

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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



Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Division 1, Chapter 4, Subchapter 7, Article 4, Section 3276 and
Article 5, Section 3287 of the General Industry Safety Orders

Use of Portable Step Ladders**SUMMARY**

The proposed amendments are the result of a Division of Occupational Safety and Health (Division) Form 9-068 dated October 12, 2010, to clarify requirements for the use of step ladders. Existing Title 8 standards for stepladders prohibit standing on the topcap or top step below the topcap of a metal or wood ladder. However, Title 8 standards for wood and metal ladders do not prohibit workers from stepping on the pail shelf as is prohibited by the American National Standards Institute (ANSI) A14.1-2007 and A14.2-2007 standards. Form 9-068 requests the Occupational Safety and Health Standards Board (Board) to amend Sections 3276 and 3287 of the General Industry Safety Orders (GISO) to prohibit sitting, kneeling or stepping on the topcap or pail shelf of portable metal or wood ladders. Board staff notes that federal OSHA ladder regulations do not specifically prohibit workers from sitting, kneeling or stepping on the topcap or pail shelf consistent with ANSI standards. The referenced ANSI standards allow workers to stand on the step below the ladder topcap provided it is 18 inches below the topcap. The ANSI standards step ladder labeling language prohibit standing or sitting on the pail shelf. ANSI A14.1 and 14.2 are silent with regard to kneeling on the pail shelf or topcap. Board staff agrees with the Division that the hazard of falling or upsetting the ladder is the same for all three activities and should be prohibited.

This rulemaking action proposes amending Section 3276(e)(15)(E) and Section 3287(a)(12)(B) of the GISO consistent with language contained in the ANSI A14.1 and 14.2 standards with regard to rules for safe ladder use and labeling. The proposed amendments are intended to provide reasonableness, consistency and clarity in Title 8 by identifying prohibited activities which could lead to a fall, when using wood and metal step ladders consistent with the latest national consensus standards.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Existing Section 3276 prescribes rules and establishes minimum requirements for the design, construction, selection, care, and use of all self-supporting and non-self-supporting portable

ladders. Subsection (e)(15)(E) prohibits employees from standing on the topcap or the step below the topcap of a step ladder, but leaves open stepping, sitting or kneeling on the same topcap or pail shelf. Amendments are proposed to slightly broaden the scope of subsection (e)(15)(E) to prohibiting standing, sitting, kneeling or stepping on the pail shelf when using wooden or metal step ladders. The proposed amendments are necessary to clarify to employers and enforcement personnel the activities that are prohibited on step ladders and the circumstances under which workers may stand on the step below the ladder topcap consistent with national consensus standards recommendations.

Existing Section 3287 contains provision relating to the use of portable ladders for window cleaning. The proposed amendment to Section 3287(a)(12)(B) mirrors the language in Section 3276(e)(15)(E). The proposed amendments are necessary to clarify to employers and enforcement personnel the activities that are prohibited on step ladders and the circumstances under which workers may stand on the step below the ladder topcap consistent with national consensus standards recommendations.

DOCUMENTS RELIED UPON

1. Division of Occupational Safety and Health Form 9-068 dated October 12, 2010.
2. American National Standards Institute ANSI-ASC A14.1-2007, American National Standard for Ladders-Wood Safety Requirements.
3. American National Standards Institute, ANSI-ASC A14.2-2007, American National Standard for Ladders-Portable Metal-Safety Requirements

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.

DOCUMENTS INCORPORATED BY REFERENCE

None.

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. These revisions only identify additional activities that can upset a step ladder or accentuate the hazard of falling.

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 regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental

function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

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

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

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 regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No 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.