

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

Construction Safety Orders
Chapter 4, Subchapter 4, Article 2, Section 1504 and
General Industry Safety Orders
Subchapter 7, Article 23, Section 3622
Structural and Scaffold Planks

There are no modifications to the information contained in the Initial Statement of Reasons.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS

There were no written comments received.

I. Oral Comments and Board Dialog

Oral comments received at the January 18, 2001, Public Hearing.

Mr. William Jackson, Board Member, Occupational Safety and Health Standards Board (Board),
Mr. Jere Ingram, Chairman, Board, and Mr. Michael J. Manieri, Principal Engineer, Board staff.

Comment:

Mr. Jackson asked about the cost of compliance with the proposed language and if the federal standard is different and would be a concern for out-of-state employers. Chairman Ingram asked how the pounds per square inch (psi) of structural plank is determined.

Response:

Mr. Manieri responded that Board staff's research indicates that the proposal is not expected to impact employers adversely with regard to added costs. Staff also notes that the current enforceable federal bending stress requirement is 1500 psi. California has enforced a more stringent standard of 1900 psi for many years on the construction industry consistent with industry and consensus standards.

The construction industry, whether they be from California or out-of-state, has not, to date, expressed that they have any difficulty complying with California's more stringent standard. Staff does not foresee the proposed 2200 psi standard being a problem for the construction industry since any new Douglas fir plank used in California will be stamped that it meets the

2200 psi bending stress parameter as stipulated in the current editions of the West Coast Lumber and Western Wood Products publications.

Bending stress is determined by mechanically applying pressure to a sample plank and recording the stress level just prior to breakage, in pounds per square inch.

Mr. Steve Phettenplace, Scaffold Consultant

Comment:

Mr. Phettenplace stated that the proposal is timely but mentioned that Douglas fir is not graded since there are cutting restrictions. Mr. Phettenplace stated that the most common type of scaffold plank used in California is southern pine, which is governed by the Southern Pine Grading Board (SPGB). According to Mr. Phettenplace, the SPGB standards are not addressed by Title 8. Further, Mr. Phettenplace stated that it is rare to find scaffold plank with a West Coast Lumber Inspection Bureau or Western Wood Products Association stamp since it is not economical to grade Douglas fir scaffold plank. Mr. Phettenplace stated that it is difficult to determine whether scaffold plank has been graded as scaffold grade plank after use. He indicated that Construction Safety Order Section 1637(h) requires scaffold planking to be inspected before and after each use, however, the guidelines for inspecting scaffold plank are difficult to determine.

Mr. Phettenplace stated that the proposed standard is important but that he would like to see additional issues addressed, such as identifying planking load capacity. Mr. Phettenplace recommended the Board adopt the proposed changes but look at the entire issue of scaffold planking.

Response:

Mr. Phettenplace raised a number of issues that are outside the scope of this rulemaking as noticed to the general public, such as standards for southern pine as stipulated by SPGB grading requirements and the criteria for daily scaffold plank inspection. Consequently, Board staff cannot modify the proposal to address the aforementioned issues but agrees with Mr. Phettenplace that they have merit and are worthy of consideration by Board staff in the future.

The Board acknowledges Mr. Phettenplace's support for the proposal and thanks him for his participation in the Board's rulemaking process.

Ms. Lynn Berman, Board Member, Mr. Steve Phettenplace, Mr. Jere Ingram, Mr. Len Welsh, Division of Occupational Safety and Health (DOSH), Special Counsel

Comment:

Ms. Berman asked Mr. Phettenplace if planking tested at 1500 psi gets old as quickly as the planking tested at 2200 psi to which Mr. Phettenplace replied that it ages more rapidly. Chairman Ingram stated that Mr. Manieri may need additional time to complete this rulemaking and possibly form an advisory committee. Chairman Ingram stated that he is concerned that the California standard may not be compatible with current federal standards. Additionally, Chairman Ingram stated that the construction industry might be adversely impacted if California's planking standard does not meet the federal standard and the industry is unable to purchase scaffold planking. The Chairman asked Mr. Welsh if DOSH was aware of any employee injuries attributable to scaffold plank failures to which Mr. Welsh replied that he was not aware of any.

Response:

As stated in the previous response to Mr. Phettenplace, Board staff acknowledge and agree with the issues raised. Board staff believes that the issues described in Mr. Phettenplace's oral comments warrant consideration for future proposed rulemaking.

Board staff discussed federal and state scaffold bending stress standards earlier and found that California's current bending stress standard at 1900 psi has been more stringent than the federal standard at 1500 psi for many years. To date, the Board has not received any comments from the construction industry (industry) stating that the increased stringency of the California standard has posed a problem.

The proposed state standard is not incompatible with the federal standard, only more stringent. Board staff does not anticipate a problem with the industry complying with the 2200 psi proposed standard. The working "lifespan" of typical 1900 psi construction scaffold plank is likely to be less than that of 2200 psi. Consequently, the use of 2200 psi plank, which is available in California, is likely to result in employers replacing their planking less often (cost savings) while providing a safer working platform for employees.

For these reasons, the Board supports the proposed language contained in staff's proposal and believes the convening of an advisory committee is unnecessary at this time. Again, the Board would like to thank Mr. Phettenplace for his support of the proposal and participation in the Board's rulemaking process.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board would 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 adopted action.