State of California
Department of Industrial Relations
Occupational Safety and Health Standards Board

Petition File No. 615

Board Staff Evaluation
Submitted by Jeremy Proctor, Senior Safety Engineer

July 22, 2026

State of California

Gavin Newsom, Governor

INTRODUCTION

Petition No. 615 (Petition) was submitted by Landon Dees (Petitioner) on June 1, 2026. The Petition asks the Board to evaluate whether title 8 regulations sufficiently require workers using aerial devices and elevating work platforms to be prepared to address fire emergencies that may occur in their elevated location.

REQUESTED ACTION

Petitioner requests that the Board convene an Advisory Committee or initiate rulemaking to address emergency fire preparedness for workers using aerial devices and elevating work platforms, including provisions for preplanning, job briefings, fire suppression, and emergency descent.

BACKGROUND/HISTORY

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.

California adopted these 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 In 1984, Article 26 specific to vehicle mounted elevating and rotating work platforms was repealed and Article 24 added an additional section specific to safe operating instructions for all aerial devices, including vehicle mounted and rotating platforms. These sections do not impose specific requirements for emergency fire preparedness and planning, though California does have robust requirements applicable to workers on such machines, including requirements for hazard assessment and hazard correction, fire extinguishers, fire prevention, hot work, medical services and first aid, fall protection, and emergency planning. Board staff did not identify any national consensus standards that expressly address elevated fire emergencies and would require or recommend any type of platform-level fire suppression, job briefings, or specialized emergency descent devices applicable to all aerial devices and elevating work platforms regardless of industry or application.

No current or previous Board action has been identified which specifically addresses fire emergencies localized to a worker's elevated work location. The Board did receive Petition No. 604 in 2024, specific to aerial devices, that requested amending the Heat Illness Prevention standards under title 8, section 3395(c) to prescribe that cup holders be located within aerial devices. Petition No. 604 was denied. In their adopted decision, the Board cited concerns that requiring the inclusion of additional accessories and/or attachments to the rails of aerial devices may create an additional hazard to workers in the form of increased arc and/or arc-flash potential and could create a falling object hazard for workers positioned below.

PETITIONER'S ASSERTIONS

With Petition No. 615, 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.

On June 11, 2026, Board staff discussed Petition 615 with Petitioner. During this discussion, Petitioner affirmed that their suggested regulatory language is core to their request and the conversation is summarized as follows:

- Petitioner desires rulemaking that would specifically address fire emergencies that may occur at the platform of aerial devices and elevating work platforms.
- Workers at elevation should have immediate access to fire suppression devices.
- Workers should have a way to self-evacuate from an aerial device in cases of emergency, such as by rappelling.
- The potential for a fire emergency should be evaluated for all work from aerial platforms.
- Emergency and rescue plans should be developed whenever there is a risk of fire at an elevated location.
- Pre-job briefings should be conducted daily with all workers involved with aerial devices and elevating work platforms.
- Petitioner clarified that their request is applicable to all work performed from elevating work platforms and aerial devices, not specific to any industry or machine type.

STAFF EVALUATION

Board staff consulted with Petitioner and reviewed the provided incident data and supporting materials. The Petitioner submitted nationwide occurrences from 1987 to 2025 that document incidents relating to aerial devices, elevating work platforms, and fire. Nine of the 70 documented incidents are reported by news/media and the remainder from OSHA investigation summaries. All of the submitted incidents were reviewed to identify common causal factors, injury patterns, or any indication of recurring hazards or regulatory deficiencies. Of those incidents, eight occurred within California. These California incidents were further reviewed to determine whether any regulatory gaps exist within current title 8 regulations.

Additional data regarding aerial devices and elevating work platforms was acquired from sources such as the International Powered Access Federation (IPAF), the National Institute of Occupational Safety and Health (NIOSH), The Center for Construction Research and Training (CPWR), and the Occupational Safety and Health Administration (OSHA).

Various federal and state regulations were reviewed, as well as applicable consensus standards developed by organizations including the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA). While only a small number of regulations and standards apply specifically to aerial devices and elevating work platforms, the Petitioner's broad request required a comprehensive review of all that apply to aerial device usage, hazard assessment and correction, fire suppression and extinguishers, and emergency action and response.

Relevant Standards

Federal Standards

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.

- **§1910.268 – 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.

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.

California Standards

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.
- **§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).
- **§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.

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.

Other Standards, Guidelines, 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)[1]:** provides general guidance for safe operation of aerial lifts.
- **IPAF Principles of Recovery and Rescue Guidance (2025)[2]:** operational manual for elevated platform emergency rescue protocols.
- **SAIA AWP Best Practices for Workplace Risk Assessment (2013)[3]:** workplace risk assessment, equipment selection, and general training.

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

[2] 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

[3] 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

Staff Analysis

Fire emergencies occurring at the elevated location of a worker within the platform of an aerial device or elevating work platform may be a recognized workplace hazard. Petitioner desires to see title 8 amended to include language specifically addressing this hazard by requiring assessments for fire hazards, job briefings, the inclusion of a fire suppression device located within the work platform, and means for personnel to self-rescue, such as by rappelling from the platform. Board staff 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. However, the mere existence of a workplace hazard alone does not demonstrate that existing regulations are inadequate or that additional rulemaking is warranted.

Data Does Not Indicate Regulatory Gaps

Petitioner asserts that potential regulatory gaps are demonstrated by data and that their provided examples show that further Board action could help prevent serious injuries and fatalities. Some commonalities in the data that Petitioner points to as causal of fire emergencies are electric arc and arc flash, electrical contact, elevated workers jumping or falling, welding and other forms of hot work, and fire extinguishers being unavailable or difficult to access during an emergency. In comprehensive review of the submitted data, it is found that, though 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 are already regulated in both title 29, CFR and title 8, CCR, respectively.

Based on Petitioner’s own submitted materials, it can be gleaned that fires at an elevated location are rarely the primary cause of injury or fatality. Of the approximately 70 submitted incidents spanning nearly four decades, the most prominent causal factors of serious injury and fatality are electrical arcing, arc flash, and contact with energized electrical conductors with fire and/or burn injuries listed as a natural result. Upon further in-depth analysis of the incidents, Petitioner’s assertion that the data may indicate potential regulatory deficiencies is not supported by their own evidence. This is evidenced by nearly every investigation resulting in cited offenses of noncompliance under existing regulations.

This interpretation of the data is strongly supported by literature from the Center for Construction Research and Training (CPWR)[4] and the National Institute for Occupational Safety and Health (NIOSH)[5] which demonstrate that electrical hazards, entrapment, and falls consistently account for over 90% of aerial device fatalities. Statistically, occurrences of fire localized to the vicinity of the platform, and not preceded by an electrical event, appear to be very uncommon. The International Powered Access Federation (IPAF), a global organization that promotes safe use of powered access equipment and a partner of the Scaffold and Access Industry Association (SAIA), conducts yearly incident surveys of its 83 member countries, the United States included. In reports from 2015 to present, the IPAF identifies the following six fatal and major incident trends: electrocution and electric shocks, overturns, entrapment, falls from the platform, hit by falling object, and inoperable mechanical/technical.[6] Regulations addressing each of these already exist in current title 8 safety orders.

Since the Petition is specific to California, additional analysis is warranted of the eight incidents provided that did occur within the state, as well as additional data. Placing focus on these eight incidents, along with other incidents that are documented within the state, further demonstrates that the occurrence of injury and fatality is not a result of fire-related emergency incidents or regulatory gaps, as investigation records indicate that the incidents involved violations of existing title 8 requirements. Two of the included incidents[7] do not involve workers working from an aerial device or elevated work platform while the remainder do not substantiate a claim that any level of increased fire preparedness would have resulted in more favorable outcomes. For instance, in three of the incidents[8] the proximate cause was employee or employer action that resulted in incidental contact with an energized electrical source.

Overall, most of the incidents that were submitted by Petitioner include burn injuries resulting from exposure to electrical energy, not from a localized fire event or failed emergency preparedness. Such electrical hazards, however, are already well covered under title 8's ESO, such as section 2940.2 that establishes minimum approach distances, sections 2940.13 and 3314 that dictate control of hazardous energy, section 2940.14 that applies to deenergizing transmission and distribution lines and equipment to protect employees, and section 2941 that applies to situations in which work is done on, or in proximity to, overhead high voltage lines. Enforcement activity in the remaining cases strongly demonstrates that existing regulations are provided for the specific

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[4] MacCollum, D. V. (2007). *Analysis and control of crane and aerial lift hazards.* CPWR – The Center for Construction Research and Training. *https://www.elcosh.org/record/document/1943/d000865.pdf*

[5] Pan, C. (2016). *Aerial lift safety research and practice.* National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention. https://stacks.cdc.gov/view/cdc/203550

[6] International Powered Access Federation (2025). *Global safety report 2025*. https://www.ipaf.org/en-gb/gsr2025

[7] See incidents 21 and 63 in Petitioner's provided data.

[8] See incidents 38, 56, and 58 in Petitioner's provided data.

hazards that were encountered while leaving no indication that increased emergency preparedness would have resulted in a more favorable outcome.

To consider any additional relevant data that may have been missed, further review of injuries and fatalities was performed using the Survey of Occupational Injuries and Illnesses (SOII)[9], and the Census of Fatal Occupational Injuries (CFOI)[10], both administered by the U.S. Bureau of Labor Statistics in cooperation with California's Department of Industrial Relations. Though the CFOI does indicate that 39 workers perished due to fire and explosion from 2015 to 2024, neither source indicates any occurrence of injury or fatality relating to aerial devices or elevating work platforms related to fire emergencies. Additionally, no fire-related fatal events were recorded in three of the last five years. A search was also performed using OSHA's Investigation Summaries for years 2020 through 2025 and included keywords: "aerial", "aerial device", "aerial lift", "boom lift", "manlift", "bucket truck", "elevating work platform", and "elevated".[11] The results, when filtered to include only incidents occurring in California and involving work covered by the Petition, yielded results that included 15 fatal incidents and 53 that resulted in injury. Of the 68 total cases, fire is not included as a primary cause of incident or injury in any of them. Though lack of data is not evidence enough to fully invalidate Petitioner's concern, it does indicate that their assertion that current data indicates a gap or deficiency is unfounded.

Current Title 8 Regulations Already Address Petitioner's Main Concerns

A lack of incidents related to a specific hazard does not present as evidence that the hazard does not exist. Though incident and enforcement data do not indicate a pattern of elevated fire incidents, Petitioner's request received a full review to determine whether regulations already exist that address their concerns or if further Board action could potentially be beneficial. Petitioner specifically requests that regulations be explored that would include provisions for workplace assessments, job briefings, fire suppression equipment, and emergency descent. Since Petitioner identifies utility workers, electrical contractors, line-clearance workers, and tree care personnel as the most affected, special emphasis was placed on identification of regulations applicable to these groups of workers.

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[9] Nonfatal Occupational Injuries and Illnesses in California. https://www.dir.ca.gov/oprl/nonfatal.htm

[10] Department of Industrial Relations. (2026). *Fatal Occupational Injuries in California, 2015 – 2024*. https://www.dir.ca.gov/dosh/CFOI/California-Occupational-Fatalities.pdf

[11] Occupational Safety and Health Administration, "Investigation Summaries", accessed July 07, 2026, https://www.osha.gov/ords/imis/accidentsearch.html

Various existing regulations within title 8 directly or indirectly address work performed from aerial devices and elevating work platforms. The most directly applicable to the equipment and specific operations are found in Article 24 of the GISO [12], sections 3636 through 3648. Sections 3646 and 3648 provide standards on safe operating instruction for both elevating work platforms and aerial devices, respectively. Other applicable regulations exist within title 8 that govern specific operations that may be performed from elevated platforms, such as various construction applications under the CSO[13], low-voltage and high-voltage electrical work under the ESO[14], and the TSO[15]. Many regulations were thoroughly reviewed for applicability, either directly or indirectly, to Petitioner's requests. After comprehensive review, it is confirmed that while no single regulation specifically addresses fire-related emergency preparedness of workers at elevated locations, numerous existing regulations do directly and indirectly address Petitioner's request.

1. Assessing Fire Hazards

Petitioner requests regulatory language to address assessing for fire hazards and provides suggested language, "Employers who use aerial devices shall evaluate reasonably foreseeable fire hazards associated with elevated work…". Current title 8 regulations already require employers to conduct hazard assessments in a practically redundant fashion, including in GISO section 3203(a)(4) that requires employers to have procedures for identifying and evaluating workplace hazards, section 3380(f) that requires employers to assess and determine hazards which may necessitate personal protective equipment, and section 3221 that more specifically requires the identification of:

> (b)(1) Potential fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking and others) and their control procedures, and the type of fire protection equipment or systems which can control a fire involving them… (d)(1) The employer shall apprise employees of the fire hazards of the materials and processes to which they are exposed.

Though these requirements are already not specific to any one industry, further industry specific requirements are still included in the CSO and ESO. section 1511(b) of the CSO includes the construction industry specific requirement that a thorough site survey be conducted to determine hazards before employee presence at the worksite. Similarly, sections 2320.11(a)(1) and 2940.11(a)(1) of the ESO both explicitly require assessments to identify employees exposed to hazards from flames or electric arcs while section 2951(a), specific to tree trimming operations, also imposes the

[12] 8 Cal. Code Regs. tit. 8, div. 1, ch. 4, subch. 7 https://www.dir.ca.gov/title8/sub7.html
[13] 8 Cal. Code Regs. tit. 8, div. 1, ch. 4, subch. 4 https://www.dir.ca.gov/Title8/sub4.html
[14] 8 Cal. Code Regs. tit. 8, div. 1, ch. 4, subch. 5 https://www.dir.ca.gov/Title8/sub5.html
[15] 8 Cal. Code Regs. tit. 8, div. 1, ch. 4, subch. 21 https://www.dir.ca.gov/Title8/sub21.html

requirement to identify potential hazards. Under these regulations, there is almost no situation in which the potential for a fire hazard should not be assessed.

2. Job Briefings

Though daily job briefings are not a requirement of the regulations directly related to aerial devices and elevating work platforms, they are required under various regulations related to work in which there would be a higher probability of facing fire-related hazards. At minimum, all employers are required by Labor Code section 6401.7 to establish, implement, and maintain an Injury and Illness Prevention Program (IIPP), for which a standard was given in the adoption of section 3203 of the GISO. Every IIPP, according to section 3203(a)(3), must:

> (a)(3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

In the CSO, section 1509 requires all employers to comply with 3203 and includes an added requirement in subsection (e) that supervisory employees conduct a “toolbox” or “tailgate” meeting at least every 10 working days. For various work tasks that may be, as Petitioner also pointed out, more hazardous, job briefings or meetings are covered by additional vertical standards. For example, employers engaged in tree maintenance and removal are required by section 3421(f) to conduct a job briefing held “by a qualified tree worker before each work assignment is begun” to address any hazards unique to their immediate assignment. Similarly, line clearance operations regulated under section 2951(a) requires a “tail gate briefing” prior to commencing operations. Job briefings are also a general requirement for electrical and utility workers stated in section 2940(g) when performing work covered under the HVESO[16]. While these stated regulations may not be inclusive of all work that may be performed from an aerial device or elevating work platform, they do adequately cover those workers that Petitioner identified as most at-risk of fire-related emergencies at an elevated location.

[16] High-Voltage Electrical Safety Orders are the Group 2 subset under the ESO, sections 2700 – 2989.1, https://www.dir.ca.gov/title8/sb5g2.html

3. Fire Suppression Equipment

Petitioner asserts that current regulations regarding access to fire extinguishers are inadequate, as portable fire extinguishers are generally ground based and inaccessible. Additionally, Petitioner points out that in several of the incidents they submitted, the extinguishers were previously exhausted or otherwise unusable at the time of the incident. As such, Petitioner desires regulatory language requiring operable extinguishers be located within the work platforms if there is potential for a fire hazard. Fire suppression equipment and extinguishers are not directly included in the sections 3646 and 3648, other existing title 8 regulations already provide standards regarding extinguisher maintenance and placement. Placement, selection, use, and maintenance of fire extinguishers in the workplace are primarily regulated by sections 6151, 1920, and 1922. These sections require employers to provide portable fire extinguishers or other suppression equipment, ensure they are inspected and maintained in operating condition, and readily accessible.

Petitioner's primary concern regarding fire suppression equipment is inaccessibility due to an elevated employee's location. Though not expressly required to be placed in the work platform, this requirement is indirectly imposed by the previously mentioned. Specifically, section 6151(c)(1) states that employers, "shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury." Similarly, section 1920(a) states that employers, "…shall provide for the fire fighting equipment as specified in this Article. As fire hazards occur, there shall be no delay in providing the necessary fire protection and/or prevention equipment.", while subsection (b) continues that, "A safe and unobstructed access to all available fire fighting equipment shall be maintained at all times."

As discussed, various existing regulations already require assessing for hazards and, often, specifically for fire hazards. The performance-based standards provided by sections 6151 and 1920 require employers to ensure that extinguishers are readily accessible and in a location that will not require an employee to put themselves at risk of bodily harm or injury while retrieving them. Depending upon the employer's hazard assessment, certain tasks may indicate the platform is the optimal location and the employer may plan to safely locate one within. In many scenarios, the platform may not be the ideal or safest location, for either the occupant or those around working below them. As was noted by the Board in their adopted decision of Petition 604, adding additional accessories within aerial device platforms may create other various hazards. The noted hazards of concern included falling object hazards to employees working below, potentially drilling holes in or altering insulated platforms to mount brackets, and potentially adding electrically conductive material that may increase risk of a potential arc and/or arc flash. In that instance, the discussion was around cup holders and water containers. In the current discussion, fire extinguishers, most often made of lightweight metal, and brackets strong enough to hold them during omnidirectional travel over various terrains, would create similar engineering and safety considerations of even

greater severity than cup holders. Electrocution, electrical arcing, and arc flash were previously noted as primary causes of severe injury and fatality for workers on elevated platforms. Any potential increase to these risks would be directly counter to the Petition's primary intent.

Specifying extinguisher placement may carry a multitude of unintended consequences well beyond the current focus. On this point, the Petition fails to provide sufficient evidence that the existing requirements are inadequate or that more prescriptive language would benefit worker safety. The existing performance standards title 8, which require extinguishers to be readily accessible without placing employees at risk, allow employers to assess individual scenarios and determine the best possible location for the equipment while requiring that equipment be inspected and maintained in an operable condition.

4. Emergency Planning, Emergency Descent, and Self-Rescue

Title 8 does not contain a specific regulation requiring emergency planning for workers using aerial devices and elevated work platforms. Instead, various regulations impose this requirement vertically depending on industry and tasks while section 3203(a)(6) requires "methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures…", of which any reasonably foreseeable emergency would be an unsafe condition and thus likely require a plan. Section 3220 provides the minimum requirements for all emergency action plans, which includes having procedures for emergency evacuation and procedures to be followed by employees performing rescue. Since Petitioner's request is so broad and covers every industry and task involving elevated platforms, any specifics on potential evacuation or rescue procedures would vary substantially, though all would generally be required to have a plan.

Of relevance, section 3642, Platform Equipment, is specific to all elevating platforms and requires:

> (c) Any elevating work platform equipped with a powered elevating assembly and having a platform height exceeding 60 inches shall be supplied with safe emergency lowering means compatible with the specific elevating assembly employed.
>
> (d) Any powered elevating work platform shall have both upper and lower control devices. Controls shall be plainly marked as to their function and guarded to prevent accidental operation. The upper control device shall be in or beside the platform, within easy reach of the operator. The lower control device shall have the capability to lower the platform where the operator's safety is in jeopardy.

At minimum, all platforms must be able to be safely lowered through emergency means and include a lower (ground level) control device capable of lowering the platform if the operator is experiencing an emergency and unable to perform this action without assistance. ANSI/SAIA A92.22-2021 similarly places emphasis on emergency planning and site-specific rescue plans prior to using an elevated platform, without recommending any universal plan or self-rescue devices.

Petitioner also provides the suggestion that workers be provided with specific means to independently self-rescue from elevated platforms through such methods as rappelling in cases where normal operating controls become unavailable. While such methods may already be in use in some industries as part of comprehensive emergency and rescue plans, the concept of a universal requirement for, or even recommendation of, any such specific methods would again represent a departure from the concept of performance-based standards which empower employers to assess their specific hazards and needs in order to provide the most effective protection for their employees.

Further, the safe use of specialized self-rescue equipment would likely require comprehensive planning and training, such as meeting requirements within section 3270.1[17] which governs the use of rope access equipment. Similarly, ANSI standards Z359.2[18] and Z359.4[19] address training for, and systems used in, rescue and self-rescue. These consensus standards mirror various parts of section 3270.1 and require in-depth, hands-on instruction performed by qualified trainers, and require annual hands-on evaluations for any employees assigned rescue or self-rescue duties. Beyond training, employers would face the additional burden of selecting and purchasing appropriate equipment, as well as establishing comprehensive inspection and maintenance schedules to ensure that rescue equipment remains in a readily usable condition. Review of title 8 and ANSI standards demonstrates that requiring specialized self-rescue equipment en masse is not a simple endeavor. Employers would need to take many additional steps and face substantial obligations in ensuring that employees are not only prepared for fire-related emergencies, but also are protected from the additional hazards that are introduced by the possession and use of any complex or specialized equipment.

Self-rescue equipment, such as escape ropes or descent lines, being stored on or deployed from platforms, introduce additional hazards. Improperly selected, improperly cared for, and contaminated equipment like dirty or wet synthetic rope, present as additional conductive paths that raise the potential for electrical contact resulting in arc or arc flash. Improperly deployed ropes or cables also present the opportunity for entanglement in the elevating assembly or other nearby objects and equipment.

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[17] See title 8, §3270.1, Use of Rope Access Equipment, https://www.dir.ca.gov/title8/3270_1.html
[18] ANSI/ASSE Z359.2-2017, Minimum Requirements for a Comprehensive Managed Fall Protection Program.
[19] ANSI/ASSE Z359.4-2013, Safety Requirements for Assisted-Rescue and Self-Rescue Systems, Subsystems, and Components.

Widespread use of such systems could further cause harm to workers who do not have the requisite training and knowledge to deploy such systems. Unnecessary use and unintentional or intentional misuse could result in improper deployment leading to falls, entanglements, and various other complications that may be avoided by personnel using the emergency lowering controls or ground rescue personnel

Conclusion

Petitioner's concern that fire-related emergencies occurring in elevated work locations present a serious and distinct challenge that is not currently addressed by existing regulations is not supported by any conclusive evidence. Petition 615 was thoroughly reviewed, along with the supporting incident data and additional California specific injury and fatality data. Though 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 suggests be added to cover all aerial device and elevating work platform usage, and it is 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 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.

STAFF RECOMMENDATION

Board staff recommends Petition File No. 615 be DENIED.