

**OCCUPATIONAL SAFETY
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**MINUTES FROM THE ADVISORY COMMITTEE MEETING**

Proposed Amendments for Title 8, California Code of Regulations, Construction Safety Orders
Section 1646 (Riding On Rolling Scaffolds)
Petition No. 465

April 24, 2008
Sacramento, California

The meeting was called to order by the Chair, George Hauptman, Senior Engineer, Occupational Safety and Health Standards Board (Board) at 9:00 a.m. on Thursday, April 24, 2008. The Chair was assisted by Leslie Matsuoka, Standards Board Associate Governmental Program Analyst. The Division was represented by Larry McCune, Principal Engineer, Research and Standards Safety Unit. The Chair welcomed committee members and asked the committee to identify themselves for the record.

The Chair reviewed the Board's policy and procedures concerning the goals, objectives and use of advisory committees. The Chair explained that the committee role is to advise the Board. The Board will then consider the committee recommendations usually accepting them, sometimes modifying them and less frequently rejecting the recommendations if for example, the committee's recommendations would not be at least as effective as federal OSHA standards, or would be considered as decreasing rather than increasing the level of safety afforded by the existing standards.

The Chair stated that the committee would be reviewing the recommendations related to Petition No. 465 that was submitted by the Robert D. Peterson Law Corporation and Mr. Joel M. Cohen, President of The Cohen Group, on behalf of the Technical Services Information Bureau and the Acoustical Industry Advancement Fund (Petitioner).

The Chair stated that the petition recommends amendments for the California Code of Regulations, Title 8, Construction Safety Orders (CSO) Section 1646(f) that would permit the practice of "surfing" or "self-propelling" oneself on a low profile rolling scaffold. The petition recommends, with certain conditions, being able to move oneself while on the scaffold platform without having to climb up and down the scaffold each time it is moved to lock and unlock the scaffold wheels. In addition, the scaffold would not have to be moved by others below, which is currently required in Section 1646(f).

The Chair indicated that the first portion of the meeting would involve reviewing relevant information in order for the committee to make a determination regarding the merits and necessity for proceeding with a rulemaking proposal that would permit the practice of self-propelling. The Chair stated that this would include reviewing standards in Title 8, CSO, accidents related to rolling scaffolds, comment letters received, manufacturer's recommendations

and federal OSHA interpretations and standards related to riding on rolling scaffolds in 29 Code of Federal Regulations (CFR) 1926.452(w). The Chair emphasized that should a committee consensus include proceeding with a rulemaking action, the proposal would need to be at least as effective as the counterpart federal standards.

The Petitioner's representative, Mr. Joel Cohen, was given the opportunity to explain the reason for submitting the petition. Mr. Cohen stated that the installation of drywall and metal grid ceilings is accomplished standing on a scaffold platform. Commercial and residential ceilings are commonly 10 feet or less in height. Current standards require that a rolling scaffold be moved by others below, which is a level of staffing rarely available. The installation of ceilings requires constant and ongoing movement of the scaffold platform.

Mr. Cohen stated that workers must climb up and down the scaffold as many as 80 to over 100 times for 8 hours a day to move the rolling scaffold. Mr. Cohen asserted that this constant climbing up and down poses a greater hazard for falls and repetitive motion injuries than any hazards from self-propelling at a maximum platform height of 4 feet or less. In addition, it is not feasible or efficient use of labor to require a dedicated worker on the ground for the sole purpose of moving the scaffold. Therefore, the petitioner is recommending amendments to allow self-propelling under of certain conditions mentioned in the petition, such as, 1) the scaffold working platform shall not be more than 4 feet above the floor level, 2) the horizontal movement of the scaffold shall not exceed 2 feet during a specific move, and (3) the platform must be no less than 20 inches in width.

Mr. Cohen stated that he reviewed federal OSHA accident records. He stated that of 10 accidents he identified related to rolling scaffolds, 9 occurred at heights 6 feet or greater, and many resulted from falling off ladders placed on top of the scaffold to gain greater height, a practice which is prohibited. Regarding California's 5-year history of accidents as reported in the Division's accident investigation records, Mr. Cohen stated that there were 23 accidents with 21 accidents occurring from platform heights greater than 4 feet. A number of the accidents were not directly related to self-propelling. One accident had insufficient data to determine the cause, and one accident occurred at a platform height of 4 feet, however, the worker was standing on just one scaffold plank. Mr. Cohen stated that the petition is a reasonable proposal that would provide a safe alternative for moving the scaffold.

Mr. Cohen then showed a short video that demonstrated how self-propelling would eliminate the cumbersome practice of climbing up and down the scaffold for each move of the scaffold in order to keep the wheels locked as required by Section 1646(c).

The Chair reviewed the federal standards related to moving rolling scaffolds contained in 29 CFR 1926.452(w) with special emphasis on Section 1926.452(w)(6) which specifies the provisions for riding on a scaffold and compared the federal standards to California counterpart provisions. The Chair reviewed several federal OSHA interpretation letters, including one to Douglas A. Holman, dated June 8, 1998, that indicates that if all of the federal standards in Sections 1926.452(w)(2), (3) and (6) are met, then one could conceivably move a scaffold without dismounting. This letter specifically states that "Section 1926.452(w)(2) requires the casters and wheels to be locked when in

use. If a device were installed to permit the casters to be locked while on the scaffold, this requirement could be met without dismounting.”

Handouts were provided that included a letter from Perry Manufacturing dated April 10, 2008 and applicable manufacturer’s instructions from Perry which indicate that Perry does not approve of moving a Perry narrow interior mobile scaffold with a worker(s) on the platform. The literature from Perry also indicates to always lock the brakes on the scaffold casters before climbing the end frame access ladders and to never roll a Perry scaffold while a person is standing on the platform.

An additional handout included a letter received from the Scaffolding, Shoring & Forming Institute, Inc. (SSFI) and the Scaffold Industry Association (SIA) dated April 14, 2008 with an attached technical bulletin. The letter stated that SSFI and SIA do not recommend or encourage riding a rolling scaffold. The letter further stated that a rolling scaffold that encounters an obstruction (debris, uneven surface or an extension cord for example) while a worker is riding it can suddenly overturn and throw the worker from the platform. The letter stated that it is also unlikely that the casters on a rolling scaffold that is being ridden will be locked while in use. The letter noted that current Cal/OSHA and federal OSHA regulations permit the practice of riding on a scaffold with specific limitations in an attempt to provide some level of safety to the user and that loosening current restrictions will have an adverse affect on safety.

The Chair referred to one of the handouts provided from Division accident investigation records that summarized 23 accidents from a number of causes that occurred on rolling scaffolds from 2003 through 2007 where Section 1646(c) or (f) were cited. Two of these accidents occurred at a platform height of 4 feet. In one fatal accident, the employee fell while attempting to step down from the scaffold without the wheels being locked and he was standing on only one scaffold plank. Standing on one plank and climbing down the scaffold without the wheels being locked are both prohibited practices. The other accident occurred while the employee was rolling the scaffold by his own motion and fell from the platform sustaining a fractured arm.

The Chair reiterated that the Division accident summaries indicate most accidents involved a platform height exceeding 4 feet in height. In many cases the cause of these accidents were related to not having the wheel/casters locked while climbing or working on the scaffold, and in several others, objects were hit while moving the scaffold which caused the worker to fall. However, falls from rolling scaffolds would be typically on concrete surfaces, and there is potential for injuries should an employee land in an awkward or hazardous position even at lower heights. Several committee members pointed out that with respect to Division citations, that probability for serious injuries would typically be at fall heights of 8 to 9 feet and greater.

The committee discussed various types and sizes of rolling scaffolds that would be subject to the provisions in the petition. The Chair mentioned that Mr. Cohen indicated in his introduction that the proposed amendments in the petition are not intended for what is referred to as lightweight fold and roll scaffolds with a platform less than 20 inches nominal in width. Mr. Cohen responded that the 20 inch width proposed is to ensure that platforms are wide enough and that the scaffold has necessary stability and this would exclude the smaller type fold and roll

scaffolds that typically have platforms less than 19 inches in width. Michael Logue, Western Wall and Ceiling Contractor's Association, concurred with Mr. Cohen's comments.

The Chair stated that the preliminary discussions identifying issues and concerns and the Petitioner's reasons for the amendments seemed complete and he opened up the meeting for discussion on the merits of proceeding with a rulemaking in accordance with the concepts presented by the Petitioner. The Chair summarized that any decision on the merits of proceeding with a proposal should consider items such as counterpart federal OSHA standards, manufacturer's recommendations, the comment letters reviewed and whether amendments would result in fewer accidents and injuries.

There was some initial discussion that not all accidents on rolling scaffolds seem to be reflected in the statistics provided by the Division. Larry McCune indicated that the statistics only reflect injuries that are reported to the Division. Ralph Morales, Safety Coordinator, Rudolf and Sletten, stated that there are likely many more injuries that are not reportable or that should be but are not reported by employers. He stated that for every serious or fatal injury that statistics show there are 29 minor accidents and hundreds of near misses.

Mr. McCune, acknowledged that Mr. Morales' comments on the ratio of serious/fatal, minor and near misses are likely reliable estimates. On the other hand, the Division does not know how many carpenters have been disabled or retired early from this type of work from repetitively climbing up and down a rolling scaffold numerous times during a work shift. Mr. McCune indicated the Division does not have evidence or records showing any significant history of injuries that are occurring at platform heights 4 feet and lower from rolling scaffolds. He felt there was merit to pursuing the petition in terms of would self-propelling provide ergonomic relief for workers doing this type of work and asked for comments from the committee members.

Dan Benter, Field Representative, Painters & Allied trades District Council 36, stated that he has 25 years of experience in this type of work and that climbing on and off from the rolling scaffold is taxing on the body and is a hazard especially when the worker is carrying tools such as a drill and other items on a tool belt. Mr. Benter stated that the repetitive climbing up and down exposes the employee to potential falls and that he personally has medical issues in his legs from years of work requiring climbing up and down on rolling scaffolds.

Jason Fell, Northern California Drywall Contractors Association, has 29 years in the business and has observed the practice of self-propelling/surfing many times and agreed with Mr. Benter's comments. He further stated that climbing on and off the scaffold numerous times in a day includes a fatigue factor that poses a far greater risk for falling than falling from the practice of self-propelling a rolling scaffold that has a platform height not exceeding 4 feet. Every time a person climbs up or down the scaffold he or she is exposed to a fall. Michael Reichert, Director of Risk Management, Alcade-Arcade Contracting Inc., has many employees that are exposed to climbing up and down repetitively when they are working on a rolling scaffold and the climbing becomes a physical endurance issue for them.

David Lanza, Regional Safety Manager, Performance Contracting Group (PCI), stated that his company employs 5000 to 6000 employees nationwide. He has worked 27 years in this industry and been an instructor for the union's apprenticeship training programs. PCI performs drywall and acoustical ceiling installation work. In the ceiling work, there is usually no one available to push a scaffold from below and this is where they find a need to permit self-propelling. He stated at all ceiling contractor jobsites, the practice of self-propelling is prevalent and factored into the bidding process as a must to submit a competitive bid. His company permits self-propelling/surfing, but it is under very strict conditions that require floors to be broom swept, level and free of debris and obstructions. The platform height is also limited to 4 feet and the platform planks must be the locking type that would not slide.

Mr. Lanza studied injury statistics for his company over a several year period and indicated that they had 162 scaffold related injuries for scaffolds of all types, including exterior scaffolding. Of significance is that 31 accidents were specific to climbing on or off of rolling scaffolds and employees are not being injured while self-propelling/surfing. He feels that the process of climbing on and off the rolling scaffold repetitively presents a significant risk. He opined that self-propelling can be done safely given appropriate restrictions. The practice is common and likely to continue and there is merit to developing the appropriate regulations that all contractors can follow safely. The proposal would allow for the development of uniform training in accordance with the proposed standard.

Mr. Lanza advised that PCI has started testing the use of locking devices useable from the platform that are attached to the scaffold and secure the scaffold in place so that the wheels will not roll when work is performed. One concern is that letters from one scaffold manufacturer do not support the use of such devices. There are several devices on the market that are used from the platform that allow the scaffold to be secured from movement. Mr. Lanza asked whether such devices would be permitted to secure the scaffold.

The Chair stated the federal standard requires casters and wheels to be locked with wheel or swivel locks, or equivalent means. California's standard in Section 1646(c) requires wheels or casters of rolling scaffolds to be provided with an effective locking device so any proposal would need to address securing the scaffold from movement when workers are climbing it or working from it. Mr. Pat Connolly, Western Sales Manager, Granite Industries stated that his company manufactures such a product called the Top-Lock which secures the scaffold from movement. The device is attached on both ends of the scaffold on opposite corners which secures the scaffold from movement.

Robert Downey, Construction Employer's Association (CEA), stated that the rationale for amendments and changing the regulations might be found in the history of the original regulation which prohibits self-propelling. He surmised that the reason for prohibiting self-propelling might be that scaffolds used when the regulations were written were built of standard scaffold materials with wood planks and not equipped with horizontal and diagonal bracing at the bottom. Thus, the rolling of such scaffolds could cause the scaffold to rack and the planks to fall. If the intent of the original federal standards could be determined, it may provide the rationale to determine if the rolling scaffolds currently in use have the stability to be used in a self-propelling manner as recommended

by the Petitioner. The Chair noted from past research in matters like this, it was doubtful that such detailed information about the intent of standards promulgated in the early 1970's is available.

Several members responded indicating that the federal and state standards for mobile scaffolds seem in large part intended for mobile tower scaffolds, while the low profile Perry and Baker type rolling scaffolds are more of a rolling platform than a scaffold. Mr. Downey added that it would be helpful to have more detailed accident information regarding non-reportable injuries, and this information may be available through workers compensation company injury statistics.

Mr. Downey further added that additional data/studies showing that injuries from climbing up and down rolling scaffolds compared to injuries from self-propelling would be beneficial in determining any necessity for the proposed amendments. He preferred not to change the existing regulations and stated that some employers would be inclined not to follow the narrow restrictions set forth in the petition. The Chair indicated that obtaining useful information, data and studies on non-reportable type injuries related to self-propelling would be difficult and is likely not available. The practice is not permitted, and therefore, obtaining accurate information and reliable reporting or studies on such accidents is problematic.

The Board staff is not aware of any documented studies on the frequency of accidents related to climbing rolling scaffolds and is not aware of data available on the long-term ergonomic effects on the body from repetitive climbing up and down scaffolds numerous times during a work-shift. References in the minutes to injuries resulting from climbing up and down rolling scaffolds are testaments from the committee members from their personal and/or company experiences. Board staff would encourage any committee members or the Petitioner to submit any relevant information or statistics.

Discussion of the merits of the petition continued, and Richard Harris, Residential Contractor's Association, stated support for the proposal, provided it would require a device to lock and/or secure the scaffold during use and provided that the platform be of sufficient width. Walt Davis, Brand Energy Services, stated that he would like to see manufacturers add an access opening for the scaffold. David Lanza, PCI, stated that one manufacturer sells an end frame with an access opening, but it is problematic if the scaffold must be used at greater heights than four feet, as the scaffold's frame integrity may not be sufficient if there is a need to raise the platform, and a second scaffold or a second end frame would need to be available. He felt that an adequate locking mechanism or device to require that the scaffold be secured from movement when climbing or working on it is equivalent to existing standards and would address the issue.

The committee further discussed portions of the federal standard related to riding on a mobile scaffold. Robert Downey indicated that the Petitioner's proposal to limit the working platform to no less than 20 inches would meet the federal standard in 1926.452(w)(6)(ii) requirement for a platform height to base ratio of two to one or less. Mr. Downey and Larry McCune, clarified that the base dimension measurement is not the width of the platform but the width of other scaffold elements/components of the scaffold frame which are typically wider than the platform dimension. Mr. McCune commented that the scaffold wheels would be used to measure the base width when they are wider than the scaffold frame or platform. The Chair stated then that a 20 inch wide

platform with a frame base or wheel base 24 inches or greater would meet the 2:1 height to base ratio provision if the platform was limited to 48 inches in height.

Kevin Bland, Attorney, Granado Bland, APC, stated injury reports from the Division show some accidents occur while climbing up and down the scaffold. He stated that prohibiting self-propelling increases the frequency of climbing and exposure to falls. Mr. Bland recommended that a proposal be developed consistent with the federal counterpart provisions for riding on a mobile scaffold. If the proposal included a means to lock the casters or secure the scaffold from movement when work is performed then the proposal would be equivalent to the federal standard.

Dan Benter, District Council 36, stated that on one project with 9 multi-story buildings, employees were permitted to self-propel on rolling scaffolds provided they had a means to lock the wheels. At that jobsite, a pole-type device was used effectively from the platform to lock and unlock all wheels when necessary to move the scaffold. David Lanza, PCI, stated the previously mentioned, Top Lock device properly adjusted with one on each end of the rolling scaffold will effectively secure the scaffold from movement.

Ralph Morales, Rudolf and Sletten, referred the committee back to the information in the handout from Perry Manufacturing which states the scaffold is not to be subjected to side-load forces or impacts. He stated that in the practice of self-propelling, the scaffold is subjected to side-loading. He stated that the ANSI standard for mobile scaffolds and manufacturers in general do not recommend riding on scaffolds. The Chair also mentioned the SIA/SSFI letter reviewed earlier and noted that Mr. Morales' comments are very relevant and important issues for the committee to consider should a consensus to proceed with a rulemaking be reached.

David Lanza, responded that the reason for being here is to address the problem experienced by companies like his where their company injury reports show that the risks of climbing up and down a scaffold all day long far exceeds the risks of self-propelling with restrictions. He stated that for liability reasons, manufacturers will never approve devices being used on their scaffolds unless they manufacture and sell the devices.

The Chair pointed out that current California and federal OSHA standards permit the scaffold to be pushed by others below and asked whether that would create side forces similar to self-propelling. Walter Davis, Brand Energy Services, stated that side loading is affected by the dimensions of a platform. Scaffold regulations require scaffolds to be designed for anticipated maximum intended loads including lateral loads. However, Mr. Davis indicated that Brand Energy Services is a builder of scaffolds, and he does not support the proposal. Brand does not want to assume the liability for permitting self-propelling on their scaffolds. The Chair asked the committee would manufacturers ever accept a practice like self-propelling when most of them currently do not recommend even riding on a rolling scaffold which is permitted with the restrictions and conditions in the federal standards and the provisions of CSO Section 1646(f).

Richard Harris, CEA, stated that a primary concern for manufacturers is liability for accidents. If amendments follow that permit self-propelling that requires devices that lock and/or secure the scaffold from the platform, his members will make and use effective devices to achieve that.

Manufacturers will follow with their own products. No one rebutted this statement from Mr. Harris. Mr. Davis agreed that manufacturers would produce products to meet new standards.

The Chair asked labor representatives for their opinion regarding the merits of proceeding with the Petitioner's proposal. Dan Benter, Painters & Allied Trades District Council 36, stated the proposal has provisions and restrictions on self-propelling that address the hazards and he expressed support for proceeding with the proposal. Greg Allaire, Southwest Carpenter's Training Fund, and Rick Stoker, Northern California Drywall/Lathing Apprenticeship Program, expressed similar support for the proposal. Phil Reynolds, Northern California Carpenter's Regional Council, also expressed support for the proposal. There were no labor representatives opposed to proceeding with the proposal.

The Chair asked manufacturers present for their opinions. Pat Connolly, Granite Industries, stated that manufacturers have a broad range of scaffold types and sizes that their recommendations must encompass. With the limits and restrictions and the very narrow scope of this proposal, he felt it would be beneficial to proceed. This would provide a uniform set of provisions that could be followed for training employees. Walter Davis, Brand Energy Services, expressed concerns that the rider's center of gravity for the scaffold base/width proposed is not sufficient to provide stability and he did not support proceeding with the proposal. David Lanza, PCI, commented that these types of scaffolds such as a Perry or Baker brand can be tipped over if you get too close to the edge and lean over the guardrail when it is stationary.

Chris Sullivan, FramePro Products, stated that providing engineering calculations regarding overturning forces for the base to height ratio is problematic because it varies depending on the individual weight of the employee on the platform. There is empirical evidence with the apparent industry acceptance of this practice that scaffolds are not overturning with any relevant frequency. The federal standard and their interpretations indicate that, if one follows their provisions for riding a mobile scaffold and finds a way to lock or secure the scaffold, that self-propelling is acceptable. He supported proceeding with a standard that would incorporate any relevant requirements from the federal standard into the proposal. He stated that this would not change his manufacturer recommendations against riding on a rolling scaffold, including the practice of self-propelling, because there will be individuals that do not follow the restrictions and conditions in the rules/regulations and then go after the manufacturer in litigation.

Eric Short, Western Regional Sales Manager, Bil-Jax Manufacturing, stated that his company is a member of SSFI and SIA whose letter was discussed earlier. Bil-Jax does not support proceeding with a proposal as there is no evidence that the practice of self-propelling would decrease accidents.

Having heard from labor and the manufacturers, the Chair asked the Division for its opinion. Larry McCune responded that self-propelling scaffolds is a practice encountered with some frequency by compliance personnel. He felt there is potential to safely permit the practice if employees are trained, and the conditions and limitations are followed. Limiting the platform height to 4 feet reduces the risk of injury from falls. There is an advantage to modeling the proposal consistent with existing federal standards which address the base to height ratio required and limit the platform height to no more than 5 feet in 29 CFR 1926.452(w)(3).

The Chair asked for comments from general contractor representation at the meeting. Debbie Moser, Snyder Langston, said she could agree to the practice if side rails were required and if the workers stayed within the perimeter of the side rails. David Lanza responded that side rails would make access on and off the scaffold more difficult unless there was an access opening in the end frame. Joel Cohen, added that guardrails are not required at platform heights of 4 feet and if you have them, the temptation to stand on them to gain height is present.

Ms. Moser stated that she has seen employees lean out too far while trying to pull themselves along while on the scaffold platform. Bill Drury, Carpenter's Training Committee (Northern California), stated that leaning out too far on a scaffold beyond the platform edge is a training issue. He also felt that the provisions for self-propelling should specify that only one employee is permitted on the scaffold.

The Chair summarized that the committee discussions reflect that manufacturers do not support the proposal as noted by the comment letters submitted by Perry Scaffolding and SSFI/SIA. The Chair noted that two of the four manufacturers present did not support proceeding with a rulemaking proposal as well as the reservations expressed earlier by Ralph Morales, Rudolf and Sletten. Bob Downey, CEA, also wanted to go on the record stating that his safety council did not support the proposal that would permit self-propelling.

However, the Chair commented that he believed that there was a majority consensus reflected in the committee deliberations to proceed with a rulemaking action. The proposal had support from all labor attendees and their training programs, contractors performing this type of work on rolling scaffolds, and the Division. The Chair stated that if anyone felt there was not a majority consensus to proceed with a rulemaking action for the Board's consideration, then they should comment now. No comments forthcoming, the Chair then stated that the committee would proceed with a proposal and review the Petitioner's text as amended by Board staff with consideration for applicable federal OSHA provisions.

The Chair noted that the federal standard in 1926.452(w)(2) calls for the casters and wheels to be locked or "equivalent means" to prevent movement of a rolling scaffold when it is in use and the counterpart California standard in Section 1646(c) does not have a provision for "equivalent means." One committee member suggested that the language to address securing the scaffold during use be added to amendments specific to self-propelling rather than amend a section that pertains to all mobile scaffolds. The committee agreed to this concept and agreed to include this in Section 1646, subsection (j)(4). In order to avoid a conflict with Section 1646(c), note that proposed subsection (j)(4) includes an option to use a locking device as required by Section 1636(c) to secure the scaffold from movement.

Walter Davis reiterated earlier discussion that under general scaffold requirements, Section 1637(b)(4) requires that manufactured scaffolds be used in accordance with the manufacturer's recommendations. He asked if this would create a conflict, since manufacturers generally recommend against riding on rolling/mobile scaffolds. Kevin Bland opined that the proposal

would be a specific regulation for specific activity with restrictions and safeguards and would make the argument that a specific standard would take precedence over a general standard.

Larry McCune, Division, stated that manufacturers would have appropriate instructions for the products they sell. The use of a braking device other than the manufacturer's caster brakes could be considered a modification that would be an issue for the manufacturer. Mr. McCune opined that manufacturers would develop components necessary to meet the standard. The Chair noted that some manufacturers instructions indicate do not ride on a rolling scaffold, but federal and California OSHA standards already permit riding on a rolling scaffold under the limited conditions outlined in 29 CFR 1910.452(w) and CSO Section 1646(f), respectively.

Bob Downey, CEA, commented that one scaffold manufacturer's safety recommendations had a statement that their rules do not purport to be all-inclusive or to supplant or replace other additional safety and precautionary measures to cover usual or unusual conditions. The rules also stated that they are not intended to conflict with, or supersede, any state, local, federal statute or regulation; reference to such specific provisions should be made by the user.

The Chair noted that a similar statement is included in another scaffold manufacturer's instructions. It was discussed that this type of statement could address the use of scaffolds when used as required by federal or state OSHA standards. One committee member stated that OSHA standards are minimum standards, and that employers have to make choices. If they choose self-propelling or permit riding on rolling scaffolds, that choice may be limited to use of equipment wherein the manufacturer has addressed the issue and/or acknowledges applicable OSHA standards that permit the practice.

The committee continued reviewing the proposal and recommended that only one employee be permitted on the scaffold as reflected in subsection (j) in the attached proposal. Bruce Wick, California Professional Association of Specialty Contractors, stated that he had a concern regarding the organization of the subsections in Section 1646. He recommended moving and re-lettering the provisions in existing subsections (g), (h), and (i) with no changes, to a location that would permit the provisions related to riding on rolling scaffolds [subsections (i), (j) and (k)] to be located together at the end of the Section 1646. The committee agreed with Mr. Wick's recommendation and these subsections are relocated as shown in the proposal.

Bob Downey, suggested that the committee might consider a definition for the term "self-propelling." However, Kevin Bland stated that the definition is provided within subsection (j). The committee agreed that the language in subsection (j) defined the practice. The committee agreed to the provisions in proposed subsections (j)(1) and (2). With respect to proposed subsection (j)(3) the Chair asked if the platform minimum width of 20 inches would be a problem, since the actual width of a single platform plank is slightly under 10 inches, usually approximately 9 1/2 inches. The committee agreed to insert the word "nominal" width which would allow the platform to be slightly less than 20 inches to accommodate for the actual measurement of two approved scaffold planks together. However, in post committee evaluation of the proposal, subsection (j)(3) is revised as reflected in the draft text for clarity and enforceability.

The committee previously agreed to the language for subsection (j)(4) that requires an effective device to prevent movement of the scaffold when workers are climbing or working on it.

The Chair noted that the federal standard in 1926.452(w)(3) states that manual forces used to move a scaffold shall be applied as close as practicable, but not more than 5 feet above the supporting surface. This provision is not in the existing state standard in Section 1646(f), and the committee agreed with Mr. Downey's suggestion that in order to be equivalent to the federal standard, this provision should be added as Section 1646(i)(4).

Next the Chair stated that the federal standard addressing riding on scaffolds in 1926.452(w)(6)(iv) states that when powered systems are used, the propelling force must be applied directly to the wheels and not produce a speed in excess of 1 foot per second. The Chair stated that the federal standard under certain conditions permits the use of add-on motors and other powered systems to propel a scaffold when they are designed for such use [see 1926.452(w)(4)]. The petitioner's recommendations are silent on the issue of powered systems.

The Chair asked Pat Connolly whose company, Granite Industries, manufactures a rolling scaffold with an add-on motor called the Power Snappy if powered systems should be addressed in this proposal. Mr. Connolly stated that this meeting was not the venue for that and it was a separate issue for another time. The Chair concurred that the Petitioner's recommendations focus specifically on manually moving the scaffold and consideration of powered systems that use add-on motors or a drill connected to a wheel at the base of the scaffold to propel a scaffold was outside the scope of this meeting. Further, consideration of powered systems would require additional input from manufacturers and users of such products.

However, in post committee evaluation of the proposal, the Chair determined that the language of the proposal would not prohibit the use of powered systems to propel a scaffold. Consequently, a provision is added as proposed subsection (j)(5) that prohibits the use of powered systems to propel a scaffold.

The committee agreed that federal language specific to riding on a scaffold in 1926.452(w)(6)(v) be added to the proposal. This provision provides that no employee is on any part of the scaffold which extends outward beyond the wheels, casters, or other supports and this provision is shown as proposed subsection (i)(6).

Walter Davis, Brand Energy Services, commented that the federal standard in 1926.452(w)(10) requires that before a scaffold is moved, each employee on a scaffold is to be made aware of the move. This provision is not included under subsection (i) which addresses riding on a scaffold moved by others below. The committee agreed that this should be added for equivalency with the federal standard and the provision is denoted as subsection (i)(5) in the proposal.

The committee determined that the proposal should have a provision to address training for employees involved in the practice of riding on a rolling scaffold. The committee discussed that the specific training requirements would cover the same items already specified in subsections

(i) and (j) and that a training provision as a new subsection should serve as an awareness of training responsibilities. Consequently, subsection (k) is proposed for training purposes. This completed the committee review of the proposal.

The Chair asked if the proposal would result in any cost impact for employers. One member stated that employers may incur a nominal cost to equip the scaffold with a device that would secure the platform from movement while work is being performed that could be operated from the platform. Other committee members indicated that increased production would significantly outweigh any nominal cost to equip the scaffold with a braking device. Larry McCune, Division, stated that the employer would have an option to permit employees to self-propel on a scaffold provided they met the conditions in the standard so there would not be a mandated cost.

The Chair summarized the proposed amendments developed with the assistance of the advisory committee and reviewed the Board's rulemaking process. The Chair stated that minutes of the meeting and a draft proposal would be prepared and sent to the committee members. Rulemaking documents would then be prepared and noticed for public comment and the amendments would be calendared for the Board's consideration at a future public hearing.

The Chair thanked all committee members for their attendance, participation and comments. There being no further questions or comments, the meeting was adjourned at 3:30 p.m.