

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**PROPOSED PETITION DECISION OF THE  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
(PETITION FILE NO. 527)****INTRODUCTION**

The Occupational Safety and Health Standards Board (Board) received a petition on January 31, 2012, from Aaron Crane (Petitioner). The Petitioner requests the Board to amend Title 8, California Code of Regulations (CCR), with regard to a whole body vibration quotient for truck drivers.

Labor Code section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health and requires the Board to consider such proposals and render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

**SUMMARY**

The Petitioner states that, at the age of 25, and after driving one year, 12 hours/day, 60 hours/week, he experienced severe back pain. He stated that he was very fit and otherwise healthy when these symptoms occurred. He also stated that his stepfather, a truck driver for many years, has also experienced similar symptoms. The petitioner provided links to various studies which link lower back pain to whole body vibration (WBV).

The Petitioner opined that establishing a WBV quotient would relieve California truckers from lower back aches. Furthermore he felt that a WBV quotient would improve driver productivity, reduce days missed and lower medical costs.

**DIVISION'S EVALUATION**

Since the Petitioner's request lacked specifics, the Division interpreted the Petitioner's request to be to control driver exposure to WBV through such means as vibration dampening operator seating for heavy over-the-road trucks (semi tractor-trailer trucks). The Division evaluation noted that there is research indicating a relationship between lower back pain, WBV and extended hours of truck driving.

The Division did not find any state or federal occupational safety and health standards or federal motor vehicle safety standards regarding seating design to mitigate hazards of WBV or frequent impact shocks associated with driving heavy over-the-road vehicles.

The Division noted that CCR Title 8 has no jurisdiction regarding public roadway surface conditions. The Division also noted that 49 CFR contains no rules or guidance regarding seat design for control of WBV exposures. The Division opined that Title 8, Section 5110, may have application in evaluation and remediation of a WBV exposure if the Division had jurisdiction over open-road trucking operations. However, because the United States Department of Transportation (USDOT) has enacted some rules applicable to truck seating and operator safety, the Division questioned whether it would be able to exercise jurisdiction for truck operators involved in interstate commerce, even though the Division believes there is a hazard to truckers from WBV.

### STAFF'S EVALUATION

In support of his request, the Petitioner forwarded several links to websites with information relevant to the subject of WBV. A common thread of study results was that individual factors such as back trauma and smoking and work-related risk factors such as heavy lifting and bending related significantly to the onset of lower back pain (LBP). The studies also noted increased likelihood of developing LBP with an increase in WBV exposure (such as daily driving time and cumulative total hours of exposure). In other words, the studies noted a dose-response type of relationship between WBV exposure and LBP. Conversely, the risk of LBP can be reduced by means of engineering controls such as vibration damping and good ergonomic design, and work practices such as reduced exposure and reducing other risks such as lifting.

Board staff notes that the Petitioner stated that he was driving 12 hours/day, 60 hours/week. It appears that the Federal Motor Carrier Safety Administration (FMCSA) generally limits drivers to 11 hours driving time in a 14 hour period, with the remaining 10 hours off-duty. However, not all the Petitioner's 12 hours/day may have been behind the wheel; breaks might have been taken, and the driver might have been on a two-driver team. In light of the possible variations, Board staff cannot determine whether federal hours of service (driving time) have been exceeded. However, the Applicant's LBP problem may be attributable, in part, to excessive hours behind the wheel. As noted previously in this evaluation, exposure time certainly is a factor in the WBV equation.

Board staff has also contacted OSHA Region 9, and the Area Director indicated that truck driver safety is outside their jurisdiction. He was of the opinion that matters relating to over-the-road driver safety, including WBV, are within the purview of the USDOT.

Board staff also notes that the Division stated that, if it had jurisdiction, it felt that no new rulemaking would be necessary, as Title 8, Section 5110, Repetitive Motion Injuries, has application to the basic issues in this matter. Board staff agrees.

Board staff is of the opinion that the USDOT/FMCSA has jurisdiction over the hours and safety of commercial motor vehicle operators. USDOT regulates trucking nationally, and since large numbers of trucks cross state lines, it is good public policy to have uniform national regulations. It would be unreasonable to expect truckers to know and comply with a new set of regulations each time the truck crosses a state line. Limiting a state regulation to intrastate commerce does not seem practicable from the standpoint of enforcement.

Board staff has considered the Petitioner's request to amend Title 8, California Code of Regulations, with regard to establishing a whole body vibration quotient for truck drivers. Board staff has also considered the recommendations of the Division and federal OSHA Region 9 regarding this petition. For the reasons stated in the preceding discussion, Board staff recommends that the Petition be denied.

#### CONCLUSION AND ORDER

The Board has considered the Petition and the recommendations of the Division and Board staff. For reasons stated in the preceding discussion, the petition is hereby DENIED.