



The DSL staff includes the Interim Commissioner, an examiner, a staff analyst, and a part-time assistant.

Although recent state budgets refer to DSL as the "Office of Savings and Loan," DSL is still officially a department. Its responsibilities technically include licensing, examination, and enforcement, but the trend is away from state chartering of S&L institutions, DSL no longer performs field audits of state-chartered S&Ls, and its enforcement powers have been reduced to reviewing analyses performed by the federal Office of Thrift Supervision.

LITIGATION

At this writing, the California Supreme Court is still reviewing the Second District Court of Appeal's decision in *People v. Charles H. Keating*, 16 Cal. App. 4th 280 (1993). Keating was found guilty on 17 counts of defrauding investors by encouraging them to purchase worthless junk bonds instead of government-insured certificates; in his appeal (No. S033855), Keating contends that he never personally interacted with investors, and that criminal liability for violations of Corporations Code sections 25401 and 25540 is limited to direct solicitors and sellers. [14:4 CRLR 135; 14:2&3 CRLR 143-44] The action has been fully briefed; at this writing, however, oral argument has not yet been scheduled.



DEPARTMENT OF INDUSTRIAL RELATIONS

CAL-OSHA

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California's Occupational Safety and Health Administration (Cal-OSHA) is part of the cabinet-level Department of Industrial Relations (DIR). The agency administers California's programs ensuring the safety and health of California workers.

Cal-OSHA was created by statute in October 1973 and its authority is outlined in Labor Code sections 140-49. It is approved and monitored by, and receives some funding from, the federal OSHA. Cal-OSHA's regulations are codified in Titles 8, 24, and 26 of the California Code of Regulations (CCR).

The Occupational Safety and Health Standards Board (OSB) is a quasi-legislative body empowered to adopt, review, amend, and repeal health and safety orders which affect California employers and employees. Under section 6 of the Federal Occupational Safety and Health Act of 1970, California's safety and health standards must be at least as effective as the federal standards within six months of the adoption of a given federal standard. Current procedures require justification for the adoption of standards more stringent than the federal standards. In addition, OSB may grant interim or permanent variances from occupational safety and health standards to employers who can show that an alternative process would provide equal or superior safety to their employees.

The seven members of the OSB are appointed to four-year terms. Labor Code section 140 mandates the composition of the Board, which is currently comprised of occupational health representative Jere Ingram, Board Chair; occupational safety representative Gwendolyn Berman; management representative William Jackson; public member James Smith; management representative Sopac Tompkins; and labor representative Kenneth Young, Jr. At this writing, OSB is functioning with a labor representative vacancy.

The duty to investigate and enforce the safety and health orders rests with the Division of Occupational Safety and Health (DOSH). DOSH issues citations and abatement orders (granting a specific time pe-

riod for remedying the violation), and levies civil and criminal penalties for serious, willful, and repeated violations. In addition to making routine investigations, DOSH is required by law to investigate employee complaints and any accident causing serious injury, and to make follow-up inspections at the end of the abatement period.

The Cal-OSHA Consultation Service provides on-site health and safety recommendations to employers who request assistance. Consultants guide employers in adhering to Cal-OSHA standards without the threat of citations or fines.

The Appeals Board adjudicates disputes arising out of the enforcement of Cal-OSHA's standards.

MAJOR PROJECTS

OSB Fails to Meet Statutory Deadline for Adoption of Ergonomics Standard. In keeping with its years of refusal to adopt workplace standards to prevent cumulative trauma disorders (CTDs) (injuries caused by poor workplace design for jobs that require long periods of repetitive physical movement, such as typing or assemblyline work), OSB has now failed to comply with the legislative mandate set forth in AB 110 (Peace) (Chapter 121, Statutes of 1993), which required the Board to develop a statewide ergonomics standard by January 1, 1995. [14:4 CRLR 136; 14:2&3 CRLR 144-45; 13:4 CRLR 115-16, 133]

At its November 17 meeting, OSB unanimously rejected a watered-down version of section 5110, Title 8 of the CCR, the ergonomics standard it proposed in November 1993. As originally proposed, the standard would have applied to all employers and established minimum requirements for preventing and controlling exposure to the risk of developing CTDs. It would have required employers to engage in worksite evaluations of CTD risk and establish a reporting procedure which encourages employees to report CTD symptoms or CTD risk; implement engineering controls, administrative controls, and personal protective equipment as necessary to reduce or eliminate CTD risk; provide a medical evaluation at the first signs of injury; and provide two types of employee training programs (general and job-specific) on CTD prevention and detection. [14:1 CRLR 113] Following a



number of public hearings and a deluge of complaints from management, OSB modified the language of the proposed rule to eliminate the key medical management requirement, relax the job-specific training requirement, and add an "economic feasibility" standard that would allow individual employers to avoid correcting hazards if doing so would cause any "undue hardship." According to labor activists opposed to the modifications, this language would permit employers to balance worker health and safety with the corporate bottom line, and place a tremendous burden on Cal-OSHA to evaluate the truth of every employer's claim that a company is unable to afford to correct job hazards.

In defense of their refusal to adopt even the modified language on November 17, some Board members opined that DOSH had not adequately responded to many of the comments submitted, and that the Board had not been given a definitive estimate of the actual costs associated with the proposed standard.

At its December 15 meeting, OSB acknowledged that it would not be complying with the legislative mandate set forth in AB 110. The Board directed staff to develop an outline of the various issues and concerns regarding section 5110 for its review at its January 19 meeting.

Lead Safety Standards. On September 22, OSB readopted section 1532.1, Title 8 of the CCR, which establishes standards for occupational exposure to lead in construction work, as well as specifications for destruction of structures containing lead, the removal, disposal, and transportation of lead, and emergency clean-up procedures. In September 1993, OSB first adopted the section pursuant to Labor Code section 142.3(a)(4)(A), which requires the state agency to adopt standards at least as effective as the federal standards within six months of promulgation of the federal standard; Fed-OSHA promulgated its lead standard in May 1993. [14:1 CRLR 114-15] Since the state standard is substantially the same as the federal standard, Labor Code section 142.3 exempts it from most of the provisions of the California Administrative Procedure Act, including review and approval by the Office of Administrative Law (OAL). The rule was filed with OAL for printing purposes on October 19.

Ship Building Safety Orders. On September 30, OSB published notice of its intent to amend sections 5156, 8354, and 8355, Title 8 of the CCR, which set minimum standards for preventing employee exposure to confined space hazards in the ship building industry. Among other things, the amendments require that a shipyard-

competent person, marine chemist, certified industrial hygienist, or a Coast Guard-authorized person evaluate conditions within a confined or enclosed space and institute protective measures before employees enter; specify criteria for competent persons; require posting of warning signs; establish safe work procedures for cold work, cleaning, and hot work; add several definitions; increased the oxygen content and toxic atmosphere requirements; eliminate some previously required reporting forms and logs; and add two informational appendices. OSB held a public hearing on the proposed changes on November 17 to solicit comments, and adopted the amendments on December 15; because the proposed language is essentially the same as the federal standard codified in 29 C.F.R. Part 1915, it is exempt from OAL review and approval.

Tunnel Safety. On September 30, OSB published notice of its proposed amendments to sections 8400-8568 and Appendices A, B, and C, Title 8 of the CCR, its tunnel safety standards. The amendments include increased tunnel illumination standards, air quality regulations, standards for testing for dangerous or explosive gases, requirements for a fixed system of continual automatic monitoring equipment within specified places in tunnels using mechanical elevators, standards for the testing of communications systems, reporting requirements for employees working underground, and numerous nonsubstantive changes and reorganizations. OSB held a public hearing on the proposed changes on November 17; at this writing, the amendments await adoption by the Board. Because the proposed language is substantially the same as that codified in 29 C.F.R. Subpart S, 1926.900, it is exempt from OAL review and approval.

Rubber-Tired Gantry Crane Wheel Guards. On October 28, OSB published notice of its intent to amend section 4906(c), Title 8 of the CCR, regarding rubber-tired gantry crane wheel guards. Existing section 4906(c) requires that gantry truck wheels be guarded in such a manner as to push a person out of the way to prevent that person from being run over. Makers of wheel guards argue that because people are not fixed objects and have great degrees of movement, it is impossible to design a wheel guard that will always be capable of preventing a person from being run over; thus, OSB's proposed amendment would delete that requirement. On December 15, OSB held a public hearing on the proposed change; at this writing, the amendment awaits adoption by OSB and review and approval by OAL.

Fall Protection in the Construction Industry. On October 28, OSB published

notice of its proposed amendments to Articles 7, 12-14, 16, 19, 21-24, 29, and 30, Title 8 of the CCR, concerning safety standards for fall protection in the construction industry. The amendments would specify requirements for guardrail design, installation, and use; design of personal fall arrest systems; the establishment of controlled access zones; use and development of a written fall protection plan; use of safety monitors; requirements for establishing fall protection training programs; and a reduction in the current general fall criteria from 7.5 feet to 6 feet. On December 15, OSB held a public hearing on the proposals. Numerous representatives from the construction industry complained that the language has too many cross-references within the text; contains redundant, vague, and confusing standards; and would be costly to California business because of the more stringent fall distance standard. After listening to extensive testimony criticizing the proposed amendments, OSB ordered its staff to convene an advisory committee to prepare a side-by-side comparison of the corresponding state and federal regulations in an attempt to identify those areas that should not be adopted and why.

Demolition Standards. On December 2, OSB published notice of its intent to amend sections 1504, 1734, 1735, 1736, and 4941, Title 8 of the CCR, regarding demolition work. OSB's proposed amendments to section 1504 would revise the definition of the term "qualified person" to be consistent with the same term as defined in section 3207 of OSB's general industry safety orders. The proposed amendments to section 1734 would provide that employees performing demolition work be under the immediate supervision of a qualified person.

Among other things, OSB's proposed amendments to section 1735 would require employers to check and/or test for the presence of hazardous substances and, if found, have them eliminated before demolition work is started; require employers to survey for the presence of asbestos and, if found, comply with section 1529, Title 8 of the CCR; require that weakened or unsafe floors be shored to safely support the imposed loading; provide that wood floor beams which brace interior walls or free-standing exterior walls be left in place until other equivalent support can be provided; provide examples of unacceptable work practices; and require that steel construction be dismantled column length by column length and tier by tier. The Board's proposed amendments to section 1736 would permit the use of fences or barricades as a method of protecting



employees from the hazard of falling debris from a chute discharge end.

OSB's proposed amendments to section 4941, regarding cranes used in demolition work, would limit employee exposure to the hazards associated with demolition operations being performed by cranes using balling or clamming techniques; provide that cranes used on demolition sites need not be certified as required by section 5021, Title 8 of the CCR; allow cranes used exclusively for demolition purposes to be moved from jobsite to jobsite without requiring them to be certified as specified in section 5021; and require all cranes used for clamming or balling operations, regardless of whether they have a current annual certification, to be recertified or certified if used for lifting operations not associated with a demolition project.

At this writing, OSB is scheduled to hold a public hearing on these proposed changes on January 19 in Los Angeles.

Logging and Sawmill Safety Orders.

On January 6, OSB published notice of its intent to amend sections 6283, 6309, and 6328, Title 8 of the CCR, regarding logging and sawmill safety orders. Among other things, the changes would require portable chain saws to be labeled as meeting the national consensus standard cited in the proposed regulation; require overhead guards used on logging forklift trucks to be labeled as meeting the national consensus standards cited in the regulation; and require all yarding equipment which is towed by logging machines to be attached together in a manner which will allow a full 90-degree turn.

At this writing, OSB is scheduled to hold a public hearing on the proposal on February 23 in San Francisco. According to OSB, its proposed language is substantially the same as that contained in the equivalent federal regulation; accordingly, the regulatory proposal is exempt from OAL review and will become effective upon filing with the Secretary of State.

Electrical Safety Orders. On January 6, OSB published notice of its intent to amend section 2540.8(b)(6), Title 8 of the CCR, and section 515-1(a) and (b), Title 24 of the CCR, regarding docks for the loading and unloading of tanker ships. Among other things, OSB's amendments would require that the hazardous location classification around docks used for the loading and unloading of tanker ships be consistent with the California Electrical Code, and would eliminate an existing inconsistency between Title 8 and Title 24 of the CCR. At this writing, OSB is scheduled to hold a public hearing on the proposal on February 23 in San Francisco.

Rulemaking Update. The following is a status update on other OSB rulemaking proposals discussed in detail in previous issues of the *Reporter*:

• Elevator Safety Orders Revisions.

On December 6, OAL approved OSB's amendments to sections 3071 and 3090, Title 8 of the CCR, and sections 7-3071 and 7-3090, Title 24 of the CCR, regarding hydraulic elevator load test tags and escalator inspections. According to OSB, Title 8 previously required that a load test be performed on all existing hydraulic elevators at intervals not to exceed five years; however, during a hydraulic elevator inspection, it is practically impossible to determine whether an elevator has been load tested or not. Thus, OSB's amendments to sections 3071 and 7-3071 require that a proper tag, with specified information regarding the load test, be secured to each pumping unit in the hydraulic elevator machine room. According to OSB, the majority of escalator machine rooms are accessible through covers installed in floor plates at top landings. "Modular type escalators" have their drive equipment located in the steps of the truss. It is necessary that steps be removed to gain access to inside the truss for inspection of the machinery, its associated equipment, and safety devices; in addition to special tools, two persons are required to remove the steps. Accordingly, OSB's changes to sections 3090 and 7-3090 require the building owner or responsible party to provide a competent person to assist DOSH's representative where step removal is required to gain access to drive units, brakes, and upthrust devices inside the escalator truss. [14:4 CRLR 137]

On December 19, OAL approved OSB's amendments to section 3000 and adoption of new sections 3087 through 3087.8, Title 8 of the CCR, and amendments to section 7-3000 and adoption of new sections 7-3087 through 7-3087.8, Title 24 of the CCR, regarding vertical and reciprocating conveyors. This rulemaking action authorizes the installation of vertical and inclined reciprocating conveyors and their related equipment; the action also provides specific guidelines for the installation and use of reciprocating conveyors. [14:4 CRLR 137]

• Portable Wood and Metal Ladders.

On September 23, OSB adopted its proposed amendments to sections 3278 and 3279, Title 8 of the CCR, regarding the care, use, and maintenance of ladders. New section 3278(e)(21) adopts verbatim the requirements of 29 C.F.R. Part 1926.1053(b)(14), to prohibit the use of cross-bracing on the rear section of wooden stepladders unless the ladders are designed and provided with

steps for climbing on both front and rear sections; the language also requires an employer to instruct and ensure that employees do not use the cross-bracing on the rear section of stepladders for climbing. Similarly, changes to section 3279 also require an employer to instruct and ensure that employees do not use the cross-bracing on the rear section of metal stepladders for climbing. [14:4 CRLR 137] On October 20, OAL approved the amendments.

• Personal Safety Devices and Safeguards. On October 27, OSB adopted its proposed amendments to sections 3381, 3382, and 3385, Title 8 of the CCR, regarding personal safety devices and safeguards. Among other things, the changes require that helmets purchased after September 1, 1994, must comply with ANSI Z89.1-1986, Class A or Class B; permit helmets purchased on or before September 1, 1994 to meet the ANSI Z89.1-1969 standard for Class A or Class D; require employers after September 1, 1994, to select and use eye and face protection which meets current ANSI requirements; and require employers to ascertain whether footwear purchased after September 1, 1994 meets the Z41-1001 ANSI standard prior to permitting its use in the workplace. [14:4 CRLR 138] On December 19, OAL approved the changes.

• Belt Sanders. On September 22, OSB adopted its proposed amendments to section 4312, Title 8 of the CCR, which requires belt sanders to have both pulleys and the unused run of the sanding belt enclosed; permits rim guards to be used for smooth disc wheels provided in-running nip points are guarded; and permits the guards on stationary belt sanders to be hinged to permit sanding on the pulley. In response to Petition No. 342 granted in January 1994 [14:2&3 CRLR 151], OSB's changes exclude portable belt sanders from the guarding requirement when guarding is provided on at least one side of the pulley at the nip point where the sanding belt runs onto a pulley; the handles are located to prevent hand contact with the nip point(s); and the unused run of the sander's belt is guarded on one side and the rear. [14:4 CRLR 138] On October 31, OAL approved the changes.

• High Voltage Electrical Safety Orders.

On September 22, OSB held a public hearing on its proposed amendments to sections 2940.2, 2940.6, 2940.8, and 2951, Title 8 of the CCR, to revise its High Voltage Electrical Safety Orders. The rulemaking proposal is in response to Fed-OSHA's promulgation of 29 C.F.R. Part 1910.269, and is comparable to that regulation. Among other things, OSB's changes



revise the nominal voltage ranges and minimum working and clear live line tool distances in order to conform them to their counterpart voltage and distances expressed in the federal regulation; require hand tool hose pressure to be released before hand tool connections are broken; prohibit kinked hoses; prohibit line clearance trimming work (with the exception of emergency restoration procedures) from being performed during various specified inclement weather conditions (among which are high winds) which would subject the employee to various hazards in spite of compliance with specified work practices; explain what constitutes hazardous windy working conditions and define what a high wind is in terms of miles per hour velocity; and explain that if the employer implements precautions to prevent the wind hazards described, the wind shall not be considered as presenting a hazard to the employee. [14:4 CRLR 138] OSB approved the proposed changes at its October 27 meeting; OAL approved them on December 12.

• **Cranes and Other Hoisting Equipment.** On September 22, OSB held a public hearing on its proposed amendments to section 4884, Title 8 of the CCR, which contains requirements relating to national consensus standards for cranes and derricks. OSB's changes require all derricks placed in service after January 1, 1995 to be provided with a permanently attached metal label stating that the equipment complies with the ASME B30.6-1990 requirements; the proposal also requires employers to use only derricks which conform to that standard after January 1, 1995. [14:4 CRLR 138] At its October 27 meeting, OSB adopted the changes; OAL approved them on December 12.

• **DOT Markings, Placards, and Labels for Hazardous Materials.** On October 27, OSB held a public hearing on its proposed adoption of new section 5194.1, Title 8 of the CCR, which addresses the retention of labels, placards, or markings on shipped packages containing hazardous materials, as required by the U.S. Department of Transportation (DOT). [14:4 CRLR 138] Fed-OSHA regulations require all employers who receive a package, freight container, or transport vehicle which contains a hazardous material to retain any label, placard, or marking that is required under DOT's hazardous material regulations; such DOT markings, placards, and labels shall not be removed from the incoming package, container, or vehicle until the hazardous material has been removed and the packaging sufficiently cleaned to remove any potential hazard. At the hearing, OSB determined that there are

no clear and compelling reasons for California to deviate from the federal standard, and no issues unique to California related to this proposal which should be addressed in this rulemaking and/or subsequent rulemaking. At its November 17 meeting, OSB adopted the new section, which is exempt from OAL review and was filed on January 4.

• **Prevention of Occupational Tuberculosis.** On October 27, OSB held a public hearing on its proposed adoption of new section 5197, Title 8 of the CCR, which would specify protective measures designed to control tuberculosis (TB) and the spread of TB in occupational settings. Section 5197 would apply to specifically enumerated categories of employment in which employees are known to have a significant risk of developing occupational TB. Under the proposed regulation, covered employers would be required to develop and implement an exposure control plan; provide TB surveillance, preventive therapy, and medical evaluation where appropriate; implement appropriate engineering and work practice controls and respiratory protection; provide employee training; and fulfill recordkeeping requirements. [14:4 CRLR 138] The Board received a full day's worth of comments regarding the proposed section; because several hearing participants claimed that the proposed regulation would result in substantial compliance costs, OSB extended the public comment period until November 14 so that interested persons could submit detailed cost assessments, cost analyses, or other relevant comments. At this writing, section 5197 awaits approval by OSB and OAL.

• **Respiratory Protective Equipment.** On June 23, OSB held a public hearing on its proposed amendments to sections 1531, 3409, and 5144, Title 8 of the CCR, which provide minimum requirements for the use of respiratory protective equipment to control harmful exposures to dusts, mists, fumes, and vapors; each of those sections prohibits the use of contact lenses in atmospheres where a respirator is required. OSB's proposed changes to those sections would eliminate that prohibition and add a training requirement regarding employees using contact lenses in atmospheres requiring respiratory protection. [14:4 CRLR 138; 14:2&3 CRLR 146] At this writing, these proposed changes still await adoption by OSB and review and approval by OAL.

• **Airborne Contaminants.** On December 7, OSB's amendments to section 5155, Title 8 of the CCR, which establishes requirements for controlling employee exposure to airborne contaminants, were

filed with the Secretary of State. OSB's changes to section 5155 lower the permissible exposure limits (PEL) of thirteen compounds; raise the PEL for grain dust; add six substances to Table AC-1 (Permissible Exposure Limits for Chemical Contaminants); add short-term exposure limits to four substances in Table AC-1; add five glycol ethers to Table AC-1 with skin notations; and add propylene glycol methyl ether acetate to Table AC-1. According to OSB, all of the proposed changes to section 5155 are at least as effective or more stringent than Fed-OSHA's requirements in 29 C.F.R. Part 1910.1000; accordingly, the changes were exempt from OAL review and approval. [14:4 CRLR 138-39; 14:2&3 CRLR 146]

• **Drilling and Production Regulations.** At this writing, OSB's proposed amendments to sections 6500-6693 (non-inclusive), Title 8 of the CCR, which would make a number of changes to its regulatory provisions concerning drilling and production in the petroleum industry, still await adoption by OSB and review and approval by OAL. Among other things, the proposed changes would permit smoking only in areas designated by the employer, and require each employer to identify all areas—including areas of flammable liquids and gases—which are safe for smoking at production or oil well sites; require an employer's written employee emergency plan to include evacuation procedures; and require the regulated public to install the appropriate type of electrical equipment and wiring at petroleum production facilities or at oil drilling and servicing locations in accordance with the provisions of the Electrical Safety Orders, and require that the electrical equipment be maintained in accordance with the area classifications as defined in the Electrical Safety Orders. [14:4 CRLR 139; 14:2&3 CRLR 146]

• **Portable Power-Driven Hand Saws.** On October 7, OAL approved OSB's amendments to section 4307(b), Title 8 of the CCR, regarding safety requirements for portable power-driven circular hand saws. Section 4307(b) requires the lower half (point of operation) of the saw blade to be guarded to the saw teeth's root with either a telescopic or hinged guard which opens when material is fed into the saw and closes (covers the saw teeth) when the saw teeth are removed from the cut. OSB's amendment adds an exception to the guarding requirements of section 4307(b) to exclude powered rescue saws or similar devices when used by fire or rescue personnel and those persons are equipped or provided with suitable personal protective equipment. [14:4 CRLR 139; 14:2&3 CRLR 146]



• **Ventilation Requirements for Laboratory-Type Hood Operations/Biological Safety Cabinets.** On October 11, OAL approved OSB's amendments to section 5154.1 and adoption of new section 5154.2, Title 8 of the CCR, which regulate the use of laboratory-type hoods and biological safety cabinets. Section 5154.1 sets forth requirements for ventilation rates, operation, and other special requirements for laboratory-type hoods; among other things, OSB's amendment exempts biological safety cabinets from the section's requirements, as biological safety cabinets are used primarily in microbiological laboratories and pharmacies where organisms and pharmaceutical materials which present a health hazard must be manipulated to maintain a sterile environment. New section 5154.2 includes requirements for use, operation, ventilation rates and negative pressure, airflow measurements and leak testing, and other special requirements for biological safety cabinets; under the language, section 5154.2 only applies to biological safety cabinets used to control biohazard materials or hazardous substances. The section also allows the use of biological safety cabinets to control exposure to cytotoxic drugs, aerosols, and particulate matter, provided the presence of these substances presents no risk of fire or explosion, and specified control requirements are met. [14:4 CRLR 139-40; 14:2&3 CRLR 147; 14:1 CRLR 114]

RECENT MEETINGS

At its September 22 meeting, OSB considered Petition No. 351, submitted by Paul Papanek, MD, Chief of Los Angeles County's Toxics Epidemiology Program. Dr. Papanek requested that OSB amend section 5216, Title 8 of the CCR, which contains the state's lead standard. According to Dr. Papanek, the current standard fails to protect a large number of lead-exposed workers from lead poisoning. Dr. Papanek convened an advisory committee composed of representatives from lead-using industries, environmental consulting firms, the medical community, and state and local government agencies to develop comprehensive revisions to section 5216, and argued that the resulting proposal would cost less to implement and be as stringent as—and in many instances more stringent than—the protection afforded by the existing state or federal standard. Following discussion, the Board agreed to hold over discussion of the request until its next meeting, to provide staff with time to review this and other similar proposals. At its October 27 meeting, OSB continued its discussion regarding Petition No. 351, and granted the petition to the extent that it directed DOSH

to convene an advisory committee to review Dr. Papanek's proposal and present a recommendation to the Board at a future meeting.

Also at its October 27 meeting, OSB considered Petition No. 352, submitted by Southern California Edison, Sierra Pacific Power Company, and Pacific Gas and Electric Company, which requested OSB to develop regulations in Title 8 of the CCR concerning safety standards for patrolling water flumes, large open wood or metal structures used to convey water for hydropower generation, irrigation, and municipal purposes; the flumes are patrolled on a regular basis to inspect for structural integrity, leaks, or other problems associated with conveying water. According to the petitioners, the existing standards in Title 8 for fall protection railings, runways, and water hazards are not appropriate for water flume inspections and may create a hazard for the very workers they are designed to protect. The Board granted the petition to the extent that it directed staff to convene an advisory committee to consider the request and, if appropriate, develop standards appropriate for patrolling water flumes.

At its November 17 meeting, OSB considered Petition No. 353, submitted by Barry Brown of Garret Engineers, who requested that OSB amend section 3326(h)(10), Title 8 of the CCR, to remove the exception to the use of a restraining device for the inflation of tires. OSB staff noted that the petitioner based his request on an incident in which serious personal injury resulted from the explosion of a split rim tire during the inflation process when the assembly was not within the restraining device; however, the petitioner refused to provide further details about the incident or provide engineering data supporting his request. However, staff recommended that the petition be granted to the extent that it should convene an advisory committee to determine if partial inflation pressure limits for tire/rim assemblies being inflated outside a restraining device should be established and, if appropriate, prepare a proposal for consideration by the Board; following discussion, the Board adopted staff's recommendation.

At its December 15 meeting, OSB considered Petition No. 354, submitted by representatives of the AFL-CIO, which requested that OSB amend Title 8 of the CCR with regard to permissible exposure limits (PELs) and several other safety and health standards related to shredded paper insulation (SPI) materials. Petitioners contended that SPI manufacturers are not subject to any PELs, conduct no health research, and are subject to no require-

ments regarding employee training, protective equipment, or other safety measures. OSB staff agreed that the health effects from SPI and cellulose fibers have not been well studied or documented; however, staff contended that the protective standards requested in the petition are already contained in existing regulations as they relate to the nuisance dust hazard and any hazard to SPI's chemical components. However, staff recommended that the Board grant the petition to the extent that it direct DOSH to address and evaluate the petitioners' request relating to establishing a PEL for SPI at the next meeting of its Advisory Committee for Airborne Contaminants; following discussion, OSB adopted staff's recommendation.

Also at its December 15 meeting, OSB considered Petition No. 356, submitted by Daniel Kulka, Chair of the Safety, Health, and Environmental Committee of Associated General Contractors of California, who requested that the Board amend section 1712(d)(5), Title 8 of the CCR, with regard to protective covers, troughs, and caps; specifically, section 1712(d)(5) currently requires that manufactured covers and caps be approved as provided for in section 1505 and be legibly marked with the manufacturer's name or logo. The petitioner asked that the words "and caps" be deleted from the section in order to eliminate confusion which presently exists for enforcement personnel regarding the old-style "mushroom" caps and the new and improved "approved covers" now available. Staff noted that the purpose of section 1712 is to protect workers from being impaled on protruding objects such as rebar, pipe, and conduit, and concluded that the present language is essential to ensure adequate impalement protection for employees working at grade or at any level; both DOSH and Board staff recommended that the Board deny the petition. Because several Board members had concerns regarding the request, Chair Ingram decided to hold the matter over to OSB's January meeting.

FUTURE MEETINGS

January 19 in Los Angeles.
February 23 in San Francisco.
March 23 in San Diego.
April 20 in Sacramento.
May 18 in Los Angeles.

