

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Chapter 4, Subchapter 4 Appendix B, Plate B-1-a  
of the Construction Safety Orders

**Sanitation of Personal Safety Devices****MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

**Summary and Response to Oral and Written Comments:****I. Written Comments**

**Peter Robertson, Safety Specialist, and Ted Brucker, Senior Safety Specialist, CalTrans Office of Safety and Health, by letter dated January 6, 2006.**

**Comment:**

CalTrans supports the proposed revisions to Plate B-1-a but believes that a further revision, removing the reference to the use of boiling water, should also be made to the plate. CalTrans bases their recommendation on general experiences and concerns that the presence of boiling water in many construction operations would present in and of itself, a safety hazard.

**Response:**

The Board thanks Mr. Robertson and Mr. Brucker, but declines to remove the reference to boiling water. The use of boiling water has been a long-standing, simplistic method for the disinfection of appropriate items. The wording of the plate does not require an employer to use this method, and an employer may adopt a more stringent policy than the guidance in Plate B-1-a when the presence of boiling water poses a hazard for employees.

**John C. Vocke, Attorney, Pacific Gas and Electric Company, by letter dated March 14, 2006.**

Comment:

Pacific Gas and Electric Company supports the concept of amending Appendix B Plate B-1-a but recommends that the entire content of the Plate is no longer needed. This is based on the existence of similar language in Section 1514(d) which requires an employer to assure that employee-owned personal protective equipment is maintained in a safe, sanitary condition and the Plate is not specifically referenced by the Orders.

Response:

The Board thanks Mr. Vocke for his support of the revisions to the content of Plate B-1-a, but declines to remove the Plate B-1-a in its entirety. The Board does not agree that Section 1514 provides the same guidance or requirements as the Plate. Section 1514, subsection (d) is directed at employee-owned personal protective equipment which could be construed by some employers as the equipment that the employee uses to augment the equipment provided by the employer. To provide clear guidance to employers, Plate B-1-a still serves a function. The Plate appears as part of Appendix B, a compendium of references for various aspects of construction titled "Handy Construction Data; Facts; and Information Plate B-1 Handy Things to Know," which the Board believes is an appropriate description of the Plate's function, and would not conflict with requirements presented in other sections.

Mr. Frank Strasheim, Regional Administrator, Region IX, U.S. Department of Labor, Occupational Safety and Health Administration, by letter dated February 26, 2006.

Comment:

Mr. Strasheim stated that the proposed amendment provides specific information to assist employers in ensuring they have adequately cleaned and sanitized personal protective equipment. Federal OSHA does not have similar standards; therefore, the proposed standard is more effective than the federal standard.

Response:

The Board thanks Mr. Strasheim for his participation and support of the proposed amendment.

II. Oral Comments

No Oral comments were received at the March 16, 2006, Public Hearing in San Diego, California.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would 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 than the adopted action.