

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
Website address www.dir.ca.gov/oshsb

**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 4, Article 24, Section 1670
of the Construction Safety Orders

Fall Arrest Free Fall Distance**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 and Response to Oral Comments received at the March 17, 2005, Public Hearing in
San Diego, California:

Emo Coleman, representing Iron Workers Local 229.

Comment:

Mr. Coleman stated that the four-foot lanyard restricts workers and is unsafe. He stated that California should be in line with Federal OSHA and use the six-foot lanyard.

Response:

The Board appreciates Mr. Coleman's support of the proposal, and thanks him for his participation in the Board's rulemaking process.

Sam Iler, representing Associated General Contractors of San Diego.

Comment:

Mr. Iler supports the increase from the four-foot to six-foot lanyard length. Mr. Iler stated that it is difficult to adapt to a situation when one is limited by the free fall distance, so he is in favor of keeping the maximum arresting force at 1,800 pounds. He also stated that it is not the fall that causes the injury, but rather the stopping force. He stated that he supports the change from four feet to six feet, but believes that additional language to include the manufacturers' recommendations should be included in the standard.

Response:

The Board appreciates Mr. Iler's support of the proposal. The Board, however, declines to include additional language pertaining to manufacturers' recommendations on lanyard length, since the six-foot specified lanyard length is consistent with corresponding federal standards and clarifies to employers what lanyard length is permitted. Additionally, in discussion with representatives of the Division of Occupational Safety and Health (Division), the Division made known its concerns over adding language pertaining to manufacturer's recommendations. Specifically, the Division noted that there may be some manufacturers who do not provide any recommendations with their equipment addressing lanyard length. This creates the possibility that employers would independently establish their own lanyard length, which if not scientifically established, might compromise the safety of the entire fall arrest system. Also, the Division indicated that from an enforcement standpoint it is more effective and clearer to have a single, consolidated lanyard length requirement. Staff and the Board concur with the Division. Consequently, modification of the proposal to add language addressing manufacturer's recommendations is unnecessary.

The Board thanks Mr. Iler for his comments and support of the proposal, and his participation in the Board's rulemaking process.

Peter Lupo, representing T.B. Penick & Sons, Inc.

Comment:

Mr. Lupo supports the change from a four-foot lanyard to a six-foot lanyard. He stated that fall protection technology has progressed at a pace faster than the standards can keep up with. However, Mr. Lupo stated that inserting arbitrary limits on design and engineering would cause more harm to employees than help. He stated that he supports the change to six-feet, but would like to see the manufacturers' recommendations be the limit, instead of setting a number without taking into account engineering data from the manufacturer.

Response:

See the Board's response to Mr. Iler's comment above.

The Board thanks Mr. Lupo for his comments and support of the proposal, and his participation in the Board's rulemaking process.

Chris Coughlan, representing Marsh Risk & Insurance Services.

Mr. Coughlan stated that he supports the six-foot lanyard length, but more importantly he believes that language encompassing the engineering requirements and product liability of the product manufacturer should be incorporated.

Response:

See the Board's response to Mr. Iler's comment above.

The Board thanks Mr. Coughlan for his comments and support of the proposal, and his participation in the Board's rulemaking process.

Dialogue between Occupational Safety and Health Board (Board) Members, Board Staff and Commenters.

Board Member Harrison asked Mr. Manieri where the lanyard was positioned on an individual, and if the standard would still be within the 1,800-pound requirement by going to six feet. Mr. Manieri explained where the lanyard was positioned and that the 1,800-pound requirement is maintained in the proposed standard.

Board Member Arioto asked Mr. Manieri if a shock-absorbing lanyard would extend the lanyard to nine feet. Mr. Manieri stated that deceleration devices are designed to transmit the fall arrest shock and there could be some elongation, but that is taken into account when the fall distance is calculated. Mr. Lupo also responded that when deceleration devices release, slowing occurs. He also noted that there are different situations where one would use different devices so as to fall less than six feet. Chair Rank stated that the rib stitch, shock-absorbing lanyard extends to three feet to stop at a maximum distance of nine feet, which is the industry standard used by Federal OSHA since 1994. Chair Rank stated that there have been attempts to re-open the federal fall protection standard, which became effective August 1994, due to problems and poor wording. He concluded by stating that re-opening the federal standard would rectify some of the problems with regard to free fall distance that have been expressed by the commenters.

Response:

The Board acknowledges staff's technical responses and clarification and those of Mr. Lupo in relation to the Board's technical questions regarding lanyard use and fall arrest equipment. Although the Board staff is not aware of any intentions by Federal OSHA to re-open Subpart M to public comment/review, the Board recognizes that staff will continue to monitor Federal OSHA for any such developments and take appropriate action, if necessary.

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 districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board would 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 than the adopted action.