

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 4, Article 22,
Sections 1637 and 1646 of the Construction Safety Orders

Riding on Rolling Scaffolds

SUMMARY

Existing standards in the Construction Safety Orders (CSO), Section 1646(f) permit employees to ride on a rolling scaffold that is moved by others below provided that all of the provisions in Section 1646(f) are met. The proposed amendments for this rulemaking action are initiated in large part from recommendations submitted to the Occupational Safety and Health Standards Board (Board) by the Technical Services Information Bureau and the Acoustical Industry Advancement Fund (Petitioner) in the Board's Petition File No. 465.

The Petitioner submitted recommendations that would permit, with additional conditions and restrictions, the ability to ride on a rolling scaffold without being moved by others below. The proposal was developed with the assistance of an advisory committee. The Petitioner and other stakeholders emphasize current standards that require a rolling scaffold with a rider on it to be moved by others below is a level of staffing that is rarely available or feasible in operations such as the installation of ceilings.

Notwithstanding existing federal and state OSHA standards that permit riding on a rolling scaffold, scaffold manufacturer's literature and instructions in general have discouraged the practice of riding on a rolling scaffold. Amendments are also proposed for Section 1637(b)(4) to address any differences between the manufacturer's recommendations and the provisions of proposed Section 1646(i) and (j) that pertain to riding on a rolling scaffold platform.

Employers exercising the option to move rolling scaffolds with a rider on the platform under the provisions of proposed Section 1646(j) would have relief from the mandatory requirements that the scaffold be moved by others below in all situations. The Petitioner and statements from a number of stakeholders at the advisory committee indicated that without this proposal, the worker on a rolling scaffold must repeatedly climb up and down the scaffold numerous times during a work shift to unlock the wheels each time the scaffold is moved, thereby, exposing the worker unnecessarily to potential falls and an onerous fatigue factor.

The proposed amendments for this rulemaking would permit one employee to self-propel (move oneself) while on a rolling scaffold provided that all of the existing requirements for riding on a rolling scaffold are met in combination with additional requirements proposed in the amendments. Additional requirements in the proposal include, but are not limited to, ensuring that the scaffold platform is no more than 4 feet above the floor level, that the scaffold platform is at least 20 inches wide, and that the scaffold is secured from movement when workers are climbing or working on the scaffold.

The proposal also adds several subsections that are consistent with federal OSHA provisions related to riding on mobile scaffolds and relocates several existing subsections for optimal formatting and organization of the standard.

Section 1637. General Requirements.

Section 1637 contains a number of provisions addressing the design, construction and use of all types of scaffolds.

Subsection (b). Scaffold Design and Construction.

Subsection (b)(4).

Existing subsection (b)(4) states that manufactured scaffolds shall be used in accordance with the manufacturer's recommendations. Scaffold manufacturer's literature and instructions in general have discouraged the practice of riding on a rolling scaffold notwithstanding that both federal OSHA and Cal/OSHA standards have long permitted the practice with conditions and restrictions. This may in part be related to the manufacturer's concerns associated with injuries that could occur in the event that employees do not follow the conditions and requirements of OSHA standards.

Therefore, an amendment is proposed for Section 1637(b)(4) that is necessary to address any differences between the manufacturer's recommendations and the provisions of proposed Section 1646(i) and (j) that pertain to the requirements for riding on a rolling scaffold platform.

Section 1646. Tower Scaffolds and Rolling Scaffolds, Wood or Metal.

Section 1646 contains provisions addressing the design and use of mobile scaffolds including provisions addressing scaffold components such as the uprights, ledgers, ribbons, braces and planking.

Existing subsections (g), (h), and (i) are re-designated as subsections (f), (g) and (h), respectively. These editorial changes are without regulatory effect and are proposed in order to promote the logical organization of this standard.

Subsection (i). Riding.

Existing subsection (f), redesignated as subsection (i) in the proposal, contains provisions that permit riding on a rolling scaffold moved by others below provided that the conditions of this subsection are met. These conditions include provisions that ensure a safe floor surface that is within 3 degrees of level, free of obstructions and that the minimum scaffold base dimension is at least ½ of the scaffold height. Additionally, the conditions specify the type of wheels that must be used.

A new subsection (i)(4) is proposed that requires the manual force used to move the scaffold is to be applied as close to the base as practicable, but not more than 5 feet above the supporting surface of the scaffold. A new subsection (i)(5) is proposed that requires that, before a scaffold is moved, each employee on the scaffold shall be made aware of the move. New subsection (i)(6) is proposed that requires that no employee shall be on any part of the scaffold which extends outward beyond the wheels, casters, or other supports. Proposed subsections (i)(4) through (i)(6) are essentially the same as the federal OSHA counterpart standards in 29 Code of Federal Regulations (CFR) 1926.452(w) that pertain to moving mobile scaffolds. The necessity for these amendments is to increase the safety afforded by these provisions and to ensure that the provisions that pertain to riding on rolling scaffolds are at least as effective as the federal standards.

Subsection (j). Riding on a Self-Propelled Scaffold.

A new proposed subsection (j) provides that one employee may ride on and move a rolling scaffold while on the platform without assistance from others below, provided the conditions in this subsection are met.

Proposed subsection (j)(1) requires that all of the provisions in subsection (i) be met, except that the scaffold need not be moved by others below. Proposed subsection (j)(1) is necessary to ensure that the same conditions, limitations and restrictions required when riding a scaffold moved by others below is afforded to an employee moving the scaffold without assistance (self-propelling).

Proposed subsection (j)(2) requires that the scaffold platform not be more than 4 feet above the floor level. CSO, Section 1621 requires that the unprotected sides of rolling scaffolds be protected by railings when the platform is 7 ½ feet or more above the ground, floor or level underneath. The necessity for proposed subsection (j)(2) is that an employee self-propelling a rolling scaffold is limited to a relatively low working height that would mitigate the possibility of serious injury in the event of a fall.

Proposed subsection (j)(3) provides that the working platform be no less than 20 inches in width with a maximum 1 inch space between platform planks. Scaffold planking units are typically 10 inches nominal in width, meaning that the actual width measurement is slightly less than 10 inches. The maximum 1 inch opening between planking allows for adequate spacing between

planking units when the platform does not consist of a single platform unit. The proposed amendment is necessary to ensure that the scaffold platform is wide enough to provide a safe work area on the platform.

Proposed subsection (j)(4) requires that the wheels or casters of rolling scaffolds be provided with an effective locking device that is used in accordance with subsection (c) of Section 1646, or that rolling scaffolds be provided with an effective device that is used to prevent movement of the scaffold when workers are climbing or working on the scaffold. The proposed amendment is necessary to ensure that the rolling scaffold is secured from movement when employees are climbing or working on the scaffold.

The intent of this proposal is to address additional provisions related to the manual movement of a rolling scaffold with a rider on the platform. Therefore, the use of powered systems is outside the scope of this proposal. Consequently, proposed subsection (j)(5) is necessary to prohibit the use of power systems such as motor vehicles, add-on motors, or battery powered equipment to propel a scaffold.

Subsection (k). Training.

A new proposed subsection (k) is necessary to require that employees who ride on rolling scaffolds and employees that assist in moving employees riding on a rolling scaffold are trained in accordance with applicable standards and that they have the ability to recognize the hazards associated with riding on a rolling scaffold.

DOCUMENTS RELIED UPON

1. The Petition with attached Exhibits 1 and 2, received December 7, 2004, from the Robert D. Peterson Law Corporation, on behalf of the Technical Services Information Bureau and the Acoustical Industry Advancement Fund (Petitioner).
2. The Occupational Safety and Health Standards Board Petition Decision for Petition File No. 465, dated June 16, 2005, in the Matter of a Petition by the Robert D. Peterson Law Corporation, on behalf of the Technical Services Information Bureau and the Acoustical Industry Advancement Fund (Petitioner).
3. U.S. Department of Labor, Occupational Safety and Health Administration standard interpretation letter dated June 8, 1998 to Mr. Douglas A. Holman, regarding clarification of federal OSHA's mobile scaffold standard.
4. American National Standards Institute, Inc. (ANSI) A10.8-2001, Safety Requirements for Scaffolding—American National Standard for Construction and Demolition Operations.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. The existing standard in Section 1646(f), proposed as subsection (i), addresses provisions that permit employees to ride on the platform of a rolling scaffold that is moved by others below, provided all of the conditions in the subsection are met. This proposal adds amendments to proposed subsection (i) that require additional safety procedures to be followed when moving a rolling scaffold but will not require additional equipment or new technologies.

The proposal also adds a new subsection (j) that would allow, with conditions and restrictions, a rolling scaffold to be moved by a rider on the platform without assistance from others. However, the proposal will not mandate the use of new equipment or technology as the employer has the option to move a scaffold in conformance with the provisions of new subsection (j).

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

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 standards 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 the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards 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.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards 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.)

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal provides procedural requirements that can be addressed by instruction and training. Additionally, the proposal provides the employer another option as to how a rolling scaffold can be moved while one employee is on the platform. Also, see the statement under the heading “Specific Technology or Equipment.”

ASSESSMENT

The adoption of the proposed amendments to these standards 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 reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that 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.