

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**SUMMARY**  
**PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING**

April 19, 2007  
Sacramento, California

**I. PUBLIC MEETING****CALL TO ORDER AND INTRODUCTIONS**

Chair MacLeod called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., April 19, 2007, in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

**A. ATTENDANCE****Board Members Present**

Chairman John MacLeod  
Liz Arioto  
Jonathan Frisch, Ph.D.  
Jose Moreno  
Art Murray  
Steven Rank

**Board Staff**

Keith Umemoto, Executive Officer  
David Beales, Legal Counsel  
Michael Manieri, Principal Safety Engineer  
Marley Hart, Staff Services Manager  
Christina Witte, Executive Secretary

**Others present**

Tina Kulinoich, Fed/OSHA  
Steve Graimer, Mitsubishi Elevator  
Peta Collins, City of LA  
Jim Meyer, James Meyer Consultant Inc.  
Elizabeth Treanor, The phylmar group  
Paul Pitfield, Elevator consultant  
Miles Lamb, Schindler Elevator  
Lynne Formigli, CTA  
Debbie Prince, MCE  
Jack.Arns, AEC  
Leonard Bates, Elevator Technology  
Wayne Elias, Kone, Inc.  
Jody Blorn, CFCA

**Board Members Absent**

Larry Gotlieb

**Division of Occupational Safety and Health**

Al Tafazoli, Principal Safety Engineer, Elevators  
Tony Lopez

Greg Walker, Otis Elevator  
Nicholas Davis, Dockmasters  
Mike Mckinley, Mckinley Equipment  
Richard Blasha, RCB elevator consulting, LLC  
Ralph Armstrong, I.B.E.W. 1245  
John Brophy, S. United Airline  
Larry Pena, CAL/Edison  
Mark Pamos, Lift-U  
John Sellen, Leron Bates  
Alan Taylor, Scott Elevator consultants  
John Bobis, Aerojet

Neil Cliaitin, Mckinley Elevator  
William Lukor, Elevator  
Alex Miller, Interwest  
Dave Stuckey, Elevators  
Bill Mitchall, Elevator  
Daum Pressley, Elevators  
Leo Jordan, Poak & Steinle Inc.  
Dan Leacox, Greeabery Training  
Dee Swerrie, Swerrie Service  
Scott Ellen, NATL Wheelovator  
David Luir, Hunkin Specialty elevator  
Bo Bradley, AGC of CA  
Walter Farley, R.F  
Rick Brase, Kone  
Scott Brown, Kone  
Jonas Ekeroth, Parks and Rec  
Michael Wright, DGS  
Levin Thomspson, CAL/OSHA Reporter

Dan Butler, Elevators  
Bruce Wick, CALPASC  
Joe Perkins, City of San Jose  
Richard Gilmore, Star Elevator Co.  
Rahoy, Gigliohe, IUEC Local 8  
Tracy Gazzahiga, IUEC Local 18  
Larry Barukick, IUEC Local 8  
Robco Krieg, Hobbslak & Krieg  
Annabell Conkling, Capitol Elevator Co  
Gary Sommesa, Advancing Technology  
Guy Prescott, Local 3  
Chris Coairoli, PELG  
Jeff Ruloff, Thyssenkmpn  
Kevin Bland, CFCA

B. OPENING COMMENTS

Chair MacLeod indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

Chair MacLeod opened the floor for public comment.

C. ADJOURNMENT

With no comments, Chair MacLeod adjourned the Public Meeting at 10:05 a.m.

**II. PUBLIC HEARING**

A. PUBLIC HEARING ITEM

Chair MacLeod identified the proposals to be heard during the public hearing and stated that the Informative Digest for the proposed changes was contained in the Notice of Hearing. He stated that the Notice of Hearing, including the proposed text and Initial Statement of Reasons, was available at the entrance to the room.

1. TITLE 8:     **LOW VOLTAGE ELECTRICAL SAFETY ORDERS**  
Chapter 4, Subchapter 5, Article 3  
Section 2320.2  
**Energized Equipment or Systems**

Mr. Manieri stated that in response to a Division of Occupational Safety and Health (Division) Form 9 Request dated December 19, 2002, Board staff developed proposed amendments to Section 2320.2 of the Low Voltage Electrical Safety Orders to address two issues: 1) establishing a reasonable, lower voltage threshold for the use of rubber insulating gloves and protective tools by employees through language that would exclude their use on energized parts or systems energized below 50 volts; and 2) the maintenance and testing of electrical protective gloves in accordance with the American Society of Testing Materials (ASTM) Standard Specification Number F 496-97 for Rubber Insulating Gloves. The Title 8 use, care and maintenance requirements for personal protective equipment provide that such equipment be used in accordance with the manufacturer's recommendations. Section 2320.2 does not specify a lower voltage threshold for the use of rubber insulating gloves and insulating tools, which, as stated by the Division in its memorandum to the Board, requires employers to use insulating gloves or tools when working on parts or systems that do not present a risk of injury or death. Staff believes that with regard to the 50-volt threshold that would trigger the need to use protective equipment, the proposed threshold is consistent with the National Electrical Code and federal OSHA.

Following discussions with the Division and stakeholders, Board staff developed the proposed amendments to Section 2320.2. The proposal contains an Exception from using rubber insulating gloves and insulated tools when working on exposed parts of equipment or systems energized at less than 50 volts. The proposal would require all rubber insulating gloves to be maintained and tested in accordance with the ASTM F 496 standard for in-service care of insulating gloves and sleeves.

Two written comments, including an advisory opinion from Region IX Federal OSHA expressing concern over the proposed 50-volt threshold, have been received. Board staff has been in discussions with Region IX and the Division in an effort to resolve federal OSHA's concern. Based on these discussions, Board staff has crafted 15-Day Notice language amending the proposed Exception. Board staff believes the proposal is ready for the Board's consideration and public comment.

John Bobis, the Director of Regulatory Affairs for Aerojet, requested that the Board not adopt the proposed Exception. The standards were initially reviewed by a low voltage electrical advisory committee consisting of labor, management, and affected industry. The proposal was intended to be a performance standard, which it should be. The committee worked on this standard for two years and adopted it in approximately 1978.

Section 2320.1 states that only qualified persons shall work on electrical equipment or systems. The term qualified persons is identified as a person designated by the employer who, by reason of experience or instruction, has demonstrated familiarity with the operation to be performed and the hazards involved. Section 2320.2 indicates that when individuals work on low voltage energized equipment or systems, that work cannot proceed unless a responsible supervisor has determined that

the work to be performed while the equipment or systems are energized. In addition, involved personnel have received instructions on the work techniques and hazards involved in working on energized equipment. The standard also requires that suitable personal protective equipment and safeguards (i.e., approved insulated gloves or insulated tools) are provided and used. This is a true performance standard.

If an exception for 50 volts is included, it will result in a false sense of security. Many people have experienced the effects of low voltage and high amperage, such as an automobile battery, which is only 12 volts, but it has 10 amps. In the communications industry, there are battery banks, which are very low voltage, but go up to 4,000 amps. That is very hazardous. Permitting someone to work on such systems depends upon the hazards involved. Protective equipment may not be necessary. However, if a hazard exists, the standard currently requires an assessment to be made. If the hazard involved requires that a system be energized, then certain procedures must be developed, the employees must be properly trained and supervised, and proper equipment must be provided. This is akin to the high voltage electrical industry. The high voltage standards require very similar levels of training and analysis.

2. TITLE 8: **ELEVATOR SAFETY ORDERS**

Chapter 4, Subchapter 6

Sections 3000, 3001, 3009, 3094.2, 3120.6, and 3137

New Sections 3140, 3141, 3141.1 through 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, and 3146

**Revisions to the Elevator Safety Orders**

Mr. Lopez is a retired annuitant working for Mr. Tafazoli in the DOSH Elevator Unit. The California Labor Code specifies that the Division shall propose elevator standards for Board review and adoption. The Labor Code further specifies that the proposed standards shall consist of provisions at least as effective as the provisions in elevator codes ASME A17.1, ASME A17.8, ASE 21, and ASME A17.3 for equipment standards. This rulemaking proposal contains standards from the above specified codes, except those standards described in ASME A17.3, which address retrofit requirements for existing elevators. The Division reviewed and compared the requirements in ASME A17.3 and determined that the existing Elevator Safety Orders are at least as effective as or more stringent than the provisions of A17.3. Therefore, no provisions from A17.3 are included in the proposal. The proposed standards would apply to elevators installed after the effective date of the proposed standard. These standards are ready for public comment and Board review.

Greg Walker is the Regional Director for Otis Elevator Company and the Chairman of the National Elevator Industry, Inc. (NEII) California Code Committee. NEII endorses the proposed standards with minor changes and one major recommendation, which is to change Section 3141.8(a)(4). This standard was originally drafted as a slightly more permissive standard that would allow alternate suspension means on elevators. It was modified at a later date to be more restrictive. NEII would like the language of the standard to be modified to be closer to the original intent. NEII recommends the following language: "Alternate suspension means and their connections other than those permitted by ASME A17.1-2004 are permitted if the means is equivalent in safety. Manufacturer's documentation supporting equivalent safety shall be submitted to the Division for review and approval. The Division may also grant a temporary experimental variance as a means

for a manufacturer based demonstration of equivalent safety." The technology in the elevator industry is changing very rapidly, much more rapidly than the elevator standards are changing, and the language proposed by NEII would provide a means to introduce new technology that is just as safe as that required by the standard and avoid the lengthy variance process.

Dee Swerrie was a principal engineer in the Elevator Unit. He does not represent any company or any union. ASME A17.3 is more effective than the existing standard as it pertains to retrofitting standards. The two standards should be compared and then followed by either a revision to the existing standard or adoption of A17.3. He also recommends that plunger grippers could be used in place of replacing all of the single-

bottom hydraulic jacks. The plunger gripper is a device that can be attached and will keep the elevator from falling, and its use should be considered.

Mr. Swerrie went on to state that the use of the term “experimental variance” is not in the best interest of the state, as it undermines public confidence. If the principal engineer has the information he needs to determine whether or not a carrier is safe, he may allow a temporary variance, not an experimental variance.

Temporary variance is a better term.

Richard Blaska, Principal of RCB Elevator Consulting, read his written comments, submitted April 4, 2007, into the record.

Ms. Arioto asked for a description of a shunt trip. Mr. Blaska responded that it concerns the issue of fires and the operation of the elevator in fire conditions. The current standards require elevators to have fire service operation Phase I and II. This is a series of smoke detectors, critical risers, signs over exits, and access to the machine room and a throw switch. If there is a fire with smoke, the smoke detectors will go off and the elevator goes into a special fire service operation, in which it goes to a designated fire landing and shuts off. The purpose is to keep elevators from running during a fire. That is the Phase I operation. Phase II is a key-operated switch that the fire department personnel can use to put the elevator back into service in special operation in which the fire department personnel commandeer the elevator. This is in recognition of the idea that buildings over a certain height cannot be accessed by ladder trucks, and in some cases, the elevators must be used during a fire.

Shunt trip is something separate from the key operated switch used by the fire department; it has to do with the sprinkler system. The question is whether an elevator should be in operation, either in Phase I or Phase II, when the sprinklers are going off. In the elevator machine room, particularly, where the elevator controls, all of the electronics, motors, and drive equipment that run the elevator are, it would be a problem if those mechanisms were being soaked with water while the elevator is in operation. Mr. Blaska believes that the logic of the shunt trip is to shut the elevators off prior to the sprinklers going off. This is accomplished by having a heat sensor within 24 inches of the sprinkler head. The heat sensor is connected to a shunt trip device, which is a large electrical disconnect that disconnects the main power to the elevator. Therefore, if there is enough heat to activate the sprinkler head and start sprinkling, the heat sensor trips, signaling the shunt trip device to disconnect the power to the elevator.

The problem is that before there is enough heat to activate the sprinkler system, there must be smoke. At that point, the elevator already should be in Phase I operations, protecting the general

public from being stuck in an elevator during a fire. It is generally accepted that Phase I operations will begin long before the sprinklers are activated. During Phase II operations, however, when the fire department is operating the elevator, it is conceivable that the elevator machinery could be doused with water while it is being operated, which would cause the elevator to malfunction and shut down, and fire personnel could be stuck in the elevator.

Board staff must have had to deal with this issue, insofar as it has been written into the General Requirements section of the proposal to make it voluntary. The logic, presumably, is to leave the issue to the experts, such as the Fire Marshal and the architects, to make the determination on a building-by-building basis. The question then becomes whether or not it is logical to require a shunt trip device, which is expensive and requires an involved installation procedure, in a two-story building with a little hydraulic elevator, in which the chance of having an elevator operating in Phase II operations is negligible. A high rise, on the other hand, could raise a different debate.

Chair MacLeod stated, in reference to Mr. Blaska's comments regarding Title 24, that he had asked staff to initiate action to have Title 24 reference the Title 8 Elevator Standards, but he was uncertain of the status of that action. He stated that people cannot comply with standards if they are unable to find them.

Chair MacLeod asked whether the seismic requirements in the proposal are more or less effective than those in the current standards. Mr. Blaska responded that the proposed standards are both technically and procedurally more effective.

Robert Krieger of Hobbs & Law spoke about the shunt trip issue. If there is a fire in a building and the shunt trip is activated, fire personnel will be stuck in an elevator in a burning building. Most elevator engineers would like to eliminate this device. If there is a fire and the elevator goes to Phase II operation, fire personnel will get inside the elevator, turn the key on, and use the elevator to move personnel and equipment to floors below the fire. If the shunt trip in the elevator is activated, there is no power to the elevator. In addition, because of the door restrictor requirements, the personnel stuck in the elevator are unable to get out.

Regarding seismic requirements, there are existing elevators that have never been brought up to current seismic standards. This issue is not addressed in the proposal, but it probably should be investigated. He referred to an incident in which an elevator machine fell down a hoistway during the Northridge earthquake. During that earthquake, there were a lot of elevators in which the counterweights came out of the rails that held them in place and the counterweights crashed into the cars after the earthquake. Although there are requirements for elevator resets, a lot of building engineers who are not qualified reset the elevators after an earthquake, which sometimes result in counterweight collisions in cars that could seriously injure or kill emergency personnel and endanger the elevator-riding public.

Bill Mitchell is with Schindler Elevator and a member of NEII. He stated that the 2004 ANSI standards incorporated into the proposal recognize that there is a shunt trip issue. There is a fire light inside the car operating handle that comes on when the elevator is on fire recall. Instructions in the new code indicate that if the fire light is flashing, personnel are to evacuate the elevator immediately. The fire light flashes when the smoke detector in the elevator machine room goes off,

and it warns the emergency personnel that there is a problem in the machine room, and they should not use that elevator. Firefighters are trained to recognize this warning and to understand what the flashing fire light means.

As far as seismic standards go, new elevators are not a problem. They are built according to current standards, which meet current seismic requirements. However, the modernization of older elevators is a problem. The modernization of equipment in the A17-1996 version did not have any seismic requirements. The proposed code states that elevators must operate under earthquake operation, which is to go to the next floor and open the doors in order to let anyone on that elevator out in the event of an emergency. It does not address any mechanical portion of seismic activity.

Ms. Arioto asked whether a flashing fire light provides emergency personnel with enough time to get out of the elevator. Mr. Mitchell responded that the shunt trip is based on heat in the machine room. The flashing fire light is based on smoke. Smoke, theoretically, appears long before there is enough heat to set off the shunt trip and subsequently the sprinklers.

Chair MacLeod stated that, generally, when a proposed standard affects the fire fighting community, it is reviewed by the State Fire Marshal. He asked whether this proposal had been submitted to the State Fire Marshal. Ms. Hart responded that it had.

Dee Swerrie then stated that the 1975 orders for seismic upgrading were based on a study that took place immediately following the 1972 earthquake in Southern California, which was done very quickly. At the time, those orders were felt to be adequate. However, the A17 committee kept all of the records and continued to work on the orders for seismic upgrading. They spent another ten years on those orders to bring them up to date. They are still doing it; they still have an active earthquake committee that continues to work on standards for seismic protection. The best thing to do to provide seismic protection for all of the elevators would be to make the seismic portion of the proposal retroactive.

Clayton Carter, with Capitol Elevator Company, stated that if a firefighter were to get into an elevator during a fire and set it for Phase II operation, that should override the shunt trip so that it will not operate. Some other type of audible or visual signal could be installed so that if there is enough heat in the machine room to set off the shunt trip, the person in the elevator would be warned in enough time to get out before the power is shut off. Firefighters should know that if an elevator is on Phase II, the shunt trip is going to be activated at some point, and they should be watching for that signal.

Debbie Prince, with Motion Control Engineering, stated that the 2004 seismic requirements referenced by the proposal permit the car to operate as long as there are continual displacement panels, which is not acceptable in California. The elevator should stop at the floor, open the doors, and not operate any further during an earthquake. She feels that this requirement should be specifically addressed in the proposal.

Annabell Conkling, with Capitol Elevator Company, stated that the proposal requires one, three, and five year testing be performed by a CCCM (?) and witnessed by an inspector. She further stated that state inspectors are unable to keep up with their current workload, and she asked how they

would keep up with the additional workload of having to witness the required testing. She emphasized that she was in favor of the proposal, but she was concerned with the load it would place on existing personnel.

Chair MacLeod responded that the personnel issue goes along with the plan review and inspection legislation, which is fairly recent. He asked Mr. Tafazoli if he had an answer for the question. Mr. Tafazoli responded that the Division is working on it.

Dr. Frisch asked that Board staff specifically answer this question in the response to comments and inform the Board on what is being done to address the issue.

Chair MacLeod stated that there had been legislation with provisions for new positions. The legislation passed, but due to the budget crisis at the same time the funding for new positions was nonexistent.

Robert Krieger also expressed support for hiring new personnel. He stated that California is facing a public infrastructure crisis, because there are not enough mechanics or inspectors. This is an issue of public safety. In addition to addressing the personnel shortage, it is necessary to apply the maintenance requirements of Section 8.6 and ASME A17.1-2004 to all elevators. Safety will be compromised if the standard applies only to elevators installed after the adoption date.

Alex Chapman is with the Thyssum elevator company. He stated that the retroactive requirements for seismic modifications and upgrades has been a financial issue with many building owners. If the Board adopts a mandatory seismic building upgrade in conjunction with minor elevator controller modifications and retrofits, a large financial burden would be placed on a large portion of building owners and managers. He did not wish to discount public safety needs concerning seismic upgrades, but he noted the benefits secured by modernizing equipment and bringing the elevators up to reasonable modernized standards.

Mandating a complete retrofit of the building to meet seismic requirements would place an unreasonable burden on a large portion of the business community.

Dr. Frisch asked whether Mr. Chapman was concerned that the proposal would present an unreasonable financial burden. Mr. Chapman responded in the affirmative. He stated that A17.1 Section 12, Alteration to Existing Elevators, does not mandate retroactively bringing existing elevators up to current seismic requirements by removing or upgrading elevator rails, brackets, and other seismic demands. Mandating those requirements and dovetailing them into elevator control and modernization requirements would double the cost of a simple modernization and place it outside the financial abilities of many small building owners who simply want to upgrade the operational functions of their elevators.

Dr. Frisch expressed concern that elevator technology continues to change, and it seems to be changing more rapidly than it used to. In the course of the development of the proposal, it is his hope that the language will be written in such a way that anticipates and addresses new technology and avoid the lengthy variance process for routine matters. He also asked whether the national consensus standards cross referenced in the proposal will remain current for a time or whether staff was aware of updates presently underway that would soon render the proposed standard obsolete.

Mr. Tafazoli responded that he would research that question and provide the Board with a response at a later date.

Chair MacLeod asked that both Board and Division staff investigate the current law and standards with respect to variances to determine whether or not there are alternatives to the variance process with respect to elevators. He stated that in 2006, the Board docketed 210 variances, of which 198 pertained to elevators. The variance decisions are foregone conclusions, and the language is already drafted, to the point that there is already a de facto standard in place. Despite that, it is his estimate that each variance requires approximately ten hours of staff time, between the administrative staff and the technical staff. That does not include the Division time, nor does it include the applicant's time. He suggested a meeting with staff to investigate options to deal with the rapidly changing technology.

Chair MacLeod commented that he had asked staff to examine legislation requiring the Board to adopt new standards virtually on an annual basis and perhaps to draft proposed legislation that would lift some of that requirement.

## ADJOURNMENT

With no further comments, Chair MacLeod adjourned the Public Hearing at 11:17 a.m.

## **III. BUSINESS MEETING**

Chair MacLeod indicated that this portion of the Board's meeting is closed to comments from the public, except when specifically requested by the Board. The purpose of this Business Meeting is to allow the Board to conduct its monthly business.

### **A. PROPOSED SAFETY ORDERS FOR ADOPTION**

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 69  
Section 4543  
**Guarding of Meat Cutting Band Saw Blades**  
(Heard at the November 16, 2006, Public Hearing)

Mr. Manieri stated that Section 4543 addresses the guarding of meat cutting band saw blades, specifying in general terms, the type of guard to be used. Federal OSHA standards do not specifically address meat cutting band saw blades. Instead, federal OSHA enforces its woodworking band saw guarding requirements upon users of meat cutting band saws.

The Division of Occupational Safety and Health (Division) issued a Form 9 Request to amend Section 4543 on January 9, 2003, because in the Division's opinion, the existing standards in Section 4543 do not afford workers who use meat cutting band saws adequate point of operation protection. Upon review and field investigation by staff, it was determined that the Division's

request had merit. While Section 4543 calls for the guarding of meat band saw blades, it does so generically and does not provide the employer with adequate guidance as to how the band saw blade is to be guarded. Employers will find no guidance in General Industry Safety Orders woodworking standards, as they exempt meat cutting band saw blades. The Integrated Management Information System (IMIS) database indicates several injuries to users of meat cutting band saws since January 1995, typically involving amputation.

The proposal addresses specific requirements for: 1) guarding meat cutting band saw blades by requiring that all portions of the blade be guarded except as provided; 2) defining the term "self-adjusting" in terms of it being "easily adjustable by the saw operator;" 3) adjusting the saw blade as close as possible to the point of operation without interfering with the meat being cut; 4) using pusher plates; and 5) guarding of the saw wheel to ensure consistency with other Title 8, GISO machine guarding standards.

Board staff consulted with the Division, end users, and manufacturers (who indicated that all new band saws would comply with the proposal) during the preparation of the proposal. All expressed support for the proposed amendments. Other than one commenter, no one else recommended modification of the proposal.

Board staff recommends the Board adopt the proposed amendments to Section 4543 of the GISO.

**MOTION**

A motion was made by Mr. Moreno and seconded by Ms. Arioto to adopt the proposed safety order.

Chair MacLeod asked for a roll call.

**ROLL CALL VOTE**

All Board members present voted aye. The motion passed.

Chairman MacLeod announced the next item on the agenda for adoption.

2. TITLE 8:        **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 98  
Section 5001  
**Cranes and Other Hoisting Equipment—Signals**  
(Heard at the January 18, 2007, Public Hearing)

Mr. Manieri stated that Construction Safety Orders Section 5001 is intended to ensure safe hoisting operations through communication between a crane operator and a qualified signal person, particularly when the operator's view of the load is obstructed. However, this Section does not address communication to avert inadvertent contact between cranes operating in proximity to one another.

This rulemaking proposal is the result of a Division Form 9 Request dated February 9, 2006, to amend Title 8 crane signaling standards. The proposal expands Section 5001 to require employers to address the type of communication and notification via jobsite crane operators of the presence of other jobsite cranes in a way necessary to prevent accidental crane to crane contact. This type of jobsite communication is consistent with existing Section 1511(b) Pre-job Planning Requirements, designed to safeguard workers. The proposed performance oriented amendments recognize the use of two way radio communication to the extent that whenever it is used as a communication method, a dedicated radio frequency is to be used to reduce interference.

The proposed language was prepared with the assistance of an advisory committee, which included the Division and various labor and management stakeholders. It was modified via the 15-Day Notice process to clarify the term boom radii as swing boom radii, consistent with crane operation terminology.

There were no written comments submitted to the Board; however, there were oral comments and Board dialog. There were no further comments following the 15-Day Notice.

The Board staff recommends the Board adopt the proposed amendments to GISO Section 5001 as modified.

#### MOTION

A motion was made by Mr. Rank and seconded by Dr. Frisch to adopt the proposed safety order.

Chair MacLeod asked for a roll call.

#### ROLL CALL VOTE

All Board members present voted aye. The motion passed.

Chairman MacLeod announced the next item on the agenda for adoption.

3. TITLE 8: SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS  
Chapter 4, Subchapter 18, Article 8  
Section 8397.16  
**Shipyard Safety Orders, Land-Side Fire Protection—Update of National Fire Protection Association (NFPA) Standards**  
(Heard at the March 15, 2007, Public Hearing)

Mr. Manieri stated that on September 15, 2004, Federal OSHA promulgated standards updating its references to 19 National Fire Protection Association (NFPA) standards concerning fire protection in shipyard employment. Those amendments were subsequently heard and adopted by the Board with little or no public comment or Board dialog. On October 17, 2006, federal OSHA again promulgated amendments to its shipyard safety orders updating its references to eleven of the 19 NFPA standards that address criteria for such things as portable fire extinguishers, installation of standpipe and hose systems, national fire alarm code, and sprinkler systems. California proposed to do the same through the rulemaking proposal heard at the March 15, 2007, Public Hearing to be at least as effective as federal OSHA.

Federal OSHA has previously submitted official correspondence to the Standards Board indicating that the proposal is at least as effective as federal OSHA. The effective date of this proposal is to be upon filing with the Secretary of State, as provided by the Labor Code.

There were no written public comments and no oral comments or Board dialog. The Board staff recommends the proposed amendments to Title 8 Shipyard Safety Orders, Section 8397.16 be adopted.

#### MOTION

A motion was made by Dr. Frisch and seconded by Mr. Rank to adopt the proposed safety order.

Chair MacLeod asked for a roll call.

#### ROLL CALL VOTE

All Board members present voted aye. The motion passed.

Chairman MacLeod announced the next item on the agenda for adoption.

- B. PROPOSED PETITION DECISIONS FOR ADOPTION
  1. Petition File No. 489  
Ric Morrison, Sunset Moulding Company

Mr. Umemoto stated that Board staff received the petition on November 2, 2006, regarding Section 3650(t)(23), which states that blue flags or blue lights are to be displayed in accordance with standards promulgated by the California Public Utilities Commission (CPUC). The Petitioner

contacted the CPUC and learned that the CPUC does not promulgate standards for blue signals. The Petitioner requested that Section 3650(t)(23) be amended to match the practice of the industry and the CPUC. Any request that the CPUC change its standards is beyond the scope of an OSHSB petition. Both Division and Board staff reviewed the Petition and recommend that relevant parts of the Petitioner's request to amend Section 3650(t)(23) be granted.

#### MOTION

A motion was made by Mr. Murray and seconded by Mr. Rank to grant the proposed petition decision.

Chair MacLeod asked for a roll call.

#### ROLL CALL VOTE

All members present voted "aye." The motion passed.

1. Petition File No. 490  
David W. Smith, Ensign Safety & Health Advisory

Mr. Umemoto stated that Board staff received a Petition on January 2, 2007, from David W. Smith (Petitioner), requesting the Board to amend Title 8, General Industry Safety Orders, Section 3248(a) regarding mechanical refrigeration. During the process of appealing a citation for one of his clients, the Petitioner became aware that a reference to the 1982 Uniform Mechanical Code (UMC) contained in Section 3248(a) was not readily available to the public. The Petitioner was unable to obtain a copy of the chapters of the 1982 UMC which are incorporated by reference into the standard. The Petitioner contends that because these chapters are not in the public domain, this standard is not enforceable. The Division does not concur with the Petitioner's conclusion, as the regulated public may obtain assistance by contacting the copyright holder [International Association of Plumbing and Mechanical Officials (IAPMO)], Division, or Board should they need to refer to the specified chapters of the 1982 UMC. The Division proposes to include the referenced chapters should the Board obtain a release from the copyright holder. Board staff's evaluation also disagrees with the Petitioner's request to incorporate the 1982 UMC language into Title 8, as it is obsolete. Board staff believes that a more logical approach is to require that mechanical installations within Cal-OSHA's jurisdiction be installed in accordance with the California Mechanical Code (CMC) in

effect at the time the building permit is issued. Board staff recommends that the Petition be granted to the extent that a rulemaking be proposed to harmonize Section 3248 with Title 24 standards regarding mechanical refrigeration.

#### MOTION

A motion was made by Dr. Frisch and seconded by Mr. Rank to adopt the proposed petition decision proposed by Board staff.

Chair MacLeod asked for a roll call.

ROLL CALL VOTE

All members present voted "aye." The motion passed.

Chairman MacLeod announced the next item on the agenda.

C. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales stated that of the 36 variance decisions proposed for adoption, all but one were the type of customary elevator variance decisions referred to by the Chair during the Public Hearing. The one that is different is San Diego State University, OSHSB File No. 06-V-096, involving two dumbwaiters. It was recommended that all of the proposed variance decisions be adopted subject to conditions.

MOTION

A motion was made by Mr. Murray and seconded by Ms. Arioto to adopt the consent calendar.

Chair MacLeod asked for a roll call.

ROLL CALL VOTE

All members present voted "aye." The motion passed.

Chairman MacLeod announced the next item on the agenda.

D. OTHER

1. Legislative Update

Mr. Beales stated that between April 5, 2007, when the initial legislative update was written, and April 18, 2007, the Legislature came back into session and undertook a number of actions on bills of interest to the Board. Most of the actions were simple amendments that did not affect the substance of the bills or move the bills through the committee process. Those changes were noted in an update that was distributed to Board members earlier in the day. However, three of the bills deserved particular attention, as they were substantively different in a manner that might be of interest to the Board.

There are now two bills that call for the adoption of an indoor heat illness standard by July 1, 2008. SB570 (Senator Steinberg) and AB1045 (Assemblymember Richardson). The Richardson bill originally was a heat illness standard bill, but it simply stated the sense of the Legislature that such a standard should be adopted. The Steinberg bill started off as a completely different bill. Both bills were amended in early April and not only set a deadline for the adoption of a heat illness standard, but also provide that the standard must include a requirement that employers put in place written procedures having to do with indoor heat illness, and the bills specify certain topics that those written procedures must address.

The other bill of note is AB1711. There already exists in the law a provision concerning the annual report to the legislature made by the Director of Industrial Relations regarding occupational safety and health issues. This bill adds a topic to that report, so that every year the Director would have to report to the Legislature about the activities of advisory committees convened by both the Division and the Board, and the actions taken in response to advisory committee recommendations.

Chair MacLeod commented that SB618 requires all state agencies maintain all of its records in an electronic format no later than January 1, 2010. He stated that the Board has records dating back to 1974, and complying with this bill would prove very costly. He asked whether the bill provided funding for state agencies to convert their records to electronic format. Mr. Beales responded that it did not.

Dr. Frisch asked whether that bill would include all of the ANSI standards and other ancillary documents referenced in the standards, including those that were out of date. Mr. Beales responded that it was unclear. He was unsure whether or not those documents constitute records within the meaning of the bill. Records might mean documents generated as work product by Board staff, but that was one of the ambiguities of the bill.

## 2. Executive Officer's Report

Mr. Umemoto began by addressing housekeeping matters, such as ethics training and the submission of travel expense claims prior to the end of the fiscal year, which is June 30.

Mr. Umemoto stated that staff had received a petition from David Wagner, Petition 493 regarding reinforcing steel and similar projections, on March 6, 2007. This is the fourth petition of the year. The Board will convene a two-part advisory committee on April 24 and 25. The meeting on April 24 will consider proposed amendments to Section 4885, Definitions; Section 4924, Crane Load Safety Devices; and Section 4999, Handling Loads; and the meeting on April 25 will consider proposed amendments to Section 5006.1, Mobile and Tower Crane Operator Certification regarding the exception related to crane boom length and rated load capacity. Another advisory committee will be convened by Board staff on May 9 regarding seat belt width for industrial trucks. All three advisory committee meetings will take place in Sacramento. Mr. Umemoto indicated that Board staff had docketed about 70 variances as of April 18, 2007.

Regarding Board relations with the Building Standards Commission (BSC), Board staff received correspondence from the new Executive Officer of the BSC regarding issues raised by Board staff, confirming that the BSC would include a reference to the elevator standards, as well as addressing other issues, such as window cleaning devices. Presuming that the Building Standards are published as indicated, those references will be included.

3. Future Agenda Items

Mr. Umemoto indicated that Division staff was finalizing their heat illness report, which would be presented to the Board when it was completed, as had been previously requested by the Board.

Dr. Frisch asked whether Mr. Umemoto could see that the report was presented at the next Board meeting. Mr. Umemoto responded that Board staff did not have control over the completion of the report. His understanding was that Division staff were close to completing the report, and that it was likely to be presented at the next meeting along with an enforcement update by Vicky Heza.

ADJOURNMENT

With no further comments, Chair MacLeod adjourned the Business Meeting at 11:46 a.m.