

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 493)****INTRODUCTION**

The Occupational Safety and Health Standards Board (Board) received a petition on March 6, 2007, from Mr. David Wagner, Owner, J-CAT Enterprises (Petitioner). The Petitioner requests the Board to amend Title 8, California Code of Regulations, Section 1712 of the Construction Safety Orders (CSO), concerning hazards associated with the use of reinforcing steel and other similar projections.

Labor Code section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health, and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

SUMMARY

The Petitioner believes that Section 1712(a) should be expanded to include column base brackets by specifically identifying column base brackets in the scope. The Petitioner proposed that the words, "column base brackets" be added to the title of the standard, to subsection (a) and to subsection (b)(1). The Petitioner stated that the impalement hazard posed by column brackets represents a significant hazard to workers and the public and recommends that contractors installing column base brackets use some form of impalement protection.

DIVISION'S EVALUATION

The Division's evaluation report dated May 22, 2007, states that the Division opposes further consideration of this petition because the current standard already regulates column brace brackets or straps where they present an impalement hazard. In addition, the Division was unable to find a significant statistical history of impalement injuries involving column bracket straps that would justify special mention of this particular hazard in the wording of the standard.

STAFF'S EVALUATION

Column base brackets are used to secure vertical posts or columns used to support patio covers and other overhead structures. The Petitioner has received a United States Patent and the

Division's approval pursuant to Title 8, Section 344.90 for an impalement protection device that could be used on column base brackets.

Although the Petitioner believes that column base brackets present a significant hazard to employees and the public, he did not provide any accident documentation to support his assertion. Review of the Federal Occupational Safety and Health Administration accident/injury database does not officially document any accidents involving column base brackets in California since 1984.

Currently, Section 1712 already applies to column base brackets which are an impalement hazard. Subsection 1712(a) states, "...this section applies to all work sites and locations where employees work around or over exposed, projecting, reinforcing steel or other similar projections," and subsection 1712(c) mandates "protection from reinforcing steel or other similar projections." The term "other similar projections," would include column base brackets that pose an impalement hazard. This is a performance standard which requires the employer to assess the potential impalement hazards on the jobsite and safeguard employees using protective covers or troughs.

The Board staff agrees with the Division's position in this matter and recommends that OSHSB Petition File No. 493 be denied.

CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition of Mr. David Wagner, Owner, J-CAT Enterprises, to make recommended changes to Section 1712 of the Construction Safety Orders, concerning hazards associated with the use of reinforcing steel and other similar projections. The Board has also considered the recommendations of the Division and Board staff. For reasons stated in the preceding discussion, the Petition is hereby denied.