

**NOTICE PUBLICATION/REGULATION SUBMISSION**

**REGULAR**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b>	<b>REGULATORY ACTION NUMBER</b>	<b>EMERGENCY NUMBER</b>
	Z-2012-0724-02	2012-1218-015	

For use by Office of Administrative Law (OAL) only

RECEIVED FOR FILING DATE JUL 24 '12      AUG 03 '12  Office of Administrative Law NOTICE	2012 DEC 18 PM 4:48  OFFICE OF ADMINISTRATIVE LAW  REGULATIONS
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ENDORSED FILED IN THE OFFICE OF

2013 JAN 28 PM 1:18

*Debra Bowen*  
 DEBRA BOWEN  
 SECRETARY OF STATE

<b>AGENCY WITH RULEMAKING AUTHORITY</b> Occupational Safety and Health Standards Board	<b>AGENCY FILE NUMBER (if any)</b>
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

<b>1. SUBJECT OF NOTICE</b> CSO 1610.3 and 1616.3, GISO 4885 (see attached)	<b>TITLE(S)</b> Title 8	<b>FIRST SECTION AFFECTED</b> 1610.3	<b>2. REQUESTED PUBLICATION DATE</b> August 3, 2012
<b>3. NOTICE TYPE</b> <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	<b>4. AGENCY CONTACT PERSON</b> Sarah Money, Exec. Assistant	<b>TELEPHONE NUMBER</b> 916-274-5739	<b>FAX NUMBER (Optional)</b> 916-274-5743
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	<b>ACTION ON PROPOSED NOTICE</b>	<b>NOTICE REGISTER NUMBER</b> 2012 31-2	<b>PUBLICATION DATE</b> 8-3-2012

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

<b>1a. SUBJECT OF REGULATION(S)</b> Work Area Control (Swing Radius Hazards)	<b>1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)</b>
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<b>2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)</b>						
<table border="1"> <tr> <td><b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b></td> <td><b>ADOPT</b> 4993.1</td> </tr> <tr> <td></td> <td><b>AMEND</b> 1610.3, 1616.3, 4885, 4999, and 5001</td> </tr> <tr> <td><b>TITLE(S)</b> 8</td> <td><b>REPEAL</b></td> </tr> </table>	<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	<b>ADOPT</b> 4993.1		<b>AMEND</b> 1610.3, 1616.3, 4885, 4999, and 5001	<b>TITLE(S)</b> 8	<b>REPEAL</b>
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	<b>ADOPT</b> 4993.1					
	<b>AMEND</b> 1610.3, 1616.3, 4885, 4999, and 5001					
<b>TITLE(S)</b> 8	<b>REPEAL</b>					

**3. TYPE OF FILING**

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

**4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)**  
 October 23, 2012 through November 9, 2012

**5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)**

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>April 1, 2013</u> <b>CT</b>
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**6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

<b>7. CONTACT PERSON</b> Marley Hart, Executive Officer	<b>TELEPHONE NUMBER</b> (916) 274-5733	<b>FAX NUMBER (Optional)</b>	<b>E-MAIL ADDRESS (Optional)</b> mhart@dir.ca.gov
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**8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

<b>SIGNATURE OF AGENCY HEAD OR DESIGNEE</b> <i>Marley Hart</i>	<b>DATE</b> 12/13/12
<b>TYPED NAME AND TITLE OF SIGNATORY</b> Marley Hart, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 28 2013

Office of Administrative Law

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 1 of 6

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

TITLE 8: Division 1, Chapter 4, Subchapter 4. Construction Safety Orders  
Article 15. Cranes and Derricks in Construction

Amend Section 1610.3 as follows:

§1610.3. Definitions.

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Qualified rigger is a rigger who meets the criteria for a qualified person.

Radius (Load). The horizontal distance from the center of rotation of a crane or derrick to the center of the vertical hoist line, hook shank or pin, or tackle with load applied.

Range control limit device. A device that can be set by an equipment operator to limit movement of the boom or jib tip to a plane or multiple planes.

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NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

**STANDARDS PRESENTATION  
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PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

TITLE 8: Division 1, Chapter 4, Subchapter 4. Construction Safety Orders  
Article 15. Cranes and Derricks in Construction

Amend Section 1616.3 as follows:

§1616.3. Work Area Control.

(a) Swing radius hazards.

(1) The requirements ~~in subsection (a)(2)~~ of this section apply where there are accessible areas in which the equipment's rotating superstructure (~~whether permanently or temporarily mounted~~) poses a hazard reasonably foreseeable risk of:

(A) Striking and injuring an employee; or

(B) Pinching/crushing an employee against another part of the equipment or another object.

(2) To prevent employees from entering these hazard areas, the employer shall:

(A) Train each employee assigned to work on or near the equipment (“authorized personnel”) in how to recognize struck-by and pinch/crush hazard areas posed by the rotating superstructure.

(B) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas.

EXCEPTION: When the employer can demonstrate that it is ~~neither~~ not feasible to erect such barriers on the ground ~~nor~~ or on the equipment, the hazard areas shall be clearly marked by a combination of warning signs (such as “Danger - Swing/Crush Zone”) and high visibility markings on the equipment that identify the hazard areas. The markings shall be visible to employees from outside the hazard area. In addition, the employer shall train each employee to understand what these markings signify.

(3) Protecting employees in the hazard area.

(A) Before an employee goes to a location in the hazard area that is out of view of the operator, the employee (~~or someone instructed by the employee~~) shall inform ~~ensure that~~ the operator is ~~informed~~ that he/she is going to that location.

(B) ~~When~~ Where the operator ~~knows~~ has been informed of employee entry that an employee went to a location covered by subsection (a)(1) ~~of this section~~, the operator shall not rotate the superstructure until the operator is informed by the employee or visually confirms in accordance with a prearranged system of communication that the employee has exited the location and is in a safe position.

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PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

~~(b) When there is a potential for accidental contact by cranes operating within the boom swing radii of one another, the employer shall ensure effective communication to notify crane operators and signal persons of the presence of other cranes to coordinate operations.~~

~~(1) Where two-way radios are used, a dedicated frequency shall be provided for communication among operators.~~

Where any part of a crane/derrick is within the load radius of another crane/derrick, the controlling entity shall institute a system to coordinate operations. If there is no controlling entity, the employer (if there is only one employer operating the multiple pieces of equipment) shall institute such a system.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

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PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

TITLE 8: Division 1, Chapter 4, Subchapter 7. General Industry Safety Orders  
Group 13. Cranes and Other Hoisting Equipment  
Article 91. Definitions

Amend Section 4885 as follows:

§4885. Definitions.

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**Overhead Loads.** For the purpose of Group 13 Regulations, overhead loads are loads either passed or suspended directly over employee-occupied work-spaces or passageways.

**Radius (Load).** The horizontal distance from the center of rotation of a crane or derrick to the center of the vertical hoist line, hook shank or pin, or tackle with load applied ~~freely suspended hook or load.~~

**Rated Load.** The maximum load for which a crane or individual hoist is designed and built by the manufacturer and shown on the equipment nameplate(s) or load capacity chart.

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NOTE: Authority and reference cited: Section 142.3, Labor Code.

**STANDARDS PRESENTATION  
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PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

TITLE 8: Division 1, Chapter 4, Subchapter 7. General Industry Safety Orders  
Group 13. Cranes and Other Hoisting Equipment  
Article 98. Operating Rules

Add new Section 4993.1 as follows:

§4993.1. Work Area Control.

(a) Swing radius hazards.

(1) The requirements of this section apply where there are accessible areas in which the equipment's rotating superstructure poses a hazard of:

(A) Striking and injuring an employee; or

(B) Pinching/crushing an employee against another part of the equipment or another object.

(2) To prevent employees from entering these hazard areas, the employer shall:

(A) Train each employee assigned to work on or near the equipment ("authorized personnel") in how to recognize struck-by and pinch/crush hazard areas posed by the rotating superstructure.

(B) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas.

EXCEPTION: When the employer can demonstrate that it is not feasible to erect such barriers on the ground or on the equipment, the hazard areas shall be clearly marked by a combination of warning signs (such as "Danger - Swing/Crush Zone") and high visibility markings on the equipment that identify the hazard areas. The markings shall be visible to employees from outside the hazard area. In addition, the employer shall train each employee to understand what these markings signify.

(3) Protecting employees in the hazard area.

(A) Before an employee goes to a location in the hazard area that is out of view of the operator, the employee shall inform the operator that he/she is going to that location.

(B) When the operator has been informed of employee entry to a location covered by subsection (a)(1), the operator shall not rotate the superstructure until the operator is informed by the employee or visually confirms that the employee has exited the location and is in a safe position.

(b) Where any part of a crane/derrick is within the load radius of another crane/derrick, the controlling entity shall institute a system to coordinate operations. If there is no controlling entity, the employer (if there is only one employer operating the multiple pieces of equipment) shall institute such a system.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

**STANDARDS PRESENTATION  
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PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

TITLE 8: Division 1, Chapter 4, Subchapter 7. General Industry Safety Orders  
Group 13. Cranes and Other Hoisting Equipment  
Article 98. Operating Rules

Amend Section 4999 as follows:

§4999. Handling Loads.

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(j) ~~[Reserved] Where a rotating crane is positioned to operate in areas where persons may be caught between rotating parts of the crane and outside obstructions or parts of rotating machine deck and nonrotating parts of crane, those danger areas shall be barricaded or other positive means shall be taken to prevent traffic and workers, except the operator from entering such areas while the crane is operating.~~

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NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Amend Section 5001 as follows:

§5001. Signals.

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(f) [Reserved]

~~(1) When there is a potential for accidental contact by cranes operating within the boom swing radii of one another, the employer shall ensure effective communication to notify crane operators and signal persons of the presence of other cranes.~~

~~(2) Where two-way radios are used, a dedicated frequency shall be provided for communication among operators.~~

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NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.