From: Greg Small
To: DIR OSHSB
Subject: Petition Request - Use of Tye 2 Hardhats in Walking-Working Surfaces standard that is currently being revised in California.
Date: Monday, June 29, 2026 2:50:41 PM
Attachments: image001.png
image003.png

Hi,

I am submitting this email as a formal petition requesting the state of California to consider requiring all at-height workers to wear Helmets (meeting ANSI Z89.1-2014 Type II).

As a Fall Protection Qualified Person instructor, one thing I have greatly emphasized in my courses for more than a decade has been to ensure workers wear Helmets that are rated for side and top impacts and that have a harness that will hold the hardhat on their head when they fall.

I respectfully ask you to consider the following as you contemplate the merit of my request:

1. In the second presentation in my Qualified Person training, I show a video of a real (but minor) fall where a worker tumbles out of a scaffold that is about 8 feet off the ground. It shows that the first thing to happen is for the construction hardhat to come of the head. Fortunately, the worker lands horizontally, chest down, distributing the impact into his legs, hips and has time to get his arms beneath his torso. He has enough arm and neck strength to hold his head from hitting the ground and is likely subject to only minor injuries (if any). Nonetheless, it is easy to picture much more serious injuries if the worker had fallen from a greater height, or if the head had struck something on the way down, or if the body had become inverted so that the head was the first part of the body to contact the ground.
2. The head is one of the most vulnerable parts of the human body. Brain injuries do not heal as readily as injuries to other parts of our bodies. Unlike bone, muscle and tendons (which can often completely recover from serious cuts, breaks, tears and punctures), brain tissue does not regenerate. At best, other parts of the brain attempt to partially take over functions lost by the injured part of the brain, and are much less effective than the injured brain had been before the injury.
3. In the second presentation of my Qualified Person training, I play an animation of a tumbling fall that shows that the greatest risk of head injury when using a fall arrest system, is prior to full engagement of the fall arrest system. This occurs during and slightly beyond the Free Fall phase of the fall event. When a worker is tumbling, the head can easily strike objects even if the fall is arrested. Once the fall arrest system is engaged, the body quickly is jerked upright so that the feet are leading the fall and will impact the ground or lower obstruction first, effectively dissipating the fall energy into the strongest parts of our body, shielding and usually preventing appreciable impact energy being delivered to the head.
4. In the second presentation of my Qualified Person training I show statistics from Australia that 75% of fall fatalities involve fatal head injuries.
5. In my forensic work as an expert witness investigating fall incidents (on behalf of various entities, including regulators), I can confirm that the vast majority of fatalities and serious injuries involved the head striking something, which aligns with the Australian statistics.
6. I am a member of ANSI Z359, and attest to a meeting a couple of years ago, where members of our committee from the UK gave an informal presentation that showed that the UK fatalities from falls are about 20% of those recorded in the US (per man-hours worked). Although not discussed at the meeting as a possible reason, a key difference between the US and the UK (and many other countries around the world) is that US workers wear construction hardhats instead of helmets, and thus have significantly less reliable head protection. This alone might explain a significant portion of the difference in fatality statistics between the US and the UK.
7. Two and a half years ago, US OSHA issued Safety and Health Information Bulletin “SHIB 11-22-2023”, recommending the use of Helmets in ALL construction work. While this is not yet a mandatory requirement within the federal regulations, it appears that OSHA issued the bulletin to get this protection in place as early as possible, and ultimately intends to make it a part of the regulations in the future when the regulations are next worked on.
8. California is not working on the regulations for head protection at this time, and may not do so for many years. Since Falls from height continue to be the leading cause of death in construction, this simple change can temporarily be put into the Walking-Working Surfaces regulations now, where head protection perhaps needed the most.
9. Fall fatality statistics in the United states and California have not appreciably improved for more than 20 years, for a wide variety of reasons the fall protection community continually struggles to mitigate. Reasons that are frequently discussed include: complacency; misconceptions; misuse; and fall scenarios (such as residential roof construction) that continue to be very difficult (perhaps infeasible) to protect. Better head protection will mitigate a lot of the consequences of the other things we have failed to effectively address so far.

In my opinion, improved head protection is extremely simple to understand and implement and has a relatively low cost. It has potential to significantly reduce fatalities and life-changing injuries, even as we continue to achieve limited success against all the other factors listed in point

number 9, above, at very low cost. If this turns out to be as beneficial as I expect it could be, we should make this change proactively, rather than waiting decades to reactively revise California law AFTER Fed OSHA fully implements it. In addition to saving Californian lives immediately, you might actually assist Fed OSHA and the rest of the country get this into law sooner if California is able to show a significant reduction in Fall injury statistics as compared to the rest of the Country.

If you would like me to offer a webinar of the second presentation of my Qualified Person training to whoever may consider my request, I would be happy to do so.

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