (e)

Subsection (e) requires the standard signals and alternate signal system in use to be posted on the yarder. Logging employers indicate that because of weather conditions, grease and wear, documents posted on the yarder do not last long. The intent of this regulation is that the signals or signal system be available at the work-site should an employee need to refer to it. Therefore, an amendment is proposed that requires the standard and alternate signals to be available in the yarder cab and either posted or made available to the crew. The proposal is necessary to give the employer alternative methods (other than posting signals on the yarder) to ensure the standard signals or alternate signals are available at the job site.

Subsection (p)

Subsection (p) prohibits the use of a jerk wire whistle system for any type of yarding operation. This subsection is proposed for repeal. The amendment is necessary because jerk wire whistle systems are obsolete and are no longer used in logging operations.

Section 6272. Radio Signal Systems.

Section 6272 contains the requirements when radio signals, including voice, are used to initiate any whistle, bell, or other audible signaling device. This section also provides the requirements when radio signals including voice are used to activate or control any machine, material handling device, or other equipment hazardous to workers. Furthermore, Section 6272 provides the requirements for the use of radio units such as the criteria for adjustments and repair, tones and frequencies used, and the design of equipment or machines controlled by radios.

Subsections (a) through (g)

Subsections (a) through (g) contain the requirements associated with the registration of radio units used in the control and activation of any signal, machine, or equipment in logging operations. Use of such radio units requires registration with the Division of Occupational Safety and Health (Division).

Subsection (a) requires registration of radio tone frequencies and area of use with the Division. Subsection (b) requires radio equipment to have the registration information displayed on the equipment. Subsection (c) requires applicants for registration to provide the Division information

such as the radio frequency, manufacturer name, serial number, etc. Subsection (d) requires new registration with the Division before moving any radio unit from one assigned area to another. Subsection (e) limits reservation of tone frequencies within an area to no more than 30 days before the frequencies will be put into use. Subsection (e) also requires notification to the Division when a radio signaling device is permanently retired, sold, or stolen. Subsection (f) requires that additional radio signaling devices used as replacements be certified in advance for use as spares. Subsection (g) requires information such as the assigned radio and tone frequencies and serial number be displayed on the outside case of radio receivers.

The Division believes that the reporting and registration requirements for the use of radio units are unnecessary. The Division is unaware of any problems in the logging industry attributable to lack of registration with the Division.

In addition, logging employers believe that the reporting and registration requirements for the use of radio units are unnecessary and do not serve any specific safety purpose. Furthermore, existing subsection (k), proposed as subsection (d), requires that use of the radio control device be discontinued when interference such as interface, overlap, fadeout, or blackout of radio signals is encountered. Accordingly, controls exist to preclude use of a radio that is not functioning properly irrespective of the registration requirements. Therefore, subsections (a) through (g) are proposed for repeal and the remaining subsections appropriately re-lettered. The proposed amendments are necessary to eliminate unnecessary registration and reporting requirements to the Division by the employer.

Subsection (i)

A nonsubstantial editorial change is proposed for subsection (i), proposed as subsection (b). The title for Appendix A, "Radio Control Signaling Devices" is necessary language added to the regulation to clearly indicate the title of the Appendix to the reader.

Subsection (k)

Nonsubstantial editorial changes for clarity are proposed for subsection (k), proposed as subsection (d).

Section 6281. Bucking.

Subsection (e)

Section 6281 contains the requirements for "bucking" trees which is the process of sawing a felled tree into desired sections. Subsection (e) states that spring poles and trees under stress shall be cut so that an employee is clear when the tension is released. A proposed amendment for clarity is necessary to ensure that "limbs" under stress are cut so that the employee is clear when the tension is released.

Section 6282. Ripping Logs.

Subsection (a)

Subsection (a) provides that logs shall be chocked before they are ripped (sawing logs parallel to the grain). An amendment is proposed permitting that logs be either chocked or "strapped" before they are ripped. The proposed amendment is necessary to clearly indicate that logs can also be "strapped" to secure them before they are ripped.

Section 6283. Portable Chain Saw Operations.
Subsection (m)

Section 6283 contains the requirements for logging employees who operate chain saws. Subsection (m) requires employers to instruct employees who use chain saws in safe procedures and rules outlined in subsections (m)(1) - (7). Subsection (m)(7) prohibits the use of engine fuel for starting fires, or for use as a cleaning solvent. An amendment is proposed for subsection (m)(7) to replace the word "engine" with the term "chain saw." The proposed regulation will read, "Do not use chain saw fuel for starting fires or for use as a cleaning solvent." The proposed amendment is necessary to ensure consistency with the subject matter of Section 6283 (relating to the operation of chain saws).

Section 6290. General.
Subsection (c)

Section 6290 contains general requirements for rigging in logging operations. Subsection (c) states that rigging shall be arranged and operated so that it or its loads will not foul, rub, or saw against lines, straps, blocks, or other equipment. The intent of this subsection is to prevent damage to rigging lines, loads, or other equipment. Occasionally, rigging lines/equipment will touch each other or make contact without damage or interference to the operation. An amendment is proposed that will require rigging to be arranged such that it or its loads will not "be damaged" by fouling, rubbing, or sawing against lines, straps, blocks, or other equipment. The proposed amendment is necessary to clearly indicate to the employer the intent of the regulation, which is to prevent damage to rigging lines, loads and other equipment.

Section 6295. Anchoring.
Subsection (j)

Section 6295 provides anchoring requirements for guylines, skylines and other rigging anchored to tree stumps. Subsection (j) requires that safety holdbacks be used when necessary for the safety of workers. An amendment for clarity is proposed to add an example of a type of safety holdback device called a "twister." A definition for the word "twister" is proposed for addition to Section 6249, Definitions and Glossary. The proposed amendment is necessary to clearly indicate to the employer a method to provide additional support for a tree stump or tree used for anchorage in cable logging systems.

Section 6328. Yarding and Swinging.
Subsection (k)

Section 6328 contains general requirements for employees involved in yarding operations (the moving of logs from the place they are felled to a landing). Subsection (k) states that logs shall

not be landed or moved into the landing while chasers (crew members who unhook logs at landings) are working on other logs at the spar tree. An amendment is proposed to repeal the requirements of subsection (k) because it duplicates the requirements of subsection (l), which already requires workers and equipment to be in the clear when logs are landed. Consequently, subsections (l) through (n) are proposed for re-lettering as a result of this amendment.

Subsection (l)

Subsection (l) states that logs shall not be landed at the spar tree until all workers and equipment are in the clear. A spar tree is a tree with the top limbs removed to support blocks and ropes for logging systems. In current logging operations, logs are no longer landed at spar trees, but rather, at a "landing chute". Therefore, an amendment is proposed to replace the term "spar tree" with "landing chute". Subsection (l) is proposed to read as follows, "Logs shall not be landed at the landing chute until all workers and equipment are in the clear." A definition for "landing chute" is proposed for addition to Section 6249, Definitions and Glossary. The amendment is necessary to update the language of the regulation consistent with current logging practices.

Section 6329. Landings and Loading Areas.

Subsection (e)

Section 6329 contains the size, slope and general design features required for log landing and loading areas. Subsection (e) states that space for trucks to turn around be provided as close as possible to the landing and no further than 600 feet. Board staff agreed with the advisory committee consensus given that the limitation of 600 feet from the landing for truck turn-around serves no safety purpose. Therefore, the deletion of the 600 foot limitation for truck turn-around is proposed and is necessary because it serves no purpose in terms of employee safety.

Subsection (g)

Subsection (g) requires that all personnel stand clear while logs are being hoisted, or while logs or loads are being shifted on cars or trucks. Amendments are proposed for this subsection to clarify that personnel must stand clear of the hazardous area. Industry representatives have stated the need to define the hazardous area in the regulation. Therefore, the hazardous area is defined in the proposed text. Additionally, the reference to "cars" as used in the first sentence of subsection (g), and in existing subsection (j), is proposed for deletion because railroad cars are not used at log landing/loading areas. The amendment is necessary to eliminate language that is inconsistent with industry practice.

Subsection (i)

Subsection (i) states that logs shall not be landed at cable system landings while trucks are being spotted (directed into position for loading). Log loading trucks are spotted at distances far enough removed from log landing areas that logs are safely landed while loading trucks move into position. Additionally, proposed subsection (l) will require that logs shall not be landed at the landing chute until all workers and equipment are in the clear. Therefore, subsection (i) is proposed for repeal as unnecessary and the remaining subsections re-lettered accordingly.

Appendix A, Radio Control Signaling Devices:

Appendix A, Radio Control Signaling Devices, in part contains several requirements related to and referenced in Section 6272, Radio Signal Systems discussed above (see the rationale under Section 6272 where subsections (a) through (g), associated with reporting and registration requirements with the Division for radio use in logging operations, are proposed for repeal). Similar to existing Section 6272, Appendix A, Radio Control Signaling Devices, contains several requirements (primarily associated with radio frequencies used) related to reporting and registration requirements with the Division and are proposed for repeal. The repeal of the registration requirements with the Division required in Appendix A is necessary for consistency with the proposed amendments in Section 6272 and will serve to eliminate unnecessary registration and reporting requirements to the Division.

Appendix A also provides that all radio devices "manufactured after the effective date of these Orders" that are tone coded for signal and/or machine functions or used for voice communications, shall meet or exceed certain specifications, tolerances and tests. A list of 13 specifications/testing criteria for radio devices is listed in the Appendix. The condition that the specification/testing criteria is applicable only to radio devices "manufactured after the effective date of these Orders" is proposed for deletion. Manufacturers of radio devices indicate that radios in use meet the criteria listed in all 13 items listed. Therefore, reference to the date of manufacture is now unnecessary.

With respect to the 13 listed specification/testing criteria for radio devices in Appendix A, item number (11) requires radio receivers intended for mounting on the yarder, and all portable transmitters to meet performance standards after being subjected to the vibration testing specified in Paragraph 22 of EIA RS 204 A. The reference to the EIA (Electric Industries Association) RS 204 A standard is problematic in that it provides no year of publication and is difficult to obtain.

A proposed amendment deletes reference to the outdated/unavailable standard and incorporates by reference the vibration requirements contained in ANSI/TIA (Telecommunications Industry Association)/EIA-603-1992 standard, Section 3.3.4, Vibration Stability. Board staff was unable to obtain a copy of the referenced EIA RS 204 A standard. However, a manufacturer provided staff with the EIA RS-204-C-1982 standard for review purposes and indicated the vibration testing section (24.0 Vibration Stability) is equivalent to Paragraph 22 of the EIA RS 204 A standard. The requirements for vibration stability between the older EIA publications and the 1992 standard are essentially the same. The amendment to incorporate by reference the

ANSI/TIA/EIA-603-1992 is necessary for availability and to indicate the publication date of the standard.

Also, item number 13 of the 13 listed specification/testing criteria for radio devices in Appendix A, requires at least one model of each radio system to be tested and certified that it meets the minimum requirements in the Appendix. A copy of the performance report must be signed by whoever tested the unit, and submitted to the Division. A proposed amendment will eliminate the requirement that the performance report be sent to the Division. The proposed amendment is necessary for consistency with the amendments to Section 6272, Radio Signal Systems, that repeal registration or reporting requirements to the Division.

DOCUMENTS RELIED UPON

1. Letter dated September 24, 1998 to the Standards Board from Mr. Ed Ehlers, Executive Director, Associated California Loggers.
2. Letter dated November 11, 1998 to the Standards Board from Ms. Ruth Wells, Executive Secretary, California Lumberman's Accident Prevention Association.
3. Memorandum dated April 18, 2000 from Mr. William Lupe, Senior Cal/OSHA Engineer to the Standards Board.
4. EIA (Electric Industries Association) RS-204-C standard, January 1982, Section 24.0, Vibration Stability.
5. EIA (Electric Industries Association) RS-204 standard, January 1958, Section 18, Vibration Stability.

These documents are available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DOCUMENTS INCORPORATED BY REFERENCE

- ANSI/Telecommunications Industry Association (TIA)/Electronic Industries Association (EIA)-603-1992 standard, Section 3.3.4, Vibration Stability.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. This document is available for review during business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No adverse impact on small businesses is anticipated from the implementation of the proposed amendments. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

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.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

The proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments are largely editorial for the removal of obsolete language and/or logging methods.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

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 or 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 regulations do not impose a local mandate. Therefore, reimbursement by the state 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 regulations 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 regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, these regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations 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 regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendments to these regulations 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 alternatives 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 proposed action.