

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 510)****INTRODUCTION**

The Occupational Safety and Health Standards Board (Board) received a petition on August 4, 2009, from Mike Coghlan, Sabre Towers and Poles (Petitioner). The Petitioner requests the Board to amend Title 8, California Code of Regulations, Section 8608 of the Telecommunications Safety Orders (TSO) regarding the requirements for horizontal spacing of rungs between the side rails of fixed ladders that are used to access telecommunication towers.

Labor Code section 142.2 permits interested persons to propose new or revised regulations 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 must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

SUMMARY

Sabre Towers and Poles, a manufacturer of communication structures, states that amendments of California Title 8 standards are necessary for consistency with counterpart federal telecommunication standards in 29 CFR 1910.268. The Petitioner notes that there are numerous telecommunication towers in California that comply with federal OSHA standards, but not with Cal/OSHA standards. Specifically, federal OSHA telecommunication standards in 1910.268(h)(2) specify that fixed ladder rungs shall have a minimum clear width of 12 inches. The federal standard further states that fixed ladder rungs and step rungs for poles and towers shall have a minimum diameter of 5/8 inch.

DIVISION'S EVALUATION

The Division's evaluation report dated October 5, 2009, states that Section 8608(a) spells out the requirements for spacing of steps on poles and telecommunication towers. Steps in this usage mean horizontal rungs attached to poles or the legs of telecommunication towers, with one end attached to the pole and no outside rail. There are separate requirements for both permanent steps (used decreasingly because of the public safety hazard they present) and detachable steps (used increasingly and mounted while in use to brackets left on the poles or tower legs). There are no requirements for permanent ladders (ladders with rungs arranged between two vertical rails) though these are commonly attached to telecommunication towers, particularly the taller towers.

The corresponding Federal standard, CFR 1910.268(h), is very similar to Section 8608. There are requirements for both permanent and detachable steps, but the differences between the spacing requirements are not significant. The Federal standard, however, includes requirements for permanent ladders as well:

Fixed ladder rungs and step rungs for poles and towers shall have a minimum diameter of 5/8 inches. Fixed ladder rungs shall have a minimum width of 12 inches.

According to the Petitioner, these are the requirements that were used to design the permanent ladders installed on telecommunications towers throughout the country, including California. Since Section 8608 did not expressly spell out requirements for ladders, tower erectors used the Federal requirements for 5/8 inch stop and 12 inch rungs. When the Petitioner states that these towers do not comply with current California standards, he is referring to Section 3277 of the General Industry Safety Orders (GISO). There, subsection (d) requires rungs with a minimum diameter of 3/4 inch and a minimum clear width between rungs of 16 inches.

If the Petitioner is correct that there are a large number of telecommunications towers already erected in California with rungs designed to meet the Federal requirements then the effect of the Division enforcing Section 3277 in regards to these towers would place many of them out of compliance. The risk to workers replacing existing ladders with new ones, with the towers already erected, would be enormous; not to mention the cost to telephone and telecommunications companies.

Therefore, the Division supports the petition to the extent that the Board convene an advisory committee to hear from employers and employees in the telecommunication industry if the scenario described by the Petitioner is accurate. Based on the outcome of the advisory committee, the Division would support the addition of language to the existing Section 8608(a) that would provide ladder rung requirements identical to those found in CFR 1910.268(h).

STAFF'S EVALUATION

Board staff prepared an evaluation dated November 16, 2009, which states that Board staff contacted the National Association of Tower Erectors (NATE) to discuss the petition recommendations. NATE is a non-profit association representing tower erectors, maintenance and service companies. NATE representatives did not identify any specific concerns or safety issues related to the amendments recommended by the Petitioner for consistency with the federal standard with respect to the design requirements for fixed ladder rungs on telecommunication towers industry. Board staff also contacted representatives from AT & T, Southern California Edison, the Communication Workers of America, electrical contractors, and a California company specializing in work that requires accessing telecommunication towers via permanently attached fixed ladders.

The Petitioner indicated that there are many California towers that meet federal OSHA standards but not California standards. However, stakeholders contacted were unable to identify the extent or estimated number of towers that would not meet the California's fixed ladder rung requirements for telecommunication towers. Board staff believes amendments to Section 8608(a) should be considered with the assistance of an advisory committee in order to determine the extent and estimated number of towers that would be affected. Further, the committee should review any safety issues associated with accessing towers on fixed ladders that may have a reduced horizontal rung width of 12 inches which is 4 inches less than that the minimum width specified in the General Industry Safety Orders.

The advisory committee should discuss the requirements in the federal standard 29 CFR 1910.268(h)(2) related to ladder rung specifications for fixed ladders on telecommunication structures and review federal OSHA and California similar provisions for clarity that require steps used on poles and towers to have a minimum clear tread width of 4 ½ inches.

The Petition states that the federal standard in 1910.268(h)(2) requires that detachable steps for poles and towers may not exceed more than 30 inches on any one side. The federal standard permits permanent steps to be up to 18 inches (36 inches on any one side). However, California's standard in Section 8608(a) states that permanent and "detachable" steps shall not exceed 18 inches (36 inches on any one side). California's standard requires uniform spacing of steps and consequently, Board staff does not recommend adoption of the federal provision of 30 inch maximum spacing for detachable steps because it has greater potential for irregular spacing of steps in the transition from detachable to permanent steps.

CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition of Mike Coghlan, Sabre Towers and Poles, to make recommended changes to Section 8608 of the Telecommunications Safety Orders regarding the requirements for horizontal spacing of rungs between the side rails of fixed ladders that are used to access telecommunication towers. The Board has also considered the recommendations of the Division and Board staff. For reasons stated in the preceding discussion, the Petition is hereby GRANTED to the extent that an advisory committee should be convened to consider the Petitioner's recommendations. The Petitioner or the Petitioner's representative should be invited to participate in the committee deliberations.