

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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April 4, 2012

Re: Telephone Conference Meeting for Title 8, California Code of Regulations, Construction Safety Orders, Section 1621 regarding Ladderway Openings

Dear Conference Attendee:

Thank you for participating in the telephone conference conducted by the Occupational Safety and Health Standards Board (Board) staff on March 20, 2012. The meeting was held in response to recommendations discussed at the Board's February 16, 2012 Public Hearing related to a rulemaking proposal concerning Section 1621.

Participants of the telephone conference:

Ms. Marley Hart, OSHSB Executive Officer  
Mr. Mike Manieri, OSHSB Principal Engineer  
Mr. Marty Tamayo, OSHSB Associate Engineer  
Ms. Kate Smiley, AGC California  
Mr. Kevin Bland, Contractors Association & the Western Steel Council  
Mr. Steve Johnson, Associated Roofing Contractors of the Bay Area Counties, Inc.  
Mr. Bruce Wick, CA Professional Assoc of Specialty Contractors  
Mr. Jeremy Smith, State Bldg & Const Trades Council of CA  
Mr. Bob Downey, Construction Employers Association

Note: Mr. John Bobis, Aerojet Corporation, was unable to participate but submitted his concerns by e-mail. Although asked, no Division representative attended.

### Discussion

Following introductions, Mr. Tamayo summarized the history and purpose of the proposal which refers to an Occupational Safety and Health Appeals Board Decision in the Matter of Webcor Builders, Inc. (provided to telecommittee members prior to the meeting). In Webcor, an employee fell from an elevated location that was provided with a guardrail system that was unsecured. However, the Division cited the employer for failing to provide fall protection for employees working in proximity to platform ladderway openings. Mr. Bobis' e-mail, a reflection of his comments at the public hearing, was read to the committee.

The primary issues discussed include the following:

- Necessity of the proposal
- Clarity (no definition of the term "ladderway") and specificity of the proposal.

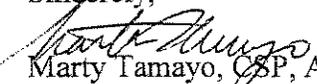
Mr. Bland submitted a photograph to the committee depicting a typical ladderway opening at the edge of an elevated structure illustrating the railings, barriers and ladder extensions used on a construction job site. A discussion ensued on the merits, necessity, scope and concerns of the proposal.

Section 3276(e)(11) addresses portable ladder access to landings, requires ladder side rails (and rungs) to extend not less than 36 inches above the upper landing surface, securing the ladder and the use of a grasping device. The participants agreed that guardrail protection and a ladder secured to the landing surface with the required extension of side rails and rungs above the platform constitute a barrier sufficient to ensure that a worker will not pass through the ladderway opening and fall from the platform or landing. Therefore, it would not be necessary to pursue additional barrier/platform offset amendments as proposed. All participants agreed that the proposal is unnecessary and recommended terminating the proposal.

Given the aforementioned discussion, Board staff intends to terminate any further action related to this rulemaking proposal unless otherwise directed by the Board.

Should you have any questions or further comments, please contact me at (916) 274-5729 or by e-mail, [mtamayo@dir.ca.gov](mailto:mtamayo@dir.ca.gov).

Sincerely,

  
Marty Tamayo, CSP, ARM  
Associate Safety Engineer

cc: Standards Board Members  
Michael Manieri, OSHSB Principal Engineer  
Deborah Gold, DOSH Deputy Chief of Health  
David Shiraishi, Area Director, Fed OSHA