

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS
CALIFORNIA CODE OF REGULATIONS
TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4, Article 18, Section 1629

Double Cleat Ladders**PROBLEM ADDRESSED BY PROPOSED ACTION**

Existing Title 8 section 1629 requires that double cleat ladders be used when ladders are allowed instead of a stairway as the primary access or exit from a work area with 25 or more employees or where two-way traffic is expected. The double cleat ladder used for this purpose shall not exceed 30 feet in length and shall conform to the requirements for ladders in Article 25 of the Construction Safety Orders. In Article 25, section 1676 requires that job-made double cleat ladders shall not exceed 24 feet in length.

The problem to be addressed by the proposed action is that section 1629 is inconsistent with the requirements of section 1676. This inconsistency confuses the regulated public and Division of Occupational Safety and Health (Division) enforcement staff who have to interpret if and under what conditions a double cleat ladder can be up to 24 feet or 30 feet in length.

A February 25, 2000 memorandum to the Standards Board from the Division stated that section 1629 was inconsistent with section 1676 and requested a modification to section 1629 to correct a conflict with section 1676 regarding the length limit for double cleat ladders used in construction. The Division attached to the memorandum a detailed Form 9 request to reduce the 30 feet limit specified in section 1629(c)(2) to 24 feet in order to be consistent with the length limit specified in section 1676.

SPECIFIC PURPOSE OF PROPOSED ACTION

The purpose of the proposed revision is to remove the inconsistency between section 1629 and 1676 by reducing the length limit for double cleat ladders in section 1629 from 30 feet to 24 feet. The proposal will make section 1629 consistent with the requirements of section 1676 and a national consensus recommendation of the American National Standards Institute (ANSI) for a 24 foot limit on double cleat ladders (American National Standard for Job-Made Ladders, ANSI A14.4-1992).

The specific purpose of reducing the length limit for a double cleat ladder is to reduce the risk of serious injury should an employee fall off the ladder. Both the preamble to the federal standards (55 FR 47660 - 47691) for stairways and ladders and the rationale for the ANSI standard state

that risk of serious injury is less for a fall from a 24 foot ladder than from a longer ladder (i.e. a 30 foot ladder).

FACTUAL BASIS OF PROPOSED ACTION

Section 1629. Stairways and Ladders.

Section 1629 requires stairways for all buildings or structures that are equal to or greater than 2 stories or 24 feet high. Subsections (a) and (b) specify when and where stairways must be used and when alternative means such as ladders can be used for safe access and egress to construction work areas. Subsection (c) further specifies the requirements for ladders that are used in place of stairways. Subsection (c)(2) states that where ladders are allowed for work areas with 25 or more employees or where two-way traffic is expected, double cleat ladders must be installed and shall not exceed a length of 30 feet.

The purpose of modifying subsection (c)(2) is to reduce the maximum length of double cleat ladders allowed to access or exit a construction work area from 30 feet to 24 feet. The proposed modification is necessary to reduce the risk of a serious fall injury and reduce confusion in the regulated public by limiting the length of double cleat ladders to 24 feet when such ladders are used as means of access or egress to a construction work area.

DOCUMENTS RELIED UPON

- Memorandum with attachment dated February 25, 2000 from John Howard, Chief of the Division of Occupational Safety and Health, requesting a modification to section 1629.
- Federal Register Volume 55 pages 47660 - 47691 (November 14, 1990), 29 CFR Part 1926, Subpart X, Sections 1926.1050 to 1926.1060, regarding Stairways and Ladders used in the Construction Industry; Final Rule.
- American National Standard for Job-Made Ladders published jointly by the American National Standards Institute and the American Society of Safety Engineers. (ANSI A14.4 - 1992)

These documents are available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Drive, Suite 350, Sacramento, California.

IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE IMPACT ON SMALL BUSINESSES

No adverse impact on small businesses is anticipated from the implementation of the proposed amendments. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

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 proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

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 regulation does 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 this regulation does 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 regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does 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.)

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

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendment to this regulation 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 alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.