

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
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TITLE 8. CALIFORNIA CODE OF REGULATIONS

Construction Safety Orders Section 1630 (Published on January 30, 2026)

Elevators for Hoisting Workers

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **March 19, 2026** in the **Council Chambers of the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262** as well as via the following:

- Video-conference at: <https://tkoworks.zoom.us/j/87501250331>
(Webinar ID: 875 0125 0331)
- Teleconference at (669) 444-9171 (Conference ID: 875 0125 0331)
- Live video stream and audio stream (English and Spanish) at
<https://videobookcase.com/california/oshb>.

At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **January 30, 2026**, and closes at 5:00 p.m. on **March 19, 2026**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Elevators for Hoisting Workers Rulemaking, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By e-mail sent to oshbsrulemaking@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards. These proposed regulations will implement, interpret, and make specific Labor Code section 142.3.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Board staff is initiating a rulemaking pertaining to construction passenger elevators (CPE) in response to the Board's decision to grant Petition 587 (Zampa and McClelland) and a Request for New, or Change in Existing, Safety Order (Form 9), from the Division of Occupational Safety and Health (Cal/OSHA) dated April 3, 2019. The Board's adopted petition decision, in part, ordered Board staff to convene an advisory committee to discuss:

- Unresolved Form 9 issues (CPE roof access, service to landings, requiring more than one CPE for structures with extraordinarily large floor plans); and
- Potentially addressing "alternative access" in place of a CPE.

The rulemaking is necessary to address concerns raised in the petition and Form 9 highlighted above and provide other clarifying amendments.

Labor Code section 142.3 establishes the Board as the only state agency authorized to adopt occupational safety and health standards. In addition, Labor Code section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

The Occupational Safety and Health Standards Board is proposing this rulemaking action pursuant to Labor Code section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The proposed rulemaking differs from federal regulations because federal OSHA does not have corresponding standards for the provision of CPEs.

Anticipated Benefits

The proposal promotes worker safety by clarifying requirements regarding employee access to workplaces using CPEs.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

After conducting a review for any related regulations in this area, the Board has found that these are the only regulations concerning elevators for hoisting workers on

construction sites. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

Specific Changes Proposed

The specific changes are as follows:

Subsection 1630(a)

A new subsection 1630(a) will add definitions for “ground level,” “operating” and “primary construction entrance” to aid the public in understanding the requirements of the regulation. The definitions will add clarity to the requirements so that compliance can be more uniformly achieved.

Subsection 1630(b)

Existing subsection (a) will be relabeled (b).

Newly labeled subsection 1630(b) will be modified to require “at least one” CPE, replacing “a” CPE, and to clarify that the requirements of this subsection are inclusive of buildings or structures 48 feet “or more” in depth below ground level. Other information in the subsection regarding when the CPE must be installed and how an employer is expected to determine the height or depth of a building or structure has been relocated and modified to provide better detail about the requirements.

Subsection (b)(1) clarifies that a CPE is required to be installed and operational before employees work above a height of 36 feet.

Subsection (b)(2) provides instructions for determining the height of a building or structure, measuring from ground level to the highest structural levels. Attachments such as mechanical screens and flag poles are listed as exceptions to measurements for the height of a building or structure.

Requirements for determining the depth of a building or structure are unchanged, though the information has been relocated and identified as subsection 1630(b)(2)(B) to make it more prominent and easier to find within the regulation. Information describing “ground level” has been modified to address excavations and relocated to the definitions section.

Requirements for buildings or structures that can be considered to have measurements for both height and depth are proposed to be relocated and identified as subsection 1630(b)(2)(C). The proposal also clarifies that service to the underground landings and service to the above ground landings must be provided by at least one CPE. An employer may choose to serve both above ground and below ground landings with a single CPE.

Subsection (b)(3) clarifies that excavations 48 feet or more below ground level must have the CPE installed and operational as soon as practicable once any portion of the excavation has reached its total depth.

The proposed amendments to newly labeled subsection 1630(b) will clarify the requirements for providing CPE access to buildings or structures.

Exceptions to newly labeled subsection 1630(b)

Exception 1 is proposed to be modified to add that slip and climbing forms, which are considered falsework, are not excepted from the requirements for providing CPE access.

Exception 2 is proposed to be reworded to clarify conditions for allowing alternate means of access in lieu of a CPE.

Proposed exception 3 allows a permanent passenger or freight elevator to be used in lieu of a CPE.

The proposed exceptions will clarify conditions where a CPE is not required.

The note and list of examples below the exceptions listed in existing subsection 1630(a) are proposed for relocation to subsection 1630(d). The relocation is necessary to keep the information near the part of the regulation where it is most applicable, helping to improve the clarity of the requirements.

Subsection 1630(c)

Existing subsection (b) will be relabeled (c).

Subsection 1630(d)

Existing subsection (c) will be deleted and replaced with proposed subsection (d).

Proposed subsection (d) clarifies the phrase “unusual site conditions or structure configurations” in existing Exception 2 of subsection 1630(b). This subsection requires that employers provide written substantiation to Cal/OSHA explaining why the use of a CPE is infeasible. The list of examples of unusual site conditions or structure configurations currently found at the end of existing subsection (a) is proposed to be relocated to proposed subsection (d) with some minor grammatical changes.

Proposed subsection (d) will establish consistency in requesting and providing alternate means of access in lieu of a CPE.

Proposed subsections (d)(1)(A)-(I) provide requirements for employers who elect to use vehicles to provide employee access instead of a CPE in the latter stages of parking

garage projects. The amendments will alert employers to the requirements for using vehicles in lieu of a CPE in limited situations.

Subsection 1630(e)

Existing subsection (d) will be deleted and replaced with proposed subsection (e).

Proposed subsection (e) contains requirements for landings to provide access to the working levels of buildings and structures. The subsection also requires that the first landings installed for work in an excavation are at the top and bottom of the excavation. Finally, subsection (e) requires that the travel distance between an elevator landing and the employee's work location is not to exceed one-quarter mile.

Proposed subsection (e) will ensure that landings provide safe access to working levels.

Proposed subsection (e)(1) requires that the landing provides access to the working level. The proposed subsection is necessary to ensure that the landing provides safe access to working levels. Further, the landing is required to be at least 15 feet in the least base dimension proposal is necessary to ensure that employees embarking or disembarking from the elevator car can do so with enough clearance to accommodate other riders.

Proposed subsection (e)(2) requires that hoists include an area intended as that portion of a floor, balcony, or platform used to receive and discharge passengers or material to be located at the uppermost floor. Additionally, landings must be designated at intervals of not greater than 3 floors for the entire height of the building. Nothing in this proposal precludes providing landings on every floor. Subsection (e)(2) adds as regulatory text the existing note previously under subsection (d). This addition of the pre-existing subsection ensures that employers may select substitute landing locations when accepted by Cal/OSHA.

Proposed subsection (e)(3) prohibits work above three floors from the next lowest elevator landing.

Proposed subsection (e)(4) establishes the first two landing areas provided to a CPE providing access to underground locations. These two landings are the surface level or grade level and the bottom of the excavation.

Proposed subsection (e)(5) allows employers to forgo the installation of a landing area on levels where no working level exists.

Proposed subsection (e)(6) provides a maximum distance from an elevator landing area to employee work locations.

Proposed subsection (e)(7) requires the roof of the building or structure to be provided with a safe means of access until a permanent elevator can be installed and accessible as a construction elevator consistent with section 1604.4.

Exceptions to proposed subsection 1630(e)

Exception 1 is proposed to clarify that landings are not required at roofs of certain rooftop structures, nor on steep roofs, nor on roofs of materials or configurations that will not allow a landing due to structural or functional limitations.

Exception 2 is proposed to clarify that landings on cast-in-place concrete structures are not required until the concrete reaches sufficient strength for the formwork to be removed.

The proposed exceptions to subsection (e) will clarify the requirements for landings on buildings and structures and aid in compliance with the intent of the regulation.

The proposed amendments were developed with the assistance of an advisory committee made up of industry and labor representatives discussing the least burdensome means for accomplishing the necessary objectives. Although the proposal contains clarifying amendments to the existing language, the practices of the affected stakeholders are not expected to significantly change because of the amendments.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies or School Districts: None.

Cost or Savings to State Agencies: None.

Cost to Any Local Government or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Cost Impact on a Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses to Compete:

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states.

Employers affected by the proposed amendments to section 1630 work in the construction industry. While any contractor licensed by the State Contractors License Bureau can perform work requiring the use of a CPE, the vast majority of construction work in California does not require a CPE. The Board anticipates an annual cost impact of \$6,679,081 or \$15,771 per small business (\$6,592,253 divided by 418). The cost per small business is incurred as an annual cost. The cost of high-rise buildings in the Western US is \$557 per square foot on the low end and \$730 on the high end.

Significant Effect on Housing Costs: None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments may affect small businesses; however, no significant economic impact is anticipated. The proposal was developed with the assistance of an advisory committee made up of industry and labor representatives discussing the least burdensome means for accomplishing the necessary objectives. Most of the proposed changes clarify when certain requirements of the existing regulation must be implemented, but do not impose new requirements. Although additional equipment and procedures can be required in certain situations, many employers already operate in the prescribed manner due to improvements in the efficiencies of moving employees and materials.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

This rulemaking action will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses because the amendments were developed with the assistance of an advisory committee made up of industry and labor representatives discussing the least burdensome means for accomplishing the necessary objectives. Most of the proposed changes clarify when certain requirements of the existing regulation must be implemented, but do not impose new requirements. Although additional equipment and procedures can be required in certain situations, many employers already operate in the prescribed manner due to improvements in the efficiencies of moving employees and materials.

The proposal promotes worker safety by clarifying requirements regarding employee access to workplaces using CPEs. Employers and Cal/OSHA personnel will have clearer requirements allowing for simpler and more uniform compliance and enforcement of existing regulations. No significant environmental impact is anticipated from the proposed action.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has

otherwise been identified and brought to its attention would either 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 proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marlo Miura (Regulatory Analyst) or the back-up contact person, Ruth Ibarra (Staff Services Manager I), at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process BY APPOINTMENT Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. Appointments can be scheduled via email at oshsbrulemaking@dir.ca.gov or by calling (916) 274-5721. As of the date this Notice of Proposed Action is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, the Initial Statement of Reasons, and supporting documents. Copies may be obtained by contacting Marlo Miura or Ruth Ibarra at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the public hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Marlo Miura or Ruth Ibarra at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Marlo Miura or Ruth Ibarra at the address or telephone number listed above or via the Board's website at <http://www.dir.ca.gov/oshb>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed Action, and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshb>

TITLE 8
CONSTRUCTION SAFETY ORDERS
SECTION 1630
ELEVATORS FOR HOISTING WORKERS