

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



Attachment No. 2

**INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

**TITLE 8: CONSTRUCTION SAFETY ORDERS**  
Chapter 4, Subchapter 4, Article 2, Section 1504  
**GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 23, Section 3622

**Structural and Scaffold Planks****PROBLEM ADDRESSED BY PROPOSED ACTION**

Existing Title 8 Sections 1504 and 3622 require a structural and scaffold plank to have a minimum bending stress level of 1900 pounds per square inch (psi). Sections 1504 and 3622 further state that a plank selected in accordance with the criteria published by the West Coast Lumber Inspection Bureau in 1970 and the Western Wood Products Association in 1974 shall satisfy the plank requirements of Sections 1504 and 3622.

The problem to be addressed by the proposed action is that the minimum bending stress level of 1900 psi is less protective than the current industry standard of 2200 psi. A further problem to be addressed is that the 1970 and 1974 editions of the West Coast Lumber Inspection Bureau and the Western Wood Products Association, respectively, are no longer available and have been replaced by newer editions that reflect current industry practice. Referencing two outdated selection criteria documents that are no longer available makes it difficult for the regulated public to obtain the information and determine if the structural planks and scaffold planks they select meet the referenced criteria.

A November 18, 1999 memorandum to the Standards Board from the Division of Occupational Safety and Health (Division) stated that Section 1504 is out-of-date and needs to be revised to require the current industry bending stress level and reference the current selection criteria for structural planks. Attached to the memorandum from the Division is a detailed Form 9 request to increase the minimum bending stress level to 2200 psi and update the 1970 and 1974 editions of the referenced documents to the most current editions.

**SPECIFIC PURPOSE OF PROPOSED ACTION**

The purpose of the proposed revision is to prevent employees from falling and being injured when working on or around wood planks used in scaffolds and other elevated work locations. The proposed action will prevent such falls and injuries by requiring structural and scaffold

planks to meet a minimum bending stress of at least 2200 psi. The level of 2200 psi is proposed because it is current industry practice in that it is the minimum bending stress for 2" or less thick scaffold planks required by paragraph 58.00 of the 1998 edition of the Western Lumber Grading Rules published by the Western Wood Products Association. Increasing the minimum bending stress from 1900 psi to 2200 psi will increase the amount of weight a plank can safely hold without bending or breaking and placing the employee at risk of falling or being injured.

The specific purpose of updating the 1970 and 1974 editions of the two referenced documents to the 2000 and 1998 editions is to make those documents readily available, at least as protective as the 2200 psi requirement, and to be consistent with current industry practice.

## **FACTUAL BASIS OF PROPOSED ACTION**

### **Section 1504. Definitions.**

Section 1504 defines a number of terms used in the Construction Safety Orders including the term "Lumber." Within the definition of the term "Lumber" a "Structural Plank" is defined as Douglas Fir graded for scaffold plank use and having an allowable bending stress of at least 1900 psi. Planks that meet specific grading criteria of the West Coast Lumber Bureau and the Western Wood Products Association shall also satisfy the above definitional requirements.

The purpose of modifying the definition of a "Structural Plank" is to increase the minimum bending stress to at least 2200 psi and to update the two specified grading criteria documents to their most current editions. The proposed modification is necessary to prevent employees from falling or being injured by weaker planks bending or breaking because they were not selected or graded for scaffold use and to be at least as protective as the 2200 psi requirement. The proposed modification to update the 1970 Standard Grading and Dressing Rules No. 16 and the 1974 Grading Rules for Western Lumber is necessary to refer to current editions of the documents that are more readily available and consistent with current industry practice.

### **Section 3622. General.**

Section 3622 provides the general scaffold requirements of Article 23 for mobile ladder stands and scaffolds when they are being used in general industry operations.

#### **Subsection 3622(f) Work Levels.**

Currently, Subsection 3622(f) specifies the maximum working height, minimum width and other conditions a mobile ladder stand and scaffold must meet. Subsection (f)(5) further specifies that the working level platform of a scaffold must be made of certain materials, be secured in place and when planking is used for the platform it must meet specific criteria similar to the definitional requirements of Section 1504. Specifically, a scaffold plank must have an allowable bending stress of at least 1900 psi and planks that meet specific grading criteria of the West Coast Lumber Bureau and the Western Wood Products Association.

The purpose of modifying Subsection 3622(f)(5) is to increase the minimum bending stress to at least 2200 psi and to update the two specified grading criteria documents to their most current editions. The proposed modification is necessary to prevent employees from falling or being injured by weaker planks bending or breaking because they were not selected or graded for scaffold use and to be at least as protective as the 2200 psi requirement. The proposed modification to update the 1970 Standard Grading and Dressing Rules No. 16 and the 1974 Grading Rules for Western Lumber is necessary to refer to current editions of the documents that are more readily available and consistent with current industry practice.

#### **DOCUMENTS RELIED UPON**

- Memorandum with attachment dated November 18, 1999 from John Howard, Chief of the Division of Occupational Safety and Health, requesting a modification to Section 1504.
- Standard Grading Rules No. 17 published by the West Coast Lumber Inspection Bureau, 2000 edition.
- Western Lumber Grading Rules published by the Western Wood Products Association, 1998 edition.

These documents are available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Drive, Suite 350, Sacramento, California.

#### **IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE IMPACT ON SMALL BUSINESSES**

Since the proposal will update the requirements to be as protective as current industry practice, no adverse impact on small businesses is anticipated from the implementation of the proposed amendments. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

#### **SPECIFIC TECHNOLOGY OR EQUIPMENT**

This proposal will not mandate the use of specific technologies or equipment.

#### **COST ESTIMATES OF PROPOSED ACTION**

##### **Costs or Savings to State Agencies**

Since the proposal will update the requirements to be as protective as current industry practice, no costs or savings to state agencies will result as a consequence of the proposed action.

##### **Impact on Housing Costs**

Since the proposal will update the requirements to be as protective as current industry practice, the proposal will not significantly affect housing costs.

### **Impact on Businesses**

Since the proposal will update the requirements to be as protective as current industry practice, this proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

### **Cost Impact on Private Persons or Entities**

Since the proposal will update the requirements to be as protective as current industry practice, the proposal will not require private persons or entities to incur additional costs in complying with the proposal.

### **Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

### **Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

### **Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

Since the proposal will update the requirements to be as protective as current industry practice, this proposal does not impose nondiscretionary costs or savings on local agencies.

## **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain

steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

### **PLAIN ENGLISH STATEMENT**

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in this notice. The informative digest for this proposal constitutes a plain English overview.

### **ASSESSMENT**

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

### **ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS**

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 proposed action.