

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PROPOSED MODIFICATION TO
CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 11, Sections 3412, 3413, 2414, and 3416
of the General Industry Safety Orders (GISO)

Outdoor Advertising Structures

On March 20, 2008, the Standards Board held a Public Hearing to consider revisions to Title 8, Sections 3412, 3413, 3414, and 3416 of the General Industry Safety Orders.

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written comments on the above-named standard in which modifications are being considered as a result of public comments and/or Board staff consideration.

Any written comments on these modifications must be received by June 30, 2008, at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. The standard will be scheduled for adoption at a future business meeting of the Standards Board.

A copy of the full text of the standard with the modifications clearly indicated is attached for your information. In addition, a summary of all oral and written comments regarding the original proposal and staff responses is included.

The Standards Board's rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

Inquiries concerning the proposed changes may be directed to Marley Hart, Executive Officer, at (916) 274-5721.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Originally signed by

Marley Hart, Executive Officer

Date: June 9, 2008

PROPOSED MODIFICATIONS
(Modifications are indicated in bold,
double underline wording for new language,
and bold, ~~strikeout~~ for deleted language.)

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 3412 to read as follows:

§3412. General.

(a) Scope. This Article applies to all elevated outdoor advertising structures, billboards, signboards or other such structures where employees are required to work from platforms elevated more than 7-1/2 feet above the ground or other surface, suspended scaffolds, or work from ladders that are not ground supported. Employees working on outdoor advertising structures are subject to all applicable safety orders except where they are inconsistent with the requirements of this Article.

NOTE: For the construction of billboards and other related structures see the Construction Safety Orders.

(b) Definitions.

Poster Ladder Scaffold. A scaffold platform supported by brackets attached to the rungs of a special purpose poster ladder.

Special Purpose Poster Ladder. A Type 1 industrial heavy-duty ~~or ladder,~~ Type 1A industrial extra heavy-duty **or Type 1AA special duty** aluminum ladder with a hook(s) at the top of the ladder specifically designed to hook over the top edge of billboards. A “Type 1 industrial heavy-duty ladder” has a working load capacity of 250 pounds, ~~and~~ a “Type 1A industrial extra heavy-duty ladder” has a working load capacity of 300 pounds, **and a “Type 1AA special duty ladder” has a working load capacity of 375 pounds.**

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

STANDARDS PRESENTATION
TO

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 3413 to read as follows:

§3413. Ladders.

- (a) All portable ladders shall be at least Type 1 industrial heavy-duty ladders, or Type 1A industrial extra heavy-duty ladders or Type 1AA special duty ladders as shown referred to in subsection (c) of this section, and shall be designed and constructed in accordance with Sections 3278, ~~and 3279~~ and 3280 of the General Industry Safety Orders.
- (b) Portable ladders shall be tied, blocked or otherwise secured to prevent displacement.
- (c) All special purpose poster ladders ordered or purchased after January 1, 1993, shall be approved, Type 1 industrial heavy-duty, or Type 1A constructed of industrial extra heavy duty ladders or Type 1AA special duty ladders ~~aluminum, and~~ equipped with a hook(s) at the top of the ladder that fits securely over the top edge of billboards.
- (d) All special purpose poster ladders ordered or purchased after January 1, 1993, shall have a permanent and durable label containing the following information:
1. Manufacturer's Name;
 2. Date of Manufacturer;
 3. Type and/or Duty Rating;
 4. Approval Certification.
- (e) All special purpose poster ladders shall be inspected for defects prior to use. Defective ladders shall be repaired before use or removed from service.
- (f) All special purpose poster ladders placed in service prior to January 1, 1993, shall be identified by the employer with a durable identification mark.
- (g) The hooks on the special purpose poster ladders shall be of such a size that they will not interfere with the horizontal movement of the ladder.
- (h) In addition to subsection (b) above, special purpose poster ladders, when used in conjunction with poster ladder scaffolds, shall be secured to prevent horizontal movement.
- (i) Special purpose poster ladders used to access the fixed ladder of the billboard platform shall not be attached to the bottom rung of the fixed ladder. If a special purpose poster ladder is positioned against the platform to gain access, the ladder shall extend at least three feet above the horizontal edge of the platform.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

**STANDARDS PRESENTATION
TO**

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CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

**PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4**

Amend Section 3414 to read as follows:

§3414. Poster Ladder Scaffolds.

- (a) Poster ladder scaffolds shall only be used with special purpose poster ladders designed for such use.
- (b) No more than two employees at a time shall be allowed on the platform of a poster ladder scaffold.
- (c) The platform shall be at least 14 inches wide consisting of a structural plank or equivalent, free from damage that could affect its strength.
- (d) The ladders that support the platform plank shall not be placed over 16 feet from center to center, and where the platform consists of a single-dressed 2-inch by 14-inch plank, the spacing shall not be greater than 12 feet.
- (e) Both metal and wood platform planks shall overlap the bearing surface of the supports by at least 12 inches but not more than 18 inches.
- (f) Platform plank supports shall be so designed and constructed that they will bear on the ladder's rungs. The bearing area shall be at least 8 inches on each rung.
- (g) When working from a **special purpose** poster ladder **or poster ladder** scaffold, employees shall use ~~safety belts or~~ full body harnesses with:
 - (1) lanyards attached to independently anchored safety lines ~~or~~
 - (2) self retracting lifelines attached to approved anchorages.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

**STANDARDS PRESENTATION
TO**

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CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

**PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4**

Amend Section 3416 to read as follows:

§3416. Fall Protection.

(a) ~~On All~~ outdoor advertising structure platforms, over 7-1/2 feet above ground or other surface, which are not provided with standard guardrails, employees shall be provided with and required to use approved personal fall protection, and where employees' work requires horizontal movement at such heights, shall be provided with a horizontal safety line shall be provided.

~~EXCEPTION:~~ When the employee's safety belt or harness lanyard is secured to the special purpose poster ladder, a horizontal safety line need not be provided.

(b) The horizontal safety line shall be designed under the supervision of a professional engineer currently registered in the State of California and installed as part of a complete personal fall protection system, with a safety factor of at least two.

(c) Outdoor advertising structures, where employees post billboards while working from special purpose poster ladders, shall be provided with one of the following:

(1) A ~~removable~~ horizontal safety line so located on the billboard that employees can attach their ~~safety belt's or~~ fall arrest harness' lanyard when working from the upper half of the ladder, or

(2) A 1/4-inch improved plow steel cable 19 inches in length with 4-inch swagged loops on each end. The steel cable shall be looped through the special purpose hooked ladder with the lanyard's snaphook attached to both loops of the cable. Other locking connectors of equivalent strength, such as carabiners, may be used in lieu of the 1/4-inch improved plow steel cable, or

(3) A special purpose poster ladder equipped with anchor point(s).

(d) Lanyards shall include a shock absorber and shall not exceed 5 6 feet in total length.

EXCEPTION: Self-retracting lifelines used in accordance with this Article.

(e) Self-retracting lifelines may be used in conjunction with special purpose Type 1 industrial heavy-duty, ~~or~~ Type 1A industrial extra heavy-duty ladders, **Type 1AA special duty ladders** or where attached to an approved anchorage.

(f) Personal fall protection system anchorage shall meet the strength requirements specified in Article 24 of the Construction Safety Orders.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

SUMMARY AND RESPONSE TO COMMENTS

SUMMARY AND RESPONSE TO WRITTEN AND ORAL COMMENTS

I. Written Comments

Ms. Teresa A. Harrison, Acting Regional Administrator, Region IX, United States Department of Labor, Occupational Safety and Health Administration (Fed OSHA), by letter dated March 5, 2008.

Comment:

Ms. Harrison stated that the proposed standard contains specific requirements for outdoor advertising structures not found in federal regulations and therefore, is more effective than the federal standard.

Response:

The Board acknowledges the determination that the proposal is at least as effective as the federal standards and appreciates Ms. Harrison's timely participation in the Board's rulemaking process.

Mr. Gerald A. Hook, President, Stokes Ladders, Inc., by letter dated March 24, 2008.

Comment:

Mr. Hook suggested adding language in Sections 3412, 3413 and 3416(e) that recognizes the Type 1AA Special Duty ladder. He also suggested deleting the term "approved" and "approval certification" in Section 3413 because it is unclear what the term approved or approval certification mean.

Response:

The Board staff has proposed amendments to Sections 3412, 3413 and 3416(e) to include language recognizing the Type 1AA Special Duty ladder.

With regard to the term "approved," it is defined in Title 8 in both the General Industry and Construction Safety Orders in Sections 3206 and 1505 respectively. The term "approved" refers to products, materials, devices, systems or installations that have been approved, listed, labeled or certified as conforming to recognized governmental, nationally recognized standards or applicable scientific principles. The approval definition also recognizes that there may be situations where the product, material, device, system or installation is not accounted for by any national consensus or governmental standard, in which case the Division of Occupational Safety and Health (Division) requires the employer to submit technical data to substantiate that the device, material, system, installation or product is safe or suitable for its intended use. The Board notes that there are ANSI standards for metal and fiberglass special purpose ladders as reflected by the ANSI A14.10-2000 and the new ANSI A14.2 and A14.5-2007 standards. Staff is also proposing to modify the proposal to add a reference to GISO Section 3280 in Section 3413(a) to further recognize the importance of using portable fiberglass ladders designed and built in accordance with Title 8 standards. The Board believes ladders used in outdoor advertising structure work should be approved and labeled indicating they are safe for their intended use.

Therefore no modification to delete the terms “approved” or “approval certification” is necessary.

The Board thanks Mr. Hook for his comments and participation in the Board’s rulemaking process.

Mr. Jim Read, Owner, High Country Outdoor, by letter dated March 27, 2008.

Comment:

Mr. Read suggested Section 3416(c)(2) be modified to recognize ladder anchorage points that are sufficient in strength to meet a 900 pound load factor. Mr. Read also mentioned a device referred to as a Sheppard’s Hook which has become a point of confusion between the industry and the Division over whether or not they conform to existing fall protection standards. They serve as an attachment point for the employee’s lanyard when no horizontal line or posting ladder is used. Mr. Read also indicated that he would like to see the proposal modified to prohibit the use of fiberglass ladders as poster ladders, as he believes there are unforeseen dangers such as contact with steel decks, sun deterioration, electric shock and increased weight leading to back injury.

Response:

The Board staff has modified Section 3416 of the proposal to add new subsection (f) to reference the use of fall protection in accordance with the fall protection requirements contained in Article 24 of the Construction Safety Orders. These standards address the use of fall arrest, fall positioning and fall restraint systems, define what is suitable anchorage for personal fall arrest systems (5000 lbs), and prohibit the use of body belts as part of a fall arrest system. In addition, the Board proposes to modify Section 3414 to specify in subsection (g) that anchorage requirements described in subsection (g)(2) apply when working from a special purpose poster ladder or poster ladder scaffold. The Board believes that Sheppard’s Hooks are acceptable for use only if they comply with the Article 24 standards for suitable anchorage and the specific anchorage strength criteria. Mr. Read may wish to consult further with the Division on this matter.

The Board is not persuaded to prohibit the use of fiberglass poster ladders. Manufacturers have been manufacturing fiberglass poster ladders with built-in 5000-pound anchorage successfully for a number of years. Board staff is not aware of any documented outdoor advertising structure ladder failures in California. Existing Title 8 general ladder standards require employers to inspect ladders periodically for signs of wear or damage and to repair or replace damaged or defective ladders prior to use. Also, fiberglass poster ladders possess dielectric properties that are effective in preventing shock or electrocution in situations where the potential to contact with energized conductors may exist.

Consequently, the Board believes prohibiting fiberglass ladders from use by the outdoor advertising structure industry is not justified.

The Board thanks Mr. Read for his comments and participation in the rulemaking process.

Mr. David E. Plotner, Werner Ladder, Inc., by e-mail transmission dated March 30, 2008.

Comment:

Mr. Plotner stated that he had reviewed the proposal and that he did not see any issues with the language. He also updated Board staff on the national consensus standards addressing special purpose ladders which have been incorporated into the American National Standards Institute (ANSI) A14.2 (aluminum) and A14.5 (fiber-reinforced plastics) in 2007. He indicated for future reference that posting ladders are addressed under the ANSI special purpose ladder standards depending on whether they are constructed of metal or fiberglass.

Response:

The Board acknowledges Mr. Plotner's support for the proposal and the information clarifying the status of the respective ANSI metal and fiberglass ladder standards as they relate to poster ladders.

The Board thanks Mr. Plotner for his comment and participation in the rulemaking process.

Mr. Chuck Wigger, CSP, Assistant Corporate Safety Director, Lamar Advertising Company, by letter dated March 31, 2008.

Comment:

Mr. Wigger suggested incorporating the language of the Exception to Section 3416(a) into subsection (a) since he contends the working conditions described in the Exception statement are practiced by the outdoor advertising industry. He indicated that he has not seen a billboard that is equipped with a horizontal lifeline at the top of the billboard.

Response:

The Board agrees with Mr. Wigger and proposes to modify subsection (a) to delete the Exception and add the language to subsection (a).

The Board thanks Mr. Wigger for his comment and participation in the rulemaking process.

II. Oral Comments

Oral comments received at the March 20, 2008, Public Hearing in Glendale, California.

Mr. Chuck Wigger, Assistant Corporate Safety Director, representing Lamar Advertising Company, Mr. Jim Read, High Country Outdoor Advertising.

Comment:

Mr. Wigger and Mr. Read both commented on Section 3416(c)(1) regarding horizontal lifelines. However, after the Board asked the commenters for specific changes to the wording of the proposal Mr. Wigger stated that he was not asking for changes to the proposal. Mr. Read stated

that the requirement for a horizontal lifeline at the top of the billboard was a mistake missed by the 1991 advisory committee. It is also noted that Mr. Wigger proposed a modification that would stipulate that poster ladders be equipped with anchorage tie-off points as provided on poster ladders manufactured by the Werner Ladder Company. Mr. Wigger stated that language from the Werner Ladder Company requiring anchor points on poster ladders should be added to the proposal.

As a result of the Board's extension of the Public Comment period to April 3, 2008, written comments from both commenters were received by the Board and responded to in the response to written comments (see above).

Response:

The Board does not agree that the horizontal safety line requirement should be restricted to the lower portion of the billboard as there may be situations where an upper horizontal lifeline could be of benefit as an anchor point for employees working from the upper portion of the advertising structure.

The ladder language Mr. Wigger suggested is contained in a document by the Werner Ladder Company and describes federal OSHA standards pertaining to what constitutes suitable anchorage. California's comparable anchorage requirements are contained in Title 8, Construction Safety Orders, Article 24. The proposal has been modified to include language in Section 3416(c)(3) to address ladders equipped with anchorage and again in subsection (f) which would require all personal fall protection anchorage to meet the strength requirements for anchorage specified in Article 24 of the Construction Safety Orders.

The Board agrees with Mr. Wigger to the extent that staff has proposed a modification to Section 3416(c) to add a new subsection (3) which addresses the use of special purpose poster ladders that are designed with built-in anchor points.

The Board thanks Mr. Wigger and Mr. Read for their participation in the Board's rulemaking process.

Mr. John MacLeod, Chairman, Occupational Safety and Health Standards Board (OSHSB).

Comment:

Chairman MacLeod asked how the requirement for a horizontal lifeline became part of the outdoor advertising structure standard.

Response:

Most likely the language resulted from concerns over providing suitable anchorage for employees working from platforms on the outdoor advertising structure. Please see the response to Mr. Wigger's and Mr. Read's oral comments above.

Mr. Willie Washington, OSHSB member

Comment:

Mr. Washington noted that the minutes of the advisory committee meeting state that Mr. McCune of the Division had a question about the material to be used for the horizontal lifeline specified in Section 3416(c)(2) of the standard and that there was a discussion about the requirement in Section 3416(c)(2) being intended to address safe ladder access. Mr. Washington was unclear how the Division's response related to Mr. Read's earlier comments that a ladder anchor point should be required in the proposal.

Response:

See the response to Mr. Wigger's and Mr. Read's oral comments. It is clear from the existing Section 3416(c)(2) language that the standard currently requires the cable referred to in the standard to be made of ¼-inch improved plow steel. The proposal will be modified to permit the use of poster ladders equipped with anchor points that conform to the anchorage strength requirements contained in Article 24 of the Construction Safety Orders. This will provide the worker with three methods for securing themselves against a fall as shown in Section 3416(c)(1)-(3).

Mr. Steve Rank, Mr. Bill Jackson, OSHSB members

Comment:

Mr. Rank stated that the proposal should not rule out any type of effective personal fall arrest systems or positioning devices. Mr. Rank added that the strength requirement in Section 3416(b) should be expanded to specify anchorage meeting the 5000-pound strength requirement for suitable anchorage in Article 24 of the CSO. Mr. Jackson stated the proposal appeared to be aimed at eliminating body belts from use on outdoor advertising structures and that the proposal may need further work by an advisory committee.

Response:

Amendments to Section 3416(a) require the use of personal fall protection systems when guardrails are not provided. By definition personal fall protection systems consist of fall restraint systems, fall positioning systems and fall arrest systems. A body belt or full body harness may be worn as part of a fall restraint system and a positioning system. However, they cannot be used as part of a fall arrest system. Use of body belts is not being eliminated. The proposal requires workers on the advertising structure platform to wear personal fall protection, meaning the worker may choose to wear a body belt or a body harness depending on the type of personal fall protection system used. It is only when workers are elevated from a special purpose poster ladder or poster ladder scaffold where they may be exposed to falls from even greater elevations that they are required by Section 3414(g) to wear a full body harness. This is consistent with industry practice.

The proposal has been modified to add new subsection (c)(3) providing for the use of special purpose poster ladder anchor points for personal fall protection systems and a new subsection (f) that contains a reference to the anchorage strength requirements of Article 24 of the Construction

Safety Orders. Based on the foregoing proposed modifications to the proposal, it is not necessary to send the proposal back to an advisory committee. Staff believes the issues raised at the March 2008 Public Hearing can be addressed via the 15-Day Notice process. The Board extended the comment period to ensure that there are no unintended consequences and those others who may wish to comment; particularly ladder manufacturers have had the opportunity to provide comments.