



March 18, 2025

Occupational Safety and Health Standards Board
Attn: Millicent Barajas, Executive Officer
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

Submitted electronically: oshsb@dir.ca.gov

SUBJECT: RE: Request for an Emergency Rulemaking

Dear Ms. Barajas,

The above organizations strongly request the Standards Board to extend the effective date of the Residential Fall Protection regulatory changes to July 1, 2026.

This is urgently needed for the following reasons:

- **The proposed regulatory changes are less safe than the current standards, especially for interior work.**
 - The Board members are aware that these changes were approved only due to improper pressure and threats from Federal OSHA.
 - The Board members understood that all parties directly involved in residential framing, the Carpenters Union and its members, general contractors, and framing contractors; opposed the regulatory changes as less safe than the current standards.
 - The Board members are aware that no one at Federal OSHA headquarters has been willing to meet with California labor and management representatives to understand why California's current standards are not only "at least as effective", but more effective.
- **There are no safe and acceptable options available to framing contractors to properly protect their workers.**
 - As the residential construction general contractors and framing contractors have been trying to find safe options for interior framing work due to the approved changes, none are available.
 - Working off of ladders is far less safe. There is instability of the ladder, greatly increased exertion to work with heavy lumber products overhead, the increase in exposure to falls each time someone goes up and down a ladder, and finally the far more serious and potentially fatal exposures of using a pneumatic nail gun around



the head and chest, instead of around the feet. Fed/OSHA advised in their Appendix E for residential framing that work should be very limited from ladders, due to all the reasons listed above.

- Trying to tie off to a personal fall arrest system is far less safe. PFA systems take several feet to begin to take effect, and the employee is likely to hit the level below, or carom into the structure; all while their body is undergoing suspension trauma. Fed/OSHA advised in their Appendix E for residential framing that it is likely that walls will collapse.
- We have already made it clear to the Board members that nets and rolling scaffolds are not options for the 9-foot fall height for interior framing work.
- As the residential construction general contractors have been reaching out to Cal/OSHA personnel and other consultants, they have been told:
 - If you try to work off of ladders, you will likely be cited. The framing work requires continuous reaching, making the work in violation of the ladder safety orders.
 - If you try to tie off at 9 feet on an unsheathed structure, you will likely be cited. Manufacturers recommendations for Personal Fall Arrest systems require a fall height well above 9 feet, and require the structure have 5,000 Lb. anchor strength.
 - If you try to use a Fall Protection Plan, you will likely be cited. Each Cal/OSHA inspector will have their own subjective idea of what is acceptable in a fall protection plan, and it is expected by those experienced in the field, that the inspectors will not accept a Fall Protection Plan that actually works for residential framing.
- An important note is that a small percentage of residential framing work can use mobile equipment to cover fall protection hazards. This is due to very close lot lines, compacted soil, and the fact that most new residential construction in California has sophisticated architecture, that require multiple different framing procedures.
- **There are two options to avoid the less safe and more costly environment created by the current approved changes.**
 - One option is to allow the new administration personnel at Fed/OSHA the time to meet with representatives of California labor and management. The only Fed/OSHA person who ever took the time to meet with us was the former Regional Director. He understood what we were saying, he reviewed the video, but he was unable to convince anyone in D.C. to consider meeting with us. We believe having the opportunity to meet will likely result in Fed/OSHA removing their requirement to capitulate to their less safe



standards. We would then ask the Board to reverse course and allow the 22-year original 1716.2 to continue as the California regulation.

- A second option is to approve the proposed addition to Title 8, establishing a new 1671.3. This new section would provide clarity on the safety and efficacy of using a Fall Protection Plan for interior work in residential framing.
- **More time is needed to pursue those options.**
 - It will take some time for the new personnel in Fed/OSHA to get seated, have meetings wherein they can understand the issues, and finally to issue a written directive rescinding their threat and requirement to abandon the original 1716.2.
 - It will obviously take some time to go through the APA for the new proposed 1716.3.
- **The crisis of housing affordability in California requires the Standards Board to avoid any unnecessary costs of regulations.**
 - The changes improperly pushed by Fed/OSHA not only create a less safe environment for our California workers, but they add substantial costs.
 - There will be more injuries, and unfortunately more severe injuries to residential framing employees due to these changes.
 - It has been presented to the Board that the exterior fall protection requirements for the first-floor work add significant costs, with no increase in overall safety, as those installing the fall protection are exposed for far more time than those doing the framing work.
 - Also, however a framing contractor tries to comply with the changes to 1716.2, they will have to set aside significant sums for the expected citations and appeals, since the regulatory changes create no clear compliance options.

For all these reasons, we strongly urge you to extend the effective date to July 1, 2026.

Sincerely,

Kevin Bland

Kevin D. Bland, Esq.