

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 3273  
of the General Industry Safety Orders

**Working Area Catwalk Exception****JULY 21, 2016 – BOARD MEETING DISCUSSION**

Ms. Stock expressed concerns about the lack of a headroom clearance requirement in the proposed exception to catwalks in Section 3273(d). She pointed out that although the exception allows employees, under certain conditions, to access unfinished attics and other ceiling spaces without the use of a catwalk, it also had the effect of removing the requirements for headroom clearances where catwalks are in use.

In follow up discussion with Ms. Stock, Board staff explained that other regulations in Title 8 require employers to assess the attic space and address any actual or potential hazards, including that of low headroom clearance.

Dr. Blink said that he was concerned that the planking used to traverse attic joists is only required to be supported by two joists instead of three. He opined that minor movement of the platform supported by only two joists could cause the plank to slip off of a joist and lead to employee injury.

Board staff followed up with Dr. Blink, explaining that the requirements necessary to utilize the exception would ensure that this situation does not occur. In order to meet the requirements of the exception, the planks or solid platforms must be *supported by at least two* ceiling joists or similar structural members; employees must be *supported* by the planks or platforms *at all times*; and, a qualified person must determine that the planks or platforms *can bear* the intended loads (emphasis added).

If the plank or platform movement described by Dr. Blink occurred, the plank or platform would no longer be supported and the requirements for the exception would not be met. A qualified person will ensure that the planks or platforms are used in a manner that safely bears the intended load.

**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

**SUMMARY OF AND RESPONSES TO WRITTEN AND ORAL COMMENTS:**

I. Written Comments

Mr. David Shiraishi, Area Director, Region IX, OSHA, U.S. Department of Labor, by letter dated March 1, 2016.

Comment:

Mr. Shiraishi commented that Federal OSHA has reviewed the proposal and found that it does not appear to be commensurate with federal standards. He stated that the proposed exception may still expose employees to the unprotected sides of elevated work locations. He points out that Section 3210(b) of California's Title 8 regulations require guardrails for work locations of four feet or more. He recommends adding a statement to require that the entire attic space be planked to eliminate a fall hazard.

Response:

The Board has considered the comment and does not find it to provide an adequate basis for modifying the proposed language.

Firstly, the federal comment does not mention a federal regulation to which California is not commensurate.

Secondly, as stated by Mr. Shiraishi, Section 3210(b) already addresses fall protection for elevated locations. The proposed amendment is to Section 3273, entitled "Working Area," which is found in Article 4 "Access, Work Space, and Work Areas."

Article 4 is focused on ensuring workers can reach and work at a location that is ordinarily difficult to access safely by conventional means. Another access standard, Section 3270.1, describes Title 8 requirements for the use of rope access equipment to suspend workers in locations not accessible by conventional means. Rope access equipment is generally of a recreational (not industrial) design, and while it would not conform to Article 24 fall protection equipment specifications, it does provide a safe means of access. Similarly, the proposed catwalk exception is intended to provide a reasonable and practical means of getting an employee to an otherwise difficult to reach work/infrequent work location.

Furthermore, nothing in Section 3273 mentions fall protection of any type (guardrails, personal fall protection equipment, fall protection plans, etc.) because the section addresses safe access to the work area, including maintaining the work area reasonably clean, in good repair, free of dangerous depressions and debris, and with at least 6.5 feet of head clearance, etc.

Finally, nothing in the proposed exception to installing a catwalk is intended to conflict with the requirements of Section 3210. The proposed exception is similar to the language used in Construction Safety Orders (CSO) Section 1637 regarding work from scaffolds. Section 1637(a) reads as follows:

(a) Scaffolds shall be provided for all work that cannot be done safely by employees standing on permanent or solid construction at least 20 inches wide, except where such work can be safely done from ladders.

Exceptions:

1. Work of a limited nature and of short duration when the permanent or solid construction is less than 20 inches in width and the fall distance does not exceed 15 feet in height and provided adequate risk control is recognized and maintained under competent supervision.
2. Work of a short duration from joists or similar members at 2 feet or closer centers, planks resting on these members forming a plank platform 12 inches wide or equivalent protection.

Exception 2 allows construction employers to use planks to form a platform 12 inches or more in width for short duration work from joists as an exception to scaffolds. Although the proposed exception does not exist in the General Industry Safety Orders presently, requiring planking to walk across ceiling joists (instead of walking on the 2-inch joists themselves), as is done in the CSO, increases employee safety.

The Board thanks Mr. Shiraishi for his comment and participation in the Board's rulemaking process.

Mr. Gerald Fulghum, CSP, CHST, by letter dated March 27, 2016.

Comment:

Mr. Fulghum commented that although the 45-day comment period has elapsed, he wanted to alert the Board to language in the California Mechanical Code (CMC) and the NFPA that could be perceived as a conflict with the proposed amendment. He asks "the Board to consider adopting clarifying language to avoid the mistaken impression that the new exception(s) to Section 3273(d) nullify the existing requirements of the California Mechanical Code or the NFPA."

Response:

Although the comment was received after January 21, 2016, the close of the 45-day comment period, the Board elects to respond to the comment to avoid confusion on the issues raised.

The proposed amendment does not conflict with existing regulations. The consensus standards mentioned by the commenter are requirements for installing appliances in attics and under-floor spaces. According to the commenter, the CMC and NFPA require the width of the passage way leading to such appliances to be at least 24 inches wide, and that a work platform at least 30 inches by 30 inches be installed in front of the service side of the appliance.

Existing language in Section 3273(d) allows a catwalk “no less than 18 inches wide,” which is already less than the 24-inch passage way width mentioned in the consensus standards. Although the proposed exception would allow planking “at least 12 inches in width,” nothing prevents an employer from complying with the wider width requirements of the CMC and NFPA.

The Board thanks Mr. Fulghum for his comment and participation in the Board’s rulemaking process.

## II. Oral Comments

There were no oral comments received at the January 21, 2016, Public Hearing in Costa Mesa, California.

### **ADDITIONAL DOCUMENTS RELIED UPON**

None.

### **ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE**

None.

### **DETERMINATION OF MANDATE**

This standard does not impose a mandate on local agencies or school district.

### **ALTERNATIVES CONSIDERED**

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be (1) more effective in carrying out the purpose for which the action is proposed; or (2) would be as effective as and less burdensome to affected private persons than the adopted action, or (3) would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Board staff were unable to come up with any alternatives or no alternatives were proposed by the public that would have the same desired regulatory effect.