

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

2520 Venture Oaks Way, Suite 350

Sacramento, CA 95833

(916) 274-5721

Website address www.dir.ca.gov/oshsb



Walking-Working Surfaces Article 2. Standard Specifications Advisory Committee

March 5, 2024

Division of Occupational Safety and Health

2 Mac Arthur Place, Rm 425

Santa Ana, CA 92707

Virtual – <https://videobookcase.org/oshsb/2024-03-05-06/>

Start Time: 10:30 am

End Time: 4:30 pm

Facilitator, Chair: Maryrose Chan, Senior Safety Engineer

Analyst: Bernie Osburn, Associate Governmental Program Analyst

Participants:

Participants	Organization
Robert Armstrong	Pacific Gas and Electric
Olaf Borgstorm	CS Caulkins Co., Inc
Jamie Carlile	Southern California Edison
Pete Catlos	Cotterman Company
Jon Clausen	Coreslab Structures Inc
Jason Denning	Cal/OSHA
Michael Donlon	MD Safety Services
Mike Hien	Con-Fab California LLC
Steve Johnson	Associated Roofing Contractors
Matthew Kuzemchak	Federal OSHA
Thomas Kramer	LJB Inc
Dan Leacox	Leacox & Associates
Jason Moore	CS Caulkins Co Inc
Amalia Neidhardt	OSHSB
Spencer Price	Cal/OSHA
Ethan Stonecipher	IBEW
Greg Tinker	Tower Safety Services
Chuck Wigger	Lamar Advertising Company
Yancy Yap	Cal/OSHA
Paul Anderson	OSHA Compliance Services
Stefan Bright	International Window Cleaning Association (IWCA)
Tom Cardenas	CS Caulkins Co., Inc.
JD Friend	Operating Engineers

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Participants	Organization
Michelle Iorio	OSHSB
Roger Isom	California Cotton Ginner & Growers Association
George Lawson	Cotterman Company
Adrian Medrano	CJ America, Inc.
Matt Smylie	Ford Construction
Chris Vanover	3M
Len Welsh	Residential Contractors Association and California Framing Association

Summary of Preliminary Rulemaking Topic

This is the fourth meeting to review and discuss the proposed changes to the General Industry Safety Orders, Article 2. California is required to be at least as effective as the Federal Walking-Working Surfaces standard, which was published in the Federal Register on November 18, 2016.

Written Comment Greg Small, Elevated Insight & Engineering Ltd

Elevated Insight & Engineering Ltd requested the committee to consider updating the head protection standard regarding fall protection. The Chair informed Elevated Insight & Engineering Ltd representative that employers are required under section 3380 to assess the type of head protection to provide. However, there is no specific requirement to provide head protection with a chin strap. Changes will not be proposed to the head protection standard. The Standards Board may investigate the request to require a specific type of helmet for employees exposed to a fall hazard as a future rulemaking. Currently, the recommendation is not included in the Walking-Working Surfaces rulemaking. In response to Elevated Insight & Engineering Ltd's comment, Thomas Kramer of LJB Inc. inquired if the Standards Board has a process equivalent to OSHA for publishing safety bulletins. The Chair informed the LJB Inc. representative that the Standards Board does not publish safety bulletins.

Standard's Board Conclusion Concerning Proposed Exception to Title 8 Section 3210(b)

At the last meeting, PCI West proposed exceptions to section 3210(b). Leacox & Associates will provide additional information regarding the proposed exceptions. The Standards Board will consider the proposed exceptions and additional information. As of now, there will be no additional changes to the proposal. The

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committee members will be informed of any changes and be provided with revisions for consideration.

Discussion

1. Review of Post-AC proposed text in section 3210(c)

a) Proposed Text

§3210.

(c) Where the guardrail requirements of subsections (a) and (b) are infeasible due to machinery requirements or work processes and the exceptions to 3210(a) and 3210(b) do not apply employees shall be protected from falls by covers, safety net systems or personal fall protection systems.

b) Proposed Amendments

Thomas Kramer, LJB Inc: Add a comma between apply and employees in the proposed text.

c) Comments

Matthew Kuzemchak, Federal OSHA: The exceptions in subsections (a) and (b) are not equivalent to the federal standard because some exceptions do not have provisions for fall protection. If subsection (c) is adopted, it would mean that for some situations, the employers would not need any fall protection.

Maryrose Chan, Chair: Subsection (a) applies to buildings, and subsection (b) applies to other elevated locations. Subsection (c) intends to address situations where you cannot use guardrails and personal fall protection.

Matthew Kuzemchak, Federal OSHA: Subsections (a) and (b) in the proposed text account for some excepted situations but not all. The proposed text, as written allows employers not to use any fall protection in some situations.

Maryrose Chan, Chair: The proposed text allows employers to use other methods if guardrails are not available.

Michael Donlon, MD Safety Service: The concern appears to be with the exceptions rather than the proposed subsection (c). (Agreement from Cal OSHA)

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Matthew Kuzemchak, Federal OSHA: No, subsection(c) is acceptable as long as personal fall arrest and/or safety net systems are utilized. However, some of the exceptions were written without requiring the use of these systems, so some employees will not have any protection.

Maryrose Chan, OSHSB: The written exemptions are equivalent to the Federal standards (*meaning the exceptions have existed for a long time and have been previously reviewed or accepted by Fed/OSHA*)

Thomas Kramer, LIB Inc: Does proposed subsection (c) imply that personal fall arrest and/or safety net systems are not required?

Matthew Kuzemchak, Federal OSHA: Yes, that is how subsection (c) reads.

Jason Denning, Cal OSHA: The issue is with (a) and (b), not subsection (c). It was consistently enforced as subsection(c) being separate from subsections (a) and (b). For example, if you are dealing with a building and it meets that exception, then you stop. If it does not meet those exceptions and it is impracticable to provide guardrails, then you go to subsection(c). Yes, some exceptions do not require fall protection, such as handholds.

Maryrose Chan, Chair: Those exceptions are from existing standards. For certain situations, a handhold is permissible and listed in vertical standards. The exceptions are listed in subsections (a) and (b) for consistency. OSHSB will provide a side-by-side comparison of the different exceptions per Title 8.

Matthew Kuzemchak, Federal OSHA: The exceptions would have to be from federal standards, not Title 8 standards.

Outcome: The Chair will review the existing exceptions to subsections (a) and (b) and provide them side-by-side to Federal OSHA. Based on the exceptions to section 3210, further discussions will occur.

Action Item: The proposed amendment was accepted. Maryrose Chan will share her findings with Fed/OSHA

2. Review section 3210.1, a cross-reference for ladder safety systems.

a) Proposed Text

§3210.1 Personal Fall Protection Systems

[\(a\)\(1\) For additional requirements for ladder safety systems, see section 3277 for Fixed Ladders.](#)

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- b) Proposed Amendments
None

- c) Comments

Maryrose Chan, Chair: Ladder Safety Systems were discussed during the advisory committee meeting on Section 3277. Fixed Ladders. There is a separate note in braces that a cross-reference is needed for window washing. That note reminds me that I still need to add a cross-reference.

Outcome: The proposed text was affirmed.

Action Item: None

3. Review of the proposed definition for “Activation Distance.”

- a) Proposed Text

§3210.1 (b) Definitions

Activation Distance. The distance traveled by a fall arrestor or the amount of line payed out by a self-retracting lanyard (SRD) from the point of onset of fall to the point where the arrestor or self-retracting lifeline begins to apply a braking or stopping force.

- b) Proposed Amendments
None

- c) Comments

Maryrose Chan, OSHSB: The proposed definition for activation distance is from ANSI Z359.0-2023.

Outcome: The proposed text was affirmed.

Action Item: None

4. Review section 3210.1(c) (6) through (7).

- a) Proposed Text

§3210.1 (c) General Requirements. The employer shall ensure that personal fall protection systems meet the following requirements. Additional requirements for

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personal fall arrest systems and positioning systems are contained in subsections (d) and (e), respectively.

(6) All self-retracting lifelines and lanyards shall have components capable of sustaining a minimum tensile load of 3,600 pounds applied to the device with the lifeline or lanyard in the fully extended position.

(A) Webbing used as a line constituent shall have a minimum breaking strength of 4,500 pounds for Class 1 devices and 5,000 pounds for Class 2 devices.

(B) Class 1 self-retracting devices (SRDs) shall only be anchored above the dorsal attachment.

(7) Lanyards that limit free fall distance to 2 feet or less shall have components capable of sustaining a minimum tensile load of 3,600 pounds applied to the device with the lifeline or lanyard in the fully extended position.

- a) Proposed Amendments

None

- b) Comments

None

Outcome: Section 3210.1(c)(6) through (c)(7) was affirmed.

Action Item: None

5. Is “connector” in section 3210.1(c)(8) a reference to the ANSI or Federal definition

- a) Proposed Text

§3210.1 (c)

(8) D-rings, snaphooks, **connectors and carabiners shall be capable of sustaining a minimum tensile load of 5,000 pounds.**

- b) Proposed Amendments

None

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c) Comments

Maryrose Chan, OSHSB: ANSI defines a “connector” as a component or element used to couple parts of the system.

Jason Moore, CS Caulkins Co. Inc: The term “couple” within the ANSI definition for “connector” is not clear.

Maryrose Chan, OSHSB: OSHSB cannot make changes to the ANSI definition and perhaps the federal definition of connector provides sufficient clarity. The federal definition states, “*Connector. A device used to couple (connect) parts of the fall protection system together.*” Is that definition sufficient? (Agreement from CS Caulkins Co. Inc.)

Outcome: The addition of the word “connector” was affirmed.

Action Item: None

6. Review section 3210.1(c)(12) through (c)(12)(D)7.

a) Proposed Text

§3210.1 (c)(12) The employer shall ensure that each horizontal lifeline system:

(A) Horizontal lifeline systems shall be designed by a qualified professional engineer experienced in the design of horizontal lifelines as part of a complete personal fall protection system with a safety factor of at least two. The HLL system shall be installed by a qualified person and used under the supervision of a competent person.

(B) The forces used for horizontal lifeline designs shall be based on empirically determined test data shown in documentation associated with the manufacturer’s instructions or forces that are determined using the analytical methods included in Section 8.3 of ANSI Z359.6-2016 Specifications and Design Requirements for Active Fall Protection Systems, which is hereby incorporated by reference.

(C) Drawings and specifications in accordance with Section 3.2 of ANSI Z359.6-2016 Specifications and Design Requirements for Active Fall

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Website address www.dir.ca.gov/oshsb**Protection Systems applicable to each horizontal lifeline shall be maintained and readily-available when the HLL is in use****(D) As an alternative to (C), the employer shall have documentation from the manufacturer or other sources that provides at least the following:**

- 1. Type of active systems being used (i.e., fall arrest or fall restraint)***
- 2. Maximum number of users on the system and the corresponding maximum load capacity for each user, including clothing and tools***
Maximum factored loads (design loads) on each type of anchorage of the horizontal lifeline
- 3. Maximum personal fall arrest loads permitted on the HLL**
Clearances based on the span(s), number and weight of users, type of connecting device and other relevant variables
- 4. Required sag (if any) or required tension in the HLL**
- 5. Specification for each component of the system***
- 6. Any testing or inspection required prior to initial and daily use of the system***
- 7. A drawing or written description detailing how and where the horizontal lifeline is to be supported**

Note 1: Items in the above list noted by * are often provided in the manufacturer's instructions.**Note 2: Additional requirements for horizontal lifelines used for building maintenance are included in title 8 section 3299.**

b) Proposed Amendments

None

c) Comments

None**Outcome:** The proposed text was affirmed.**Action Item:** None

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7. Review section 3210.1(14) for consensus.

a) Proposed Text

(14) Anchorage and anchorage connectors shall be capable of supporting at least 5,000 pounds for each employee attached or designed, installed and used, under the supervision of qualified person, as part of a complete personal fall protection system that maintains a safety factor of at least two.

b) Proposed Amendments

Chris Vanover, 3M: Delete "Anchorage connectors" from the proposed language.

c) Comments

Michael Donlon, MD Safety Service: The terminology "installed and used" implies that supervision is required for the entire time an individual utilizes the anchorage. The text should be amended.

Matt Kuzemchak, Cal/OSHA: Supervision of a qualified person came from the federal standard.

Dan Leacox, Leacox & Associates: The proposed text should emphasize what it means to supervise per Title 8.

Maryrose Chan, Chair: Subsection (c)(14) will be split into two sections: design and supervision. Per the previous meeting, supervision on site is administered by a competent person, and design and safety factors are the job of a qualified person. (Agreement from Cal OSHA & MD Safety Service)

Raymond Mann, 3M: Federal OSHA has clarified in a letter of interpretation dating back to 1992 that a competent person does not have to be present for the entirety of the job.

Jason Denning, Cal/OSHA: The requirement for supervision of anchorage by a qualified person is currently in Title 8, section 1670.

Jon Clausen, Coreslab Structures Inc: If the intent were for the competent or supervisor to be present for the entirety of the job, the word continuous would be in the text.

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Jason Denning, Cal/OSHA: Per Section 1670, what is the rationale for changing the supervision requirement to a competent person in subsection (c)(12)(A)?

Maryrose Chan, OSHSB: The responsibilities of a competent person may be similar to subsection (c)(12). The competent person for fall protection is defined as a "A person who is capable of identifying existing and predictable hazards in any personal fall protection system or any component of it, as well as in their application and uses with related equipment and who has authorization to take prompt, corrective action to eliminate the identified hazards."

Jason Moore, CS Caulkings Co Inc: What was the rationale for changing the supervision from a qualified person to a competent person in subsection (c)(12)?

Maryrose Chan, OSHSB: Cal/OSHA does not enforce letters of interpretation, so the regulatory text must be clear from plain reading. People are confused by the word supervision. These fall protection systems are designed by qualified engineers like the people from 3M, people who design for fixed sites like bridges and aircraft, but they are not at the site supervising their use. Given that we have the same considerations here, I am inclined to separate them similarly. The system's requirement to maintain a factor of safety of two is in the realm of the qualified person. The qualified person will have instructions on the installation. The qualified person knows that the system is designed to meet this factor of safety. The competent person must ensure equipment is appropriately used and installed correctly at the job site.

Maryrose Chan: Should the installation be under the supervision of a competent person?

Michael Donlon, MD Safety Service. It has to be installed under the supervision of a qualified person because the installer will be using the drawings and directing personnel.

Maryrose Chan, OSHSB: Does the qualified person go on-site to ensure anchorage is installed correctly?

Michael Donlon, MD Safety Service: They should but are not physically doing it.

Gregg Tinker, Tower Safety Service: Carabiner is an example of an anchorage connector. Are we saying that a qualified person needs to be onsite to connect a carabiner to a roof anchor?

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Chris Vanover, 3M: Anchorage consists of a structure determined by a competent person and the connector. Anchorage connectors in this section go beyond snap hooks and carabiners. The intent of the proposed text should reference anchorage that can be purchased and installed on various structures. A reference concerning who can install the system is not necessary. The manual states that the competent person must determine the anchorage and appropriate anchorage connector.

Maryrose Chan, OSHSB: Federal OSHA 1910.104(C)(13) was used as a reference for the proposed text. Installation is included in 1910.140(c)(13), but anchorage connectors are not mentioned.

Thomas Kramer, LJB Inc: As a qualified person, I would analyze the existing structure regardless of the fall protection, which is the anchorage. However, I might also have to design a steel or wood framework that is the anchorage connector. Sometimes, as the 3M representative mentioned, it is a manufactured product, and sometimes, it is something that must be designed specifically for that situation.

Raymond Mann, 3M: Anchorage is the structure and anchorage connector, which is either a premanufactured or designed element. The connecting components are all the snap-hooks, hardware, carabiners, anchor straps, and all items that will connect to the anchorage connector.

Dan Leacox, Leacox & Associates: The federal rule states, "*Design shall be supervised by a qualified person*," but it doesn't state that it has to be designed by a qualified person.

Michael Donlon, MD Safety Service: I am concerned about limiting the product uses that may be caused by adding anchorage connectors in subsection (c)(14).

Thomas Kramer, LJB Inc: Product uses will not be limited the proposed text references Z359.18 concerning anchorage connectors.

Jason Denning, Cal OSHA: Anchorage connectors should be defined for clarification per ANSI since it does not include carabiners. Anchorage is define and connector is defined, but anchorage connector is what connects to the structure.

Chris Vanover, 3M: Anchorage connectors are inclusive of the anchorage.

Chair Maryrose Chan, OSHSB: The definition of "anchorage connector" from ANSI states, "Anchorage connector (ANSI Z359.18), a component or a subsystem that functions as an interface between the anchorage and a fall protection work

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positioning access or rescue systems for the purpose of coupling the system to the anchorage. "Note: Anchorage connectors are typically or permanently on anchorages such as a beam girder or column or floor. An anchorage connector may be movable or portable, such as a tripod or davit system. An anchorage connector meeting the requirements of these standards shall safely withstand the foreseeable forces might be exerted on the fall protection or rescue system."

The ANSI (Z359.9) definition of "connector" states, "A component or element that is used to couple parts of a system." Per the definitions, a connector is the big umbrella. An anchorage connector connects to the anchorage, and another type of connector attaches to the harness.

Robert Armstrong, PG&E: All anchorages connectors are connectors, but not all connectors are anchorage connectors.

Thomas Kramer, LJB Inc: A beam overhead that is used as an anchorage, but that beam was not directly overhead enough. For whatever reason, there wasn't a product available. I might frame another beam between two beams and then put a D ring in that new beam. Technically, the beam that is existing, the floor roof structure, that is the anchorage. The new beam and the bolt on D-ring would be the anchorage connector.

Jason Denning, Cal/OSHA: The language installed by a qualified person is in the federal language, so it must be included.

Thomas Kramer, LJB Inc: Regarding supervision, the committee made the change because it was consistent with ANSI Z359.2. Although it is not technically in alignment with federal requirements, it's a consensus standard that clarified what "under the supervision of a qualified person" means. Installation under supervision is appropriate.

ANSI Z359.2

4.3.2 The qualified person shall supervise the design, selection, installation, use and inspection of certified anchors and horizontal lifelines.

E4.3.2 The intent is that all certified anchorages and horizontal lifelines are installed and used under the control and supervision of a qualified person. The qualified person responsible for the system does not need to be physically present whenever the systems are used or inspected, however they are required to ensure that

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the system are installed and used correctly. The duties and responsibilities and inspection of some types of anchorages are shared with competent persons.

Matt Kuzemchak, Fed OSHA: A letter or interpretation should be obtained from the Director of Construction.

Outcome: The affirmed language is below.

(14) Anchorage and anchorage connectors shall be capable of supporting at least 5,000 pounds for each employee attached, or designed, and installed under the supervision of a qualified person as part of a complete personal fall protection system that maintains a factor of safety of at least two. Anchorage and anchorage connectors shall be, installed by a qualified person and used under the supervision of qualified person, a competent person as part of a complete personal fall protection system that maintains a safety factor of at least two.

Action Item: None

8. Review section 3210.1(d)(1)2 for consensus.

a) Proposed Text

§3210.1(d)(1)(A)2.

2. Bring the employee to a complete stop and limit the maximum deceleration distance as listed in Table 1: Deceleration Distance or arrest, activate or fall a total distance as listed in Table 2: Arrest, Activation or Total Fall Clearance. The deceleration distance pertains only to the deployment or operation of the deceleration device

b) Proposed Amendments

None

c) Comments

None

Outcome: Affirmed

Action Item: None

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9. Review section 3210.1.(d)(1)(A)(5) and the proposed exception.

a) Proposed Text

§3210.1.(d)(1)(A)

5. All personal fall arrest, personal fall restraint and positioning device systems purchased or placed in service after [6 months after OAL effective date], shall be labeled as meeting the requirements contained in:

Exception: All personal fall arrest, personal fall restraint and positioning device systems meeting the most current ANSI/ASSP Z359 edition will be deemed as meeting the standard.

Consensus Standard	Edition
ANSI/ASP Z359.3 Requirements for Lanyards and Positioning Lanyards	2019
ANSI/ASSP Z359.4 Safety Requirements for Assisted-Rescue & Self-Rescue Systems, Subsystems and Components	2013 (R2022)
ANSI/ASSP Z359.9 Personal Equipment for Protection Against Falls -Descent Controllers	2021
ANSI/ASSP Z359.11 Safety Requirements for Full Body Harness	2021
ANIS/ASSP Z359.12 Connecting Components for Fall Arrest Systems	2019
ANSI/ASSP Z359.13 Personal Energy Absorbers & Energy Absorbing Lanyards	2013 (R2022)
ANSI/ASSP Z359.14 Self-Retracting Devices for Personal Fall Arrest & Rescue Systems	2021
ANSI/ASSE 359.15 Single Requirements for Single Anchor Lifelines and Fall Arresters for Fall Arrest and Rescue Systems	2014
ANSI/ASP Z359.16 Safety Requirements for Climbing Ladder Fall Arrest Systems	2016
ANSI/ASSP Z359.18 Safety Requirements for Anchorage Connectors for Active Fall Protection	2017

b) Proposed Amendments

Thomas Kramer, LJB Inc.: Add “when manufactured” after edition to the proposed exception.

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Amalia Neidhart, OSHSB: Add “newly purchased” in the proposed exception following “all”.

c) Comments

Raymond Mann, 3M. The proposed exception, as written excludes previous manufactured equipment.

Chair Maryrose Chan, OSHSB: The subsection applies to newly purchased or placed-in-service fall protection equipment. The proposed text is consistent with existing section 1670(l), which states, “(l) All personal fall arrest, personal fall restraint and positioning device systems purchased or placed in service after February 1, 1997, shall be labeled as meeting the requirements contained in ANSI A10.14-1991 American National Standard for Construction and Demolition Use, or ANSI Z359.1-1992 American National Standard Safety Requirements for Personal Fall Arrest Systems, Subsystems and Components.

Outcome: Section 3210.1.(d)(1)(A)(5) was affirmed. The proposed exception was amended as follows,” **Exception: All personal fall arrest, personal fall restraint, and positioning device systems meeting the latest ANSI/ASSP Z359 edition when manufactured will be deemed as meeting the standard.”**

Action Item: None

10. Review and revise section 3210.(d)(1)(A) .

a) Proposed Text

§3210.1.(d)(1)(A)

~~**6. If the system is used by an employee having a combined body and tool weight of 310 pounds or more and the employer has appropriately modified the criteria and protocols in appendix A, then the system will be deemed to be in compliance with the requirements of paragraphs (d)(1)(i)1 through (d)(1)(A)3.**~~

6. The employer shall obtain a Declaration of Conformity (DOC) from the manufacturer for personal fall protection systems with a combined body and tool

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weight of greater than 310 pounds. The DOC shall include rated capacity and the name of the accredited testing laboratory where the testing was performed.

b) Proposed Amendments

Raymond Mann, 3M: Consider the following text, “The employer shall obtain product certification from the manufacturer for personal fall protection systems with a combined body and tool weight of greater than 310 pounds”.

Gregg Tinker, Tower Safety Services: Consider “written assurances” instead of DOC.

Raymond Mann, 3M: Delete “shall obtain”.

Michael Donlon, MD Safety. Consider “the employer will verify” instead of “shall obtain”.

Bruce Wick, Housing Contractors of California; Paul Anderson, OSHA Compliance Services & Michael Donlon, MD Safety Service: Delete, “The employer shall obtain and produce a load rating documentation such as the Declaration of Conformity from the manufacturer upon request.”

c) Comments

Maryrose Chan, OSHSB: The proposed language differs from the federal standard because we are not including Appendix A in our orders.

Raymond Mann, 3M: The language Declaration of Conformity (DOC) versus Certificate of Conformity (COC) must be confirmed. I will confirm via email regarding the appropriate terminology. ANSI requires that we create a DOC for every product that is certified to an ANSI standard. However, any capacities over 310 lbs are outside the scope of ANSI. We technically refer to that as COC.

Yancy Yap, Cal/OSHA: The terminology DOC or COC should not be utilized. General language, such as “the employer shall obtain a document from the manufacturer,” should be used to avoid confusion in the industry.

Maryrose Chan, OSHSB: Raymond, please email me an example of a DOC or COC.

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Michael Donlon, MD Safety: The rate of capacity is not listed on the DOC.

Chuck Wigger, Lamar Advertising: The rated capacity is on the product label. Why is further verification needed from the manufacturer?

Maryrose Chan, OSHSB: To ensure the quality of the product as established via the label is reflected in the product.

Bruce Wick, Housing Contractors of California; Paul Anderson, OSHA Compliance Services & Michael Donlon, MD Safety Service. The DOC does not contain the rated capacity. The proposed text "The employer shall obtain and produce a load rating documentation such as the Declaration of Conformity from the manufacturer upon request" places a heavier burden on the employer.

Outcome: The following text was affirmed, "For employees that are outside of the ANSI/ASSP Z359 user capacity range (130 lbs to 310 lbs), the employer shall provide and ensure employees use appropriately rated personal fall protection products."

Action Item: None

11. Review section 3210.1 (e) and the free fall Exception for consensus.

a) Proposed Text

§3210.1(e)

(2) Personal fall arrest systems shall be rigged in such a manner that the employee cannot free fall more than 6 feet or contact a lower level or lower level obstacle.

EXCEPTION to subsection (e)(2): When it is not feasible or it creates a greater hazard to limit a free fall to 6 feet, a free fall may be a maximum of 12 feet provided the employer can demonstrate the manufacturer designed the system for the additional free fall distance, tested the system to ensure a maximum arresting force of 1,800 pounds is not exceeded, and that the employee will not contact a lower level or lower level obstacle.

b) Proposed Amendments

None

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c) Comments:

None

Outcome: Section 3210.1 (e) and the Exception were affirmed.

Action Item: None

12. Review section 3210.1(f)(2) regarding window cleaner's positioning system.

a) Proposed Text

~~(2) Positioning systems, including window cleaners' positioning systems, that meet the test methods and procedures in Appendix A to section 3210.1 are considered to be in compliance with subsection (f)(1).~~

b) Proposed Amendments

None

c) Comments

None

Outcome: The Chair will address window cleaners in the proposed text.

Action Item: Refer to the "outcome."

13. Review Appendix A to section 3210.1.

a) Proposed Text

Refer to the Discussion Draft on page 33.

b) Proposed Amendments

Maryrose Chan, OSHSB: Delete Appendix A.

c) Comments

Maryrose Chan, OSHSB: Appendix A is equivalent to Fed OSHA's Appendix D. Therefore, the proposed Appendix A is no longer necessary. Refer to (Section 3210.1. (d)(1)(A)5).

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Outcome: Appendix A was deleted from the proposed text.

Action Item: None

14. Review the Non-Mandatory Appendix A proposal for section 3210.1 to assist employers with complying with estimated fall clearance.

a) Proposed Text

Please refer to the Discussion Draft pages 34-40 to view the Non-Mandatory Appendix A.

b) Proposed Amendments

c) Comments

Maryrose Chan, OSHSB. Please review Appendix A and provide me with feedback via email.

Raymond Mann, 3M. Manufacturers are required per ANSI certification platforms to calculate clearance and provide data for SRLs & etc.

Outcome: The committee participants will provide feedback via email.

Action Item: The chair will review the feedback from the committee participants.

15. Review sections 3295 and 3209.

a) Proposed Text

Section 3210.2 Falling Object Protection

(b) The employer shall protect employees from falling objects by implementing one or more of the following:

(1) ~~Erecting toeboards, screens or~~ Guardrail systems in accordance with article 2 of the General Industry Safety Orders to prevent objects from falling from higher levels. [§1910.28(c)(2), Moved from §3273(e)(1)(A)]

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(A) Where tools, equipment or materials are piled high, all openings in guardrail systems shall be small enough to prevent objects from falling through the opening. [§1910.29(k)(2)(ii)]

(2) Where toeboards are required, they shall be constructed of wood, concrete, metal, or other suitable material. Where constructed of metal grille, mesh shall not exceed 1-inch. The top of the toeboard shall be not less than 3 1/2 inches above the platform, walkway, or other working level and the bottom clearance shall not exceed 1/4-inch. [Moved from 3209(d). If in final version text is moved, research all cross reference to toeboard and update to new location]

(A) Where tools, equipment or materials are piled higher than the top of the toeboard, paneling or screening shall be installed from the toeboard to the midrail of the guardrail system and for a length that is sufficient to protect employees below. If the items are piled higher than the midrail, the employer also shall install paneling or screening to the top rail and for a length that is sufficient to protect employees below. ~~and~~ [§1910.29(k)(2)(i)]

~~(B) All openings in guardrail systems shall be small enough to prevent objects from falling through the opening. [§1910.29(k)(2)(ii) Relocated (b)(1)(A)]~~

(B) To comply with (A) above all openings shall be of sufficient size to prevent objects from falling through the opening. [This should be deleted]

b) Proposed Amendments
None

c) Comments:

Matthew Kuzemchak, Federal OSHA. Guardrail systems are used where materials are piled high, and toeboards are for smaller objects.

Maryrose Chan, Chair. The proposed text will be amended.

Outcome: The proposed text will be amended for clarification.

Action Item: The proposal was rejected. The Chair will draft the text for review on March 6, 2024.

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Walking-Working Surfaces Article 2. Standard Specifications Advisory Committee

March 6, 2024

Division of Occupational Safety and Health

2 Mac Arthur Place, Rm 425

Santa Ana, CA 92707

Virtual – <https://videobookcase.org/oshsb/2024-03-05-06/>

Start Time: 9:30 am

End Time 3:30 pm

Facilitator(s) Name(s): Maryrose Chan, Safety Engineer

Analyst Name: Bernie Osburn, Associate Governmental Program Analyst

Participants:

Participants	Organization
Paul Anderson	OSHA Compliance Services
Robert Armstrong	Pacific Gas and Electric
Olaf Borgstrom	CS Caulkins Co., Inc
Tom Cardenas	CS Caulkins Co., Inc.
Jamie Carlile	Southern California Edison
Pete Catlos	Cotterman Company
Jason Denning	Cal/OSHA
Michael Donlon	MD Safety Servies
JD Friend	Operating Engineers
Michelle Iorio	OSHSB
Steve Johnson	Associated Roofing Contractors
Matthew Kuzemchak	Federal OSHA
Thomas Kramer	LJB Inc.
Jason Moore	CS Caulkins Co., Inc.
Amalia Neidhardt	OSHSB
Matt Smylie	Ford Construction
Greg Tinker	Tower Safety Services
Chris Vanover	3M
Chuck Wigger	Lamar Advertising Company
Yancy Yap	Cal/OSHA

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Discussion

1. Review section 3210.3(a)(3)(C)(1).

a) Proposed Text

§3210.3. Fall Protection Training Requirements

(a) Fall Hazards

(3) The employer shall train each employee in at least the following topics:

~~(C) The correct procedures for installing, inspecting, operating, maintaining and disassembling the personal fall protection systems that the employee uses; and~~

(C) The procedures for installing, inspecting, operating, ~~earing, storing~~ maintaining and disassembling using the personal fall protection system.

(1) For employees who install, disassemble, or maintain fall protection systems, the employee shall be trained in the correct procedures for installing, inspecting, operating, maintaining and disassembling the personal fall protection systems that the employee uses; and

b) Proposed Amendments

None

c) Comments

Chris Vanover, 3M: Per Federal OSHA, the user may have to install. The text should mirror Federal OSHA's requirements.

Maryrose Chan, OSHSB: Not every employee will install, disassemble, or repair fall protection systems. (Consensus from MD Safety Services)

Jason Denning, Cal/OSHA: The installation training is included in the federal regulations. Installation training should remain in the proposed text.

Maryrose Chan, OSHSB: The proposed text will not be deleted but relocated to another section to differentiate between employees' training roles.

Matthew Kuzemchak, Fed OSHA. It would be hard to argue that the proposed text infringes on the employee's safety. The text is fine as written.

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Outcome: The proposed text will be amended and presented to the committee members for consideration.

Action Item: Michael Donlon of MD Safety Service will send training related documents to the Chair and the Chair will revise the text for the committee to consider at the next meeting.

2. New Material, review of section 3212 Floor Openings, ~~Floor Holes~~, Skylights and Roofs.

a) Proposed Text

§3212. “Fall Protection or Fall Hazards” at Floor Openings, Floor Holes, Skylights and Roofs.

(a) “Floor Opening and Roof Openings.”

(1) Every floor and roof opening shall be guarded by a cover, a guardrail or equivalent on all open sides. ~~While the cover is not in place, the openings shall be constantly attended by someone or shall be protected by guardrails. Toeboards shall be installed around the edges at openings where persons may pass below the opening.~~ [Separated to (a)(2) & (b)(2), 1910.29(b)(11)]

(2) Toeboards shall be installed on guardrail systems around the edges at openings ~~where persons~~ people may pass below the opening.

b) Proposed Amendments

Michael Donlon, MD Safety Service: Amend the text to include “on guardrails” after “installed”.

Jason Denning, Cal/OSHA: Strike “Floor Holes” from the title of section 3212.

Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.: Add “Roof Openings” to the title of section 3212. (Consensus from Cotterman Company)

Chris Vanover, 3M: Add “Fall Hazards” to the title of section 3212.

Committee Participants: Consider amending section 3212 (a)(1)(2) to state, “Toeboards shall be installed on guardrail systems around the edges at openings where ~~persons~~ people may pass below the opening.”

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c) Comments

Maryrose Chan, OSHSB: The strikethrough language in section 3212. (a)(1) was relocated to the subsection pertaining to covers.

Pete Catlos, Cotterman Company: Toe boards are generally required only when a guardrail is present; otherwise, a tripping hazard is created.

Jason Denning, Cal/OSHA. Amending the title of Section 3212 to read, "Fall Protection at Floor Openings, Floor Holes, Skylights and Roofs," will reiterate to the public that this regulation is fall protection.

Chris Vanover, 3M: Amended the title of section 3212 to include "Fall hazards." "Fall protection" alone is too broad.

Outcome: After the section is finalized, the title will be amended to provide better context. The Chair will consider all proposed amendments.

Action Item: The chair will consider the comments and revise the proposed text.

3. Review section 3212(b)(1) and(b)(2).

a) Proposed Text

§3212(b)(1)

(b) Covers

(1) Floor and roof opening covers shall be designed by a qualified person and be capable of safely supporting the greater of 400 pounds or at least twice the maximum ~~intended~~ load that may be imposed on any one square foot area of the cover at any time.

(2) Covers shall be secured in place to prevent accidental removal or displacement and shall bear a ~~pressure sensitized adhesive decal, painted or stenciled sign~~ "durable marking" with legible letters not less than one inch high, stating: "Opening - Do Not Remove." ~~"or equivalent language"~~ **Markings of chalk, crayon or other non-durable markings shall not be used.**

b) Proposed Amendments

Steve Johnson, Associated Roofing Contractor: Amend subsection(b)(2) to reference "hole" instead of "Opening-Do not Remove." **(Accepted by Chair)**

Jason Denning, Cal/OSHA: Delete "intended" from subsection (b)(1).

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Jason Moore, CS Caulkins Co Inc: Please amend “Pressure sensitized” to “adhesive” in subsection(b)(2).

Committee Participants: Please include “shall bear durable marking with legible letters” in subsection (b)(2).

Jason Moore, CS Caulkins Co Inc: Please delete the last sentence in subsection (b)(2).

Committee Participants: Consider adding a cross-reference to skylights.

c) Comments

Jason Denning, Cal/OSHA. “Intended” within subsection (b)(1) is vague and not necessary.

Jason Moore, CS Caulkins Co Inc: “Pressure sensitized” within subsection(b)(2) is unclear.

Outcome: The proposed amendments were accepted.

Action Item: None

4. Review section 3212(b)(3).

a) Proposed Text

§3212(b). Covers

(3) While the cover is not in place, the openings shall be protected by guardrails or shall be constantly attended by someone **to warn a person from approaching the opening.**

b) Proposed Amendments

Greg Tinker, Tower Safety Services: Amend “someone” to “a competent person.”

Robert Armstrong, PG&E: Consider adding “constantly attending”.

Micheal Donlon, MD Safety Service: Change “someone” to “a safety monitor”.

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Pete Catlos, Cotterman Company: Amend the text to state, “to warn a person from approaching the opening.”

Maryrose Chan, OSHSB: Consider “a designated person” instead of “someone”.

c) Comments

Greg Tinker, Tower Safety Services: Per definition, a competent person will understand how to understand a hazard and control the situation.

Paul Anderson, OSHA Compliance Services. A competent person is the correct terminology to be used in the proposed text. Kevin Bland, can you explain why this is accurate from an attorney’s perspective?

Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C. A competent person is not the correct terminology in this context. Training would have to occur to prove that this individual has authority. The text should capture that the hole cannot be unattained.

Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C. The original purpose of the term “someone” was to recognize that it may not always be your employee monitoring the opening. The idea is to have someone keep others aware of the opening.

Outcome: The proposed text was amended during the advisory committee meeting.

Action Item: None

5. Review section 3212(b)(4).

a) Proposed Text

Section 3212(b)

(4) Covers shall not project more than one inch above the floor level and all edges shall be chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts or other parts shall be set flush with the floor or cover surface. [Moved from (c) without the reference to Title 24]

b) Proposed Amendments

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Maryrose Chan, OSHSB: Add language to indicate permanent covers.

c) Comments

Kevin Bland; Ogletree, Deakins, Nash, Smoak & Stuart, P.C: The text assumes that what is being covered flushes with the floor.

Committee Participants: Stakeholders were concerned that existing language applied to temporary and permanent covers.

Outcome: The text may be amended.

Action Item: The Chair will review the building code, determine if (b)(4) applies to permanent covers, and revise text as needed.

6. Review section 3212(d) Ladderway and Stairway Opening.

a) Proposed Text

(d) Ladderway Opening.

(1) Every ladderway and stairway floor opening or platform with access provided by ladderway, including ship stairs (ship ladders), shall be protected by guardrails with toeboards meeting the requirements of section 3209, on all exposed sides except at the entrance to the stairway or ladderway. The opening through the railing shall have either a swinging gate or equivalent protection or the passageway to the opening shall be so offset that a person cannot walk directly into the opening. [From (a)(2)(A) with modifications, §1910.29(b)(3)(iv), §1910.29(b)(13)(i) and (ii)]

EXCEPTIONS to subsection (d)(1):

1. Ladder openings for entrance/access at perimeter roof edges where guardrail protection is not required by subsection (i). [Moved from (a)(2)(A)]

2. For any stairway used less than once per day where traffic across the stairway floor opening prevents the use of a fixed guardrail system (e.g., openings located in aisle spaces), the employer may protect employees from falling into the opening by using a hinged floor cover that meets the criteria in subsection (b) and a removable guardrail system on all exposed sides, except at the entrance to the stairway. [1910.28(b)(3)(ii)]

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(1)(2) The swinging gate shall be non-latching and swing away from the unprotected edge.

(2)(A) The uppermost surface or railing member of the swinging gate or other equivalent protection shall have a vertical height from the platform or floor level of between 42 to 45 inches plus or minus one inch and; [Moved from (a)(2)(B)1.]

(3)(B) The swinging gate or other equivalent protection shall be capable of withstanding a force of at least 200 pounds applied vertically downward to the uppermost surface or railing member and horizontally outward at any point on the exit side of the ladder opening. [Moved from (a)(2)(B)2.]

b) Proposed Amendments

Robert Armstrong, PG&E: Remove “plus or minus one inch” from (A). to prevent the text from implying the guardrail system can be between 41 and 46.

c) Comments

Pete Catlos, Cotterman Company: The gates in subsection (d)(2) should be self-closing, per ANSI 1264.1.

Maryrose Chan, OSHSB: Pete, please provide me with the suggested language.

Robert Armstrong, PG&E: Removing “plus or minus one inch” from (A) will prevent the text from implying the guardrail system can be between 41 and 46.

Michael Donlon, MD Safety Service. Self-closing gates are not reliable and are prone to breakage. I’m not in support of them. If they fail, fines may also be incurred for violations.

AC Committee Member. I’m in support of self-closing gates to ensure closure.

Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C: The proposal to include self-closing gates is great. However, this does create a practical issue for existing buildings.

Micheal Donlon, MD Safety Service: Companies should be allowed time to comply, possibly some grandfathering or phasing in.

Pete Catlos, Cotterman Company. Please review ANSI 1264.1 to amend the proposed text regarding self-closing gates.

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Outcome: The Chair will review the committee members' proposed amendments.

Action Item: The Chair, Maryrose Chan, will consider the proposed amendments regarding self-closing swinging gates and revise the text.

7. Review proposed revisions to Section 3212(e).

a) Proposed Text

Section 3212

(e) Hatchways and chute floor openings shall be guarded by guardrails or by hinged covers provided such covers will afford protection equivalent to that provided by a guardrail.

b) Proposed Amendments

c) Comments

Matthew Kuzemchak, Federal, OSHA. The Federal language requires guardrails and hinged covers, but the proposed text does not. For reference, I checked the federal registry to see if clarification was provided regarding why both safety measures are required. However, the federal registry was not very clear. The federal registry states, *"Each employee is protected from falling through a hatchway and chute-floor hole by 1910.28 (b)(3)(v)(A). A hinged floor-hole cover that meets the criteria in § 1910.29 and a fixed guardrail system that leaves only one exposed side. When the hole is not in use, the employer must ensure the cover is closed or a removable guardrail system is provided on the exposed sides"*.

Jason Denning, Cal/OSHA: I propose not including a removable guardrail as the Federal standard does and using self-closing gates instead.

Michael Donlon, MD Safety Service: I think the Feds thought a temporary guardrail was safer and more practical in this situation than a swing gate.

Maryrose Chan, OSHSB: Matthew, can you provide clarity on the Federal language? Does the federal language not cover ingress or egress? Is the federal language specifically meant to protect the opening?

Matthew Kuzemchak, Federal OSHA: The federal language does not mention ingress or egress. It may go back to the definition of hatchway and chute.

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Pete Catlos, Cotterman Company: There are two types of upper egresses for ladders.

Maryrose Chan, OSHSB. There is no definition in the Federal text for hatchways and chutes.

Matthew Kuzemchak, Federal OSHA. The final rule does not speak to why guardrails and hinged covers are required. I will have to conduct research for an adequate explanation.

Outcome: The federal language will be reviewed for clarification.

Action Item: Chair Maryrose Chan of OSHSB will review the applicable federal language, research hatchways and chutes, and inform the committee.

8. Review section 3212(i)(1).

a) Proposed Text

Section 3212(i). Work on Roofs

~~(d)~~(1) Guardrails as specified in section 3209 shall be required at locations where there is a routine need for any employee to approach within 6 feet of the edge of the roof. When ~~intermittent~~ infrequent work is being done, safety belts and lanyards or an approved fall protection system in accordance with section 3210.1 may be provided in lieu of guardrails.

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b) Proposed Amendments

Jason Denning, Cal/OSHA: Delete “infrequent”.

Chris Vanover, 3M: Add “approaches the edge”.

Matthew Kuzemchak, Federal OSHA: Delete “safety belts and lanyards”.

Jason Denning, Cal/OSHA: Consider deleting “routine”.

Jason Moore, C.S. Caulkins Co. Inc: Consider adding “danger zone strip”.

c) Comments

Jason Denning, Cal/OSHA: Remove “infrequent” to avoid completely changing the standard. Frequent is defined in 3207 as “*more than twelve times a year,*” but infrequent is not defined, which may create confusion in the future.

Jason Moore, C.S. Caulkins Co. Inc. Could Intermittent be replaced with exposures?

Jason Denning, Cal/OSHA. Adding “approaches to an unprotected roof edge four times a year” is inaccurate.

Kevin Bland; Ogletree, Deakins, Nash, Smoak & Stuart, P.C: The proposed text does not allow installing fall protection for that person in lieu of the guardrail. (Agreement from 3M)

Matthew Kuzemchak, Federal OSHA: Safety belts and lanyards are fully prohibited.

Jason Denning, Cal/OSHA: Guardrails are not needed around the entire roof; they are only needed within 6 ft of the edge.

Maryrose Chan, OSHSB. Jason Denning, do you agree with the amended proposed language?

Jason Denning, Cal/OSHA: The proposed language can be more precise.

Michael Donlon, MD Safety Service: Since the 1991 rulemaking, fall protection has improved. Now that it has, the advisory committee should consider including personal fall protection. (Agreement from Ogletree, Deakins, Nash, Smoak & Stuart, P.C.)

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Kevin Bland Ogletree, Deakins, Nash, Smoak & Stuart, P.C: The term “approaches” is concerning. The term “approaches” does not make sense in the context of the proposed text. The task should be the premise of the proposed language.

Chris Vanover, 3M. Please consider the existing WWS Federal language effective since 2017 specifically 1910.28(B).

Maryrose Chan, OSHSB. California has its own rulemaking process. The existing rules must be reviewed to appropriately amend the proposed text.

Jason Moore, C.S. Caulkins Co. Inc: Location should be defined per roof or building for clarity.

Outcome: The proposed language will be amended for clarity.

Action Item: Chair Maryrose Chan of OSHSB will review the applicable federal language. Jason Denning of Cal/OSHA will review the prior rulemaking. The proposed language will be revised and presented at the next meeting.

9. Review of proposed changes to section 3212(i)(2),(i)(3), and (i)(4).

a) Proposed Text

Section 3212

(i) Work on Roofs.

(2) Guardrails required by subsection ~~(d)~~ (i)(1) shall be provided along at least 6 feet beyond the areas occupied by persons accessing, servicing or repairing permanently mounted machinery and/or equipment.

(3) Where fall protection systems are used, safety lines and/or lanyards shall be attached to roof tie-backs meeting the requirements of section 3291(f) or equivalent anchorage. A safe and unobstructed access shall be provided to all roof tie-back locations. ~~(Title 24, part 2, section 1711(h).)~~

(4) In residential roof where the employer can demonstrate that guardrail requirements, personal fall protection, cover, or safety net systems are infeasible or creates a greater hazard, the employer shall develop and implement a fall protection plan in accordance with section 1671.1 and section 3210.3. [1910.28(b)(1)(ii)]

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b) Proposed Amendments

Chris Vanover, 3M: Add “guardrails or other forms of fall protection” to (i)(2).

Matthew Kuzemchak, Federal OSHA: Add language following (i)(4) stating that the “presumption is feasible” or the Federal note will suffice.

Jason Denning, Cal/OSHA: Delete “type” from the proposed text.

c) Comments

Chris Vanover, 3M: Protecting workers 6 ft in all directions is important.

Maryrose Chan, OSHSB: Guardrails are the standard here in California. Therefore, we cannot add fall protection. The approved standard is less strict than the addition of other forms of fall protection.

Jason Moore, C.S. Caulkins Co. Inc. The language should not be less strict for residential roofs.

Matthew Kuzemchak, Federal OSHA. The exception intends to not force an individual homeowner to install anchorage.

Jason Denning, Cal/OSHA: The term residential will need to be defined.

Outcome: The Chair will review prior rulemaking. Cal OSHA will provide additional information regarding residential roofs.

Action Item: The Chair will amend the section.

10. Review section 3212(f) through (4).

a) Proposed Text

§3212(f) Hoist areas

(1) The employer shall ensure each employee in a hoist area, which is any elevated access opening to a walking-working surface through which equipment or materials are loaded and received, is protected from falling by: [§1910.28(b)(2)]

(A) A guardrail system; [§1910.28(b)(2)(i)(A)]

(B) A personal fall arrest system; or [§1910.28(b)(2)(i)(B)]

(C) A personal fall restraint system (travel restraint system). §1910.28(b)(2)(i)(C)]

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(2) When any portion of a guardrail system, gate or chains is removed and an employee must lean through or over the edge of the access opening to facilitate hoisting, the employee shall be protected from falling by a personal fall arrest system. [§1910.28(b)(2)(ii)]

(3) When guardrail systems are used at hoist areas, a removable guardrail section, consisting of a top rail and midrail, shall be placed across the access opening between guardrail sections when employees are not performing hoisting operations. The employer may use chains or gates instead of a removable guardrail section at hoist areas if the employer demonstrates the chains or gates provide a level of safety equivalent to guardrails. [§1910.29(b)(10)]

(4) If grab handles are installed at hoist areas, they shall comply with subsection 3209(l). [§1910.29(b)(2)(iii)]

b) Proposed Amendments

Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C: Consider inserting “the range of 42 to 45” congruent to section 3209.

c) Comments

Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.: Because of the sag, using a chain as a removable guardrail would require a range.

Outcome: The proposed text was affirmed.

Action Item: None