



DEPARTMENT OF INDUSTRIAL RELATIONS

CAL-OSHA

Executive Director:
Steven Jablonsky
(916) 322-3640

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 comprised of two members from management, two from labor, one from the field of occupational health, one from occupational safety, and one from the general public. The current members of OSB are Jere Ingram, Chair, John Baird, James Grobaty, John Hay, and William Jackson. At this writing, OSB continues to function with two vacancies—an occupational safety representative and a labor representative.

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 period 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 Discusses New Rulemaking Authority. At its December meeting, OSB discussed implementation of AB 2968 (Horcher) (Chapter 1214, Statutes of 1992), which—among other things—exempts OSB from the formal rulemaking requirements of the Administrative Procedure Act (APA) when it is adopting or amending any standard "that is substantially the same as a federal standard"; for purposes of this provision, the term "substantially the same" means identical to the federal standard with the exception of editorial and format differences needed to conform to other state laws and standards.

AB 2968 also requires that if a federal standard is promulgated and OSB fails to adopt a state standard that is at least as effective as the federal standard within six months of the date of promulgation of the federal standard, certain procedures for adopting standards shall apply, unless adoption of a state standard is imminent. Specifically, (A) if there is no existing state standard covering the same issues, the federal standard shall be deemed to be a standard adopted by OSB and enforceable by DOSH; and (B) if a state standard is in effect at the time a federal standard is promulgated covering the same issue or issues, OSB may adopt the federal standard, or a portion thereof, as a standard enforceable by DOSH; provided, however, if a federal standard or portion thereof is adopted which replaces an ex-

isting state standard or portion thereof, the federal standard shall be as effective as the state standard or portion thereof. OSB's adoption of or amendment to such a federal standard or portion thereof pursuant to (A) or (B) above is not subject to the formal APA rulemaking requirements. Any state standard adopted pursuant to (A) or (B) above shall remain in effect for six months unless readopted by OSB for an additional six months or superseded by a standard adopted by OSB pursuant to formal APA rulemaking procedures.

Cal-OSHA Executive Director Steven Jablonsky reported that AB 2968 was sponsored by DIR as a response to a special evaluation by federal OSHA which was critical of California's program in that state regulations comparable to new federal regulations were not being adopted in a timely manner. [12:2&3 CRLR 193] After AB 2968's enactment, Jablonsky noted that staff developed the following proposed policy guidelines for Board consideration:

- OSB should adopt standards within six months of the federal promulgation date to avoid having a federal standard being placed into effect by operation of law.

- The Board should still provide notice, via the *California Regulatory Notice Register*, the state agency list, and OSB's mailing list, of a 45-day public comment period and the opportunity for public hearing; the notice should include an informative digest, cost estimates, and a local mandate determination, and should be structured to clearly indicate that the notice and public hearing are primarily to notify persons that the Board plans to adopt a particular regulation.

- The notice should clearly indicate that OSB is soliciting comments in the following three areas: (1) clear and compelling reasons for California to deviate from the federal standards; (2) issues unique to California related to the proposal which should be addressed in a subsequent rulemaking process; and (3) the effective date of the standard.

- OSB staff would prepare a document similar to the summary of and response to comments now contained in the APA Final Statement of Reasons, primarily with respect to the three issues on which OSB will solicit comments.

- In order to document the process, OSB staff would establish and maintain a record concerning the adoption of regulations pursuant to AB 2968; this record would be available for public inspection.

Following discussion, OSB adopted the policy and procedure guidelines by which staff will implement AB 2968.



Operation of Agricultural Equipment. On October 30, OSB published notice of its intent to amend section 3441, Title 6 of the CCR, which requires employers to instruct employees in the safe operation and servicing of all agricultural equipment with which the employee is or will be involved, and lists certain safe operating practices for the equipment. The proposed amendment would require that the safety requirements in section 3441(a) and (b) be included and documented in the employer's Injury and Illness Prevention Program, which must be provided to employees as required by section 3203.

On December 17, OSB conducted a public hearing on the proposed amendment. Roy Gabriel of the California Farm Bureau Federation (CFBF), the largest agricultural organization in California, contended that the proposed amendment is unnecessary and would create confusion regarding compliance and penalties that might be incurred. Daniel Webb of the State Compensation Insurance Fund concurred with CFBF's concerns regarding the amendments, and suggest various alternative proposals. In light of these comments, OSB voted to convene an advisory committee to review the proposed amendment to section 3441; the committee will report its findings to the Board at a future business meeting.

OSB Proposes Methylenedianiline Regulations. On October 30, OSB published notice of its intent to amend section 5155 and adopt new sections 1535 and 5200, Title 8 of the CCR, regarding airborne contaminants and occupational exposure to methylenedianiline (MDA), a potential human carcinogen; MDA is a curing agent for advanced composite material used in aerospace and other high-tech industries. This proposed rulemaking package constitutes Cal-OSHA's attempt to incorporate the new provisions of the federal MDA standard (29 C.F.R. Parts 1926.60 and 1910.1050), pursuant to OSB's duty to adopt standards at least as effective as the federal standards for all issues for which federal standards exist. OSB's adoption of this federal standard is technically exempt from the APA pursuant to AB 2968 (*see supra*).

Among other things, the changes would lower the permissible exposure limit (PEL) of 0.1 part per million (ppm) to 10 parts per billion (ppb) (0.01 ppm) on an eight-hour time-weighted basis; establish a new short-term exposure limit (STEL) at 100 ppb and an action level of 5 ppb; and establish new provisions for employee exposure monitoring, medical surveillance, hygiene facilities, personal protective equipment, respiratory protec-

tion, employee training, recordkeeping, and report-of-use requirements.

On December 17, OSB held a public hearing on the proposals. The Board received a number of comments from Aerojet representative Gus Ballis; among other things, Ballis suggested that proposed section 1535(k)(1)(B) be modified to allow the use of disposable protective clothing instead of requiring that employers maintain change areas equipped with separate storage facilities for reusable protective clothing and street clothing. The Board deferred action until DOSH has responded to the oral and written comments regarding the proposed changes.

Back-Up Alarms for Loading Machines at Log Landing Areas. On October 30, OSB published notice of its intent to amend section 6329, Title 8 of the CCR, which specifies safety requirements for log landing areas and log loading operations, and addresses requirements such as landing area housekeeping, set-up and use of landing chutes, size of roadside/continuous landings, landing of logs on slopes, and space for truck turns. OSB's proposed amendment would require that loading machines used in landing areas to sort, deck, and/or load log trucks be equipped with an automatically-operated back-up warning device.

On December 17, OSB conducted a public hearing on the proposed change. Emmons McClung of the California Lumbermen's Accident Prevention Association (CLAPA) expressed CLAPA's support for the proposal. The Board deferred taking action until DOSH has responded to oral and written comments regarding the proposed changes.

Skylight Safety Standards. On October 2, OSB published notice of its intent to amend section 3212(e), Title 8 of the CCR. The existing regulation provides specifications for skylight screens where a screen is installed; however, the regulation does not require that screens be installed. The proposed amendment will specify certain methods of fall protection for employees exposed to the hazard of falling through skylights; such methods include approved safety belts with lanyards securely anchored to a solid structure, the use of temporary covers, or the use of railing enclosures around the skylight.

OSB received comments on the proposed amendments to section 3312(e) at its November 19 meeting in San Diego; at this writing, section 3312(e) awaits adoption by OSB and review and approval by the Office of Administrative Law (OAL).

Hazard Communication. On October 2, OSB published notice of its intent to

amend section 5194, Title 8 of the CCR, regarding hazard communication standards. On August 24, 1987, and April 27, 1988, federal OSHA published revisions to its hazard communication standards; Cal-OSHA's proposed revisions to section 5194 will incorporate the revised provisions of the federal standards. The proposed changes include the following:

- Proposed revisions to section 5194(b)(4)(B) would relieve employers of the burden of ensuring that medical and veterinary devices are labeled as hazardous substances.

- Proposed revisions to section 5194(b)(5)(I) would provide some employers relief from the hazard communication standard where employees' exposure to hazardous substances is minimal, such as when employees only handle sealed containers.

- Proposed revisions to sections 5194(d)(3)(C) and 5194(d)(4)(A) would ensure that references to Threshold Limit Values and the National Toxicology Program report, respectively, are up-to-date and at least as effective as the federal standard, thus providing employees and employers the benefits of current research when making hazard determinations.

- Changes to section 5194(d)(5)(D) would expand the scope of the subsection by specifying that manufacturers and importers as well as employers are responsible for the hazard determination requirements of this subsection.

- Revisions to section 5194(e)(1) would require that the written hazard communication program that each employer is required to develop be maintained at the workplace, in order to provide employees access to the program in case of emergency, employee request, or other circumstances.

- Revisions to section 5194(e)(2) would ensure that all employers and their employees sharing a multiple-employer workplace are informed of all hazardous substances and protocols peculiar to the workplace in question.

- Proposed changes to Appendix A would provide more up-to-date criteria by referencing recently-published volumes and supplements produced by the International Agency for Research on Cancer, thereby ensuring that employers are apprised of the latest research on substances that may pose a carcinogenic threat to their employees.

- Changes to Appendix C would ensure that employers and other concerned parties are provided with the latest information on applicable databases and publications to aid in the development of workplace hazard communication programs



and the preparation of material safety data sheets.

OSB received comments on the proposed amendments to section 5194 at its November 19 meeting in San Diego; at this writing, the amendments await adoption by OSB and review and approval by OAL.

OSB Proposes Revision to Hand Protection Regulation. On November 27, OSB published notice of its intent to amend section 3384(b), Title 8 of the CCR, which currently provides that hand protection (*e.g.*, gloves) is not required for employees where there is a danger of hand protection, entanglement in moving machinery or materials. According to OSB, the revision is designed to clearly communicate to an employer that hand protection is prohibited where entanglement hazards exist. At this writing, OSB is scheduled to hold a public hearing on January 14 in Los Angeles to receive comments regarding the proposed amendment to section 3384(b).

OSB Proposes Changes to Aerial Passenger Tramway Safety Orders. On November 27, OSB published notice of its intent to amend sections 3150–3191, Articles 1–12 and Appendix 1, Title 8 of the CCR, regarding the operation of aerial passenger tramways in California. The proposal incorporates extensive amendments to Articles 1 through 6, in order to clearly indicate the intent of the regulations. The proposed action would also delete Articles 7 through 12 in order to allow for the adoption, by reference, of the American National Standards Institute's (ANSI) rule B77.1-1982, including the 1986 and 1988 addenda. Among other things, the amendments would accomplish the following:

- The proposal would add new section 3150(a), which would apply the safety orders to all passenger tramways operated in California, allow two years for existing installations to comply, and exclude freight handling and hand-powered tramways from the safety orders. Proposed new section 3150(b) would define what constitutes a major alteration of existing installations.

- Existing section 3156 is proposed to be renumbered 3151; new section 3151(b) would require that all passenger tramways, including new installations and major alterations of existing installations, be inspected and a Permit to Operate issued before they may be operated.

- Proposed new section 3152 would allow the installation of passenger tramways not complying with these safety orders, upon the granting of a variance by OSB.

- New section 3155 would require employers to develop and implement a training and education program, in addition to the Injury and Illness Prevention Program required by section 3203 of the General Industry Safety Orders, specific to their lifts for operators and workers, and submit it to DOSH.

- New section 3156 would require that the method and means of evacuating passengers from tramways comply with specified standards; require owners or operators to establish a detailed plan of evacuation for all types of aerial lifts which includes training, possession of equipment, drills and logging of these drills, and the maintenance of all necessary evacuation equipment; and require that a copy of the evacuation plan with certain information be forwarded to DOSH for review.

- New section 3161, among other things, would require that all reversible aerial tramways be provided with an approved weather monitoring system and a guide for shutting down the tramway when unsafe operating conditions occur.

- New section 3162, among other things, would require that all gondolas be provided with two communication systems which provide two-way communication between the machine room, operator console room, and each loading station; require that braking systems on detachable grip aerial lifts which depend on pressurized liquid, air, or gas for application comply with the requirements set forth in proposed new section 3159(c); and require that a track cable retention system complying with proposed new section 3159(d) be provided on all detachable grip aerial lifts except for gondolas installed before July 3, 1972.

At this writing, OSB is scheduled to conduct a public hearing on January 14 in Los Angeles to receive comments regarding the proposed amendments.

Cranes and Other Hoisting Equipment Regulations. On October 22, OSB adopted proposed amendments to sections 4884, 4885, 4924, 4929, 4965, and 4966, and new section 5029, Title 8 of the CCR, regarding the use of cranes and other hoisting equipment. [12:4 CRLR 163; 12:2&3 CRLR 190] OSB submitted the proposed revisions to OAL on October 23.

However, OAL disapproved the rulemaking package on December 9 on the following grounds: the incorporation of the latest specified standards for articulating boom cranes in section 4884 does not address the question of whether the 1988 addenda to those standards are also being incorporated; the specification in the text of section 4884 of an operative date prior to the earliest date the regulation

could have been filed with the Secretary of State would confuse people concerned with scope of the amendment, had the regulation been approved; the new requirement for approval of load drum rotation indicators does not provide sufficient information for affected persons to easily determine what approval is required, and the exemption from the requirement for pendent cranes should be clarified with a definition; the new term "luffing boom tower crane" utilized in section 4965 should be defined, and OSB's summary of and response to a comment seeking further specification of the type through the inclusion of a Diagram E in section 4885 are inadequate; the summary of comments made by an individual regarding the confusing format of section 4884 and OSB's response are inadequate; and OSB's certification of the rulemaking file is incorrect.

OSB has 120 days from the date of OAL's disapproval to modify the regulatory package and resubmit it to OAL for approval.

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

- **Outdoor Advertising Structures.** On November 19, OSB adopted proposed Article 11, consisting of sections 3412, 3413, 3414, 3415, and 3416, Title 8 of the CCR, which includes safety regulations specific to the outdoor advertising industry. [12:4 CRLR 160] The revisions await approval by OAL.

- **Pressure-Relieving Safety Devices in the Petroleum Industry.** Section 6857, Title 8 of the CCR, contains occupational safety regulations pertaining to pressure vessels and pressure-relieving safety devices in the petroleum refining, transportation, and handling industry. Following an August 27 public hearing, OSB was scheduled to adopt amendments to section 6857(e)(3) at its November 19 meeting. [12:4 CRLR 161] However, OSB staff is still reviewing the comments received; At this writing, these amendments await adoption by OSB and approval by OAL.

- **Elevator Safety Regulatory Amendments.** On October 22, OSB conducted a public hearing on its proposed revisions to sections 3033, 3039, 3070, 3079, and 3093.35, Title 8 of the CCR, and 7-3033, 7-3039, 7-3070, 7-3079, and 7-3093.35, Title 24 of the CCR, regarding machinery and equipment for power cable-driven passenger and freight elevators. [12:4 CRLR 162] On November 19, OSB adopted the revisions, which now await approval by OAL.

- **Hazardous Substances List.** On August 27, OSB adopted the modified



REGULATORY AGENCY ACTION

amendments to section 339, Title 8 of the CCR, regarding its hazardous substances list. [12:4 CRLR 162; 12:2&3 CRLR 188] At this writing, DOSH's legal unit is reviewing the amendments, and is expected to forward them to OAL for review in early 1993.

- **Wheelchair Access Lifts.** OSB's amendments to section 3000, Title 8 of the CCR, and section 7-3000, Title 24 of the CCR, regarding wheelchair access lifts, are still awaiting approval by the Building Standards Commission. [12:1 CRLR 131]

- **Vertical and Inclined Reciprocating Conveyors.** On October 22, OSB conducted a public hearing on proposed new sections 3087 and 3087.1-.10, Title 8 of the CCR, and sections 7-3087 and 7-3087.1-.10, Title 24 of the CCR, regarding reciprocating conveyors. The proposed regulations would provide specific guidelines for the installation and use of reciprocating conveyors, with the goal of eliminating problems which presently exist because of the similarity between elevators and reciprocating conveyors. [12:4 CRLR 162]

At the hearing, OSB received testimony from Jim Lopresto of Allied Equipment Corporation (AEC), a distributor and engineering firm in material handling equipment. Lopresto opined that vertical reciprocating conveyors are not elevators as defined by federal OSHA, since they carry only material and not passengers. Lopresto expressed concern regarding the proposed speed limitation which would provide that vertical and inclined reciprocating elevators shall not exceed 50 feet per minute (fpm); he contended that this limitation would severely hamper the use of conveyors, which normally run at 120-200 fpm.

After discussion, OSB agreed to convene an advisory committee to determine whether the proposed regulations should be placed in the General Industry Safety Orders instead of the Elevator Safety Orders and whether 50 fpm is a realistic speed for conveyors. At this writing, no date is set for OSB's adoption of the amendments.

- **Emergency Call Systems.** On October 22, OSB adopted its proposed amendment to section 1512(g), Title 8 of the CCR, which requires a two-way voice emergency communication system in buildings or structures five or more stories or 48 feet above or below ground. [12:4 CRLR 160] OAL approved the amendment on November 30.

- **Warning Garments for Flaggers and Other Employees.** On October 22, OSB adopted its proposed revisions to sections 1598 and 1599, Title 8 of the

CCR, regarding traffic control methods for public streets and highways and warning garments for flaggers, respectively. [12:4 CRLR 163] The amendments were approved by OAL on November 30.

- **Equipment Secured to Grounded Structural Metal.** On October 22, OSB adopted its modified proposed amendments to section 2395.58(a), Title 8 of the CCR, and section 250-58(a), Title 24 of the CCR, regarding equipment secured to grounded structural metal. [12:4 CRLR 161] At this writing, the amendments await review and approval by OAL.

- **Body Belts/Safety Straps and Protective Equipment.** On October 22, OSB adopted its modified proposed amendments to section 2940.6(c)(1) and Appendix A, Article 36, Title 8 of the CCR, regarding various procedures concerning tools and protective equipment such as body belts, safety straps, and lanyards used when working with high voltage electricity. [12:4 CRLR 163; 12:2&3 CRLR 189] The amendments were approved by OAL on December 7.

- **Window Cleaning Safety Rules.** On October 22, OSB adopted its proposed amendments to sections 3281-3289 and 3291-3292, Article 5, Title 8 of the CCR, and sections 8501-8505, Title 24 of the CCR, regarding safety standards for window cleaning. [12:2&3 CRLR 188-89] At this writing, the amendments await review and approval by OAL.

- **Powered Platforms for Exterior Building Maintenance.** On October 22, OSB adopted proposed amendments to sections 3292-3298 and new section 3299 and Appendices A-D, Article 6, Title 8 of the CCR, and amendments to sections 8510-8513, 8520-8522 and Appendices A-B, Title 24 of the CCR, regarding the installation, maintenance, and training in the use of powered platforms for exterior building maintenance. [12:2&3 CRLR 189] At this writing, the amendments await review and approval by OAL.

- **Safety Standards for Pulp, Paper, or Paperboard Operations.** On October 22, OSB adopted amendments to sections 4402(d), 4415(e)(4), and 4415(f)(1) and (2), Article 64, Title 8 of the CCR, regarding the use of pulping devices, shredders, blowers, cutters, and dusters by employees. [12:4 CRLR 161] The amendments were approved by OAL on December 7.

- **HIV/HBV Exposure Prevention Regulations.** On October 22, OSB adopted proposed amendments to section 5193, Title 8 of the CCR, which set forth procedures and controls to reduce the potential for exposure to occupational incidents involving bloodborne infectious disease in general, and both the human

immunodeficiency virus (HIV) and hepatitis B virus (HBV) in particular. [12:4 CRLR 162; 12:2&3 CRLR 187] On December 9, OAL approved the amendments.

- **Lead Exposure.** On October 22, OSB adopted its proposed amendments to section 5216, Article 110, Title 8 of the CCR, which regulates occupational exposure to lead. [12:4 CRLR 161] The amendments, which were approved by OAL on December 9, require, by specified dates, implementation of engineering and work practice controls to the extent necessary and feasible to control airborne exposures to lead at specified levels in industries.

- **Formaldehyde Exposure.** On October 22, OSB adopted its proposed amendments to section 5217, Article 110, Title 8 of the CCR, regarding the control of occupational exposures to formaldehyde. [12:4 CRLR 161] Except for minor changes, the amendments are identical to federal OSHA's formaldehyde standard; the amendments also contain revised provisions for employee exposure monitoring, medical surveillance, respiratory protection, employee training and hazard communication. On December 9, OAL approved the amendments.

LEGISLATION

AB 13 (T. Friedman), as introduced December 7, would prohibit any employer from knowingly or intentionally permitting, or any person from engaging in, the smoking of tobacco products in an enclosed space at a place of employment; specify that, for purposes of these provisions, an employer who permits any non-employee access to his/her place of employment on a regular basis has not acting knowingly or intentionally if he/she has taken certain reasonable steps to prevent smoking by a nonemployee; and specify that the smoking prohibition set forth in these provisions shall constitute a uniform statewide standard for regulating the smoking of tobacco products in enclosed places of employment, and shall supersede and render unnecessary the local enactment or enforcement of local ordinances regulating the smoking of tobacco products in enclosed places of employment. [A. L&E]

AB 50 (Ferguson). Labor Code section 6401.7 requires every employer to establish, implement, and maintain an effective written injury prevention program including specified elements, and to provide specified training of employees in general safe and healthy work practices. As introduced December 15, this bill would exclude employers with less than 45 employees from these requirements



with respect to the injury prevention program. [A. L&E]

RECENT MEETINGS

At its October 22 meeting, OSB considered Petition No. 313, submitted by Mi-Jack Products, Inc., requesting that OSB repeal section 4906(c), Title 8 of the CCR, regarding rubber-tired, container handling yard cranes. [12:4 CRLR 167] The petitioner contended that the wheel fenders and guards required by section 4906(c) do not offer the protection intended by the standard and that the performance-oriented nature of the standard places an impossible burden on manufacturers of such equipment. OSB concluded that the petition has merit and granted it to the extent that it will appoint an advisory committee to review the wheel guarding requirement.

Also at its October 22 meeting, OSB considered Petition No. 314, submitted by David Caldwell, who contended that existing Construction Safety Orders do not address the responsibility of employers at multi-employer worksites; Caldwell requested that OSB revise its standards to make them at least as effective as federal OSHA Construction Standard 1926.16. Specifically, the petitioner requested that the Board adopt a regulation to clarify that the following employers could be cited, regardless of whether their own employees are exposed to jobsite hazards: the employer who actually creates the hazard; the employer who is responsible for safety and health conditions on the worksite; and the employer responsible for actually correcting the hazard. Under the petitioner's proposal, it must be shown that each cited employer has knowledge of the hazardous condition or could have had knowledge of the dangerous condition with the exercise of reasonable diligence. In the alternative, the petitioner requested that the Board promulgate a regulation authorizing DOSH to issue citations to the above-mentioned employers. OSB staff concluded that Labor Code section 142.3 does not require OSB to adopt a regulation at least as effective as 29 C.F.R. Part 1926.16, since the latter section is an interpretive rule and not a substantive occupational health and safety standard. Accordingly, OSB denied the petition.

At its October 22 meeting, OSB also considered Petition No. 315, from Western Liquid Gas Association, requesting that OSB amend sections 470-494 of the Unfired Pressure Vessel Safety Orders and substitute the National Fire Protection Association's Standard 58 for those referenced sections. OSB staff's evaluation noted that the petitioner did not describe

any specific deficiencies in the existing regulations which could contribute to accidents, illnesses, or economic burden, or which conflict with National Consensus Standards or federal regulations. However, staff recommended—and OSB agreed—to grant the petition to the extent that DOSH convene a representative advisory committee for the purpose of determining the necessity for revising those sections and, if necessary, develop a proposal for presentation to the Board at a future public hearing.

Also at its October 22 meeting, OSB considered Petition No. 316, from Vertical Aeronautics International, which contended that during periods of construction, large cranes with a variety of booms project into the air for prolonged periods of time; because helicopter traffic utilizes the same airspace, petitioner requested that OSB amend its regulations to require that strobe lights be attached to the boom at 100-foot intervals. OSB staff agreed that the petitioner's concern has merit, but indicated that there are no statistical data to indicate any existing problem. Finding that the Federal Aviation Administration may be the appropriate agency to consider this request, OSB denied the petition.

At its November 19 meeting in San Diego, OSB revisited Petition No. 311 from the California Grain and Feed Association and the National Grain and Feed Association; Petition No. 311 was originally submitted to OSB at its meeting on August 27 in Sacramento. [12:4 CRLR 167] The petitioners requested that OSB raise the permissible exposure limit for grain dust from four milligrams per cubic meter to ten milligrams per cubic meter. OSB agreed that petitioner's request has merit and granted the petition to the extent that DOSH will convene an advisory committee to fully evaluate the recent scientific evidence and technical feasibility information. OSB directed that clear communication be established between the petitioner, DOSH, OSB staff, and the advisory committee. Additionally, OSB directed that upon completion of the committee's evaluation, DOSH should propose the appropriate amendments, if any, to the existing regulation for consideration by OSB at a future public hearing. DOSH expects to complete its analysis and report its findings to OSB by the Board's September meeting.

Also at its November 19 meeting, OSB considered Petition No. 317 from Associated General Contractors of California, Inc., who requested that OSB amend sections 1541(l)(1) and 1541.1, Appendix D, Title 8 of the CCR, regarding work conducted over or near excavations. The peti-

tioner requested that the requirements for use of fall protection equipment be changed to conform to other Construction Safety Orders. OSB staff agreed with the petitioner's proposed amendments to section 1541(l)(1), which would specify that walkways or bridges be provided for fall protection across excavations if the excavation is more than two feet wide and four feet deep; staff, however, recommended that OSB deny petitioner's proposed amendments to section 1541.1, Appendix D, finding that the requested revisions are not necessary in order to achieve petitioner's stated goal. OSB adopted staff's recommendations; the Board directed staff to notice the proposed amendment to section 1541(e)(1) for public hearing.

At its December 17 meeting, OSB considered Petition No. 318, submitted by David Caldwell, who again requested that OSB adopt specified provisions regarding multi-employer projects; this time, Caldwell asked OSB to adopt ANSI Standard A10.33-1992, which defines the minimum elements of the duties and responsibilities of the separate construction employers where there is a single construction manager, general contractor, prime contractor, or other entity supervising and controlling all construction work performed on a particular project. However, both DOSH and OSB staff determined that a conflict exists between existing regulations, which prohibit employers from delegating or transferring responsibility for their employees' safety and health requirements, and ANSI A10.33-1992, which allows safety requirements to be performed by higher-tier contractors; accordingly, OSB denied the petition.

Also at its December meeting, OSB considered Petition No. 321, submitted by Steve Ewer, who contended that a regulation should be developed for safely raising wood-framed walls into position in residential wood-frame construction. DOSH and OSB staff concluded that the petition has merit, even though OSB staff found that the broad categorization of construction industry accidents precludes determination of the number of accidents involving framed walls. OSB granted the petition to the extent that Board staff is directed to convene an advisory committee to determine the necessity for a regulation regarding raising wood-framed walls in residential construction and, if appropriate, develop a proposal to be presented for Board consideration at a future public hearing.

FUTURE MEETINGS

May 27 in Los Angeles.

June 24 in San Francisco.