

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **January 16, 2014**, at 10:00 a.m.
in the Council Chambers of the Costa Mesa City Hall
77 Fair Drive, Costa Mesa, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **January 16, 2014**, at 10:00 a.m.
in the Council Chambers of the Costa Mesa City Hall
77 Fair Drive, Costa Mesa, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **January 16, 2014**, at 10:00 a.m.
in the Council Chambers of the Costa Mesa City Hall
77 Fair Drive, Costa Mesa, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

DAVE THOMAS, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, , Electrical Safety Orders, Telecommunication Safety Orders, and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **January 16, 2014**.

1. TITLE 8: **ELECTRICAL SAFETY ORDERS**
 Sections 2940.2 and 2940.7
 TELECOMMUNICATION SAFETY ORDERS
 Sections 8602, 8610, 8611, and 8615
 [Fed OSHA DFR, Revision to CDAC Scope: Exception For Digger Derricks](#)

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Section 5001, Plate I
 [Update and Harmonization of Crane Hand Signals Standards and Illustrations](#)

Descriptions of the proposed changes are as follows:

1. TITLE 8: **ELECTRICAL SAFETY ORDERS**
 Sections 2940.2 and 2940.7
 TELECOMMUNICATION SAFETY ORDERS
 Sections 8602, 8610, 8611, and 8615
 Fed OSHA DFR, Revision to CDAC Scope: Exception For Digger Derricks

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On May 29, 2013, federal OSHA issued a final rule revising the exemption for digger derricks in the construction standard. Digger derricks used by electrical and telecommunication industries for auguring holes for poles carrying electric and telecommunication lines, placing and removing poles, and for handling associated materials to be installed or removed from the poles were excluded from the crane and derrick requirements of the construction standard, 29 CFR 1926 Subpart CC- Cranes and Derricks in Construction. Digger derricks engaged in the above mentioned tasks are now governed under Subpart R and Subpart S of 29 CFR 1910 relating to telecommunication and electrical safety standards.

Since California standards already include a similar exemption, Board staff reviewed California's electrical and telecommunication orders that correspond with the federal standards to ensure that equivalent safety is provided. The most significant change addressed in this proposal is the adoption of a table on minimum approach distances with a known anticipated overvoltage and a table to adjust the minimum approach distances for work locations at higher altitudes. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board "is the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Is relying on the explanation of the provisions of the federal regulation(s) in Federal Register, Vol. 78 No. 103, Pages 32110-16, May 29, 2013 as the justification for the Board's proposed rulemaking action.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state's regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- Will clarify regulatory language pertaining to digger derricks and will provide consistency by eliminating the discrepancy between existing Title 8 and its Federal counterpart standards.

Section 2940.2. Clearances.

This section prescribes clearances for qualified electrical workers performing live-line work. Table 2940.2-1 was amended for clarity and change in format. Table 2940.2-2 and Table 2940.2-4 were added to adopt tables found in 29 CFR 1910.269: Table R-7 (AC Live-Line Work Minimum Approach Distance with Overvoltage Factor Phase to Ground Exposure) and Table R-10 (Altitude Correction Factors). The existing standard does not have a table for minimum approach distances with a known maximum anticipated transient overvoltage. It also does not have a table for altitude correction.

Minimum approach distances are based on the formula found in 29 CFR 1910.269 Appendix B. These distances found in Table R-7 of the federal standard were calculated to be able to withstand a specific range of transient overvoltage (spike in voltage). Table R-7 prescribes an approach distance dependent on the maximum anticipated per-unit (kilovolt) transient overvoltage. This table will inform employers that they can utilize a minimum approach distance different from the Table 2940.2-1 of Section 2940.2, if they have determined the anticipated transient overvoltage of their system through engineering analysis.

Altitude correction factors are necessary to obtain the correct distances adjusted for higher altitude. At elevations above 3,000 feet or mean sea level, the minimum approach distance increases due to the increase in the conductivity of air at higher altitudes. Table 2940.2-4 contains the necessary correction factors to calculate minimum approach distances at elevations above mean sea level. This will prevent employers failing to consider altitude as a factor that would affect the minimum approach distance.

Section 2940.7. Mechanical Equipment.

The subject of this section is mechanical equipment such as derrick trucks, cranes, and other lifting equipment that are used by electric and telecommunication companies to install and maintain overhead lines. The proposal corrects an oversight by including Article 101 in Section 2940.7(c)(1). Cranes and other hoisting equipment are covered by Articles 91 through 101 of the General Industry Safety Orders.

The other proposed change is for editorial clarification. It divides subsection 2940.7(c)(1)(A) into two sentences and thus requires renumbering for a subsequent subparagraph. These changes are necessary to describe more clearly the two different types of clearances that are mentioned in the section.

Amendments are necessary to clarify that clearances in Section 2940.2 are for qualified electrical workers performing work on or in proximity to high voltage lines, and clearances in Section 2946 are for workers not qualified to encroach in clearances specified in Section 2940.2 or other trades performing work in proximity to high voltage power lines.

Section 8602. General.

Proposed amendments to this section are for editorial clarification. Alternating Current was added to the title of Table TC-1. The header of the table was amended to read as nominal voltage to make it consistent with the electrical safety orders.

Section 8610. Vehicle-Mounted Material Handling Devices and Other Mechanical Equipment (General).

This section contains requirements for inspections, rollover protection, and testing of brakes for vehicles used by the telecommunication industry to handle materials. The proposal is to add subsection (c) which requires securing the vehicle from inadvertent movement by using parking brakes, stabilizers and

chocking the wheels when situated on a grade. The text in subsection (c) was adopted from 29 CFR 1910.268 (j)(4)(iv)(C). The amendment is proposed to ensure that the vehicle remains stationary after it is staged for work. Unanticipated movement can cause accidents such as dropping of a load, displacement of a load, or contact with an overhead power line.

Section 8611. Hoisting Equipment.

Board staff proposes a title change to clarify that this section also applies to derrick trucks and cranes. Subsection (a) was added to reference safety requirements for digger derricks to the General Industry Safety Orders. The effect of this is to provide safety equivalent to the federal standard.

Section 8615. Overhead Lines.

Section 8615 contains work procedures and required personal protective equipment relating to installation, maintenance and removal of power lines and/or poles. Subsection (i)(4) was amended to reference Section 2940.6 to clarify the phrase “suitable insulating glove.” The proposal is to add subsection (i)(6) relating to placing, moving, or removing power poles during rain, sleet or snow. This requirement will render the state standard equivalent to the federal standard. The text in subsection (i)(6) was adopted verbatim from the federal standard 29 CFR 1910.268 (n)(11)(ii). This requires that overhead lines be guarded during placement and removal of poles during rain or snow conditions to prevent contact with energized conductors.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal amends the various sections that affect digger derricks performing a specific task related to line and pole installation and removal. It does not add additional regulatory requirements, and thus, will not have an economic impact. On the contrary, this rulemaking is related to the exemption of digger derricks used in pole handling by the utility and telecommunication industry from the larger regulatory requirements of Article 15 of the Construction Safety Orders, which is equivalent to the Federal 1926 Subpart CC.

Cost Impact on Private Persons or Businesses

The Standards Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will not affect small businesses. No economic impact is anticipated. This rulemaking would affect large electrical and telecommunication companies.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

The amendments to the regulation would provide equivalent safety as the federal standards. Standards were amended to help prevent accidents related to the use and operation of digger derricks.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Section 5001, Plate I
[Update and Harmonization of Crane Hand Signals Standards and Illustrations](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Board staff proposes amendments to Plate I (illustrative drawings) of General Industry Safety Orders (GISO), Section 5001 that depict the various hand signals given by a signalperson to the crane operator to communicate various types of crane action (e.g., raise, lower boom, stop, rotate). The Construction Safety Orders, Section 1617.1 (d)(1) refers to the hand signals found in GISO, Section 5001.

The proposal is to adopt Appendix A of Subpart CC of 29 CFR Part 1926 of the federal Crane and Derrick regulations and retain the other hand signals that are not part of the federal standard. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board “is the only agency in the state authorized to adopt occupational safety and health standards”. When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- In conformance with Government Code Section 11346.9(c), the Board provides the following information. Federal OSHA promulgated regulation addressing crane hand signals on August 9, 2010, as 29 CFR Part 1926, Subpart CC Appendix A. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 75, No. 152, pages 48173-48175, August 9, 2010, as the justification for the Board’s proposed rulemaking action.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state’s regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- Would update the recommended hand signals to reflect the current hand signals used in general and construction industries.

Section 5001. Signals

Plate I - Recommended Hand Signals for Controlling Crane Operations

Section 5001 speaks of general requirements for the signaling operation between the signal person and crane operator. It contains a reference to illustrative drawings depicting the recommended hand signals. Updating the illustrative drawings will clarify to employers and employees a set of standardized hand signals to facilitate safe handling and movement of the crane and loads. These amendments would reflect the current hand signals used in industry and make the illustrative drawings consistent with federal standard.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal amends the illustrations depicting the recommended hand signals for crane operations for clarity. It does not add additional regulatory requirement, and thus will not have an economic impact.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The clarification of the recommended hand signals will likely improve the communication between signalperson and crane operator.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposal concerns recommended, non-mandatory hand signals. As a result, the proposal will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

The clarification of the recommended hand signals would benefit the employer because it would improve communication between the hand signal person and crane operator. This would facilitate the safe movement and handling of load, thereby preventing accidents and cost incurred due to property damage and medical cost.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **January 10, 2014**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **January 16, 2014**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

DAVE THOMAS, Chairman