

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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

**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 4, Sections 3279 and 3280
of the General Industry Safety Orders

Portable Ladders**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

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

Summary and Response to Oral and Written Comments:I. Written Comments.

Joseph Kukla, Safety and Health Manager, Pick Your Part Auto Wrecking, by letter dated October 10, 2002.

Comment No. 1:

Mr. Kukla indicated that the proposal states that portable ladders placed in service after April 18, 1999 must meet the requirements of the 2000 Edition of ANSI A14.10. Mr. Kukla questioned how a ladder placed in service prior to the publication of the ANSI standard can meet a standard that was not in effect at the time the ladder was placed in service. Mr. Kukla also questioned how one would know when the ladder was placed in service.

Response:

The commenter is correct in stating that it is not reasonable to require a ladder to meet the requirements of a standard that was not published at the time the ladder was placed in service. However, the proposal requires that a ladder placed in service after April 18, 1999 must meet the requirements of either ANSI A14.2-1990 Edition or ANSI A14.10-2000 Edition. The current regulation became effective April 18, 1999 and requires that ladders placed in service after that date meet ANSI A14.2-1990, which was the most recent edition of the ANSI standard at that time. Since April 18, 1999, ANSI published a standard for special duty rated ladders, ANSI A14.10-2000. The maximum working load capacity for ladders under ANSI A14.2-1990 is 300 pounds. The maximum working load capacity for ladders under ANSI A14.10-2000 is 375

pounds. The proposal allows employers using ladders placed in service after April 18, 1999 to meet the requirements of either ANSI standard.

With regard to the commenter's question as to how one would know when a ladder was placed in service, the Board notes that the intent of the standard is to ensure that the most current applicable ANSI standards for portable ladders are met when a ladder is placed in service. A ladder that meets either ANSI standard will have markings indicating the ANSI standard it meets, the date of manufacture, and the maximum load rating. Consequently the Board believes that modification of the proposal is not necessary.

Comment No. 2:

Mr. Kukla stated that the proposal references ANSI standards that are copyrighted and not available except through purchase from ANSI. Mr. Kukla suggested summarizing the important provisions of the ANSI standards and referring to the specific ANSI standard for reference purposes, instead of compliance purposes.

Response:

The commenter is correct in regards to the availability of ANSI standards. The proposal states that safety requirements for the ladder shall be based on one of the referenced ANSI standards. The referenced ANSI standards are lengthy. ANSI A14.10-2000, for instance, is 70 pages long and contains rules governing the safe construction, design, and testing of ladders during their manufacture. It is not practical to summarize all of the important provisions of the ANSI standards because there are a wide variety of design and construction possibilities, and the Board believes that all of the ANSI provisions are important to producing a ladder that is safe to use. The Board believes the best practical way of ensuring a ladder is safe to use when it is placed in service is to ensure that it complies with the applicable ANSI standard. Ladders that meet ANSI standards are required to have a label specifying the ANSI standard with which they comply. It should be noted that Section 3279 lists general design specifications for metal ladders and also specific requirements for the care, use and maintenance of ladders, as recommended by the commenter. Consequently, the Board believes modification of the proposal, as Mr. Kukla suggested in his comment, is not necessary.

Comment No. 3:

Mr. Kukla stated that Title 8 CCR GISO would be condensed by simply referencing the applicable federal standards in 29 CFR 1910 and 29 CFR 1926, since a considerable amount of the California standards are based on 29 CFR.

Response:

No corresponding federal counterpart regulation exists specifically for portable reinforced plastic ladders. Consequently, there is no federal OSHA standard applicable to reinforced plastic

ladders that could be referenced in Title 8. The Board thanks Mr. Kukla for his comments and his participation in the Board's rulemaking process.

II. Oral Comments.

Oral Comments received at the November 21, 2002, Public Hearing in San Diego, California.

Richard M. Warner, Corporate Safety and Industrial Hygiene Manager, Southern California Edison.

Comment No. 1:

Mr. Warner noted that it might not be possible to identify the manufacture date of a ladder in order to determine compliance.

Response:

As noted in the response to Mr. Kukla's written comment No. 2, ladders that meet ANSI standards have markings indicating the ANSI standard it meets, the date of manufacture, and the maximum load rating.

Comment No. 2:

Mr. Warner stated that the only way one can obtain ANSI standards is to pay for them. It is extremely difficult for someone, who wants to be in compliance, to be in compliance when they need to purchase another set of standards. Mr. Warner recommended including the actual language in the standards in lieu of referencing the standard.

Response:

The commenter is correct in regards to the availability of ANSI standards. As noted in the response to Mr. Kukla's written comment No. 2, Section 3279 lists general design specifications for metal ladders and also specific requirements for the care use and maintenance of ladders as suggested by the commenter. However, it is not practical to list specific design, construction, and testing requirements for the reasons stated in the response to Mr. Kukla's second comment. Consequently, the Board believes that modification of the proposal is not necessary. The Board thanks Mr. Warner for his comments and his participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This regulation does 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.