

FLOOR ALERT

SB 46 (Alarcon) - Dry Cutting of Masonry Materials - Oppose

Summary

SB 46 attempts to minimize employee exposure to silica dust by eliminating dry cutting of masonry materials in favor of wet cutting.

Concerns

- The bill is unnecessary. The Division of Occupational Safety and Health is the regulatory agency that develops and implements regulations protecting workers and has already been directed by the Cal/OSHA Standards Board to work with interested stakeholders on this issue in preparation for presenting a consensus rule to the Standards Board for action.
- The bill is too rigid and does not provide the necessary flexibility to address different types of exposure and appropriate protective equipment tailored to the level of exposure, type of material and working conditions.
- SB 46 is a last minute gut and amend bill that stakeholders believe is unnecessary. As noted above the DOSH is currently working with stakeholders to address this issue. Proponents of this measure have not provided any information to illustrate whether an emergency regulation using confusing or ambiguous terms is necessary, particularly since a rulemaking is already underway.
- While no doubt well intended, SB 46's new occupational safety and health standard requiring the use of water-based cutting technology is likely to lead to increased risks and liability in other areas. These include serious safety hazards such as increased slips and fall dangers; increased risk of electrical shock; and environmental concerns over increased water/slurry runoff.
- The bill attempts to dictate the definition of "masonry material" to Cal/OSHA. Since this bill is a "gut and amend", there has been no opportunity for the construction industry to address the many shortcomings of this bill.

While the issue is very important to the construction industry, it deserves thoughtful consideration, practical solutions and is best addressed through the regulatory process as opposed to being rushed through the legislative and regulatory process.

The amendments fail to address the construction industry's issues, and for the foregoing reasons, the below mentioned groups respectfully request your "NO" vote on SB 46.

- California Chamber of Commerce
- California Landscape Contractors Association (CLCA)
- California Chapter of the American Fence Contractors' Association
- Rex S. Hime, President and CEO, California Business Properties Association
- Engineering Contractors' Association
- Sheryn Cockett, President, Building Owners and Managers Association of California
- California Precast Concrete Association
- American Subcontractors Association of California
- Construction Industry Legislative Council
- California Building Industry Association (CBIA)
- California Professional Association of Specialty Contractors (CALPASC)
- Associated General Contractors of California (AGC)
- California Fence Contractors' Association
- Marin Builders' Exchange
- Flasher/Barricade Association
- California Conference of Mason Contractor Associations, Inc. (CCMCA)
- Construction Materials Association of California
- California Concrete Contractors Association
- Lumber Association of California & Nevada