

DRAFT MINUTES

Portable Ladder Advisory Committee Meeting
February 18, 2009, Oakland

Attendees:

<u>NAME</u>	<u>AFFILIATION</u>
Pat Bell	Division of Occupational Safety and Health
Kevin Bland	California Framing Contractors / Residential Contractors Assoc.
Jodi Blom	California Framing Contractors Association
Bo Bradley	Associated General Contractors of California
Art DeLeon	UCCO - Underground
Jim Hay	State Compensation Insurance Fund
Jim Hinson	Make It Safe Services, Inc.
Wendy Holt	Alliance of Motion Pictures and Television Producers
Steve Johnson	Associated Roofing Contractors
Kent Jorgensen	International Alliance of Theatrical Stage Employees
Anne Katten	California Rural Legal Assistance Foundation
Mariano Kramer	Division of Occupational Safety and Health
Leslie Matsuoka	Occupational Safety and Health Standards Board
Larry McCune	Division of Occupational Safety and Health
Pat McDermott	Davey Tree Service
Tom Mitchell	Occupational Safety and Health Standards Board
Michael Nave	AT&T
Larry Pena	Southern California Edison
Silas Shawver	California Rural Legal Assistance
Steve Tucker	Roofers and Waterproofers Local 40
Bruce Wick	California Professional Association of Specialty Contractors

Tom Mitchell began the meeting at 10 am with an overview of the rulemaking proposal and the advisory committee process. The minutes of the December 3, 2008 meeting were approved without change. There were no objections to the Division's proposal to also consolidate Construction Safety Order (CSO) Section 1675 into proposed General Industry Safety Order (GISO) Section 3276.

The committee reviewed the modifications that were made to the initial proposal as a result of the recommendations made at the Dec. 3 meeting. Kent Jorgensen said Note 1 in section 3276(d)(1) was unclear. There was agreement to reorder the sentence to state, "Scaffolds or other worker positioning equipment shall be used when work cannot be safely done from ladders." There were no other comments on the modified text.

The committee resumed its review of the initial proposal at Section 3276(e)(4). There were no comments on this section.

Section (e)(5) was discussed. Bo Bradley said changing the requirement for ladder inspection from “frequently” to “daily”, as proposed at the last meeting, creates a documentation problem. She prefers maintaining the term “frequently” or replacing “frequently” with a requirement for pre-shift inspection. After discussion of who should do the inspection, how often, and for what, there was agreement to require inspection “prior to the start of the shift.” There was also agreement that this inspection requirement should not be under “Damaged ladders” but should be a separate section following “Maintenance.”

There was agreement that the first sentence should be deleted and the topic covered in a new section on training.

In response to Jim Hinson’s suggestion that existing (e)(4) not be deleted as proposed, Pat McDermott suggested that existing (e)(4) be incorporated into (e)(5). Mr. Hinson stated that (e)(5) lists too many ladder components and that these should be in separate subsections. After discussion there was general agreement to add “safety feet” to the list of items included in the last sentence of proposed (e)(5).

There was support for proposed (e)(6) as written.

Section (e)(7) was discussed. Larry Pena said the use of the word “all” in the second sentence creates a problem because So. Cal. Edison uses ladders that are not designed to contact the ground and some that are used in a horizontal position. After much discussion there was agreement to delete the second sentence because ladders must be designed with footing support and the standard requires that these must be maintained. There was also agreement to revise the first sentence to state, “The ladder base section of surface supported ladders shall be placed on secure and level footing.” There were no comments on the last two sentences of (e)(7). Tom Mitchell noted that 1675(e) contains a similar requirement on footing support but also goes on to state that the area around the top and bottom of the ladder shall be kept clear. Federal 1926.1053(b)(9) also contains this requirement. There was agreement to add the requirement to 3276 in new section (e)(15)(I).

Section (e)(8) was reviewed and there were no revisions proposed.

Section (e)(9) was discussed. Bo Bradley said (e)(9) conflicts with (e)(10). It was agreed that (e)(9) should be incorporated into (e)(10), i.e. “The ladder shall be so placed as to prevent slipping, or it shall be tied, blocked, held, or otherwise secured to prevent slipping.”

Section (e)(10) was discussed. Larry Pena said electrical utilities use 3-rail ladders that are designed to be used in a horizontal position. It was agreed to add “unless designed for such use” at the end of the last sentence. Ann Katten said the first sentence should also apply to orchard tripod ladders. Jim Hays thought it would not be practical to determine whether a ladder that was supported by a branch was set up at a 4 to 1 pitch. Mr. Mitchell asked Pat McDermott if this was a problem in the tree trimming industry. He said a step

hillside may prevent setting up a ladder at a 4 to 1 pitch. Mr. Mitchell said he would investigate whether broadening the scope of the requirement to include orchard tripod ladders is reasonable. Bo Bradley requested that the Plate/figure, which shows the inclines for ladders and stairs, not be deleted.

Section (e)(11) was discussed. Dale Anderson's written comment was that the side rails should extend 18 inches above the landing, not 36 inches. Steve Johnson noted that 1926.1053(b)(1) requires 36 inches and that it restricts the scope of the requirement to when ladders are used for access to an upper landing. Wendy Holt noted that the proposal requires that the grab rails extend not less than 36 inches and that this requirement is not in 1675(i). Pat McDermott said that it is not always practical to extend the ladder 36 inches above the landing when accessing trees and that it certainly wasn't practical to add grab rails. He thought that the proposed text and the federal text, which applies when ladders are used to access to upper landing surfaces, are unclear as to whether the requirement applies to tree access. Larry McCune said that using a term like landing surface would make it sufficiently clear that it would apply to scaffolds but not trees. Mr. McDermott thought ANSI 133, Tree Trimming might have language which is clearer about how the requirement applies to tree access. It was agreed to use the first part of 1926.1053(b)(1), i.e. "When portable ladders are used for access to an upper landing surface, the side rails shall extend not less than 36 inches above the upper landing surface to which the ladder is used to gain access." There was no discussion about the additional requirements in 1926.1053(b)(1), i.e. securing the ladder and preventing the ladder from slipping from the top support due to deflection of a ladder that was too short.

Section (e)(12) was discussed. It was agreed to use language from 1926.1053(a)(7), i.e. "Ladders shall not be tied or fastened together to provide longer sections unless the ladders are designed for such use."

Section (e)(13) was reviewed. There were no suggested changes.

Section (e)(14) was discussed. Tom Mitchell noted that section 1675(h) and 1926.1053(b)(8) is broader. It was agreed to use 1675(h) to be at least as effective as (ALAEA) the federal standard, i.e. "Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards."

Section (e)(15)(A) was discussed. Larry Pena suggested adding "unless protected by a personal fall protection system in accordance with Article 36 of the High Voltage Electrical Safety Orders (HVESO)." Pat McDermott agreed so long as a reference to Article 12 of the GISO was also added for tree trimming work. Jim Hinson noted that Washington OSHA permits reaching if an employee is using fall protection and tied off to the ladder. Kent Jorgenson said that tying off to the ladder would not comply with CalOSHA fall protection requirements and shouldn't be allowed. There was general agreement with Mr. Jorgenson. Mariano Kramer said that any exception that permits overreaching should require tying the top of the ladder. There was disagreement as to whether (e)(9) would be sufficient to address this hazard. Kevin Bland requested that the

Initial Statement of Reasons clarify that working with the body near the middle of the step or rung means that the belt buckle is between the siderails. Silas Shawver thought that the second sentence was unclear. It was noted that Washington OSHA and federal OSHA 1926.1053(b)(11) specifically prohibit moving the ladder while an employee is on it. There was agreement to keep the proposed text since it is sufficiently clear and has the same effect.

Section (e)(15)(B) and (D) were discussed. Kevin Bland, on behalf of AGC, said subsection (B) and (D) conflict. He suggested keeping (B) and deleting (D). He thought (D) was not clear. Ann Katten objected to deleting (D). She thought it was necessary to prevent employees using one hand to climb a ladder and the other to carry materials. Bruce Wick said that the focus should not just be on the hands. The hands and feet need to move in a coordinated fashion so that there are three points of contact with the ladder at all times. This prevents employees from falling because they are going up and down too fast. There was agreement to require three points of contact when ascending and descending; and defining three points of contact in a note. (Use the definition in ANSI A14.3.) So, subsection (B) would stay and (D) would be revised.

Section (e)(15)(C) was reviewed. There was agreement that no revision was necessary.

Section (e)(15)(E) was discussed. Kevin bland said AGC requested that subsection (E) and (F) keep requirements for stepladders separate from extension and single ladders (as they are in the proposal). Larry Pena said that last part of (E) should be written as an exception and should include Articles 5, 12, 24, and 36. This exception should be consistent with the other exceptions when fall protection is used as discussed previously. There was agreement with Mr. Pena.

Tom Mitchell proposed to add new Section (e)(15)(I) as previously discussed, i.e. “The area around the top and bottom of a ladder shall be kept clear.” There was agreement.

Pat Bell suggested moving the note following (H) to the proposed new training section. There was agreement.

Section (e)(16)(A) was discussed. Steve Tucker said roofers use ladders to support pipes and as a “Hollywood derrick” (similar to a gin pole). These ladders are not used for climbing. There was discussion on an exemption that would allow such use under specific conditions, e.g. if it did not damage the ladder, the ladder was not used for climbing; the use was approved by the manufacturer. There was no agreement on proposed text. It was agreed to move on and proposed text would need to be provided later.

Section (e)(16)(B) was discussed. There were no suggested modifications.

Section (e)(16)(C) was discussed. Bruce Wick said that (C) contains an exemption and that he prefers all items under (e)(16) be prohibited at all times. It was agreed to delete

(C) because an eve, gutter, or roofline is a “landing” for the purpose of access and therefore covered by (e)(11).

Section (e)(16)(D) was discussed. Kent Jorgenson asked whether it represented a prohibited use or should be relocated to a more appropriate section. There was agreement that it should not be relocated.

Section (e)(17) was discussed. Tom Mitchell noted that the text was similar but not identical to 1675(l). Larry Pena suggested adding “unprotected energized electrical circuits.” Mariano Kramer suggested replacing “circuits” with “conductors and equipment.” Larry McCune said both the ladder and the user should be protected from electrical hazard. It was agreed to modify proposal to state: “Non-conductive ladders shall be used in locations where the ladder or user may contact unprotected energized electrical conductors or equipment.” It was also agreed to delete Note No. 2 since the ladder use requirements in the CSO have been incorporated into 3276.

Section 1678(a) was discussed. There was agreement to delete it because 3276(e)(16)(D) covers maximum length of two-section extension ladders.

Section 1678(b) was discussed. There was general agreement to delete specifications for minimum overlaps because ANSI ladder standards specify ladders must have stops that prevent extension beyond the minimum overlap specified by ANSI. Larry Pena thought it was necessary to include maximum overlap because his company purchases extension ladders that do not have stops that prevent two-section ladders from being extended to full length and/or taking apart. Tom Mitchell noted that the maximum overlap is different for wood and metal ladders in the two ANSI standards. It was agreed to incorporate the ANSI minimum overlap specifications in new section 3276(e)(16)(E).

Section 1675(c) was discussed. Tom Mitchell noted that it requires ladders be labeled as being designed and manufactured in accordance with ANSI, while 3276(c) requires ladders be designed and constructed in accordance with ANSI. Jim Hinson suggested that “placed into service” should be defined as “date of manufacture”. He is concerned that he could buy a ladder after the effective date of proposed Section 3276 that was manufactured in 2006 in accordance with ANSI 2000. Larry McCune said he did not believe there was any difference in the design and construction requirements of ANSI A14 – 2000 standards and ANSI A14 – 2007 standards. Tom Mitchell said he would need to consider Mr. Hinson’s comment because “placed into service” is used throughout Title 8. Steve Johnson recommended keeping 3276(c) as is because the employer should not have to throw away a good ladder because the label is worn off, and the important ANSI design and construction specifications have been incorporated into the proposal. There were no objections to keeping 3276(c) as proposed.

Section 3287, Ladders, of Article 5, Window Cleaning, was discussed. Tom Mitchell noted that the revisions are necessary to revise the internal reference to the portable ladders standards in Article 25. Kevin Bland suggested replacing “nonslip” with “slip-

resistant” in (b)(4). He also proposed adding “or equivalent” because the construction industry may nail a block to the floor near the ladder foot.

Section 3413, Ladders, of Article 11, Outdoor Advertising Structures, was discussed. Tom Mitchell noted that the revisions are necessary to revise the internal reference to the portable ladders standards in Article 25. Kevin Bland said AGC wanted to know if light duty and medium duty ladders would be prohibited. Mr. Mitchell said that the section only applies to outdoor advertising structures and that light duty and medium duty ladders are permitted by proposed Section 3276. There were no suggested modifications.

Adding a new section for training was discussed. Ann Katten provided the following: “Employees who will be working on ladders or supervising work on ladders shall be provided safety training appropriate for types of ladders used before such work begins. Training shall cover ladder placement, inspection for damage, safe use practices and limitations of use set forth in section 3276(e)(15), and avoidance of electrical hazards. Training may be provided as part of the employer’s Injury and Illness Prevention Program.” Mariano Kramer noted that it was agreed to move the non-mandatory text in subsection (e)(5) and the Note following subsection (e)(15)(H) to a new training subsection. There was general agreement that the topics should be listed in separate subsection and should include the topics covered in (e) that are relevant to accident prevention. It was agreed that Tom Mitchell should develop proposed language.

Tom Mitchell said he would email the proposed modification to committee members before the proposal is noticed to the public. He noted that there will probably be some modifications that the committee did not agree on, especially those that are necessary to be ALAEA the federal requirements.

The meeting adjourned at 3:30 pm.