

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**TITLE 8. CALIFORNIA CODE OF REGULATIONS**

General Industry Safety Orders
Section 3273

Working Area Catwalk Exception

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **January 21, 2016** in the Council Chambers of the **Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **December 4, 2015**, and closes at 5:00 p.m. on **January 21, 2016**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT

OVERVIEW

Board staff initiated the present rulemaking after becoming aware of the impractical nature of the requirements for working from a catwalk in the General Industry Safety Orders (GISO).

Construction Safety Orders (CSO) Section 1637(a) allows an employee to work from attic joists in lieu of a more substantial surface (scaffold or ladder) when a plank or similar member at least 12-inches wide is placed across two or more joists; however, when a catwalk is required in the GISO, no such exception exists for workers in finished attics or other ceiling spaces.

The proposed rulemaking action is not inconsistent or incompatible with existing state regulations. The proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and Labor Code to the effect that the state regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

The proposed rulemaking differs from federal regulations in that there is no comparable federal regulation.

Anticipated Benefits

The anticipated benefits of the proposal are the harmonization of the safety protections for work in attics and other ceiling spaces in the Construction and General Industry Safety Orders.

Employers will be provided a less burdensome alternative for protecting employees from falls from elevation. Additionally, where erecting a catwalk or work platform in an attic or ceiling space is infeasible or unreasonable, employers will be informed of a safe alternative for protecting their employees.

The specific changes are as follows:

Section 3273. Working Area.

Section 3273 contains provisions for keeping floors, platforms, roadways, walkways, and storage areas clean, orderly and free of obstructions. The section also provides minimum widths and heights for elevated platforms, runways, ramps and catwalks. Additionally, requirements for protection from falling objects and guidelines for lowering objects from elevated work areas are present. Working space requirements around machines, including access space for performing repairs and maintenance, are also found in the section. Finally, the section requires that ditches, pits, excavations, and surfaces in poor repair be barricaded or otherwise marked to alert employees in the area.

Subsection 3273(d), covering catwalks, requires that catwalks be no less than 18 inches wide and have at least 6 ½ feet of clear headroom. Two existing exceptions to the catwalk requirements state that 1) catwalks with less than 6 ½ feet of headroom are permissible if they are posted with

warnings and have protective padding installed, and 2) bowling alleys can use catwalks as narrow as 8 inches wide near pin-setting machines, as long as a handrail or other structure is present on the sides. The proposed amendment will add a third exception allowing work in an attic or other ceiling space to be performed without the use of a catwalk provided that all of the following are observed:

- Ceiling joists or similar structural members are present at 2 feet or closer centers
- Planks or solid platforms at least 12-inches wide are provided and supported by at least two ceiling joists or similar structural member
- A qualified person has determined that the ceiling structure and any planks or platforms can bear all intended loads
- Employees are supported by the planks or platforms at all times when in the attic or ceiling space

The additional exception will assist employers in preventing falls from elevation for employees working in a finished attic or ceiling space where the installation of a catwalk is infeasible or impracticable. The exception is similar to an exception found in the CSO, allowing it to be used in the GISO under similar circumstances.

Additionally, non-substantive changes are proposed to remove outdated references to Title 24 from the section.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies and School Districts: None.

Cost or Savings to State Agencies: None.

Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Cost Impacts on a Representative Private Person Or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals, Including the Ability of California Businesses to Compete:

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states. Currently, employees working on an elevated workspace must be provided with a workspace that is at least 24 inches wide, or if the work takes place on a catwalk, the catwalk must be at least 18 inches wide. The proposed amendment will allow for an exception to the catwalk requirements, under specific conditions, where an employer can provide a work platform in attics or other ceiling spaces made from planks, which are at least 12 inches in width.

Significant Effect on Housing Costs: None.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment may affect small businesses; however, no economic impact is anticipated. Currently, employees working on an elevated workspace must be provided with a workspace that is at least 24 inches wide, or if the work takes place on a catwalk, the catwalk must be at least 18 inches wide. The proposed amendment will allow for an exception to the catwalk requirements, under specific conditions, where an employer can provide a work platform in attics or other ceiling spaces made from planks, which are at least 12 inches in width.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any effect on the (1) creation or elimination of California jobs or the (2) creation of new businesses or elimination of existing California businesses or (3) affect the expansion of existing California businesses, because the option of maintaining the status quo exists, no discernable economic impact is anticipated, and nothing in the proposal, therefore, is expected to adversely affect California businesses or individuals, including their ability to compete with businesses in other states. An employer utilizing the proposed catwalk exception would need to ensure that the worker has access to the planks to stand on and that a qualified person has determined that the joists or similar structural members can support the intended load, but these voluntarily incurred expenses are less expensive than installing a work platform or catwalk in accordance with current regulations and building codes.

BENEFITS OF THE PROPOSED ACTION

The proposal promotes worker safety by giving employers increased flexibility for guarding against falls from elevated work locations. Because of the limited work spaces in finished attics

or other ceiling areas, the installation of a compliant work platform or catwalk is not always feasible or even practical, especially when the work is non-routine and of short duration. The proposed action will provide a safe alternative to the current requirements and harmonize the GISO requirements with those of the CSO, which allow a similar exception. The additional option and the harmonization of the safety orders will increase employer compliance, benefiting California by helping to ensure that family members return home safely from work each day. Home owners will be better protected from the trauma associated with a worker being injured by a fall from the attic or ceiling space where a sufficient workspace was not provided. No environmental impact is anticipated from the proposed action.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, and other information upon which this rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the

modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.