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Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 4, Article 22, Section 1648; and Article 25, Sections 1675 and 1678 of the Construction Safety Orders; and Article 4, Sections 3276, 3277, 3278, 3279, and 3280; Article 5, Section 3287; and Article 11, Section 3413 of the General Industry Safety Orders

Portable Ladders**SUMMARY**

This proposed rulemaking is the result of a Division of Occupational Safety and Health (Division) Form 9, Request for Change in Existing Safety Order. Currently, Sections 3278, 3279 and 3280 of the General Industry Safety Orders (GISO) apply to portable ladders constructed from wood, metal and reinforced plastic, respectively. There are significant differences in the safety requirements referenced in each section. In addition, Section 3276 of the GISO and Section 1675 of the Construction Safety Orders (CSO) relate to the use of all portable ladders but the standards are not consistent or complete. The safety hazards associated with the use of portable ladders in construction and general industries, whether they are wood, metal, or reinforced plastic, are essentially the same, and therefore, the proposed amendments would consolidate the existing provisions pertaining to portable ladders into a single standard. The proposal would also add selection, care and use provisions from American National Standards Institute (ANSI) portable ladder standards to provide additional safety for workers and guidance to the regulated public.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Section 1648. Ladder-Jack Scaffolds.**

Subsection (d) requires in part that ladders used with ladder jack scaffolds be heavy duty ladders and be designed and constructed in accordance with Sections 3278 and 3279.

The proposal would replace “heavy duty ladders” with “Type I, IA, or IAA duty rated ladders”. This amendment is necessary to be consistent with ANSI labeling requirements for portable ladders and proposed Section 3276(d). This amendment is also necessary to allow the use of

Type IA (extra-heavy duty) and Type IAA (special duty) ladders which are designed to support a working load greater than Type I (heavy duty) ladders.

In addition, the proposal would replace the reference to the design and construction provisions in Sections 3278 and 3279 with a reference to proposed Section 3276(c). This amendment is necessary because the proposal would relocate these provisions to proposed Section 3276(c). The proposal would also add a NOTE following subsection (d) to refer the reader to proposed Section 3276(d) which would contain a table that compares the ladder duty rating with the ladder type and working load. This amendment is necessary to provide guidance on ladder selection.

Section 1675. General.

Subsection (b) prohibits the use of ladders with missing rungs or steps, broken or split side rails, or other faulty or defective construction; requires that when such defects are discovered the ladder be immediately withdrawn from service; and requires that the inspection of metal ladders include checking for corrosion of interiors of open end hollow rungs.

These provisions would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(1), (e)(2) and (e)(3), which would require ladders to be maintained in good condition, be inspected for defects, and be immediately removed from service if defective. Proposed subsection (b) would require that all portable ladders used in construction comply with the provisions of proposed Section 3276 of the GISO. These amendments are necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (c) requires portable wood ladders to be labeled as being designed and manufactured in accordance with ANSI A14.1-1982.

This provision would be deleted to avoid duplication and inconsistency with proposed Section 3276(c)(1) which would require portable wood ladders to meet the design and construction standards of applicable ANSI A14.1 standards which would be incorporated by reference.

Subsection (m) would be renumbered to subsection (c) and subsections (d) through (n) would be deleted. This amendment is necessary to retain the sequential numbering of the subsections and avoid duplication and inconsistency with proposed Section 3276.

Subsection (d) requires portable metal ladders to be labeled as being designed and manufactured in accordance with ANSI A14.2-1982.

Subsection (d) would be deleted to avoid duplication and inconsistency with proposed Section 3276(c)(2) which would require portable metal ladders to meet the design and construction standards of applicable ANSI A14.2 standards which would be incorporated by reference. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (e) requires portable ladder feet to be placed on a substantial base, and the area around the top and bottom of the ladder to be kept clear.

Subsection (e) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(7) and (e)(20), which would require, in part, the ladder base section of surface supported ladders to be placed on a secure and level footing, and the area around the top and bottom of the ladder to be kept clear. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (f) prohibits the use of planks on the top step of stepladders.

Subsection (f) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(16)(B), which would prohibit the use of planks on the top step or topcap of step ladders. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (g) requires ladders to be used at pitch of four to one, and prohibits using ladders in a horizontal position as platforms, runways, or scaffolds.

Subsection (g) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(9), which would require non-self-supporting ladders, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder; and prohibit using ladders in a horizontal position as platforms, runways, or scaffolds unless designed for such use. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (h) prohibits placing ladders in locations where they may be displaced by activities being conducted on any other work, unless protected by guards.

Subsection (h) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(14), which prohibits placing ladders in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (i) requires that side rails extend at least 36 inches above the landing, unless this is not practical in which case grab rails be installed.

Subsection (i) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(11), which would require that side rails extend at least 36 inches above the landing, unless this is not practical, in which case grab rails be installed. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (j) requires that portable ladders in use be tied, blocked, or otherwise secured to prevent their being displaced.

Subsection (j) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(9), which would require, in part, portable ladders to be placed to prevent slipping or tied, blocked, held, or otherwise secured to prevent slipping. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (k) prohibits standing on the top 3 rungs of a ladder unless there are members of the structure that provide a firm handhold or the employee is protected by a personal fall protection system in accordance with the requirements of Article 24.

Subsection (k) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(15)(D), which would prohibit standing and working on the top 3 rungs of a single or extension ladder unless there are members of the structure that provide a firm handhold or the employee is protected by a personal fall protection system. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (l) prohibits the use of portable metal ladders for electrical work or where they may contact electrical conductors.

Subsection (l) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(18), which would require the use of a non-conductive ladders in locations where the ladder or user may contact unprotected energized electrical conductors or equipment. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Subsection (m) requires all fixed ladders used in construction comply with the provisions of Section 3277 of the GISO.

This subsection is proposed to be renumbered to Section 1675(c). This amendment is necessary to retain the sequential numbering of the subsections.

Subsection (n) prohibits employees standing on the topcap or the step below the topcap of a stepladder.

Subsection (n) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(15)(E), which would prohibit employees standing on the topcap or the step below the topcap of a stepladder. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276, thereby, avoiding duplication and inconsistency.

Section 1678. Extension Ladders.

Subsection (a) specifies that the maximum length of extension ladders not exceed 44 feet.

Since proposed Section 1675(b) would require all portable ladders used in construction to comply with the provisions of proposed Section 3276, subsection (a) would be deleted to avoid duplication and conflict with proposed Section 3276(e)(16)(D), which would prohibit the use of two-section extension ladders exceeding 60 feet, which is the maximum length of two-section extension ladders permitted by ANSI A14.1-2007, ANSI A14.2-2007, and ANSI A14.5-2007. This amendment is necessary for consistency and to consolidate the requirements for portable ladders in proposed Section 3276.

Subsection (b) specifies the minimum overlap for two-section and three-section extension ladders based on the working length of the ladder.

Since proposed Section 1675(b) would require all portable ladders used in construction to comply with the provisions of proposed Section 3276, subsection (b) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(16)(E), which would specify a minimum overlap for two-section extension ladders that is consistent with ANSI A14 ladder standards. This amendment is necessary to be consistent with ANSI provisions that relate to the design and construction of portable ladders, and to consolidate the requirements for portable ladders in proposed Section 3276.

Section 3276. Use of Ladders.

Section 3276 pertains to the use of both fixed and portable ladders. Except for subsection (b), which pertains to portable step ladders, each of the subsections applies to both fixed and portable ladders.

The proposal would renumber this section to Section 3278 and amend the title to “Use of Fixed Ladders” to avoid duplication and inconsistency with proposed Section 3276(e)(15) which would pertain to the use of portable ladders. These amendments are necessary to consolidate the requirements for portable ladders in proposed Section 3276, and to locate the requirements that pertain to the use of fixed ladders in proposed Section 3278.

Subsection (b) prohibits employees from standing on the topcap or step below the topcap of a stepladder.

Subsection (b) would be deleted to avoid duplication and inconsistency with proposed Section 3276(e)(15)(E) , which would prohibit employees standing on the topcap or step below the topcap of a step ladder. This amendment is necessary because this provision applies to portable ladders and not to fixed ladders.

Section 3277. Fixed Ladders.

Subsection (c)(5) requires that all wood parts of fixed ladders meet the requirements of Section 3278. Section 3278 requires that the safety requirements for portable wood ladders meet the requirements of ANSI A14.1-1994, which is incorporated by reference, or the ANSI standard in effect at the time the ladder was placed in service.

The proposal would incorporate the design and construction requirements for all portable ladders in proposed Section 3276(c). Proposed new Section 3276(c)(1) would require that portable wood ladders placed in service after the effective date of this proposed amendment meet the design and construction requirements of ANSI A14.1-2007, which is incorporated by reference, or the ANSI A14.1 standard in effect at the time the ladder was placed in service. The proposal would amend Section 3277(c)(5) to require all wood parts of fixed ladders meet the design and construction requirements of proposed Section 3276(c). These amendments are necessary for clarity and consistency and to update the reference to the ANSI A14.1 standard.

Section 3278. Portable Wood Ladders.

The proposal would renumber this section to Section 3276 and amend the title to “Portable Ladders”. This amendment is necessary to consolidate the provisions for portable ladders in proposed Section 3276.

The first paragraph of Section 3278 requires that the safety requirements for portable wood ladders meet the requirements of ANSI A14.1-1994, which is incorporated by reference, or the ANSI standard in effect at the time the ladder was placed in service.

The proposal would delete this provision and incorporate the design and construction requirements for all portable ladders in proposed Section 3276(c), which is discussed below. These amendments are necessary to consolidate the design construction requirements for all portable ladders in proposed Section 3276, and to update the reference to ANSI A14.1 to the most recent version of the standard.

Subsection (a), Scope, states that the standard is intended to provide rules for the construction, care, and use of the common types of portable wood ladders.

The proposal would amend subsection (a) to broaden the scope to include all self-supporting and non-self-supporting portable ladders and to include rules that pertain to ladder design and selection. This amendment is necessary for clarity and consistency and to consolidate the requirements for all portable ladders in proposed Section 3276.

Subsection (c), Materials, General Requirements, requires that all wood parts be free from sharp edges, splinters, irregularities and defects which affect the ladder’s structural integrity.

The proposal would re-title this subsection to “Design and Construction”, delete the current provision, and consolidate provisions that pertain to ladder design and construction under amended subsection (c). New subsection (c)(1) would require portable wood ladders to be

designed and constructed in accordance with ANSI A14.1, which is incorporated by reference, or Section 1676, which prohibit sharp edges, splinters, irregularities and defects. The proposal would also consolidate the provisions that pertain to ladder inspection, care and maintenance under proposed subsection (e), which would require ladders to be maintained in good condition, inspected for defects, and withdrawn from service if defective. These amendments are necessary for clarity and consistency and to consolidate the provisions for the design and construction of all portable ladders in proposed subsection (c).

New Subsection (c)(1) would require portable wood ladders placed in service after the effective date of this proposed amendment to be designed and constructed in accordance with ANSI A14.1-2007, which is incorporated by reference, or for other such ladders the ANSI A14.1 standard in effect when the ladder was placed in service, unless, as provided by the exception, the ladder is a job-made cleat ladder that complies with Section 1676.

Currently, the first paragraph of Section 3278 requires that the safety requirements for portable wood ladders meet the requirements of ANSI A14.1-1994, which is incorporated by reference, or the ANSI standard in effect at the time the ladder was placed in service. These amendments are necessary to relocate the design and construction requirements for portable wood ladders and to update the reference to the most recent version of the ANSI A14.1 standard.

New Subsection (c)(2) would require portable metal ladders placed in service after the effective date of this proposed amendment to be designed and constructed in accordance with ANSI A14.2-2007, which is incorporated by reference, or for other such ladders the ANSI A14.2 or A14.10 standard in effect when the ladder was placed in service.

Currently, the first paragraph of Section 3279, Portable Metal Ladders, requires that safety requirements for portable metal ladders meet the requirements of ANSI A14.2-1990 or ANSI A14.10-2000 or the ANSI A14.2 standard in effect when the ladder was placed in service. These amendments are necessary to relocate the design and construction requirements for portable metal ladders and update the reference to the most recent version of the ANSI A14.2 standard.

New Subsection (c)(3) would require portable reinforced plastic ladders placed in service after the effective date of this proposed amendment to be designed and constructed in accordance with ANSI A14.5-2007, which is incorporated by reference, or for other such ladders the ANSI A14.5 or A14.10 standard in effect when the ladder was placed in service.

Currently, the first paragraph of Section 3280, Portable Reinforced Plastic Ladders, requires that safety requirements for portable reinforced plastic ladders meet the requirements of ANSI A14.5-1990 or ANSI A14.10-2000, which is incorporated by reference, or the ANSI A14.5 standard in effect when the ladder was placed in service. These amendments are necessary to relocate the design and construction requirements for portable reinforced plastic ladders and update the reference to the most recent version of the ANSI A14.5 standard.

New Subsection (c)(4) would require portable special purpose ladders that are not covered by one of the referenced ANSI A14 standards to be designed and constructed in accordance with sound engineering principles and approved per Section 3206. As defined in proposed subsection

(b), a special purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses. The ANSI A14 ladder standards cover a few types of special purpose ladders but most types are not covered. For example, ANSI A14.1-2007, Section 6.4, Special Purpose Ladders, contains specific requirements for platform ladders, painter's stepladders, and mason's ladders; but states that other types of special purpose ladders, such as cleat ladders, trolley and rolling ladders, tripod stepladders, three-section extension ladders, fruit-pickers ladders, combination step and extension ladders, stockroom stepladders, aisleway stepladders, shelf ladders, self-leveling ladders, and library ladders, are not covered.

Proposed subsection (c)(4) would require that these other types of special purpose ladders which are not covered by applicable ANSI standards be designed and constructed in accordance with sound engineering principles and approved per Section 3206. Section 3206 provides several means by which a product may be approved, including: certification of conformance with applicable governmental or other nationally recognized standards, or applicable scientific principles; certification by a nationally recognized testing laboratory; and Division approval based on submission of engineering calculations, stress analyses, and other data. These amendments are necessary to ensure that all portable ladders provide reasonable safety under the conditions of use.

Subsection (d) is titled "Construction Requirements."

The proposal would amend the subsection title to "Selection" and locate provisions regarding ladders selection to this subsection. The proposal would relocate provisions regarding the design and construction of portable ladders under proposed subsection (c), Design and Construction. These amendments are necessary for clarity and consistency.

Subsection (d)(1) is titled "Portable Step Ladders."

The proposal would delete the existing subsection title. The proposal would amend subsection (d)(1) to require that ladders be selected and their use restricted to the purpose for which the ladder is designed. These amendments are necessary because selecting and using a ladder which is not designed to meet the requirements of the user, the task, and the environment increases the risk of a fall and injury.

Subsection (d)(1)(A) prohibits the use of stepladders longer than 20 feet and specifies that stepladders be Type I, heavy duty, 3 to 20 feet; Type II, medium duty, 3 to 12 feet; or Type III, light duty, 3 to 6 feet.

The proposal would relocate the prohibition on the use of stepladders longer than 20 feet to proposed Section 3276(e)(16)(D) and relocate the specifications regarding ladder duty rating to proposed subsection (d)(2). These amendments are necessary for clarity and consistency.

Proposed subsection (d)(1)(A) would require that scaffolds or other worker positioning equipment be used when work cannot be safely done from ladders. This amendment is necessary

for consistency with existing Section 1637 which requires that scaffolds be provided for all work that cannot be done safely by employees standing on permanent or solid construction at least 20 inches wide, except where such work can be safely done from ladders.

Subsections (d)(1)(B) through (d)(1)(D) specify design and construction requirements for steps, siderails, and spreaders.

The proposal would locate the design and construction requirements for all portable ladders in proposed subsection (c) which would require step ladders to meet the design and construction requirements of the applicable ANSI A14 ladder standards which include specifications for steps, siderails, and spreaders. The proposal would amend existing subsection (d)(1)(B) and delete subsections (d)(1)(C) and (d)(1)(D) to avoid duplication or conflict with proposed subsection (c). Proposed subsection (d)(1)(B) would require that when selecting a ladder for use, consideration be given to the ladder length or height required, the working load, the duty rating, worker position to the task to be performed, and the frequency of use to which the ladder will be subjected. These amendments are necessary to prevent accidents that occur when ladders are used to perform tasks for which they are not designed.

Subsection (d)(2) prohibits the use of single ladders longer than 30 feet.

The proposal would relocate this provision to subsection (e)(16)(D). Proposed subsection (d)(2) would provide a table that compares the ladder duty rating with the ladder type and working load; and would require ladders to be used according to the duty classifications provided in the table which are consistent with the design, construction, and labeling requirements in the ANSI A14 standards for portable ladders. These amendments are necessary for clarity and to prevent a ladder from being overloaded which increases the risk of a fall and injury.

Subsection (d)(3) prohibits the use of two-section extension ladders longer than 60 feet and requires ladders of this type consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.

The proposal would relocate the prohibition on the use of extension ladders longer than 60 feet to proposed subsection (e)(16)(D) and would delete the remaining text regarding the design of extensions ladders. Proposed subsection (c) would require that two-section section ladders meet the design and construction requirements of applicable ANSI A14 ladder standards which are more comprehensive than the requirements of subsection (d)(3). These amendments are necessary for clarity, consistency and non-duplication.

The proposal would further amend subsection (d)(3) to require ladders used in connection with ladder jack scaffolds to be Type I, IA, or IAA duty rated ladders which are to be installed and used in accordance with Section 1648 of the CSO. These amendments are necessary to inform employers in the construction industry of the additional requirements regarding ladders used with ladder-jack scaffolds.

Subsection (d)(4) prohibits the use of trestle ladders or extension sections or base sections of extension trestle ladders longer than 20 feet.

The proposal would relocate this provision to proposed subsection (e)(16)(D) and delete existing subsection (d)(4). These amendments are necessary for clarity and consistency.

Subsection (d)(5) prohibits the use of painter's step ladders longer than 12 feet. The proposal would relocate this provision to proposed subsection (e)(16)(D) and delete existing subsection (d)(5). These amendments are necessary for clarity and consistency.

Subsection (d)(6) defines mason's ladder as a special type of single ladder intended for use in heavy construction work, and prohibits the use of a mason's ladder longer than 40 feet.

The proposal would relocate the prohibition to proposed subsection (e)(16)(D) and delete existing subsection (d)(6). These amendments are necessary for clarity and consistency.

Subsection (d)(7) defines a cleat ladder as a special type of single ladder intended for general use in construction work.

The proposal would delete this subsection. This amendment is necessary to avoid confusion with the description of cleat ladder provided in Section 1676, Job-Made Cleat Ladders.

Subsection (d)(7)(A) prohibits the use of cleat ladders longer than 30 feet.

The proposal would relocate this prohibition to proposed subsection (e)(16)(D) and delete existing subsection (d)(7)(A). These amendments are necessary for clarity and consistency.

Subsections (d)(7)(B), (d)(7)(C) and (d)(8) provide specifications regarding the dimensions of the cleats on cleat ladders and the attachment of the cleats to the ladder. A cleat ladder is a type of wood ladder used in construction work and is regulated under Section 1676, Job-Made Cleat Ladders of the CSO, which provides specifications regarding the dimensions of the cleats on cleat ladders and the attachment of the cleats to the ladder.

The proposal would delete existing subsections (d)(7)(B), (d)(7)(C) and (d)(8). These amendments are necessary to avoid duplication or conflict with the requirements of proposed Section 1676.

Subsection (d)(9) provides that other types of special ladders such as three-section extension ladders, fruitpicker's ladders, combination step and extension ladders, stockroom step ladders, aisle way step ladders, shelf ladders, and library ladders are not specifically covered by this code.

Proposed subsection (c)(4) requires other types of special purpose ladders that are not covered by the ANSI standard to be designed and constructed in accordance with sound engineering principles and approved per Section 3206. The proposal would delete existing subsection (d)(9). This amendment is necessary to avoid conflict with proposed subsection (c)(4).

Subsection (d)(10) prohibits the use of trolley ladders and side rolling ladders longer than 20 feet.

The proposal would relocate this provision to proposed subsection (e)(16)(D) and delete existing subsection (d)(10). These amendments are necessary for clarity and consistency.

Subsection (e) is titled “Care and Use of Ladders.”

The proposal would amend the title to “Care, Use, Inspection and Maintenance of Ladders.” This amendment is necessary for clarity and consistency because the proposal would add requirements in proposed subsection (e) that pertain to the care and maintenance of ladders.

Subsection (e)(1) pertains to the maintenance of ladders.

The proposal would merely add the word “Maintenance” as a heading at the beginning of the subsection. This amendment is necessary for clarity and consistency.

Subsection (e)(2) requires that metal bearings of locks, wheels, pulleys, etc., be frequently lubricated.

The proposal would delete this provision because subsection (e)(1) already requires that ladders be maintained in good condition at all times and that the moveable parts operate freely without binding or undue play. In addition, the term “frequently lubricated” is vague. This amendment is necessary for clarity and consistency.

The proposal would amend subsection (e)(2) to require that ladders be inspected by a competent person for visible defects prior to the start of the shift and after any occurrence that could affect their safe use. This amendment is necessary to be at least as effective as (ALAEA) federal 29 CFR Section 1926.1053(b)(15) which requires ladders used in construction to be inspected by a competent person for visible defects on a periodic basis and after any occurrence that could affect their safe use.

Subsection (e)(3) requires frayed or badly damaged ropes to be replaced.

The proposal would delete this provision because subsection (e)(1) already requires ladders to be maintained in good condition at all times. This amendment is necessary to avoid duplication.

The proposal would amend subsection (e)(3) to require ladders that have developed defects be withdrawn from service for repair or destruction; and tagged or marked “Dangerous, Do Not Use” or similar language. In addition, the amended subsection would specifically prohibit the use of ladders with broken or missing steps, rungs, cleats, safety feet, side rails, or other defects. These amendments are necessary to be ALAEA federal 29 CFR Section 1926.1053(b)(16) which requires that portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, either be immediately marked in a manner that readily identifies them as

defective, or be tagged with "Do Not Use" or similar language, and be withdrawn from service until repaired.

Subsection (e)(4) requires that safety feet and other auxiliary equipment be kept in good condition to insure proper performance.

The proposal would delete this provision because subsection (e)(1) already requires that ladders be maintained in good condition at all times and proposed subsection (e)(3) would additionally prohibit the use of ladders with broken or missing steps, rungs, cleats, safety feet, side rails, or other defects. The proposal would modify the provisions of subsection (e)(6) and relocate them to proposed subsection (e)(4) to require that ladders be cleaned of oil, grease, or slippery materials. These amendments are necessary for clarity and to avoid duplication.

Subsection (e)(5) requires that ladders be inspected frequently and those that have developed defects be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."

This provision would be relocated to proposed subsection (e)(3). Subsection (e)(5) would be amended to "Protective Coatings" which would be the title for new subsections (e)(5)(A) and (e)(5)(B). These amendments are necessary to consolidate requirements that pertain to protective coatings for wood and metal ladders.

New Subsection (e)(5)(A) would require that when metal ladders are subject to deteriorating agents, a protective coating be applied in accordance with the manufacturer's guidelines.

Currently, Section 3279(d)(3) requires a protective coating to be applied to metal ladders which are subject to deteriorating agents. The proposal would relocate this provision to new subsection (e)(5)(A) and would amend it to add "in accordance with the manufacturer's guidelines". These amendments are necessary for clarity.

New Subsection (e)(5)(B) would prohibit painting wood ladders with anything other than a transparent material.

This amendment is necessary to be ALAEA federal 29 CFR Section 1926.1053(a)(12) which requires that wood ladders not be coated with any opaque covering, except for identification or warning labels which may only be placed on one face of a side rail.

Subsection (e)(6) requires rungs to be kept free of grease and oil.

This provision would be relocated to proposed subsection (e)(4) and would be amended to require that ladders be kept free of oil, grease, and slippery materials. Proposed subsection (d)(2) would require that ladders be used according to their specified duty classification. The proposal would amend subsection (e)(6) to specifically prohibit ladders from being overloaded when used. This proposal is necessary for clarity.

Subsection (e)(7) requires that ladders be used at a 4 to 1 pitch where possible and be placed to prevent slipping, or lashed or held in position; it prohibits using ladders in horizontal position as platforms, runways or scaffolds.

These provisions would be relocated to proposed subsection (e)(9). The proposal would amend subsection (e)(7) to require that ladders be placed on secure and level footing and when necessary ladder levelers be used on uneven surfaces. The proposed subsection would also prohibit using unstable bases to obtain additional height, and using ladders on slippery surfaces unless suitable means of preventing slippage are employed. This proposal is necessary to be ALAEA federal 29 CFR Sections 1926.26(c)(3)(iii), 1925(d)(2)(v), and 1926.1053(b)(7) which require ladders to be placed on secure footing, prohibit ladders from being placed on unstable bases to obtain additional height, and prohibit using ladders on slippery surfaces, respectively.

Subsection (e)(8) requires the use of a specially designed ladder when it is used by more than one person or with a ladder jack scaffold.

The proposal would delete this provision. This amendment is necessary to avoid conflict with proposed subsections (d)(2) and (d)(3) which require ladders to be used according to their duty rating and specify the minimum duty ratings for ladders used with ladder jack scaffolds. Subsection (e)(8) would be amended to require the top of non-self-supporting ladders such as single and extension ladders to be placed with the two rails supported equally, unless a single support attachment is provided and used. This amendment is necessary to be ALAEA federal Section 1926.1053(b)(10) which requires that the top of a non-self-supporting ladder be placed with the two rails supported equally unless it is equipped with a single support attachment.

The proposal would also relocate the provision in subsection (e)(9) to subsection (e)(8), which requires that the top rest for portable rung and cleat ladders be reasonably rigid and have ample strength to support the load. This amendment is necessary for clarity.

Subsection (e)(9) provides that the side rails of ladders be placed on a secure footing and that the top support be reasonably rigid and have ample strength to support the load.

The separate requirements for footing support and top support would be relocated to proposed subsections (e)(7) and (e)(8), respectively. Subsection (e)(9) would be amended to incorporate the requirements of Sections 1675(g) and (j) which pertain to the ladder's angle of inclination and securing the ladder, respectively. These amendments are necessary for clarity and to consolidate the requirements for portable ladders in proposed Section 3276.

Subsection (e)(10) prohibits placing ladders in front of doors opening towards the ladders unless the door is blocked open, locked, or guarded.

This provision would be relocated to proposed subsection (e)(14) which would prohibit placing ladders in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards. This amendment is necessary for clarity and to be ALAEA federal 29 CFR Section 1926.1053(b)(8).

Proposed subsection (e)(10) would require that, except for ladders used for access to fixed ladders, when two or more ladders are used for access to elevated work areas the ladders be offset with a platform or landing between them. This amendment is necessary to be ALAEA federal 29 CFR Section 1926.1053(a)(10) which contains a provision that is substantively the same.

Subsection (e)(11) prohibits placing ladders on boxes, barrels, or other unstable bases to obtain additional height.

This provision would be relocated to proposed subsection (e)(7). Proposed subsection (e)(11) would require that the side rails of portable ladders used for access to an upper landing surface extend not less than 36 inches above the upper landing surface, unless such an extension is not possible, in which case the ladder be secured at its top to a rigid support that will not deflect, and a grasping device, such as a grabrail, be provided to assist employees in mounting and dismounting the ladder. The proposed amendment would prohibit an extension that would, by itself, cause the ladder to slip off its support when the ladder deflects under load. The amendment would also include an exception that would exempt employers from the requirement to provide a grasping device provided that personal fall protection is used. These amendments are necessary to be ALAEA federal 29 CFR Section 1926.1053(b)(1) which contains a provision that is substantively the same.

Subsection (e)(12) prohibits the use of ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment.

This prohibition would be relocated to proposed subsection (e)(3). Existing Section 3279(d)(9) prohibits splicing short metal ladders together to provide long sections unless the manufacturer endorses extended uses and the ladders are equipped with the necessary hardware fittings. This provision would be amended to apply to all portable ladders and relocated to proposed subsection (e)(12). This proposal is necessary to consolidate the requirements for wood, metal, and plastic ladders into one standard.

Subsection (e)(13) prohibits splicing short ladders together to provide long sections.

This provision would be deleted because proposed subsection (e)(12) would contain the same prohibition. Proposed subsection (e)(13) would require extension ladders to be erected with the top section above and resting on the bottom section with the rung locks engaged. This amendment is necessary to ensure extension ladders are used as designed.

Subsection (e)(14) prohibits using ladders made by fastening cleats across a single rail.

This provision would be deleted because proposed subsection (c)(1) would require job-made cleat ladders to comply with proposed Section 1676 which prohibits single rail cleat ladders. This amendment is necessary to avoid duplication. Proposed subsection (e)(14) would prohibit placing ladders in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or

guards. This amendment is necessary to be ALAEA federal 29 CFR Section 1926.1053(b)(8) which contains a provision that is substantively the same.

Subsection (e)(15) prohibits using ladders as guys, braces, or skids, or for other than their intended purposes.

This prohibition would be amended and relocated to subsection (e)(16)(A) which would prohibit ladders from being used as a brace, skid, guy or gin pole, gang-way, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer. Proposed subsection (e)(15) would be titled "Climbing and Working Location". This amendment is necessary for clarity.

New Subsection (e)(15)(A) would provide that employees climb or work with the body near the middle of the step or rung and would prohibit over-reaching from this position.

The intent of this subsection is to prevent the employee from climbing or working with his/her center of gravity near or outside of the side rail. When it is not practical to work with the body near the middle of the step or rung, the proposal would provide an exception which would exempt employers from this requirement provided that the ladder is secured to the top support and personal fall protection is used. This amendment is necessary to prevent an employee falling from the ladder and/or the ladder from becoming unstable and falling.

New Subsection (e)(15)(B) would prohibit employees from carrying equipment or materials that prevent the safe use of ladders.

This proposed provision is necessary so that the stated prohibition, applicable to all ladders pursuant to subsection (a)(1) of existing Section 3276, would remain applicable to portable ladders, since existing Section 3276 is proposed to be renumbered and limited to fixed ladders.

New Subsection (e)(15)(C) would require that when ascending or descending a ladder, the user face the ladder and maintain contact with the ladder at three-points at all time.

This proposed provision is necessary so that the provision currently applicable to all ladders pursuant to subsections (a)(2) and (a)(3) of existing Section 3276, would remain applicable to portable ladders, since existing Section 3276 is proposed to be renumbered and limited to fixed ladders.

New Subsection (e)(15)(D) would prohibit an employee from standing and working on the top 3 rungs of a single or extension ladder unless there are members of the structure that provide a firm handhold or the employee is protected by a personal fall protection system.

This proposed provision is the same as the provision in existing Section 1675(k) which is proposed for deletion. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276.

New Subsection (e)(15)(E) would prohibit employees from standing on the top step or topcap of step ladders.

This proposed provision is the same as the provision in existing Section 1675(n) which is proposed for deletion. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276.

New Subsection (e)(15)(F) would prohibit using the cross-bracing on the rear section of step ladders for climbing unless the ladders are designed and provided with steps for climbing on both front and rear sections.

This proposed provision is the same as the provision in existing subsection 3279(d)(10)(B) which is proposed for deletion. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276.

New Subsection (e)(15)(G) would prohibit ladders from being moved, shifted, or extended while occupied, unless the ladder is designed and recommended for this purpose by the manufacturer.

This amendment is necessary to be ALAEA federal 29 CFR Section 1926.1053(b)(11) which is identical to the proposed provision.

Subsection (e)(16) specifies the minimum overlap for the two sections of two-section extension ladders.

This provision would be amended and relocated to proposed subsection (e)(16)(E). This amendment is necessary for clarity and consistency with the minimum overlap requirements for two-section extension ladders specified in ANSI A14.1-2007, ANSI A14.2-2007, and ANSI A14.5-2007. Proposed subsection (e)(16) would be titled "Prohibited Uses" and the provisions that pertain to prohibited uses would be located under this subsection. This proposal is necessary for clarity.

New Subsection (e)(16)(A) would prohibit using ladders as a brace, skid, guy or gin pole, gangway, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer.

This proposed provision is substantively the same as the provision in existing Section 3279(d)(10)(A) which is proposed for deletion. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276.

New Subsection (e)(16)(B) would prohibit the use of planks on the top step or topcap of step ladders.

This proposed provision is substantively the same as the provision in existing subsection 1675(f) which is proposed for deletion. This amendment is necessary to consolidate the requirements for portable ladders in Section 3276.

New Subsection (e)(16)(C) would prohibit using step ladders as single ladders or in the partially closed position.

Section 8.3.13.2 of ANSI A14.1-2007 requires that the user ensure the step ladder is fully opened, with spreaders locked and all feet contacting a firm level support surface. The proposed amendment is necessary to prevent step ladders from collapsing or slipping and injuring the user.

New Subsection (e)(16)(D) would specify the maximum length for various types of ladders and prohibit the use of ladders that exceed the specified maximum length.

The proposed provisions are the same as those provided under existing subsection (d), except for two-section extension ladders made of metal or reinforced plastic which are not currently addressed. The proposal would relocate the existing provisions regarding maximum ladder lengths to the proposed new subsection. In addition, the proposal would specify a maximum length of 72 feet for two-section metal and reinforced plastic extension ladders. This amendment is necessary to be consistent with the design and construction requirements in ANSI A14.2 and ANSI A14.5.

New Subsection (e)(16)(E) would specify the minimum overlap for the two sections of two-section extension ladders when the ladders are in use.

The proposed specifications update those in existing subsection (e)(16) to be consistent with ANSI A14.1-2007, ANSI A14.2-2007, and ANSI A14.5-2007. This proposal is necessary for consistency with the most recent ANSI design and construction requirements for portable ladders.

Subsection (e)(18) prohibits using a ladder to gain access to a roof unless the top of the ladder extends at least 3 feet above the point of support at the eave, gutter, or roof line.

This provision would be deleted, as it is superseded by proposed subsection (e)(11) which would require the side rails of ladders to extend not less than 36 inches above the landing surface to which the ladder is used to gain access. This amendment is necessary to avoid conflict or duplication with the provisions of proposed subsection (e)(11).

Proposed subsection (e)(18) would require the use of non-conductive ladders in locations where the ladder or user may contact unprotected energized electrical conductors or equipment. The proposal would also require that conductive ladders be legibly marked with signs reading “CAUTION – Do Not Use Around Electrical Equipment”, or equivalent wording.

These proposed provisions are substantively the same as the provisions of existing Section 3279(c)(11) which is proposed for deletion. These amendments are necessary to consolidate the requirements for portable ladders in proposed Section 3276.

The proposal would also add a NOTE following this subsection which is necessary to inform the reader that additional requirements for working in proximity to energized electrical equipment can be found in Article 37 of the Electrical Safety Orders.

Subsection (e)(19) provides portable rung ladders are to be equipped with non-slip bases when there is a hazard of slipping and clarifies that non-slip bases are not intended as a substitute for care in safely placing, lashing, or holding a ladder that is used on a slippery surface.

This provision lacks clarity because “non-slip bases” is not defined in the standard or in the ANSI A14 ladder standards which are incorporated by reference in proposed subsection (c). The ANSI standards do, however, contain requirements regarding the provision of safety feet. Proposed subsection (e)(3) would prohibit the use of ladders with broken or missing safety feet. In addition, proposed subsection (e)(7) would prohibit using ladders on ice, snow or slippery surfaces unless suitable means to prevent slippage have been employed, and proposed subsection (e)(9) would require ladders to be placed to prevent slipping or tied, blocked, held, or otherwise secured to prevent slipping. The proposal would delete the current provisions in subsection (e)(19). This amendment is necessary for clarity and to avoid duplication or conflict with proposed subsections (e)(3), (e)(7), and (e)(9).

Proposed subsection (e)(19) would require that ladders transported on motor vehicles be properly supported and secured to prevent falling.

This amendment is necessary to prevent damage to ladders during transport and to prevent injury to employees who may be struck by the ladder or subsequently use the damaged ladder.

Subsection (e)(20) prohibits climbing on the rear cross-bracing of step ladders unless the ladders are provided with steps on both sides.

This provision is substantially the same as the provisions of subsection (e)(15)(F). The proposal would delete this provision from subsection (e)(20). This amendment is necessary to prevent duplication.

Proposed subsection (e)(20) would require the area around the top and bottom of a ladder to be kept clear.

This amendment is necessary to be ALAEA federal 29 CFR Section 1926.1053(b)(9) which contains the identical provision.

New Subsection (f), titled “Employee Training”, would require employees and supervisors to be provided training on ladder safety. New subsections (f)(1) to (f)(2) would list the training topics to be included in the training, unless the employer can demonstrate that a topic is not applicable to the employer’s workplace.

The training topics relate to the topics covered in subsections (a) through (e) of this proposed standard. This new training subsection is necessary to ensure ladder users and supervisors know how to safely select, maintain, inspect, and use ladders.

Section 3279. Portable Metal Ladders.

This section pertains to the design, construction, and use of portable metal ladders.

The proposal would delete the existing provisions of Section 3279 and consolidate the requirements for portable wood, metal, and reinforced plastic ladders in proposed Section 3276, as discussed prior.

The first paragraph of existing Section 3279 requires that the safety requirements for portable metal ladders meet the requirements of ANSI A14.2-1990, ANSI A14.10-2000 or the ANSI A14.2 standard in effect at the time the ladder was placed in service.

The proposal would delete this provision to avoid duplication and inconsistency with proposed Section 3276(c)(2) which would require that portable metal ladders placed in service after the effective date of this amendment meet the design and construction requirements of ANSI A14.2-2007, which is incorporated by reference, or for other such ladders, the ANSI A14.2 or ANSI A14.10 standard in effect at the time the ladder was placed in service. This amendment is necessary to consolidate the design and construction requirements for all portable ladders in proposed Section 3276(c), and to update the reference to ANSI A14.2 to the most recent version of the standard.

Section 3280. Portable Reinforced Plastic Ladders.

This section requires that the safety requirements for portable plastic ladders meet the requirements of ANSI A14.5-1992, ANSI A14.10-2000, which are incorporated by reference, or the ANSI A14.5 standard in effect at the time the ladder was placed in service.

The proposal would delete this provision to avoid duplication and inconsistency with proposed Section 3276(c)(3) which would require that portable plastic ladders placed in service after the effective date of this amendment meet the design and construction requirements of ANSI A14.5-2007 or the ANSI A14.5, which are incorporated by reference, or for other such ladders, the ANSI A14.5 or ANSI A14.10 standard in effect at the time the ladder was placed in service. This proposal is necessary to consolidate the design construction requirements for all portable ladders in proposed Section 3276(c), and to update the reference to ANSI A14.5 to the most recent version of the standard.

Section 3287. Ladders.

This section pertains to ladders used for window cleaning operations.

Subsection (b)(1) requires that wood ladders comply with Section 3278, not be painted with other than a transparent material, and includes an exception which refers the reader to Section 3287(a)(1) for maximum length.

This provision would be amended to apply to all portable ladders. The reference to Section 3278 would be amended to reference Section 3276. The provision regarding the painting of ladders would be deleted, since proposed Section 3276(e)(5)(B) would prohibit painting wood ladders with other than a transparent material. These amendments are necessary because the proposal would delete existing Section 3278 and relocate the provisions regarding portable wood ladders in Section 3276.

Subsection (b)(2) requires that metal ladders meet the requirements of Section 3279 and includes an exception which refers the reader to Section 3287(a)(1) for maximum length.

The proposal would delete existing subsection (b)(2) and the exception. These amendments are necessary to avoid duplication or inconsistency with proposed subsection (b)(1) which would apply to portable metal ladders.

Subsection (b)(3) requires that reinforced plastic ladders meet the requirements of Section 3280.

This subsection is proposed to be deleted. This amendment is necessary to avoid duplication or inconsistency with proposed subsection (b)(1) which would apply to portable reinforced plastic ladders.

Subsection (b)(4) would be renumbered to subsection (b)(2).

This amendment is necessary to maintain the sequential numbering of the subsections.

Section 3413. Ladders.

This section pertains to ladders used for outdoor advertising operations.

Subsection 3413(a) requires that ladders be at least Type I, Type IA, or Type IAA duty ladders and be designed and constructed in accordance with Sections 3278 and 3279.

The reference to Sections 3278 and 3280 would be amended to reference Section 3276(c). This amendment is necessary because the proposal would delete existing Sections 3278 and 3280 and locate the design and construction requirements for all portable ladders in Section 3276(c).

Section 3458.1. Ladders Attached to Date Palms.

This section pertains to ladders attached to date palms.

Subsection (b) requires that the use of date palm ladders be in accordance with the requirements of Section 3276.

The reference to Section 3276 would be amended to reference Section 3278. This amendment is necessary for consistency because the proposal would renumber Section 3276 to Section 3278.

DOCUMENTS RELIED UPON

None.

DOCUMENTS INCORPORATED BY REFERENCE

1. American National Standard for Ladders – Wood Safety Requirements, ANSI A14.1 – 2007.

2. American National Standard for Ladders – Portable Metal – Safety Requirements, ANSI A14.2-2007.
3. American National Standard for Ladders – Portable Reinforced Plastic – Safety Requirements, ANSI A14.5-2007.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of 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.

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 impacts 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, the 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 employers - state, local and private - 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.

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.