



June 11, 2025

Millicent Barajas  
Executive Officer, Occupational Safety & Health Standards Board  
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Ms. Barajas:

In response to the language that was shared by Simone Sumeshwar on April 22, 2025, the purpose of this letter is to summarize OSHA's comments on DIR draft language for Section 1716.2(e)(2), which is part of Phase 1 with additional proposed revisions in Phase 2, as well as California's other Phase 2 revisions.

Section 1716.2(e)(2)

During Phase 1 of California's modifications to its fall protection in construction standards, in a July 12, 2024 letter to the Occupational Safety and Health Standards Board, OSHA identified a concern that Section 1716.2(e)(2), which covers "Work on Top Plate, Joists and Roof Structure Framing" in "Residential-type Framing Activities, Wood and Light Gage Steel Frame Construction," provides an alternative to use a fall protection plan. Specifically, OSHA noted that Section 1671.1 now contains a presumption that conventional fall protection is feasible and will not create a greater hazard, but that the Phase 1 proposed language to revise Section 1716.2(e)(2) allowed employers to follow (A) through (C) in lieu of the requirement to prove infeasibility. OSHA raised concerns that this alternative, which applies only to framing work, adds a degree of ambiguity and broad interpretation to render ineffective the general requirement for conventional fall protection. To be at least as effective as OSHA's requirements, OSHA recommends requiring an employer to demonstrate that the use of fall protection systems required by 1926.501(b)(13) is infeasible or creates a greater hazard before the employer may use a fall protection plan when performing the work activities listed in 1716.2(e)(2).

As part of Phase 2, California has shared proposed revisions to the language in 1716.2(e)(2) to revise the final sentence, which currently provides that when paragraphs (A) through (C) are met, employers "may use a fall protection plan with safety monitors and controlled access zones as described in Sections 1671.1 and 1671.2, instead of the conventional fall protection methods specified in subsection (e)(1)" to now state that employers "shall use a fall protection plan with safety monitors and controlled access zones as described in Sections 1671.1 and 1671.2 unless fall protection is determined to be infeasible". The latest updates are unclear and can be interpreted to mean that conventional fall protection is no longer an option under 1716.2(e)(2) and that the only

available options are to either use a safety monitor and controlled access zone or determine that any fall protection method is infeasible. This is not “at least as effective as” OSHA standards.

Further, Section 1716.2(e)(2) specifically applies when employers are engaged in “interior framing activities,” but the term “interior framing activities” is undefined. The provision does not clearly state when an employer is engaged in interior framing activities or what an employer performing interior framing activities must do to comply. Given these concerns, OSHA recommends deleting Section 1716.2(e)(2) and requiring all employers to follow Section 1716.2(e)(1).

#### Other Phase 2 Revisions

With regards to California’s other Phase 2 proposed revisions, OSHA believes the proposed clarification in Section 1730, which distinguishes between commercial and residential roofing operations, contributes positively to understanding which regulations apply to specific operations. However, it is not clear if Section 1671, on safety nets, is aligned with the federal standard 1926.105(b), in that the federal standard requires that operations not be undertaken until the net is in place and has been tested. Modifications to other sections appear to be in alignment with and/or at least as effective as federal OSHA standards.

Thank you for your attention, and I look forward to further discussions on these matters.

Sincerely,

**JAMES WULFF**

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Date: 2025.06.11 11:25:25  
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James D. Wulff  
Regional Administrator

cc: Acting Director, DCSP