

**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 **October 17, 2013**, at 10:00 a.m.
in the Auditorium of the State Resources Building
1416 9th Street, Sacramento, 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 **October 17, 2013**, at 10:00 a.m.
in the Auditorium of the State Resources Building
1416 9th Street, Sacramento, 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 **October 17, 2013**, at 10:00 a.m.
in the Auditorium of the State Resources Building
1416 9th Street, Sacramento, 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, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **October 17, 2013**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 3, Section 1520
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 10, Section 3384
[Hand Protection](#)

2. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 4, Sections 1529, 1532, 1532.1
Appendix B to 1532.1, 1532.2 and 1535
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Section 3204
Article 107, Section 5150
Article 108, Section 5157
Article 109, Sections 5161, 5189, 5190, 5191, 5192
Appendix A to 5192, 5194, Appendices A through G of 5194, 5198, and
Appendix B to 5198
Article 110, Sections 5200, 5201, 5202
Appendix A to 5202, 5206, 5207, 5208
Appendix J to 5208, 5208.1, 5209, 5210, 5211, 5212
Appendix B to 5212, 5213, 5214, 5215, 5217
Appendix A to 5217, 5218, 5219, and 5220
**SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING
SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 18, Article 4, Sections 8358
Appendix K to 8358, and 8359
[Federal Final Rule, Globally Harmonized System - Update to Hazard
Communication \(Health\)](#)

3. TITLE 8 **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 59, Section 4297
[Definitions of Woodworking Machines and Equipment](#)

Descriptions of the proposed changes are as follows:

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 3, Section 1520
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 10, Section 3384
Hand Protection

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is the result of an Occupational Safety and Health Appeals Board (OSHAB) Decision After Reconsideration (DAR) filed February 15, 2007, Docket Number 00-R1D3-2844, in the Matter of the Appeal of United Airlines dba, United Airlines SFO SYC. The employer was cited by the Division of Occupation Safety and Health (Division) for failing to require the use of hand protection for the baggage handlers and other related workers.

In the aforementioned OSHAB DAR, it was determined that the terms “unusual” and “excessive” are not defined in Title 8 or the California Occupational Safety and Health Act, and the OSHAB had not determined the meaning of these terms in any prior proceeding. The OSHAB assigned the usual, ordinary and common sense meaning to both terms and concluded that it could not agree with the Administrative Law Judge (ALJ) that the exposure described in the testimony was unusual and excessive. The ALJ’s Decision was reversed.

The OSHAB DAR was reviewed by the Superior Court, which remanded the matter to the OSHAB for issuance of a new DAR applying the standard determined to be appropriate by the court. That standard is whether the exposure of affected employees is too great in amount or degree to be reasonable under the circumstances. The OSHAB issued a new DAR applying the new standard on April 30, 2009.

Even after the Superior Court’s input, the terms “unusual and excessive” remain vague and ambiguous. Comparable Federal Occupational Safety and Health Standards give examples and do not use ambiguous open-ended qualifiers to establish the employer’s duty to provide hand protection. The lack of clarity created by the terms “unusual” and “excessive” used in Construction Safety Orders (CSO), Section 1520 and General Industry Safety Orders (GISO), Section 3384, could result in the employer failing to provide hand protection to control an employee exposure thus resulting in serious injury.

Board staff proposes to amend the CSO and GISO hand protection standards by eliminating the terms “unusual” and “excessive” and replacing the existing language with language taken from 29 CFR 1910.138(a), the federal hand protection standard for general industry. Board staff has examined the language of other hand protection standards in Title 8, and they either already refer the reader to Section 3384, or they do not contain the terms “unusual” or “excessive”. Therefore further proposed amendments of these sections are unnecessary. 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.

- Eliminates vague and ambiguous language; “unusual and excessive” not contained in the counterpart federal standard. The proposal aligns the state standard with federal hand protection standards for general and construction industries at 29CFR 1910.138(a) and 29CFR 1926.28(a).
- Is not inconsistent 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 regulation 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).
- The proposal eliminates confusion over what is “unusual and excessive” exposure to the hands, thus obligating the employer to provide hand protection in situations where discretion on the part of the employer and the Division in enforcing the standard could vary arbitrarily exposing the employee to the risk of a hand injury.

Section 1520. Hand Protection.

This section requires hand protection for employees whose work involves unusual or excessive exposure to various types of hand injuries. An “Exception” is used to exclude hand protection that could cause injuries by becoming caught in moving machinery or materials.

Amendments are proposed to reword Section 1520 that will eliminate the words “unusual” and “excessive” and state that the employer shall provide and require employees to wear hand protection when their hands are exposed to such hazards as those from skin absorption of harmful substances, cuts or lacerations, abrasions, punctures, chemical burns, thermal burns, radioactive materials, and harmful temperature extremes.

The proposed amendments will clarify to the employer when hand protection is to be worn. The employee is protected against hand injury through deletion of vague and ambiguous language that might create confusion as to the necessity for hand protection.

Section 3384. Hand Protection.

This section requires the employer to provide hand protection for employees whose hands may receive injury as a result of unusual and excessive exposure to such hazards as, cuts, abrasions, punctures and skin absorption of harmful substances. Section 3384 also addresses entanglement issues around moving machinery and provides an “Exception” for machinery/equipment equipped with momentary contact devices and includes two “Notes” explaining use of the term entanglement and situations when jewelry, watches and rings should not be worn.

Amendments are proposed to reword subsection (a) in a manner that would eliminate the words “unusual” and “excessive” and thus simply require that the employer shall provide and require employees to wear hand protection when their hands are exposed to physical injury from skin absorption of harmful substances, cuts, or lacerations, abrasions, punctures, chemical burns, thermal burns, radioactive materials, and harmful temperature extremes.

The proposal will clarify to the employer when hand protection is to be worn. The employee is protected against hand injury through deletion of vague and ambiguous language that might create confusion as to the necessity for hand protection.

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 clarifies to the employer when hand protection is to be worn. The employee is protected against hand injury through deletion of vague and ambiguous language that might create confusion as to the necessity for hand protection. The effect of the proposal will not reduce or add to the employer's obligation to provide hand protection, but will ensure employees are protected against hand injury when they need to be.

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 standards do 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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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 proposal will render California general and construction industry hand protection standards, clearer and easier to understand by both employers and the Division who have the responsibility to enforce the standard. It will also render Sections 3384 and 1520 consistent with federal standards without compromising the current comprehensiveness of the California standard in terms of the types of exposures that the employer must protect the employee's hands against.

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:**
- CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 4, Sections 1529, 1532, 1532.1
Appendix B to 1532.1, 1532.2 and 1535
 - GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Section 3204
Article 107, Section 5150
Article 108, Section 5157
Article 109, Sections 5161, 5189, 5190, 5191, 5192
Appendix A to 5192, 5194, Appendices A through G of 5194, 5198, and
Appendix B to 5198
Article 110, Sections 5200, 5201, 5202
Appendix A to 5202, 5206, 5207, 5208
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[**Federal Final Rule, Globally Harmonized System - Update to Hazard
Communication \(Health\)**](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Pursuant to California Labor Code Section 142.3, the Occupational Safety and Health Standards Board (Board) may adopt, amend, or repeal occupational safety and health standards or orders. The Division of Occupational Safety and Health (Division) requests the Board to adopt the proposed rulemaking action pursuant to Labor Code 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration promulgated regulations on March 26, 2012, addressing Globally Harmonized System (GHS) updates of the Hazard Communication Standard (HCS) and related sections. The changes impact 29 CFR, Parts 1910 (general industry), 1915 (shipyards) and 1926 (construction). The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 77, No. 58, pages 17574-17896, March 26, 2012, as the justification for the Board's proposed rulemaking action. Except as noted below, the Board proposes to adopt regulations which are effectively the same as the federal regulations except where existing state standards are deemed more protective than the federal promulgation.

The proposed regulations address updated requirements for hazard communication as it pertains to updating HCS warning labels, signs and safety data sheets, which are to be consistent with the United Nations GHS classification, and labeling of chemicals to inform workers and other downstream users of manufactured and imported chemical products. Additionally, the proposed standards update hazard communication standards for welding, brazing and cutting. This proposed rulemaking action also contains non-substantive, editorial, reformatting of subsections and grammatical revisions which are clearly indicated in the regulatory text in underline and strikeout format. The effect of these changes will be to make state standards consistent with federal GHS standards while retaining more protective provisions of California Code of Regulations, Title 8 where they exist. 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.
- Differs from existing federal standards where state standards are more protective; however, it is at least as effective as the federal standard.
- 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 the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative. This rulemaking proposal is the result of the federal rulemaking process and a follow-up advisory committee process conducted by the Division. With the assistance of an advisory committee, the Division determined the state standards are more

protective than the federal promulgation, and that retaining existing state unique requirements would not pose any additional burden on the regulated California workplaces.

CSO Section 1529: Updates requirements for communication of asbestos hazards, training and access to labels and safety data sheets to comply with the HCS (Section 5194). Revises warning labels and signs to inform on: cancer and lung effects.

CSO Section 1532: Updates requirements for communication of cadmium hazards, training and access to labels and safety data sheets to comply with the HCS (Section 5194). Revises warning labels and signs to inform on: cancer; lung effects; kidney effects; and acute toxicity effects.

CSO Section 1532.1: Updates requirements for labeling, communication of lead hazards, training and access to labels and safety data sheets to comply with the HCS (Section 5194). Revises warning labels and signs to address: reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects and acute toxicity effects.

CSO Appendix B to Section 1532.1: Updates requirements for warning signs to specify: Danger; lead work area; may damage fertility or the unborn child; causes damage to the central nervous system; and do not eat, drink or smoke in this area.

CSO Section 1532.2: Updates requirements for labeling, hazard communication, training and access to labels and safety data sheets concerning chromium to comply with the HCS (Section 5194). Revises requirements to inform regarding: cancer; eye irritation; and skin sensitization.

CSO Section 1535: Updates requirements for hazard communication, training and access to labels and safety data sheets concerning methylenedianiline to comply with the HCS (Section 5194). Revises requirements pertaining to warning labels and signs to address: cancer; liver effects; and skin sensitization. Deletes material safety data sheet requirements to comply with federal standards.

GISO Section 3204: Revises the phrase “material safety data sheet(s)” to “safety data sheet(s)” for consistency with the HCS (Section 5194).

GISO Section 5150: Updates requirements to ensure communication of information to potentially hazardous materials used in welding and cutting, training, access to labels and safety data sheets in accordance with the HCS (Section 5194). Revises requirements to label in accordance with Section 5194 any hazards associated with welding, cutting and brazing; and to warn about adequate ventilation and the hazards associated with cadmium and fluorine compounds.

GISO Section 5157: Revises the phrase “material safety data sheet(s)” to “safety data sheet(s)” and revises the term “MSDS” to “SDS” for consistency with the HCS (Section 5194).

GISO Section 5161: Modifies the definition of “corrosive” to add reference to Appendix B to Section 5194 - Physical Hazard Criteria (Mandatory). As defined in Appendix B, the physical hazard class of a “chemical which is corrosive to metals” means a chemical which by chemical action will materially damage, or even destroy, metals.

The previous Appendix A to Section 5194 defined “corrosive” as a substance that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. This appendix is being replaced with the equivalent of the federal standard and contains a health hazard class of “skin corrosion” where a “corrosive substance” is a chemical that produces destruction of skin tissue,

namely, visible necrosis through the epidermis and into the dermis, in at least one of three tested animals after exposure up to a four-hour duration. The term “corrosive” may also refer to chemicals that cause serious eye damage or irritation, which is another health hazard class in Appendix A.

Also modifies the definition of “hazardous substance” to include “hazardous chemical” as defined in Section 5194(c). In the revised HCS, the definition of “hazardous substance” is deleted and incorporated into the definition of the term “hazardous chemical.”

GISO Section 5189: Update terminology for “flammable liquid or gas” and “material safety data sheet” for consistency with GHS terminology and make a non-substantive editorial change to correct typographical error.

GISO Section 5190: Revises requirements for warning signs concerning cotton dust for consistency with the HCS (Section 5194) and to state: Danger; cotton dust; causes damage to lungs (Byssinosis); wear respiratory protection in this area.

GISO Section 5191: Relocates the terms: “Compressed gas,” “Explosive,” “Organic peroxide,” “Oxidizer,” “Unstable (reactive)” and “Water reactive” to be listed in the definition for physical hazard for consistency with GHS. Modifies definitions for “Hazardous chemical,” “Health hazard,” “Physical hazard,” and “Reproductive toxins” and adds the definition for “Mutagen” for consistency with GHS classifications and to reference Appendix A or B of Section 5194. Updates terminology for “material safety data sheet” for consistency with GHS terms.

GISO Section 5192: Modifies definitions for “Health hazard” for consistency with GHS classifications and to reference Appendix A of Section 5194. Updates terminology for “material safety data sheet” for consistency with federal standards.

GISO Section 5194(b): Updates terminology for “substances,” “material safety data sheets” and “assess” and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(c): Modifies definitions for consistency with GHS and replaces terminology for “material safety data sheet” with “safety data sheet;” “substance” with “chemical;” and “evaluation” with “classification.” Adds the following definitions: “chemical,” “classification,” “hazard category,” “hazard class,” “hazard not otherwise classified (HNOC),” “hazard statement,” “hazardous chemical,” “label elements,” “pictogram,” “precautionary statement,” “product identifier,” “signal word,” and “simple asphyxiant.” Updates the definitions for “chemical name,” “health hazard,” “label,” “mixture,” “physical hazard,” “pyrophoric gas,” “safety data sheet,” “substance,” and “trade secret.” Deletes the definitions for “compressed gas,” “explosive,” “hazard warning,” “hazardous substance,” “identity,” “organic peroxide,” “oxidizer,” “unstable (reactive),” and “water reactive.” Relocates the terms: “Explosive,” “Organic peroxide,” “Oxidizer,” and “Water reactive” to be included in the definition of “physical hazard.”

GISO Section 5194(d): The proposal includes retention of certain existing language in subsection (d) which is more protective than the new federal language, as well as language that reflects requirements of California’s Hazardous Substances Information and Training Act, Labor Code Sections 6360-6399. Under the procedures adopted by federal OSHA in the amended 29 CFR 1910.1200, a manufacturer, importer, or employer who classifies a substance based on a hazardous effect may determine, based on the weight of evidence, that the hazards of the substance:

- (1) meet the criteria of one or more categories of hazard, and appropriately classify that substance,
or
- (2) do not meet the criteria of one or more categories of hazard, and therefore not classify the substance even though it may have a hazardous effect, or
- (3) meet the criteria for a hazard not otherwise classified or
- (4) must be “noted” on the safety data sheet because there is one positive study regarding carcinogenicity.

(The Board notes that in both the federal and state standards, employers who are not manufacturers or importers are not required to classify chemicals, but if the employer chooses not to rely on the manufacturer or importer, the employer must comply with the procedures in this section and its appendices.)

The existing language in subsection (d)(2) is revised to include new wording from the federal standard that requires manufacturers, importers, and employers classifying chemicals to consider the full range of available scientific literature and other evidence. It also includes new federal wording requiring those classifying chemicals to use the criteria in Appendix A for health hazards and in Appendix B for physical hazards. In this subsection, the Board proposes to retain the existing requirement to disclose the identity and hazard(s) of chemicals for which “there is statistically significant evidence of a hazardous effect” and “the evidence is based on at least one positive study conducted in accordance with established scientific principles.” This neither precludes nor prevents the “weight of evidence” approach to *classifying* health hazards as described in the federal Appendix A (proposed to be adopted by the Board). Appendix A states, “both positive and negative results are considered together in the weight of evidence determination. However, a single positive study performed according to good scientific principles and with statistically and biologically significant positive results may justify classification.” The effect of the proposed provisions is to require that chemicals be classified as required by the federal regulations, and to also require chemical classifiers, to disclose the identity and hazard associated with chemicals that the classifier has determined do not meet the criteria for a specific classification. This therefore retains the existing requirements to disclose the identity of all chemicals for which there is scientifically valid evidence of a hazardous effect, and does not conflict with the federal requirements for classification contained in Appendix A.

The Board proposes to retain and update subsections (d)(3) and (4) with regard to lists of chemicals determined by authoritative bodies to be hazardous. All of these lists of chemicals were compiled and published by the Director as required by Labor Code Section 6380-6383, or by federal OSHA in promulgating permissible exposure limits, or by national or international bodies after extensive research and public comment.

Under the GHS classification system, classification typically means a chemical’s hazardous effects are placed on the label and SDS. The proposal would require that where one of the authoritative bodies have already made a weight of evidence determination, a manufacturer or other SDS preparer would need to consider that it met the GHS criteria for classification.

As these subsections are proposed, the listings would constitute presumptive evidence that chemicals on those lists should be classified in accordance with the weight of evidence determinations and criteria in Appendix A. These subsections also provide exceptions for those situations in which a manufacturer, importer, or employer classifying chemicals determines that the listing does not justify a classification.

To meet the criteria for the exceptions, the classifier is required to document the basis for the determination not to classify the chemical, and to provide on the SDS the identity of the chemical and the list upon which it appears. The Board believes these subsections will lead to greater consistency and improved communications of hazards by providing downstream California employers and employees with source lists to refer to when considering using products that contain listed chemicals.

The Board has added to subsection (d)(5) language consistent with the new federal language regarding chemicals in mixtures. The proposal retains existing state language that is in some cases more protective, and is consistent with the Labor Code obligation to address ingredients at concentrations of 1% (0.1% for carcinogens).

GISO Section 5194(e): Updates terminology and replaces “substances,” with “chemicals,” “material safety data sheets” with “safety data sheets” and “identity” with “product identifier” and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(f): Revises labeling requirements and sets forth detailed specifications of what information must be provided. Additionally, in accordance with GHS revisions, references Appendix C and mandates what specific information is to be provided for each hazard class and category once a chemical is classified. Updates terminology to replace “substances” with “chemicals” and makes other non-substantive editorial changes for consistency with federal standards. The issue of keeping the three month requirement for changing labels when new hazard information is known or going with the new federal provision of allowing six months, was talked about at an advisory meeting. Based on these discussions, the Division is recommending keeping the three month requirement as currently mandated as it is more protective and California has not been aware of any concerns with label providers complying within three months since it became effective back in the 1990s.

GISO Section 5194(g): Revises safety data sheet requirements to follow the 16 section format and to provide detailed information required under each heading, as mandated by Appendix D and in accordance with GHS revisions. Updates terminology to replace “substances” with “chemicals,” “material safety data sheets” with “safety data sheets,” and “determination” with “classification;” and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(h): Updates training requirements to reflect the new label, safety data sheet format and presentation of information in accordance with GHS revisions. Updates terminology to replace “substances” with “chemicals,” “material safety data sheets” with “safety data sheets;” and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(i): Revises trade secret requirements to mandate disclosure of the percentage composition of mixtures on the SDS, as per GHS revisions, but allows the manufacturer to claim trade secret protection. Updates terminology to replace “substances” with “chemicals,” “material safety data sheets” with “safety data sheets;” and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(j): Adds effective date requirements to train employees on new labels and safety data sheets, and other GHS provisions to comply with federal standards.

GISO Section 5194(k): Redesignates former subsection (j) to subsection (k), updates and makes other non-substantive editorial changes for consistency with federal standards.

GISO Appendix A to Section 5194: Deletes former appendix and adopts Appendix A from the revised GHS, which sets criteria for the classification of health hazards and the categorization of the degree of the hazard, in accordance with federal standards.

GISO Appendix B to Section 5194: Deletes former appendix and adopts Appendix B from the revised GHS, which sets criteria for the classification of physical hazards and the categorization of the degree of the hazard, for consistency with federal standards.

GISO Appendix C to Section 5194: Deletes former appendix and adopts Appendix C from the revised GHS, which sets allocation for label elements and sets forth detailed specifications for what information must be provided, for consistency with federal standards.

GISO Appendix D to Section 5194: Redesignates former Appendix D as Appendix E and adopts Appendix D from the revised GHS, which modifies safety data sheet requirements to follow a 16 section format and indicates the detailed information required under each heading, in accordance with federal standards.

GISO Appendix E to Section 5194: Redesignates former Appendix D as Appendix E, and references equivalent text as Appendix E from the revised federal standards, which sets out criteria to be used in evaluating trade secrets.

GISO Appendix F to Section 5194: Adds new Appendix F from the revised GHS, which sets non-mandatory guidance on hazard classification for carcinogenicity, for consistency with federal standards.

GISO Appendix G to Section 5194: Redesignates former Appendix E to Appendix G.

GISO Section 5197: Revises the phrase “material safety data sheet” to “safety data sheet” and revises the term “MSDS” to “SDS” for consistency with the HCS (Section 5194).

GISO Section 5198: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning lead to comply with the Hazard Communication Standard (Section 5194). Revises warning labels and signs to address: reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects and acute toxicity effects.

GISO Appendix B to Section 5198: Updates requirements for warning signs with: Danger; lead work area; may damage fertility or the unborn child; causes damage to the central nervous system; and do not eat, drink or smoke in this area.

GISO Section 5200: Updates requirements for hazard classification and communication, training, access to labels and safety data sheets concerning methylenedianiline to comply with the HCS (Section 5194). Revises warning labels and signs to address: Cancer; liver effects; and skin sensitization. Modifies “material safety data sheets” terminology and requirements to comply with federal standards.

GISO Section 5201: Updates requirements for hazard classification and communication, training, access to labels and safety data sheets concerning 1,3-butadiene to comply with the HCS (Section 5194) and address: flammability; cancer; eye and respiratory tract irritation; and central nervous system effects.

GISO Section 5202: Updates requirements for hazard classification and communication, training, access to labels and safety data sheets concerning methylene chloride to comply with the HCS (Section 5194) and address: cancer; cardiac effects (including elevation of carboxyhemoglobin), central nervous system effects, liver effects and skin and eye irritation.

GISO Appendix A to Section 5202: Updates “material safety data sheets” terminology and classification requirements for consistency with federal standards.

GISO Section 5206: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning chromium to comply with the HCS (Section 5194) and address: cancer; eye irritation, and skin sensitization.

GISO Section 5207: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning cadmium to comply with the HCS (Section 5194). Revises warning signs and labels to address: cancer; lung effects; kidney effects; and acute toxicity effects.

GISO Section 5208: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning asbestos to comply with the Hazard Communication Standard (Section 5194). Revises warning signs and labels to address: cancer and lung effects. Deletes material safety data sheet requirements and makes other non-substantive editorial changes for consistency with federal standards.

GISO Appendix J to Section 5208: Updates “material safety data sheets” terminology for consistency with federal standards.

GISO Section 5208.1: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning non-asbestiform tremolite, anthophyllite, and actinolite to comply with the HCS (Section 5194). Provides the following list of health effects to assist the classifier in determining what must be considered for inclusion on the new labels: Cancer and lung effects. Removes warning sign specification in subsection (h)(2)(B)1. With the GHS revision, the language for workplace signs in substance-specific standards is revised to be in the same format and contain identical warnings as labels (i.e., to incorporate the GHS hazard statement and the applicable precautionary statement(s), where required.) Relocates employee information and training to subsection (h)(4) from subsection (n) with the following changes: removed reference to Section 5209 as a training element in subsection (h)(4)10. as Section 5209 does not apply to non-asbestiform tremolite, anthophyllite, and actinolite.

GISO Section 5209: Updates requirements for hazard classification and communication, training and access to labels and safety data sheets concerning carcinogens to comply with the HCS (Section 5194). Revises warning signs requirements and lists the specific hazards that are to be address for each individual carcinogen for consistency with federal standards.

GISO Section 5210: Updates requirements for hazard classification and communication, training and access to labels and safety data sheets concerning vinyl chloride to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; central nervous system effects; liver effects; blood effects and flammability.

GISO Section 5211: Updates requirements for hazard communication, training and access to labels and safety data sheets concerning coke oven emissions to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer.

GISO Section 5212: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning 1,2-Dibromo-3-chloropropane (DBCP) to comply with the HCS (Section 5194). Revises warning signs and labels to address: Cancer; reproductive effects; liver effects; kidney effects; central nervous system effects; skin, eye and respiratory tract irritation; and acute toxicity effects. Makes other non-substantive editorial changes for consistency with federal standards.

GISO Appendix B to Section 5212: Amends “Class III A combustible” terminology for consistency with federal standards.

GISO Section 5213: Updates requirements for hazard communication and classification, training and access to labels and safety data sheets concerning acrylonitrile (AN) and AN-based materials to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; central nervous system effects; liver effects; skin sensitization; skin, respiratory, and eye irritation; acute toxicity effects; and flammability.

GISO Section 5214: Updates requirements for labeling, hazard communication and classification, training and access to labels and safety data sheets concerning inorganic arsenic to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; liver effects; skin effects; respiratory irritation; nervous system effects; and acute toxicity effects.

GISO Section 5215: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning 4,4'-methylenebis(2-chloroaniline), MBOCA, to comply with the HCS (Section 5194). Provides the following list of health effects to assist the classifier in determining what must be considered for inclusion on the new labels: cancer; liver effects; blood effects; kidney effects; and acute toxicity effects. Relocates subsection (j)(2) Signs from subsection (l) Signs and Labels with the following changes: subsection (j)(2)(A) Modifies the legend to include the signal word “Danger” and “May Cause Cancer” and removes the phrase “Controlled Access Area” to conform to GHS warning sign requirements.

Revises the phrase “material safety data sheets” to “safety data sheets” for consistency with the HCS (Section 5194).

GISO Section 5217: Revises warning signs and label requirements to address: Cancer; skin and respiratory sensitization; eye, skin and respiratory tract irritation; acute toxicity effects and flammability for consistency with GHS. Updates requirements for labeling, hazard communication and classification, training and access to labels and safety data sheets concerning formaldehyde to comply with the HCS (Section 5194). Deletes material safety data sheet requirements to comply with federal standards.

GISO Appendix A to Section 5217: Amends “Class III A” terminology for consistency with federal standards.

GISO Section 5218: Updates requirements for hazard communication and classification, training and access to labels and safety data sheets concerning benzene to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; central nervous system effects; blood

effects; aspiration; skin, eye, and respiratory tract irritation; and flammability. Deletes material safety data sheet requirements to comply with federal standards.

GISO Section 5219: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning ethylene dibromide (EDB) to comply with the HCS (Section 5194). Provides the following list of health effects to assist the classifier in determining what must be considered for inclusion on the new labels: cancer; reproductive effects; liver effects; kidney effects; eye and respiratory tract irritation; and acute toxicity effects.

Relocates subsection (j)(2) Warning Signs and subsection (j)(3) Notification of Shipment from subsection (k) Signs and Notification of Shipment with the following changes: modifies the legend in warning signs to conform to GHS warning sign requirements by replacing “CANCER HAZARD” with “MAY CAUSE CANCER;” and replacing “MAY CAUSE STERILITY IN MALES” with “MAY DAMAGE FERTILITY OR THE UNBORN CHILD;” and updates the contact information for HESIS in subsection (j)(4)(B)9.

Revises the phrase “material safety data sheet” to “safety data sheet” and revises the term “MSDS” to “SDS” for consistency with the HCS (Section 5194).

GISO Section 5220: Updates requirements for hazard communication and classification, training and access to labels and safety data sheets concerning ethylene oxide to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; reproductive effects; mutagenicity; central nervous system; skin sensitization; skin, eye, and respiratory tract irritation; acute toxicity effects and flammability. Deletes material safety data sheet requirements to comply with federal standards.

SISO Section 8358: Updates requirements for labeling, hazard communication and classification, training and access to labels and safety data sheets concerning asbestos to comply with the HCS (Section 5194). Revises warning signs and label requirements to comply with federal standards and address: cancer; and lung effects.

SISO Appendix K to Section 8358: Modifies “material safety data sheets” terminology for consistency with federal standards.

SISO Section 8359: Updates requirements for labeling, hazard communication, training and access to labels and safety data sheets concerning chromium to comply with federal standards and address: cancer; skin sensitization; and eye irritation.

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. This proposal consists of a Global Harmonization Standard that all states and UN member nations are adopting; thus, it will not affect the ability of California businesses to compete with businesses in other states. Estimated costs of compliance are presented in the preamble for the federal final rule, Fed.Reg., Vol. 77, No. 58, dated March 26, 2012, pages 17625-17649 and pages 17661-17674. The federal preamble lists the number and type of businesses impacted and estimated costs.

Cost Impact on Private Persons or Businesses

Cost impacts that a representative private person or business entity would necessarily incur in reasonable compliance with the proposed action cannot be accurately determined as they are part of a system of global harmonization which businesses throughout the United States and worldwide are adopting. Thus while there may be costs associated with compliance, there will also be costs associated with non-compliance; i.e. lost business due to incompatibility with international standards adopted by a vast majority of businesses and entities throughout the United States and throughout the world. Estimated costs of compliance are presented in the preamble for the federal final rule, Fed.Reg., Vol. 77, No. 58, dated March 26, 2012, pages 17625-17649 and pages 17661-17674. The federal preamble lists the number and type of businesses impacted and estimated costs. The federal preamble includes costs of compliance both with safety and health standards of the Global Harmonization Standard. This subject rulemaking only pertains to the health aspects.

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 standards do 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 will affect small businesses. However, no adverse economic impact is anticipated.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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 as a result of these GHS updates to Title 8 health regulations. The economic impact of the proposed GHS updates are outlined in the preamble to the federal final rule and state unique differences were discussed by the advisory committee. The Standards Board concluded based on the advisory committee discussion and Division research that no information had been presented supporting a conclusion that the GHS updates would be infeasible in any particular industrial sector or operation. In light of this, the Standards Board believes there will be no adverse economic impact.

BENEFITS OF THE REGULATION

Updating Title 8 health regulations with regard to GHS will allow California to be as protective and consistent with federal regulations and international hazard communication systems.

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.

3. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 59, Section 4297
[Definitions of Woodworking Machines and Equipment](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action was initiated by the Occupational Safety and Health Standards Board (Board). On October 12, 2012, Mr. Paul Burnett, Safety and Health Administrator of the Santa Clara Valley Water District, sent an e-mail to Board staff noting that band knives and band saws (types of woodworking machinery) may be equipped with two or more wheels. A band of blade wraps around the wheels and one or more wheels would drive the motion of the blade to perform the cutting action. Board staff has determined that it is necessary to make technical corrections to the definitions of band knife and band saw in order to provide an accurate description of the above-mentioned machines so that it will be clear to the employer and to the Division of Occupational Safety and Health that the corresponding woodworking safety standards contained in Section 4310, Band Knives and Band Saws, apply to band saws and band knives regardless of whether they are designed with just two wheels or more than two wheels. Additional updates of the definitions also are proposed. 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.

- This proposal provides technical corrections clarifying existing definitions in Title 8 consistent with the way industrial band saws and band knives are currently designed and manufactured. Both machines can be made with more than two wheels. Band knife blades are manufactured in configurations other than what is mentioned in the existing definition.
- 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).
- The proposed definitions would provide clarification so as to not exclude band saws and band knives that operate with more than two wheels from the regulatory requirements of Section 4310.

Section 4297. Definitions.

This section contains definitions of various woodworking machines and equipment regulated by Title 8. The proposed amendments to the definitions of "band saw" and "band knife" would include band knives and band saws with more than two wheels. In addition, it would not limit the configuration of the band knife blade to the two types of blades as specified in the existing definition. Also, since the existing last sentence of the "band saw" definition is based on the outdated two-wheel conception, that sentence also is eliminated.

The proposed amendments will clarify to the employer the duty to comply with Title 8 standards that apply to band saws and band knives and ensure that any band saw and band knife with two or more wheels will be used and operated safely by employees.

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 definitions of wood working equipment for clarity. It does not add additional regulatory requirements or alter existing regulatory requirements, 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, the proposal does not create additional regulatory requirements. The clarification in the definitions will improve the understanding of the application of the standards.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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 because it does not propose additional regulatory requirements.

BENEFITS OF THE REGULATION

The clarification of the existing definition of band knives and band saws would benefit the employer because accurate definitions of these machines would inform the employer if the guarding requirements of Title 8, Section 4310 applies to the machines they own. Machine guarding is intended to protect employees from inadvertent contact to moving parts; therefore, help prevent accidents and incurrence of associated medical costs.

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 **October 11, 2013**. 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 **October 17, 2013**, 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