

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
Website address [www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)

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

May 15, 2008  
San Diego, California

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

Chair MacLeod called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:02 a.m., May 15, 2008, in Room 310 of the San Diego County Administration Center, San Diego, California.

**ATTENDANCE****Board Members Present**

Chairman John MacLeod  
Jonathan Frisch, Ph.D.  
Bill Jackson  
Jack Kastorff  
Steve Rank

**Board Members Absent**

José Moreno  
Willie Washington

**Board Staff**

Marley Hart, Executive Officer  
David Beales, Legal Counsel  
Mike Manieri, Principal Safety Engineer  
Tom Mitchell, Senior Safety Engineer  
Leslie Matsuoka, Associate Government Program Analyst  
Chris Witte, Executive Secretary

**Division of Occupational Safety and Health**

Larry McCune, Principal Safety Engineer

**Others present**

Lynne Formigli, California Teachers Association  
Elizabeth Treanor, Phylmar Regulatory Roundtable  
Steve Johnson, ARCBAC  
Terry Theded, San Diego Gas & Electric

Kevin Bland, California Framing Contractors  
Bruce Wick, CalPASC  
Kevin Thompson, Cal-OSHA Reporter

**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 then 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 called the Public Hearing of the Board to order at 10:05 a.m., May 15, 2008, in Room 310 of the San Diego County Administration Center, San Diego, California.

Chair MacLeod opened the Public Hearing and introduced the items noticed for public hearing.

1. TITLE 8:        **CONSTRUCTION SAFETY ORDERS**  
                          Division 1, Chapter 4, Subchapter 4, Article 14  
                          Sections 1604.24 and 1604.26  
                          **Construction Personnel Hoists (Car Top Operations)**

Mr. Manieri summarized the history and purpose of the proposal and indicated that the package is now ready for public comment and the Board's consideration.

There was no public comment on this item.

Dr. Frisch asked whether the term "competent authorized operator" was defined in the standard.

Mr. Manieri responded that the term was comparable to "competent person," which is defined.

Dr. Frisch then asked whether operation in response to voice command would still be allowed, or whether it was being completely replaced by car top operating devices.

Mr. Manieri responded that operation in response to voice command would not be prohibited.

Dr. Frisch expressed his impression, based on his reading of the advisory committee minutes, that retrofitting construction personnel hoists to conform to the regulation would not be a problem for employers, and he asked whether the Board should be disinclined to consider variances to this regulation once it has been adopted and goes into effect.

Mr. Manieri responded positively.

Dr. Frisch asked Mr. McCune if he had any comments regarding retrofitting.

Mr. McCune stated that the older cars have a pendant control that can be carried to the car-top, so it is not a retrofit issue.

2. TITLE 8:        **GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7, Article 25  
Section 3649  
**Definition of Agricultural Tractor**

Mr. Manieri summarized the history and purpose of the proposal and indicated that the package is now ready for public comment and the Board's consideration.

There were no comments from the public or from the Board members.

B.        ADJOURNMENT

Chair MacLeod adjourned the Public Hearing at 10:12 a.m.

**III. BUSINESS MEETING**

Chair MacLeod called the Business Meeting of the Board to order at 10:12 a.m., May 15, 2008, in Room 310 of the San Diego County Administration Center, San Diego, California.

A.        PROPOSED SAFETY ORDERS FOR ADOPTION

1.        TITLE 8:        **CONSTRUCTION SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 4, Article 29  
Section 1710(k)(2)  
**Permanent Flooring—Skeleton Steel Construction in Tiered Buildings**  
(Heard at the April 17, 2008, Public Hearing)

Mr. Manieri summarized the history and purpose of the proposal, and he indicated that the package is now ready for adoption.

MOTION

A motion was made by Mr. Rank and seconded by Mr. Jackson that the Board adopt the proposed safety order.

Mr. Rank, speaking on behalf of employers affected by the proposal, thanked the Division and the Board staff for their work, stating that it would avoid confusion and costly delays on construction sites.

A roll call was taken, and all members present voted "aye." The motion passed.

2.            TITLE 8:        **GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7, Article 59  
Sections 4297 and 4300 and  
New Section 4300.1  
**Table Saws**  
(Heard at the January 17, 2008, Public Hearing)

Mr. Manieri summarized the history and purpose of the proposal, stating that there had been no comments in response to a second 15-day Notice of Proposed Modification, and he indicated that the package is now ready for adoption.

MOTION

A motion was made by Dr. Frisch and seconded by Mr. Kastorff that the Board adopt the proposed safety order.

Chair MacLeod stated that the current regulation states that push sticks “shall be used,” and the modified proposal requires only that push sticks are provided at the workplace, noting that it was a significant difference in the language. He asked whether or not the use of push sticks would be required in the modified proposal.

Mr. Manieri responded that currently, the absence of a push stick to move small pieces of wood in ripping operations would probably result in a citation from the Division without regard to mitigating circumstances such as when, how, or what type of push stick is used. He indicated that the modifications were created to address that issue, which was an area of great concern among stakeholders.

Chair MacLeod asked Mr. McCune about the Division’s opinion of the proposal.

Mr. McCune responded that the Division supports the use of push sticks when a person’s hands would be in close proximity to the saw blade, but that it has been an ongoing disagreement about how close is “too close.” He further stated that the current regulation requires the use of a push stick for ripsaws, and that for table saws, the comments had regarded the design of the push stick rather than when it was to be used. He stated that he supports the use of a push stick, but it has always been difficult to determine when the exposure would exist instead of requiring the push stick to be used all the time.

Chair MacLeod asked how the use of a push stick is currently enforced.

Mr. McCune responded that it is marginally enforced when there has been an accident or when there is no push stick available. He stated that it is difficult to define exactly the size of the piece of wood and how close a person’s hands are to the saw blade that would trigger the regulation.

Mr. Jackson expressed his recollection that there had been a lot of discussion about how close is too close, but there were no dimensions discussed, stating that it was in the “eye of the beholder,” and that sometimes that would not be the person holding the push stick.

Chair MacLeod asked Mr. McCune about the Division's opinion of the proposed language regarding the availability of push sticks, stating that under the proposal, a push stick shall be provided, but there is no requirement that the push stick be used. He asked whether the Division could live with that.

Mr. McCune responded that he was unsure as to when the change took place to eliminate the requirement that push sticks be used.

Mr. Manieri responded that the change had appeared in the first 15-day Notice.

Mr. McCune stated that, in many operations, it is controversial whether or not the push stick should be used, and he would rely on the training and the employer's designation or procedures rather than trying to determine in a regulation exactly how close is too close.

A roll call was taken, and all members present voted "aye." The motion passed.

#### B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

Mr. Beales summarized the 37 proposed variance decisions for adoption and asked that the Board approve the consent calendar and thereby adopt the proposed decisions as written.

#### MOTION

A motion was made by Mr. Jackson and seconded by Dr. Frisch to adopt the consent calendar as proposed.

A roll call was taken, and all members present voted "aye." The motion passed.

#### C. OTHER

##### 1. Legislative Update

Mr. Beales stated that, as reported in the *Cal-OSHA Reporter*, AB 2629, the man-lift bill, was passed without opposition by the Assembly on May 1, 2008. Two bills have been amended in the last few weeks to touch on occupational safety and health matters, neither of which requires the Board to adopt any regulation or calls for the expenditure of the Board's resources.

AB 2655, as originally introduced in February, called on the Air Resources Board to develop a comprehensive program to protect indoor air quality. It has been amended twice since its introduction to focus on schools, and in its current form, the Air Resources Board is to work with other public entities, expressly including the Division of Occupational Safety and Health, in the formulation of emissions standards for indoor air pollution prevention and control measures that would be applicable to the types of settings and institutions to which the bill pertains.

The second bill is AB 2637, regarding the licensing of dental assistants. It is a very lengthy bill, but in essence it calls for the course of instruction for dental assistants to include matters that are the subject of occupational safety and health regulations, such as preventing the

spread of infections and dealing with hazardous waste. The bill seeks to ensure that people who teach dental assistants have an awareness of occupational safety and health matters.

## 2. Executive Officer's Report

Ms. Hart updated the Calendar of Activities, stating that Petition File No. 503 has been withdrawn. It was submitted by the California Department of Transportation (CalTrans) for changes to Sections 1598 and 1599. Early in January 2007, revisions were made to both sections that updated the existing references to the manual on uniform traffic control devices, and the revisions suggested by CalTrans called for additional references regarding high-visibility attire for workers. This request is in line with follow-up rulemaking that Board staff already intended to undertake.

In addition to the DOSH advisory committees listed on the Calendar of Activities, Board staff has two advisory committees scheduled for late June. The first will be held on June 27, 2008, to discuss Section 3518, Air Compressor Standards. Hans Boersma will chair the meeting, and it will be held at the Appeals Board Hearing Room at 2520 Venture Oaks Way, Suite 300, in Sacramento. The second will be held on June 30, 2008, to discuss updates to the decompression tables for non-diving pressurized worksites as contained in the Compressed Air Safety Orders. This meeting will be chaired by Tom Mitchell and will also be held in the Appeals Board Hearing Room.

Ms. Hart stated that the Low Voltage Electrical Safety Orders have been approved by OAL and are effective as of May 5, 2008. However, following the submittal of the proposal to OAL, Federal OSHA sent a letter indicating a few minor changes that still may be needed. Board staff is reviewing that request and may do a follow-up rulemaking to address those changes.

Dr. Frisch asked about the status of the Petrini petition, regarding rollover protection for riding lawn mowers.

Ms. Hart responded that George Hauptman will be convening an advisory committee meeting toward the end of this calendar year.

Dr. Frisch asked to be kept informed as to the scheduling of that advisory committee meeting.

## 3. Future Agenda Items

Chair MacLeod asked for an update on the status of the budget.

Ms Hart responded that she hoped to have information regarding the budget at the next Board meeting.

## F. ADJOURNMENT

Chair MacLeod adjourned the Business Meeting at 10:34 a.m.