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PROPOSED PETITION DECISION OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD (PETITION FILE NO. 615)

I. INTRODUCTION

On June 1, 2026, the Occupational Safety and Health Standards Board (Board or OSHSB) received a petition from Landon Dees of Line Work Bucket Products (Petitioner), to amend title 8, California Code of Regulations, Section 3648, Operating Instructions for Aerial Devices to address fire emergency preparedness for aerial-device work.

II. SUMMARY

The Petitioner asks the Board to amend title 8, section 3648 to include language requiring that employers evaluate reasonably foreseeable fire hazards associated with workers performing elevated work from aerial devices. Petitioner submitted incident data collected from Federal OSHA accident search results and various news reporting agencies from several U.S. states. Petitioner states that fire emergencies present an increased hazard for workers using aerial devices and elevated work platforms and asserts the following:

- Based on the submitted incident data, fire-related emergency events are a distinct problem that may not be addressed by existing regulations.
- Workers in utilities, electrical, line-clearance, and tree-care may be at increased risk of fire emergencies at elevated locations.

Additionally, Petitioner suggests performance-based safety regulations directing employers to evaluate fire hazards and maintain effective emergency procedures, appropriate PPE, rescue planning, and timely access to fire suppression or emergency descent options.

The Petitioner proposes to include the following language in title 8 section 3648[1]:

> Employers who use aerial devices shall evaluate reasonably foreseeable fire hazards associated with elevated work, including hydraulic fluid ignition, electrical arc events, hot work, battery-powered tools, vehicle fires, combustible vegetation, and environmental fire exposure. Where such hazards exist, employers shall ensure employees have effective emergency procedures, appropriate PPE, rescue planning, and timely access to fire suppression or emergency descent options

[1] Underlined text indicates proposed new text while strikeout of text signifies proposed text deletion.

appropriate to the hazard.

III. RELEVANT STANDARDS

A. Federal Standards

Federal Occupational Safety Health Administration (OSHA) standards specifically addressing powered platforms, manlifts, and vehicle-mounted platforms were first published under Title 29, Code of Federal Regulations (CFR), Part 1910, Subpart F in 1974. These regulations have undergone various amendments, and vertical standards have also been adopted at the federal level to address aerial devices and elevating work platforms under specific industries and uses, including in electric power transmission and distribution, and telecommunication. Other federal OSHA regulations are in place that regulate the general requirements for fire extinguishers, fire prevention, hot work, medical services and first aid, fall protection, and emergency planning that are applicable to users of aerial devices and elevating work platforms.

Title 29, Code of Federal Regulations, Part 1910 – Occupational Safety and Health Standards:

- §1910.38 – Emergency Action Plans: Requirements of an emergency action plan, including reporting of fire, evacuation, and accounting for all employees.
- §1910.67 – Vehicle-Mounted Elevating and Rotating Work Platforms: addresses the safe use and operation of vehicle-mounted elevating and rotating work platforms.
- §1910.68 – Manlifts: addresses the safe use and operation of manlifts.
- §1910.132 – General Requirements: requires employers to assess the workplace to determine if hazards may be present that could necessitate Personal Protective Equipment.
- §1910.157 – Portable Fire Extinguishers: applies to the placement, use, maintenance, and testing of portable fire extinguishers.
- §1910.252 – Welding, Cutting and Brazing: addresses fire prevention and protection for welding, cutting and brazing operations, including basic fire hazards precautions, guards, combustible materials, fire extinguisher, and fire watch requirements.
- §1910.268 – Telecommunications: addresses telecommunications operations, including various requirements for work performed from aerial devices.
- §1910.269 – Electric Power Generation, Transmission, and Distribution: requires the employer to assess the workplace to identify employees exposed to hazards from flames or electric arcs.
- §1910.333 – Selection and Use of Work Practices: establishes minimum approach distances for aerial devices from high-voltage conductors.

Title 29, Code of Federal Regulations, Part 1926 – Safety and Health Regulation for Construction:

- §1926.20 – General Safety and Health Provisions: establishes the accident prevention responsibility of the employer, including provisions which require

frequent and regular inspections of the job site, materials, and equipment made by a competent person.
- §1926.24 – Fire Protection and Prevention: requires the employer to develop and maintain an effective fire protection and prevention program at the job site.
- §1926.35 – Employee Emergency Action Plans: requirements of an emergency action plan, including emergency escape procedures and rescue duties.
- §1926.150 – Fire Protection: general requirements for fire protection, including fire extinguishers.
- §1926.453 – Aerial Lifts: general requirements for safe operation of aerial lifts.
- §1926.952 – Job Briefing: requires a job briefing before each job when constructing electric power transmission and distribution lines and equipment.

B. California Standards

California adopted Federal OSHA standards in title 8 California Code of Regulations (CCR) Articles 24 and 26 in 1975 with rules addressing safe operating instructions for elevating work platforms and vehicle mounted elevating and rotating work platforms, respectively. In 1984, Article 26 specific to vehicle mounted elevating and rotating work platforms was repealed and Article 24 added an additional section specific to safe operating instructions for all aerial devices, including vehicle mounted and rotating platforms.

Title 8, California Code of Regulations, General Industry Safety Orders (GISO):

- §3203 – Injury and Illness Prevention Program: requires all employers to have procedures for identifying and evaluating workplace hazards and identify unsafe conditions while also providing methods and/or procedures for correcting such.
- §3220 – Emergency Action Plan: provides the requirements of an Emergency Action Plan.
- §3221 – Fire Prevention Plan: provides the requirements for a Fire Prevention Plan, including the identification of potential fire hazards.
- §3380 – Personal Protective Devices: requires employers to assess the workplace, determine hazards, and select personal protective equipment for employee use.
- §3421 – General: general requirements for workers performing tree work, maintenance, or removal.
- §3642 – Platform Equipment: provides requirements for the platform deck of elevating work platforms and includes the requirement that any powered elevating assembly with a platform height exceeding 60 inches shall have safe emergency lowering means.
- §3646 – Operating Instructions (Elevating Work Platforms): provides the operating instructions for elevating work platforms.
- §3648 – Operating Instructions (Aerial Devices): provides the operating instructions for aerial devices.
- §4848 – Fire Prevention and Suppression Procedure: requires an employer to establish fire prevention and suppression procedures for welding and cutting operations whenever gas welding and cutting operations occur on the employer's

property.
- §5550 – Repairs to Equipment: requires an inspection of the work area and use of safe procedures for hot work, use of spark-producing tools or chipping operations.
- §6151 – Portable Fire Extinguishers: addresses fire extinguisher general requirements, selection and distribution, inspection, maintenance and testing, and training.

Title 8, California Code of Regulations, Construction Safety Orders (CSO):
- §1510 – Safety Instructions for Employees: requires that workers are given instructions regarding hazards applicable to the work and the procedures for protecting themselves from injury.
- §1511 – General Safety Precautions: requires that, prior to employee presence, the employer shall make a thorough survey of site conditions to determine predictable hazards and necessary employee safeguards.
- §1920 – General Requirements: requires the employer to develop a fire protection program and provide readily accessible firefighting equipment in operating condition, without delay, should a fire hazard occur.
- §1922 – Portable Fire Fighting Equipment: general requirements for fire extinguishers.
- §1933 – Fire Control: additional requirements for fire control devices where flammable or combustible liquids are stored.

Title 8, California Code of Regulations, Electrical Safety Orders (ESO):
- §2320.11 – Protection From Flames and Electric Arcs: requires a hazard assessment to identify employees exposed to hazards from flames or electric arcs, as well as other general requirements for protection from flames and electric arcs for worker covered under the Low-Voltage Electrical Safety Orders (LVESO).
- §2940 – General Provisions: general provisions for high-voltage electrical work, requires safety devices to be furnished and maintained as necessary, safety observers, communication and instruction, and a job briefing before each job.
- §2940.11 – Protection From Flames and Electric Arcs: requires a hazard assessment to identify employees exposed to hazards from flames or electric arcs, as well as other general requirements for protection from flames and electric arcs for workers covered under the High-Voltage Electrical Safety Orders (HVESO).
- §2946 – Provision for Preventing Accidents Due to Proximity to Overhead Lines.
- §2951 – Line Clearance (Tree Trimming) Operations: applies specifically to line clearance operations under the HVESO and includes requirements for inspections to identify potential hazards and to hold a job briefing prior to work commencing.

Title 8, California Code of Regulations, Telecommunication Safety Orders (TSO):
- §8600 – Application: telecommunications operations are subject to all applicable orders contained within the General Industry, Construction, and Electrical Safety

Orders if no specific regulation exists under the TSO. In relevancy to Petition No. 615, telecommunication is primarily regulated by the preceding safety orders for work involving aerial device and elevating work platform usage.

C. Consensus Standards

ANSI Z133-2026 – Safety and Health Requirements for Arboricultural Operations: provides criteria for those engaged in arboricultural operations and details requirements for general safety, electrical hazards, and vehicle and mobile equipment operations.

ANSI/SAIA A92.22-2021 – Safe Use of Mobile Elevating Work Platforms (MEWPs): provides guidance regarding inspection, maintenance, repair, and safe operation for all types of Mobile Elevating Work Platforms (MEWP).

NFPA 10, Standard for Portable Fire Extinguishers (2026): standards for portable fire extinguishers, including selection, installation, inspection, maintenance, and recharging.

D. Other Standards, Guidelines, and Codes

- Oregon, Nevada, and Arizona have adopted the federal OSHA regulations pertaining to aerial device and elevating work platform usage, as well as those regarding fire extinguishers, fire prevention, hot work, medical services and first aid, fall protection, and emergency planning.
- OSHA Fact Sheet – Aerial Lifts (2011)[2]: provides general guidance for safe operation of aerial lifts.
- IPAF Principles of Recovery and Rescue Guidance (2025)[3]: operational manual for elevated platform emergency rescue protocols.
- SAIA AWP Best Practices for Workplace Risk Assessment (2013)[4]: workplace risk assessment, equipment selection, and general training.

IV. CAL/OSHA'S EVALUATION

The Cal/OSHA evaluation recommends that Petition 615 be granted to the extent that the Standards Board staff convene an advisory committee to consider the proposed changes from the Petitioner. According to Cal/OSHA, current regulations do not specifically require employers to evaluate fire-response measures for employees who may become stranded in the air during a fire emergency, nor do they address emergency descent capabilities, aerial

[2] Occupational Safety and Health Administration. (2011). *Aerial lifts factsheet.* https://www.osha.gov/sites/default/files/publications/AERIAL-LIFTS-FACTSHEET.pdf

[3] International Powered Access Federation. (2025). Principles of Recovery and Rescue Guidance. https://www.ipaf.org/sites/default/files/2025-11/IPAF%2042801%20-%20The%20Principles%20of%20recovery%20and%20rescue%20guidance%20document.pdf

[4] Scaffold and Access Industry Association. (2013). *Statement of best practices for workplace risk assessment and aerial work platform equipment selection.* https://saia.org/wp-content/uploads/2025/03/AWP-Best-Practice-Workplace-Risk-Assessment.pdf

rescue procedures, coordination with ground personnel, or other response measures intended to facilitate rapid evacuation from elevated work locations. As a result, while existing standards contain numerous provisions intended to prevent fires from occurring, they do not comprehensively address emergency response for workers who cannot readily escape from an aerial device if a fire or thermal event occurs.

Cal/OSHA points to the example that, under title 8 section 6151, fire extinguishers are not required if the employer establishes an emergency action plan and fire prevention plan and determines employees will not use extinguishers. If an extinguisher is required, it must be "readily accessible," but section 6151(c)(1) does not expressly state that a fire extinguisher is required in an aerial basket. Cal/OSHA also notes that section 3648 regulates how aerial devices are operated, but it does not provide requirements regarding emergency descent procedures, aerial rescue coordination, or specialized fire-resistant mitigation for workers trapped in the air.

Cal/OSHA also flagged that the Petitioner compiled numerous historical incidents and OSHA investigations involving elevated fires and burn injuries, and Cal/OSHA determined that these events demonstrate that when hydraulic failures, electrical faults, or environmental fires occur around aerial equipment, the inability to quickly escape or suppress the fire at height frequently escalates equipment failures into catastrophic life-threatening events.

V. BOARD STAFF'S EVALUATION

The Board staff evaluation recommends that Petition 615 be denied. In drafting the evaluation, Board staff consulted with Petitioner and reviewed the provided incident data and supporting materials. The Board staff evaluation found that there was no conclusive evidentiary support for Petitioner's concern that fire-related emergencies occurring in elevated work locations present a serious and distinct challenge not currently addressed by existing regulations. Petition 615 was thoroughly reviewed, along with the supporting incident data and additional California specific injury and fatality data. The Board staff evaluation noted that, although nationwide data shows that such events have occurred, it does not establish that these incidents would have been avoided by any additional regulations. The hazards noted in Petition 615 were reviewed, along with the performance-based language Petitioner requests to be added to cover all aerial device and elevating work platform usage, and Board staff confirmed through a comprehensive review of title 8 that they are all addressed through existing regulations. Additional information was reviewed from relevant consensus standards, peer-reviewed articles, and publications from both U.S. based and international organizations who monitor safety and incidents resulting from use of aerial devices and elevating work platform. Board staff was unable to identify a source that included fire-related emergencies as being a primary cause of serious injury and fatality, or which provided any additional recommendations specific to such occurrences. Though Board staff recognizes that some employers do elect to implement additional fire-related emergency procedures where it is in the interest of safety for their operations, the evidence presented does not support imposing those additional measures

statewide under title 8 regulations that would be applicable to all aerial device and elevating work platform operations.

VI. DISCUSSION

In their evaluations, Cal/OSHA and Board staff took different perspectives on the need for additional regulations to protect workers in aerial devices from fire-related emergencies. Board staff does not see the need for additional protection, while Cal/OSHA believes further discussion is warranted.

While the Board staff evaluation recognizes that a worker positioned at elevation may face unique operational challenges during a fire emergency, including restricted mobility, delayed access to ground-based fire suppression equipment, equipment damage or malfunction preventing descent, proximity to energized electrical equipment, and increased fall hazards associated with emergency evacuation, the mere existence of a workplace hazard alone does not demonstrate that existing regulations are inadequate or that additional rulemaking is warranted. The Board staff evaluation found that, although incidents demonstrate that aerial device fires and fire-related emergencies have occurred, they do not indicate a single recurring hazard unique to aerial devices or elevating work platforms. Instead, these incidents represent a broad range of hazards and proximate causes that are widely applicable to work at any elevation and that are already regulated in both title 29, CFR and title 8, CCR, respectively.

On the other hand, Cal/OSHA believes that current regulations do not specifically require employers to evaluate fire-response measures for employees who may become stranded in the air during a fire emergency, nor do they address emergency descent capabilities, aerial rescue procedures, coordination with ground personnel, or other response measures intended to facilitate rapid evacuation from elevated work locations. As noted by Cal/OSHA, the Petitioner compiled numerous historical incidents and OSHA investigations involving elevated fires and burn injuries. These events demonstrate that when hydraulic failures, electrical faults, or environmental fires occur around aerial equipment, the inability to quickly escape or suppress the fire at height frequently escalates equipment failures into catastrophic life-threatening events.

Given the differing perspectives, an advisory committee meeting may be an appropriate venue to determine the need for additional rulemaking with key stakeholders.

VII. CONCLUSION AND ORDER

The Board has considered the petition of Landon Dees of Line Work Bucket Products (Petitioner), to amend title 8, California Code of Regulations, Section 3648, Operating Instructions for Aerial Devices. For reasons stated in the preceding discussion, Petition 615 is GRANTED to the extent Board staff considers the necessity of convening an advisory committee meeting to discuss potentially amending title 8, California Code of Regulations, Section 3648 to address fire emergency preparedness for aerial-device work.